

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 14TH DAY OF MARCH 2006, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Bruce C. Goodson, Chairman, Roberts District
John J. McGlennon, Vice Chairman, Jamestown District
Jay T. Harrison, Sr., Berkeley District
James O. Icenhour, Jr., Powhatan District
M. Anderson Bradshaw, Stonehouse District

Sanford B. Wanner, County Administrator
Leo P. Rogers, County Attorney

*As adopted
MARCH 20 06
as amended*

B. MOMENT OF SILENCE

Mr. Goodson requested that the Board and citizens observe a moment of silence.

C. PLEDGE OF ALLEGIANCE

Grace Frances Mackert, a first-grade student at Clara Byrd Baker Elementary, led the Board and citizens in the Pledge of Allegiance.

D. PRESENTATIONS

1. Resolution of Appreciation – Anthony Conyers, Jr.

Mr. Bruce Goodson presented a resolution of appreciation to Mr. Anthony Conyers, Jr., in appreciation for his 28 years of service to the citizens of the County and congratulated him on his new position as the Virginia Commissioner of Social Services. Mr. Goodson also congratulated Mr. Conyers on his appointment to the Governor's Cabinet and his service to James City County for so many years.

Mr. Conyers thanked the Board for this recognition and the opportunity to serve the citizens of James City County.

2. 2005 Historic Preservation Awards

Ms. Donna Garrett, Historical Commission Chair, presented an award to Ron Steffe for his contributions to the documentation of historically important areas of the County.

Mr. Steffe presented the Norge Depot model and a model of the Stonehouse Fort.

Ms. Garrett also presented an award to James City County Cemetery Group for their efforts in preserving the history of James City County by documenting and reporting over 91 cemeteries.

Ms. Garrett recognized Barbara Kaufman, Carol Hall, Pat Higgs, and Fred Boelt, a Cemetery Group member who had just become a member of the James City County Historical Commission.

Mr. Boelt thanked the Board for recognizing the work of the group and thanked his companions for all of their efforts.

Mr. Goodson expressed his thanks to the award recipients and presenter.

E. PUBLIC COMMENT

1. Mr. Robert Duckett, Director of Public Affairs, Peninsula Housing and Builders Association, commented on a recently reported article in the paper regarding Resource Protection Area (RPA) buffers. Mr. Duckett said that since more land for RPA buffers does not create an additional impact environmentally, he wanted to know why the County would consider increasing the buffer regulation. He requested that the Board not expand the RPA buffer regulations and asked the Board to make a difference in the County's watersheds and Chesapeake Bay by making direct efforts to regulate the sources that do affect the water quality.

2. Mr. David Brown, Bushneck Farm at 1502 Bushneck Road, spoke about real estate assessments.

3. Mr. Ed Oyer, 139 Indian Circle, inquired that with the current debt being carried, what debt limit the County has set. Mr. Oyer remarked that California and Orange County get into financial straits due to a lack of long-range planning and goals.

F. CONSENT CALENDAR

Mr. Bradshaw made a motion to adopt the items on the Consent Calendar including the amended minutes of February 28, 2006.

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

1. Minutes-

- a. February 14, 2006, Joint Retreat with the Williamsburg City Council and the Williamsburg-James City County School Board
- b. February 28, 2006, Regular Meeting - As Amended

2. Resolution of Appreciation – Anthony Conyers, Jr.

RESOLUTION OF APPRECIATION

ANTHONY CONYERS, JR.

WHEREAS, Anthony Conyers, Jr., retired from James City County after serving the citizens of James City County from September 20, 1976 through March 31, 2005; and

WHEREAS, Anthony, hereafter known as Tony, served as the first Manager of Community Services, the first Director of James City County Transit, and as Manager of Human Resources; and

WHEREAS, during his tenure Tony was an advocate for those in the community who were most in need and championed efforts to help citizens achieve self-sufficiency; and

WHEREAS, he played a key role in the creation of Olde Towne Medical Center and the development of the County's youth services initiatives; and

WHEREAS, Tony also made a significant impact on the community through his service on the board of directors of numerous nonprofit agencies; and

WHEREAS, Tony served as a mentor to many County employees and consistently demonstrated the highest level of dedication and professionalism in his job and received the Chairman's Award in 1991; and

WHEREAS, Tony was recognized as a leader in the area of human services throughout the Commonwealth of Virginia and served as the President of the Virginia Association of Local Human Services Officials.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby thanks and honors Anthony Conyers, Jr., for his twenty-eight years of service to the citizens of James City County.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby express its best wishes to Tony in his position of Commissioner of the Virginia Department of Social Services.

G. PUBLIC HEARINGS

Mr. Goodson recognized Mary Jones from the Planning Commission in the audience.

1. Case No. SUP-3-06. Zion Baptist Church Expansion

Ms. Ellen Cook, Planner, stated that John Morman has submitted an application on behalf of Zion Baptist Church for a Special Use Permit (SUP) to allow the construction of approximately 5,900 square feet of additions to the existing Zion Baptist Church on 3.59 acres zoned R-8, Rural Residential, located at 6373 Richmond Road and further identified as Parcel No. (1-47) on James City County Real Estate Tax Map No. (24-3).

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Staff found the proposed additions consistent with surrounding zoning and development and consistent with the Comprehensive Plan.

At its meeting on March 6, 2006, the Planning Commission voted to approve the application by a vote of 7-0.

Staff recommended the Board approve the special use permit with conditions.

Mr. Goodson opened the Public Hearing.

1. Mr. John Morman, applicant, stated that Zion Baptist Church had previously requested an SUP and its time limit had run out. He requested the Board approve the resolution.

Mr. Bradshaw inquired if the temporary parking near Centerville Road would affect the church cemetery.

Mr. Morman stated that they have measured the area and it will not affect the cemetery.

As no one else wished to speak to this matter, Mr. Goodson closed the Public Hearing.

Mr. Harrison made a motion to adopt the resolution.

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

RESOLUTION

CASE NO. SUP-3-06. ZION BAPTIST CHURCH EXPANSION

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

WHEREAS, Mr. John Morman has applied on behalf of Zion Baptist Church for an SUP to allow the expansion of the existing church by approximately 5,900 square feet; and

WHEREAS, the proposed building is shown on the plan prepared by VHB, Inc., dated February 3, 2006, and entitled "Zion Baptist Church: Exhibit for SUP"; and

WHEREAS, the property is located on land zoned R-8, Rural Residential District, and can be further identified as Parcel No. (1-47) on James City County Real Estate Tax Map No. (24-3); and

WHEREAS, the Planning Commission, following its public hearing on March 6, 2006, voted 7 to 0 for approval of this application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. 3-06 as described herein with the following conditions:

above-referenced plan as determined by the Development Review Committee (DRC) of the James City County Planning Commission. Minor changes may be permitted by the DRC, as long as they do not change the basic concept or character of the development.

2. Architecture. The building materials, design, scale, and colors of the addition shall be compatible with that of the existing structure. The colors, design, and building materials for the addition shall be submitted to, and approved by the Planning Director prior to final site plan approval.
3. Lighting. Any new exterior site or building lighting shall have recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the site. Fixtures which are horizontally mounted on poles shall not exceed 15 feet in height. No glare defined as 0.1 foot-candle or higher shall extend outside the property lines.
4. Water Conservation. The owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority prior to final development plan approval. The standards may include, but shall not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought tolerant plants where appropriate, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
5. Entrance Improvements. Entrance improvements shall meet the requirements of the Virginia Department of Transportation (VDOT) and shall be approved by VDOT prior to final site plan approval.
6. Landscaping. A landscaping plan shall be approved by the Planning Director, or his designee, prior to final site plan approval. The owner shall provide landscaping for the area surrounding the future church expansion to mitigate the impact of the expansion on the adjacent property. Landscaping shall be provided along the Centerville and Richmond Road Community Character Corridors which exceeds the ordinance planting requirements by at least 125 percent.
7. Commencement of Construction. If construction has not commenced on this project within 36 months from the issuance of an SUP, the SUP shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or the foundation has passed required inspections.
8. Severance Clause. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

2. Case No. Z-1-06. Warhill Tract Proffer Amendment

Mr. Matthew Arcieri, Senior Planner, stated that James City County has applied to amend the Warhill proffers approved by the Board on December 13, 2005, to modify the list of prohibited uses to include fast-food restaurants and bookstores.

Staff found the proposal consistent with the Comprehensive Plan and consistent with previous actions taken by the Board of Supervisors.

At its meeting on March 6, 2006, the Planning Commission recommended approval by a vote of 7-0.

Staff recommended approval of the voluntary amended proffers.

Mr. Icenhour asked staff if, in this Residential and Planning District Commercial's four areas, there were any plans for residential area, as the development seemed to be allocated to be for the Third High School and Thomas Nelson Community College.

Mr. Arcieri stated that Land Bank 1 would be conveyed to TNCC and the rest was planned to be open space.

Mr. Icenhour stated that the issue the Board would be dealing with would be the prohibited uses and their effects on Land Bays 2, 3, and 4.

Mr. Goodson opened the Public Hearing.

As no one wished to speak to this matter, Mr. Goodson closed the Public Hearing.

Mr. Bradshaw made a motion to adopt the resolution.

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

Mr. Wanner stated that this was Mr. Arcieri's last night with the Board as he has taken a position in Prince William County. Mr. Wanner stated that he has had only compliments due to Matt's service in Planning.

RESOLUTION

CASE NO. Z-1-06. WARHILL TRACT PROFFER AMENDMENT

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia, and Section 24-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Zoning Case No. Z-1-06, for rezoning approximately 155.94 acres of PUD-R, Planned Unit Development-Residential; 8.77 acres of PUD-C, Planned Unit Development-Commercial, with proffers; to 155.94 acres of PUD-R, Planned Unit Development-Residential; and 8.77 acres of PUD-C, Planned Unit Development-Commercial, with amended and restated proffers; and

WHEREAS, the Planning Commission of James City County, following its Public Hearing on March 6, 2006, recommended approval of Case No. Z-1-06, by a vote of 7 to 0; and

WHEREAS, the properties are located at 6450 Centerville Road and 5700 Warhill Trail and further identified as Parcel Nos. (1-12) and (1-12) on James City County Real Estate Tax Map No. (32-1).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-1-06 and accept the voluntary proffers.

3. Case No. SUP 33-05. Chickahominy Riverfront Park

Ms. Kathryn Sipes, Planner, stated that Mr. Paul Tubach, James City County's Division of Parks and Recreation, requested an SUP to improve existing facilities on 2.5 acres of the Chickahominy Riverfront Park, zoned A-1, General Agricultural, and further identified as Parcel Nos. (1-12) and (1-13) on James City County Real Estate Tax Map No. (32-1). The proposed improvements include replacing a structure for public rest rooms and sheltered picnic tables that were in poor condition and demolished, replacing a playground area that was in serious disrepair and had to be dismantled, and expanding and paving parking areas adjacent to existing swimming pools.

Staff found the proposal consistent with surrounding zoning and development and consistent with the Comprehensive Plan.

At its meeting on February 6, 2006, The Planning Commission recommended approval of the application by a vote of 7-0.

Since the Planning Commission meeting, the last sentence of Condition No. 1 has been changed from "Additional improvements shall require submission of an application to amend this special use permit" to "Additional improvements shall require an amendment to this special use permit."

Staff recommended the Board approve the SUP application with conditions.

Mr. Harrison inquired what impact this action would make on future plans for improvement.

Mr. Wanner stated that the County would do a master plan and future improvements would require an SUP.

Mr. McGlennon inquired if the improvements would be completed for the upcoming summer season.

Mr. Tubach stated that there will be two phases to the process: the first would be the installation of a playground before the opening of the pools on Memorial Day this May, and the second phase would include the other improvements which would occur after Labor Day.

Mr. Wanner stated that the funding for the improvements was approved in the bond referendum.

Mr. Goodson opened the Public Hearing.

As no one wished to speak to this matter, Mr. Goodson closed the public hearing.

Mr. Harrison made a motion to adopt the resolution.

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

RESOLUTION

CASE NO. SUP-33-05. CHICKAHOMINY RIVERFRONT PARK

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

WHEREAS, public recreation facilities are a specially permitted use in the A-1, General Agricultural, zoning district; and

WHEREAS, the properties are identified as Parcel No. (1-2) on James City County Real Estate Tax Map No. (34-3); and

WHEREAS, in accordance with Section 15.2-2204 of the Code of Virginia and Section 24-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjacent property owners notified, and a hearing scheduled for Case No. SUP-33-05; and

WHEREAS, the Planning Commission of James City County, following its Public Hearing on February 6, 2006, recommended approval of Case No. SUP-33-05 by a vote of 7-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-33-05 as described herein with the following conditions:

1. This SUP shall permit a public community recreation facility and accessory uses thereto. Improvements to the site shall be limited to those reflected on the conceptual documents entitled "Chickahominy Riverfront Park," prepared by Paul Tubach, and submitted with this application on December 27, 2005. Additional improvements shall require an amendment to this SUP.
2. A 150-foot buffer shall be maintained along John Tyler Highway. That buffer shall remain undisturbed with the exception of breaks for roadways and pedestrian connections, utilities, walking, hiking, and biking trails, and other uses specifically approved by the Director of Planning. A reduction in this buffer may be allowed for existing facilities as approved by the Director of Planning.
3. Any new exterior site or building lighting shall have recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. Fixtures that are horizontally mounted on poles shall not exceed 15 feet in height. No glare defined as 0.1 foot-candle or higher shall extend outside the property lines.
4. All public address speakers used on the site shall be oriented generally towards the interior of the property and away from exterior property lines.
5. A Phase I Archaeological Study for any disturbed areas shall be submitted to the Director of Planning for review and approval prior to the commencement of any land-disturbing activity on the property. A treatment plan shall be submitted and approved by the Director of Planning for all sites in the Phase I Study that are recommended for a Phase II evaluation and/or identified as eligible for inclusion on the National Register of Historic

interior of the property and away from exterior property lines.

5. A Phase I Archaeological Study for any disturbed areas shall be submitted to the Director of Planning for review and approval prior to the commencement of any land-disturbing activity on the property. A treatment plan shall be submitted and approved by the Director of Planning for all sites in the Phase I Study that are recommended for a Phase II evaluation and/or identified as eligible for inclusion on the National Register of Historic Places. If a Phase II Study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III Study. If, in the Phase 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 site and the clearing, grading, or construction activities thereon.
6. If construction has not commenced on this project within 36 months from the issuance of an SUP, the SUP shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
7. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

4. Case No. SUP-31-05. Norge Elementary School Cafeteria Addition

Mr. Jose Ribeiro, Planner, stated that Mr. Bruce Abbott, AES Consulting Engineer, has applied on behalf of Williamsburg-James City County Public Schools for a special use permit to bring the existing public school facility into conformance with the current zoning ordinance and allow for the construction of an approximately 1,550-square-foot addition to the existing cafeteria space on 20.06 acres at 7311 Richmond Road, zoned R-2, General Residential, and further identified as Parcel No. (I-35) on James City County Real Estate Tax Map No. (23-2).

Staff found the proposal, with conditions, to be compatible with surrounding land uses and the Comprehensive Plan.

At its meeting on February 6, 2006, the Planning Commission recommended approval of the SUP by a vote of 7-0.

Staff recommended that the Board approve the SUP application with conditions.

Mr. Goodson opened the Public Hearing.

As no one wished to speak to this matter, Mr. Goodson closed the Public Hearing.

Mr. Icenhour made a motion to adopt the resolution.

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

RESOLUTION

CASE NO. SUP-31-05. NORGE ELEMENTARY SCHOOL CAFETERIA ADDITION

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

WHEREAS, Mr. Bruce Abbott has applied on behalf of Williamsburg-James City County Public Schools for an SUP to allow for a ±2,000-square-foot addition to the existing cafeteria at Norge Elementary School; and

WHEREAS, Mr. Bruce Abbott has also applied for an SUP to bring the existing public school facility into conformance with the current zoning ordinance; and

WHEREAS, the proposed expansion is shown on the conceptual layout prepared by AES Consulting Engineers, dated December 12, 2005, and entitled "Cafeteria Addition Norge Elementary School"; and

WHEREAS, the property is located on land zoned R-2, General Residential, and can be further identified as Parcel No. (23-2)(1-35); and

WHEREAS, the Planning Commission of James City County, following its Public Hearing on February 06, 2006, recommended approval of this application by a vote of 7 to 0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. 31-05 as described herein with the following conditions:

1. This SUP shall be valid for the operation of a public school and accessory uses thereto. The property shall be developed generally in accordance with the conceptual layout submitted with the application titled, "Norge Elementary School Cafeteria Addition." Construction and/or placement of new buildings on the property or additions and renovations to existing structures shall be permitted provided these total expansions do not exceed 2,000 square feet.
2. Only one entrance shall be allowed onto Richmond Road (Route 60).
3. Any new exterior site or building lighting shall have recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. Fixtures which are

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WHEREAS, Mr. Bruce Abbott has also applied for an SUP to bring the existing public school facility into conformance with the current zoning ordinance; and

WHEREAS, the proposed expansion is shown on the conceptual layout prepared by AES Consulting Engineers, dated December 12, 2005, and entitled "Cafeteria Addition Norge Elementary School"; and

WHEREAS, the property is located on land zoned R-2, General Residential, and can be further identified as Parcel No. (23-2)(1-35); and

WHEREAS, the Planning Commission of James City County, following its Public Hearing on February 06, 2006, recommended approval of this application by a vote of 7 to 0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. 31-05 as described herein with the following conditions:

1. This SUP shall be valid for the operation of a public school and accessory uses thereto. The property shall be developed generally in accordance with the conceptual layout submitted with the application titled, "Norge Elementary School Cafeteria Addition." Construction and/or placement of new buildings on the property or additions and renovations to existing structures shall be permitted provided these total expansions do not exceed 2,000 square feet.
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4. Existing perimeter vegetation along the school's property line shall be retained. With prior approval of the Planning Director, dead, diseased, and dying trees or shrubbery or poisonous or invasive plants may be removed, provided, however, that such removed vegetation shall be replaced with vegetation as approved by the Planning Director.

5. No new building structures shall be erected or placed within 50 feet from the school's property line. Existing building structures within this 50 foot area may be repaired and/or replaced provided there is no further encroachment.
6. If construction has not commenced on this project within 36 months from the issuance of an SUP, the SUP shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
7. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

5. Case No. Z-17-05/MP-14-05. Greensprings Master Plan Amendment

Staff recommended that the Board defer this application per the request of the applicant.

Mr. Goodson opened the Public Hearing.

As no one wished to speak to this matter at this time, Mr. Goodson continued the Public Hearing to March 28, 2006.

H. BOARD CONSIDERATIONS

1. Offer and Conveyance of a Portion of Properties Located at 6450 Centerville Road and 5700 Warhill Trail to the State Board for Community Colleges

Mr. William C. Porter, Jr., Assistant County Administrator, stated that in October 2004 the Board approved a resolution to convey 73.97 acres to Thomas Nelson Community College, Historic Triangle Campus. Mr. Porter stated that this resolution authorized the County Administrator to convey the deed and other documents to the Virginia Community College System.

Staff recommended that the Board approve the resolution authorizing the County Administrator to execute documents required to convey the 73.97 acres.

Mr. Goodson noted that Dr. Taylor and Dr. Calver were present.

Mr. Porter stated that a section of the Declaration of Restrictive Covenants and Agreements specified that a portion of the land would be used for the Community College.

Mr. Harrison made a motion to adopt the resolution.

Mr. McGlennon stated he would like to recognize Dr. Taylor's support in this process.

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

RESOLUTION

OFFER AND CONVEYANCE OF A PORTION OF PROPERTIES LOCATED AT

6450 CENTERVILLE ROAD AND 5700 WARHILL TRAIL TO THE

STATE BOARD FOR COMMUNITY COLLEGES

WHEREAS, James City County currently owns a certain parcel containing approximately 67.7 acres located at 6450 Centerville Road in the Powhatan District, designated as Tax Parcel No. 3210100013 and currently owns a certain parcel containing approximately 521.7 acres located at 5700 Warhill Trail in the Powhatan District, designated as Tax Parcel No. 3210100012; and

WHEREAS, the State Board for Community Colleges (VCCS), on behalf of Thomas Nelson Community College (TNCC), has indicated a desire to acquire a portion of the properties located at 6450 Centerville Road and 5700 Warhill Trail for the purpose of constructing the new Historic Triangle Campus; and

WHEREAS, James City County desires to convey to VCCS a portion of the aforementioned properties, said portion consisting of approximately 73.46 acres and further described in accordance with that certain plat made by AES Consulting Engineers, dated September 22, 2004, entitled "Plat Showing Boundary Line Adjustment and Boundary Line Extinguishment Between Parcel 1 And Parcel 2, Warhill Tract And Subdivision Of Parcel 3 & Parcel 4 Warhill Tract," said parcel to be conveyed labeled as "Adjusted Parcel 2" and hereafter referred to as the "Campus Parcel;" and

WHEREAS, the Board of Supervisors, following a Public Hearing held on October 12, 2004, was and remains of the opinion that the County should offer to convey the Campus Parcel to VCCS, with actual conveyance subject to acceptance of the offer by VCCS with approval by the Governor, and subject to the Board of Supervisors approval of a Dedication Agreement between James City County and VCCS; and

WHEREAS, it has been mutually agreed between the Board of Supervisors and VCCS that the "Declaration of Restrictive Covenants and Agreements" replace a Dedication Agreement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize and directs the County Administrator to execute a deed, the Declaration of Restrictive Covenants and Agreements, and any other documents required to convey the Campus Parcel to VCCS on behalf of TNCC, with such conveyance being subject to acceptance of the offer to convey by VCCS with the approval by the Governor, and approval of the Declaration of Restrictive Covenants and Agreements by VCCS.

Mr. Wanner stated that County Attorney Mr. Leo Rogers, Assistant County Administrator Mr. Bill Porter, and Thomas Nelson Community College's Dr. Taylor, and Dr. Calver had been very helpful. He stated his appreciation for Senator Norment and Delegate Rapp for their help in working with other state agencies during this process.

Dr. Taylor stated his thanks on behalf of TNCC and the VCCS.

Mr. Goodson remarked that this project was quickly put upon Dr. Taylor when he came here two years ago, and he thanked him on behalf of the Board for the excellent job he had done.

Dr. Taylor asked that the Board publicly recognized Dr. Calver for his support.

2. Recalibration Implementation

Ms. Carol Luckam, James City County Human Resource Director, provided an overview of the implementation plan for recalibration requested by the Board. Ms. Luckam noted that the last time the County recalibrated salaries was during FY 1996.

Staff recommended implementation of the recalibration effective April 1, as the County had sufficient turnover savings to fund the recalibration for the last quarter of the fiscal year. Staff recommended that the Board adopt the recalibration to pay for it with Fiscal Year 2006 turnover savings.

Mr. Harrison made a motion to adopt the resolution.

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

RESOLUTION

RECALIBRATION IMPLEMENTATION

WHEREAS, the Board authorized a Recalibration Study to determine the competitiveness of County salaries; and

WHEREAS, new salary ranges and salary adjustments were recommended based on the data gathered; and

WHEREAS, frontline jobs such as Police Officer, Paramedic, Environmental Inspector, etc., are in need of the largest adjustment based both on the Study findings and turnover and retention problems experienced by the County; and

WHEREAS, sufficient funds from turnover savings are available to fund the Recalibration for the last three months of FY 2006 at a cost of approximately \$278,000 to the General Fund; and

WHEREAS, it would be in the best interest of the County to implement the Recalibration as soon as possible to take advantage of the more competitive salaries to attract and retain quality employees.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby implements the Recalibration, effective April 1, 2006, and authorizes the County Administrator to make the necessary budget adjustments to implement the study.

I. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, commented on Public Safety salaries and the cost of living.

Mr. Wanner stated that a recent County paycheck insert from the month of February listed the value of

Medicare, sick/vacation leave, and Social Security so staff could see the value they may not ordinarily see with the regular paycheck.

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated that Bill Tolbert was leaving the Virginia Gazette to take a position as the night editor of the Fredericksburg Freelance Star. Mr. Wanner also stated that Mr. Tolbert had been a good reporter and wished him well in his new position.

Mr. Wanner stated that there was a reappointment for consideration for the Clean County Commission and recommended that the Board not go into Closed Session for this appointment.

Mr. Goodson asked if there was any objection to the Board not recessing into Closed Session.

Mr. Bradshaw moved to reappoint Charlene Talcott to the Clean County Commission.

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

K. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon responded to Mr. Oyer's inquiry regarding debt limits set by the County. He asked that Mr. John McDonald, Financial and Management Services Manager, come forward to discuss financial briefings provided to the Board.

Mr. McDonald stated that the County has sent a draft of its Capital Improvement Program (CIP) in borrowing to its financial advisors, and once the County received that information, it would send it to the Board as part of the budget process.

Mr. McGlennon asked if the County had kept within the boundaries of the policies.


Mr. McDonald stated that the County had maintained the boundaries of the set debt policies.

M. ADJOURNMENT

Mr. Goodson made a motion to adjourn until 4 p.m. on March 28, 2006.

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

At 8:00 p.m. Mr. Goodson adjourned the Board until 4 p.m. on March 28, 2006.


Sanford B. Wanner
Clerk to the Board

060 015224

Tax Parcel Nos. (32-1) (1-13) and (32-1) (1-12)

WARHILL PROFFERS

THESE PROFFERS are made as of this 22nd day of February 2006, by the County of James City, a political subdivision of the Commonwealth of Virginia (together with its successors and assigns, the "County").

RECITALS

WHEREAS County is the owner of certain real property (the "Property") in James City County, Virginia more particularly described on Exhibit A attached hereto and made a part hereof.

WHEREAS the Property is now zoned PUD-C and M-1, with proffers. The existing proffers are set forth in an Agreement dated October 18, 1996 and are recorded in James City County Deed Book 820 at page 168 (the "Existing Proffers").

WHEREAS County has applied for a rezoning of the Property now zoned R-8 and B-1 and M-1, with proffers, to PUD-R, Planned Unit Development - Residential, PUD-C, Planned Unit Development - Commercial, with proffers, and R-8 Rural Residential to obtain the greater flexibility in developing and locating uses within the Property provided under the PUD provisions of the James City County Code (the "County Code") and to terminate the Existing Proffers applicable to the Property and to replace the Existing Proffers as they apply to the Property with new proffers.

WHEREAS, in accordance with Section 24-484 of the County Code, the County submitted a master plan with this rezoning entitled "MASTER PLAN FOR TNCC HISTORIC TRIANGLE CAMPUS & JAMES CITY COUNTY HIGH SCHOOL" dated September 22, 2005 and prepared by the Timmons Group ("Master Plan") which fully incorporates on Land Bay 1, the master plan entitled "Master Plan for TNCC Historic Triangle Campus" approved by the Virginia State Board for Community Colleges on November 18, 2004.

NOW, THEREFORE, for and in consideration of the approval of the requested amendment; Master plan and rezoning, and pursuant to section 15.2-2298 of the Code of Virginia, 1950, as amended, and section 24-16 of the County Code, County agrees that it shall meet and comply with all of the following conditions in developing the Property. If the requested rezoning is not granted by the County, these Amended and Restated Proffers shall be null and void and the Existing Proffers shall remain in full force and effect.

Prepared by:
Leo P. Rogers, Esq.
James City County
P.O. Box 8784
Williamsburg, VA 23187-8784

PROFFERS

PART A. The following proffers shall apply to Land Bay 1:

1. **Master Plan.** The Property shall be developed generally as shown on the Master Plan, with only changes thereto that do not change the basic concept or character of the development. The Master Plan depicts the general location and approximate boundaries of features shown. No changes to Land Bay 1 of the Master Plan shall be made without first submitting the proposed change to the County Administrator and providing the County with a reasonable opportunity to submit written comments. In addition, changes to Land Bay 1 of the Master Plan which adversely impact: i. the infrastructure to the site or remaining Property; ii. facilities for the joint educational programs between the community college and the public schools; iii. the safety and security of students or other persons on the Property; or iv. the finances of the County as it relates to the provision of infrastructure or the remainder of the Property shall only be permitted with the advice and consent of the County. Changes to the Master Plan which adversely impact joint education programs between the community college and the County's public schools shall only be permitted after meeting and conferring with the County.

2. **Perimeter Buffer.** There shall be a one-hundred-foot (100') perimeter buffer ("Buffer") generally as shown on the Master Plan. The Buffer shall be exclusive of any structures and shall be undisturbed, except for the entrances, trails, sidewalks, a fire lane and patio area as shown generally on the Master Plan and a single monument sign located within 15 feet of the Centerville Road right of way in the area already cleared for the old entrance to the Property previously used by Dominion Virginia Power. Dead, diseased and dying trees or shrubbery, invasive or poisonous plants may be removed from the buffer area. To the extent reasonably feasible, utility crossings shall be generally perpendicular through the Buffer and County shall endeavor to design utility systems that do not intrude into the Buffer.

3. **Lighting.** Any new exterior site lighting in parking areas, sidewalks and trails shall be limited to fixtures which are horizontally mounted on light poles not to exceed 30 feet in height and/or other structures and shall be recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. No glare, as defined by applicable Virginia law and regulations, shall extend outside the property lines.

4. **Height Limitation.** No building shall exceed sixty feet (60') in height as measured from grade. For the purposes of this proffer, building height shall be defined as: "the vertical distance measured from the level of the curb or the established curb grade opposite the middle of the front of the structure to the highest point of the roof if a flat roof, to the deck line of a mansard roof, or to the mean height level between the eaves and ridge of a gable, hip or gambrel roof. For Building set back from the street line, the height shall be measured from the average elevation of the ground surface along the front of the building."

5. **Signage.** All new signage shall conform to the following:

5.1 Freestanding Signs

Freestanding signs shall only be permitted on properties having street frontage and shall be in compliance with the following regulations:

(a) Sign location and setbacks. One freestanding sign shall be permitted on each street frontage. Such signs may only be placed on the property within required yards and setbacks and shall be located at least five feet from any property line.

(b) Sign area. Such signs shall not exceed 32 square feet per face.

(c) Sign height. Such signs shall not exceed an overall height of 15 feet above natural grade.

(d) Sign lighting. Internally illuminated signs shall be prohibited. Signs may be externally illuminated by ground-mounted horizontal light bars/strips or ground-mounted spotlights in such a way that bulbs, lenses, or globes shall not be visible from the right-of-way. The ground-mounted lights shall be concealed by landscaping.

5.2 Building Face Signs

Building face signs shall be in compliance with the following regulations:

(a) Sign location and area. The building face sign(s) shall be placed on the front facade of the building, except in cases outlined below in subsections (d) and (g). The area devoted to such signs shall not exceed one square foot of sign area for each linear foot of the buildings or unit's front facade or 60 square feet, whichever is smaller. The front facade of the building shall be considered the side that has the main public entrance.

(b) Sign mounting. Such signs shall be mounted flat against the building on the side measured above. Signs, including mounting apparatus shall extend no more than 18 inches from the building face.

(c) Sign lighting: Internally illuminated signs shall be prohibited.

(d) Additional signs for buildings facing onto public rights-of-way or parking lots. When the same building faces onto a public right-of-way or parking lot on the rear or side of the building, an additional sign may be erected at the public entrance on that side. The area devoted to such sign(s) shall not exceed one square foot of sign area for each linear foot of the buildings side upon which the sign is placed or 60 square feet, whichever is smaller. Such sign must be mounted flat against the building.

(e) An owner may elect to relocate the building face sign, which would typically be placed above the buildings main public entrance, on the side of the building that faces the public road right-of-way or parking lot. This provision would only apply if the side of the building facing the public road right-of-way or parking lot has no public entrance. This provision would not allow for additional building face signs beyond the maximum number permitted; it only provides the applicant an option on which side of the building to place the building face sign. The area devoted to such sign(s) shall not exceed one square foot of sign area for each linear foot of the buildings side upon which the sign is placed or 60 square feet, whichever is smaller. Such sign must be mounted flat against the building.

5.3 Special Regulations for Certain Signs

(a) Logos, trademarks, murals, etc. Any logo, trademark, mural, copyright or recognizable symbol pertaining to the use or business contained within the building painted on any face of the building shall be treated as a building face sign.

(b) Flags as signs. Flags used as signs shall be allowed, provided that the same are installed in a permanent fashion, are maintained in good repair and will not constitute a hazard to vehicular or pedestrian traffic.

(c) Signs on entrance marquees or canopies. Signs on entrance marquees or canopies shall be allowed, provided that the total area of such signs if constructed alone or in combination with other building signs does not exceed the maximum allowable dimensions and square footage as provided in paragraph 5.2 (a) above.

(d) Signs on corner lots. Signs on corner lots shall not be closer than 50 feet to the corner of the lot. In cases where the applicant can demonstrate that the location of a sign does not obstruct adequate site distance and good visibility is maintained for all motorists and pedestrians traveling the intersection, Director of Planning may permit setbacks of less than 50 feet.

(e) Directional signs. Directional signs may be allowed in compliance with the following regulations:

(1) Directional signs shall show only the name and/or logo, mileage and direction; and

(2) Do not exceed ten square feet in size.

5.4 Exemptions

The following signs are exempted from the provisions of these proffers and may be erected or constructed in accordance with the structural and safety requirements of the building code:

(a) Official traffic signs, historical markers, provisional warning signs or sign structures when erected or required to be erected by a governmental agency and temporary signs indicating danger;

(b) Traffic signs authorized by the Virginia Department of Transportation to be placed on a street right-of-way;

(c) Temporary non-illuminated signs, not more than six square feet in area, advertising commercial real estate for sale or lease and located on the premises, provided such signs conform to the following regulations:

(1) One sign is permitted for each street frontage per parcel.

(2) The maximum height of the sign shall not exceed eight feet.

(3) The sign shall be erected in such a manner that it does not obstruct views of existing signs and/or create a safety hazard.

(d) Non-illuminated signs warning trespassers or announcing property as posted, not to exceed two square feet per sign in residential, commercial and industrial areas, and four square feet per sign in agricultural areas;

- (e) Sign on a truck, bus or other vehicle, while in use in a normal course of business. This section should not be interpreted to permit parking for display purposes of a vehicle (to which signs are attached) in designated customer or employee parking at the place of business;
- (f) Signs which are not visible from a public road or abutting property line;
- (g) Signs not to exceed six square feet in area, which state the name or number of a building, to be located on the rear or sides of a building on a parcel containing four or more buildings;
- (h) Signs placed upon the exterior of a structure indicating the location of restrooms, bathhouses, entrances or exits;
- (i) Signs not to exceed six square feet in area indicating the entrance or exit from a parking lot, potable water supply, sewage station for recreational vehicles or other notices related to public health or safety. Such signs shall be adjacent to the facility;
- (j) One special notice placard, not to exceed four square feet in size, attached to a building or to a freestanding sign indicating credit cards which are accepted on the premises; group affiliations of which the business is a member or clubs or groups which utilize, recommend, inspect or approve the business for use by its members;
- (k) Signs conveying political, ideological, religious, social or governmental messages unrelated to businesses, services or manufacturing activities or the goods connected therewith; provided such signs shall not exceed 32 square feet in size; and provided, that any such signs related to or connected with political campaigns shall not be maintained for longer than 90 days and shall be removed within ten days after the election to which they pertain;
- (l) Signs or banners of not more than 32 square feet advertising a special civic or cultural event such as a fair or exposition, play, concert or meeting sponsored by a governmental, charitable or nonprofit organization;
- (m) Special decorative displays used for holidays, public demonstrations or promotion for nonpartisan civic purposes; and
- (n) Special decorative displays used for purposes of advertising the opening of a new store, business or profession.

5.5 Prohibited Signs

The following signs are specifically prohibited:

- (a) Off-premise signs or off-premise billboards;
- (b) Flashing, animated and rotating signs or appurtenances to signs which are non-stationary;
- (c) Displays of intermittent lights resembling or seeming to resemble the flashing lights customarily associated with danger, such as are customarily used by police, fire or ambulance vehicles or for navigation or traffic-control purposes;
- (d) Signs so located and so illuminated as to provide a background of colored lights blending with traffic signal lights that might reasonably confuse a motorist when viewed from a normal approach position of a vehicle at a distance of up to 300 feet;

- (e) Signs which are not an integral part of the building design but fastened to and supported by or on the roof of a building or projecting over or above the roof line or parapet wall of a building;
- (f) Signs placed or located to conflict with the vision clearance or other requirements of applicable VDOT regulations;
- (g) Signs attached to trees, utility poles or other unapproved supporting structure;
- (h) Signs which are portable or otherwise designed to be relocated or are constructed on a chassis or carriage with permanent or removable wheels;
- (i) Signs attached, painted on, or affixed to vehicles used primarily for display and/or advertising purposes parked in designated customer or employee parking at the place of business; and
- (j) Pennants, banners, flags and other displays used for marketing or advertising.

6. Prohibited Uses. The following uses shall be prohibited: automobile service stations, convenience centers for trash and recycling, gunsmiths, tobacco and pipe stores, taverns, retail sale of alcohol for off-premises consumption, liquor stores, retail sale of firearms or ammunition, and landfills.

Part B. The following proffers shall apply to Land Bays 2, 3 and 4:

1. Master Plan. The Property shall be developed generally as shown on the Master Plan, with only changes thereto that the Director of Planning determines do not change the basic concept or character of the development. The Master Plan depicts the general location and approximate boundaries of features shown.
2. Perimeter Buffer. There shall be a one-hundred-foot (100') perimeter buffer ("Buffer") generally as shown on the Master Plan. The Buffer shall be exclusive of any structures and shall be undisturbed, except for the entrance as shown generally on the Master Plan, the trails, sidewalks and bike lanes, and patio areas as shown generally on the Master Plan, and with the approval of the Director of Planning, for lighting, entrance features, fencing and signs. Dead, diseased and dying trees or shrubbery, invasive or poisonous plants may be removed from the Buffer area with the approval of the Director of Planning. To the extent reasonably feasible, utility crossings shall be generally perpendicular through the Buffer and Owner shall endeavor to design utility systems that do not intrude into the Buffer. With the prior approval of the Director of Planning, utilities may intrude into or cross the Buffer.
3. Lighting. Any new exterior site lighting shall be limited to fixtures which are horizontally mounted on light poles not to exceed 30 feet in height and/or other structures and shall be recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. No glare, defined as 0.1 footcandle or higher shall extend outside the property lines. The height limitation provided in this paragraph shall not apply to field lighting provided that proper permits are issued under the County Zoning Ordinance.

4. Height Limitation. No building shall exceed sixty feet (60') in height as measured from grade.
5. Signage. All new signage shall be in accordance with the Code of James City, County, as amended.
6. Prohibited Uses. The following uses shall be prohibited: automobile service stations, fast food restaurants, bookstores, convenience centers for trash and recycling, gunsmiths, tobacco and pipe stores, taverns, retail sale of alcohol for off premises consumption, liquor stores, retail sale of firearms or ammunition, and landfills.

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WITNESS the following signatures, thereunto duly authorized:

THE COUNTY OF JAMES CITY, VIRGINIA

By: Sanford B. Wanner
County Administrator



Approved as to form:

Sanford B. Wanner
County Attorney

COMMONWEALTH OF VIRGINIA,
COUNTY OF JAMES CITY, to-wit:

The foregoing instrument was acknowledged before me this 26 day of February, 2006, by Sanford B. Wanner on behalf of the County of James City, a political subdivision of the Commonwealth of Virginia.

Sanford B. Wanner
Notary Public

My commission expires: 1/31/2009

VIRGINIA: CITY OF WILLIAMSBURG & COUNTY OF JAMES CITY
This document was admitted to record on 26 June 06
at 3:01 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

FLAT ATTACHED

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

EXHIBIT "A"
School Site 1



That certain piece or parcel of land containing approximately 165.9 acres located at 6450 Centerville Road in James City County, Virginia (the "property"), in the Powhatan District. The property is generally situated to the south of Route 614, west of Route 199, and north of the Virginia Power right-of-way.