

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 11TH DAY OF JULY 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

*Adopted as amended
July 25, 2006*

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

B. MOMENT OF SILENCE

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

C. PLEDGE OF ALLEGIANCE

Sean Lawson, a rising 10th grade student at Jamestown High School, led the Board and citizens in the Pledge of Allegiance.

D. PRESENTATION

1. July - Recreation and Parks Month

Mr. Goodson presented a resolution of appreciation to young people who participate in the County's parks and recreation programs.

E. PUBLIC COMMENT

1. Mr. Bob Graves, Administrator, Sentara-Williamsburg Community Hospital, 105 George Perry, commented on the consent calendar item, Riverside Health System Reapplication for a Certificate of Public Need. Mr. Graves stated his disapproval and opposition of the consent item in light of the action by the Eastern Virginia Health Systems Agency to issue a Certificate of Public Need to Riverside Health Systems.

2. Mr. Steve Montgomery, 517 Thomas Bransby, representing Riverside Health System, stated his support of the Riverside Health System Reapplication for a Certificate of Public Need for the Doctors Hospital of Williamsburg. Mr. Montgomery stated the Hospital's aim was to focus on the aging population in the County and offering a choice to those in the community.

3. Dr. James Sammons, 104 Pebble Beach, spoke as a physician of Sentara, and stated his opposition to the resolution supporting the Certificate of Public Need for Riverside Health System due to economic inefficiency in serving patients and increased medical cost.

4. Ms. Tracy Dowling, 10113 Squire's Way, Senior Director of Strategic Planning at Sentara Williamsburg Community Hospital, stated her opposition to the Certificate of Public Need for Riverside Health System due to the State Health Commissioner's disapproval of the Certificate of Public Need.

5. Mr. Andrew Roehrle, 3012 Cedar Run, Director of Finance at Williamsburg Community Hospital, spoke to the Certificate of Public Need for Riverside Health System, stating that a second hospital was not necessary due to duplication of underutilized facilities and the addition of Riverside facilities would not improve the community economically.

6. Ms. Dorothy Brickmore, 326 Archer's Mead, a volunteer at the Sentara Hospital for 12 years, stated her opposition to the Certificate of Public Need for Riverside Health System due to lack of a family maternity center.

7. Mr. Ed Oyer, 139 Indian Circle, spoke in favor of the resolution; stated that the time to travel to the hospital on Mooretown Road is excessive for people in the Roberts District; spoke on homes that are not being maintained in the Roberts District; and commented on the need to move a sign welcoming citizens to Williamsburg that was posted behind trees.

F. CONSENT CALENDAR

Mr. Goodson asked that Item No. 2 be pulled for separate consideration.

Mr. Harrison made a motion to adopt the remaining items on the consent calendar.

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

1. July – Recreation and Parks Month

RESOLUTION

JULY – RECREATION AND PARKS MONTH

WHEREAS, Parks and recreation activities generate opportunities for people to come together and experience a sense of community through fun recreational pursuits; and

WHEREAS, parks, playgrounds, ball fields, nature trails, open spaces, community and cultural centers, and historic sites make a community an attractive and desirable place to live, work, play, and visit; and

WHEREAS, parks and recreation agencies touch the lives of individuals, families, groups, and the entire community which positively impacts upon the social, economic, health, and environmental quality of our community.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby proclaims July as Recreation and Parks Month and encourages all citizens of James City County to utilize recreation and park services and recognize that they are essential to the quality of life.

3. Dedication of Streets in Wellington, Section 4

RESOLUTION

DEDICATION OF STREETS IN WELLINGTON, SECTION 4

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

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

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

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

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

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

4. Dedication of Streets in Stonehouse, Phase 1, Section 7A, Sections 1 and 2

RESOLUTION

DEDICATION OF STREETS IN STONEHOUSE, PHASE 1, SECTION 7A, SECTIONS 1 & 2

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

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

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

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

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

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

5. Creation of Full-Time Permanent Fire Rescue Technician I Over Hire Position

RESOLUTION

CREATION OF FULL-TIME PERMANENT FIRE RESCUE TECHNICIAN I

OVER HIRE POSITION

WHEREAS, the Fire Department is requesting the establishment of a full-time permanent Fire Rescue Technician I over hire position to address a staffing shortfall caused by the military activation of a current employee; and

WHEREAS, a current Fire Rescue Technician I is an Army Reservist who has been activated for duty for up to 18 months; and

WHEREAS, staffing will be returned to its original authorized level through attrition after the reservist returns to duty; and

WHEREAS, the Fire Department has determined that no additional funding for the over hire position will be necessary.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the establishment of one full-time permanent Fire Rescue Technician I over hire position.

6. Department of Criminal Justice Services – Crime Analyst Grant Award

RESOLUTION

DEPARTMENT OF CRIMINAL JUSTICE SERVICES - CRIME ANALYST GRANT AWARD

WHEREAS, the Virginia Department of Criminal Justice Services (DCJS) has approved a grant within the James City County Police Department for the amount of \$68,949, with a State share of \$51,712 for the continuation of the Crime Analyst position and the purchase of related equipment; and

WHEREAS, the grant requires a cash local match of \$17,237, which is available in the County’s General Fund; and

WHEREAS, the Grant will be administered by DCJS with a grant period beginning October 1, 2006, through June 30, 2007.

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

Revenues:

DCJS - Crime Analyst	\$51,712
General Fund	<u>17,237</u>
Total	<u>\$68,949</u>

Expenditure:

DCJS - Crime Analyst	<u>\$68,949</u>
----------------------	-----------------

7. Department of Criminal Justice Services (DCJS) – Police Department Grant Award

RESOLUTION

DEPARTMENT OF CRIMINAL JUSTICE SERVICES (DCJS) – GRANT AWARD

WHEREAS, the Virginia Department of Criminal Justice Services (DCJS) has approved the Justice Assistance Grant (JAG) within the Police Department for the amount of \$43,720, with a State share of \$32,790 for the purchase of a Gang Module for the existing Records Management System, gang-related brochures, digital cameras, and towards gang-related training for officers; and

WHEREAS, the grant requires a cash local match of \$10,930, which is available in the County’s General Fund; and

WHEREAS, the grant will be administered by DCJS with a grant period of July 1, 2006, through June 30, 2007.

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

Revenues:

DCJS – JAG	\$32,790
County General Fund	<u>10,930</u>
	<u>\$43,720</u>

Expenditure:

DCJS – JAG	<u>\$43,720</u>
------------	-----------------

8. Award of Contract – Two Triple Combination Pumpers Purchase

RESOLUTION

AWARD OF CONTRACT- TWO TRIPLE COMBINATION PUMPERS PURCHASE

WHEREAS, funds are available in the FY 2007 Capital Improvement Program Budget for the purchase of two triple combination pumpers; and

WHEREAS, cooperative purchasing action is authorized by Chapter 1, Section 5 of the James City County Purchasing Policy and the Virginia Public Procurement Act. The City of Suffolk issued a cooperative purchasing contract to Singer Associates as a result of a competitive sealed Invitation for Bids; and

WHEREAS, the Fire Department and Purchasing staff determined the contract specifications met the County's performance requirements for triple combination pumpers and negotiated a price of \$943,773 with Singer Associates for two Pierce Dash Triple Combination Pumpers.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a contract between James City County and Singer Associates in the amount of \$943,773 for the purchase of two Pierce Dash Triple Combination Pumpers.

9. Amendment to the County's Statement of Fiscal Goals Regarding Debt

RESOLUTION

AMENDMENT TO THE COUNTY'S STATEMENT OF FISCAL GOALS REGARDING DEBT

WHEREAS, the Board of Supervisors of James City County has previously adopted a Statement of Fiscal Goals; and

WHEREAS, certain provisions relating to debt should be amended and updated to better reflect lender expectations and the County's current long-range capital financing needs.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby replaces the previously adopted fiscal policy on indebtedness by adopting the following in its place:

“Outstanding debt of the County whether general obligation, lease revenue or subject to annual appropriation, shall not exceed 3% of the assessed valuation of real property. Outstanding debt of the County should target 7.5% or less and shall not exceed 9% of the County's total personal income in any year. Annual debt service spending should target 10% or less and shall not exceed 12% of total operating revenues, including revenues allocated to James City County for public education. The ten-year payout ratio for all County debt shall target a minimum of 55% of total principal outstanding and shall be no lower than 50% in any one year.”

10. Jamestown High School Envirothon Team

RESOLUTION

JAMESTOWN HIGH SCHOOL ENVIROTHON TEAM

WHEREAS, Jamestown High School has shown a long-term commitment to the Envirothon Program and the advancement of environmental sciences and education for the last 10 years; and

WHEREAS, the Jamestown High School Envirothon Team represented the Colonial Soil and Water Conservation District, the City of Williamsburg, and James City County as the 2006 Envirothon Team in Area III in State competitions; and

WHEREAS, the Jamestown High School Envirothon Team was faithful in attendance to training and preparation for academic competition; and

WHEREAS, the James City County Board of Supervisors and the Colonial Soil and Water Conservation District desire to recognize Jamestown High School Envirothon Team for academic excellence.

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby thanks and commends the Jamestown High School Envirothon Team for their exemplary representation of the citizens of James City County and City of Williamsburg as members of the 2006 Envirothon Team.

2. Riverside Health System Reapplication for a Certificate of Public Need

Mr. Wanner stated that in 2005 the Board supported the application for a Certificate of Public Need (COPN), which was denied, and that Riverside had elected to reapply. Mr. Wanner stated that as the Board endorsed the COPN previously, it was staff's recommendation to maintain support for diversified healthcare in the County.

Mr. Bradshaw stated that the resolution of the Board would not determine the economic impacts of the hospital. He stated the local Board looked at the issues of convenience, competition, and choice; the State would evaluate the economics and necessity of the Riverside facilities.

Mr. Harrison stated his agreement with Mr. Bradshaw and stated that the previous support was based on competition in healthcare and that the State would need to decide the ultimate end of this application.

Mr. McGlennon stated he had inquired if a deferral could be utilized on this matter, but as there was a deadline and there was no interest expressed in deferring this item.

Mr. Bradshaw made a motion to adopt the resolution.

Mr. Icenhour stated his constituents would like to have choice in healthcare.

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

RESOLUTION

RIVERSIDE HEALTH SYSTEM REAPPLICATION FOR A

CERTIFICATE OF PUBLIC NEED

WHEREAS, Riverside Health System has reapplied to rezone property in the City of Williamsburg, and part of this rezoning request is to allow health care facilities to be located on the property; and

WHEREAS, the James City County Board of Supervisors desires to continue to improve accessibility to health care services for its residents, and to make them available and affordable to all citizens of the County; and

WHEREAS, with rapid population growth, it is desirable that our citizens have a distinct choice in the scope and quality of care they receive, staff that provides that care, and the facilities where that care is available; and

WHEREAS, the Board of Supervisors believes that this goal can be achieved by competition among health care providers through the establishment of an alternative to the present sole provider of hospital services; and

WHEREAS, Riverside Health System has historically made significant investments in health care facilities in the Greater Williamsburg area, including dialysis, diagnostic services, primary and specialty medical care, retirement services, assisted living, and convalescent care; and

WHEREAS, Riverside Health System has already received a Certificate of Public Need (COPN) from the State Health Commissioner to locate a long-term care facility on the property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby continues to support the plans of Riverside Health System to establish an acute care hospital within the City premises rezoned on April 14, 2005, and further, establish this hospital granting access to all citizens of the area without regard to ability to pay.

BE IT FURTHER RESOLVED, that the Board of Supervisors of James City County, Virginia, hereby continues to endorse the proposed Certificate of Public Need for the Doctors' Hospital of Williamsburg to be submitted by Riverside Health System on June 30, 2006, to establish a acute care hospital on the site know as "Quarterpath" in the City of Williamsburg, Virginia.

G. PUBLIC HEARINGS

Mr. Goodson recognized Ms. Shereen Hughes of the Planning Commission in the audience.

1. Reconsideration of Case No. SUP-04-06/MP-01-06: Prime Outlets Master Plan Amendment

Ms. Kate Sipes, Planner, stated at its June 27 meeting, the Board of Supervisors approved the proposed Master Plan amendment and special use permit for Prime Retail, SUP-4-06/MP-1-06 with conditions as presented by staff. The Board also voted to reconsider one of the special use permit conditions, Condition No. 11, at its next regular meeting.

As reflected in the new resolution, staff has amended Condition No. 11 to allow Prime Retail to construct and occupy the largest of three approved new structures before the existing stormwater management facilities are improved to enhance performance and provide additional parking, as shown on the Master Plan. This largest structure, shown as Building A on the Master Plan, is proposed to be 52,635 square feet. The revised condition requires the parking ratio on the Ewell Station parcel to be one space per 177 square feet of retail area which is consistent with the overall parking ratio of the approved Master Plan, prior to any Certificate of Occupancy being issued for Building A. Additionally, the site plan submitted for Building A must reflect all associated parking to meet this ratio. The revised condition language also includes the following triggers relative to the timing of the improvements to stormwater facilities to include surface parking: (a) the proposed stormwater management facilities improvements must be completed or guaranteed by surety prior to the issuance of any Certificate of Occupancy for Building A; (b) the proposed stormwater management facilities improvements must be complete within 12 months of any Certificate of Occupancy issued for Building A or prior to issuance of any Certificate of Occupancy being issued for either Buildings B or C, as shown on the Master Plan; and (c) improvements to a third stormwater facility, as described in Condition No. 10, shall be completed concurrent with the proposed stormwater management facilities improvements. Furthermore, the revised condition language requires the interconnectivity between the existing Ewell Station and Prime Retail properties, and associated demolition and parking lot improvements, be completed within six months of the first Certificate of Occupancy being issued for Building A. A provision is included to allow up to a six-month extension, due to weather or other delays, at the discretion of the Planning Director. These modifications allow the property owner to proceed with the construction and leasing of the largest proposed building on the approved Master Plan prior to engineering or constructing stormwater improvements or additional parking on existing stormwater facilities. This change necessitated revisions to Condition Nos. 10 and 14, modifying the triggers on related improvements to coincide with this new language.

Staff found this to be an acceptable alternative to approved Condition Nos. 10, 11, and 14.

Staff recommended approval of the resolution.

Mr. Icenhour asked if this would maintain the same ratio of parking at Ewell Station as would be present when the development is complete.

Ms. Sipes stated this was correct.

Mr. Icenhour asked what recourse the County would have if the parking did not come to fruition.

Ms. Sipes stated the new condition would not allow construction of the additional building without the additional parking. She stated in the event the two additional buildings were not built, the parking would be a slight improvement but not to the extent of the entire master plan.

Mr. Goodson opened the Public Hearing.

1. Mr. Greg Davis, Kaufman & Canoles, stated that Prime Retail, Inc., was in agreement with the new Condition No. 11 in the reconsideration. He stated that the condition has assured flexibility in construction while still assuring the parking would be built.

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

Mr. McGlennon made a motion to adopt the resolution as amended.

Mr. McGlennon stated he hoped Prime Retail would take into account peak shopping times and offer shuttle services and off-site parking.

Mr. Harrison spoke to the concerns of a citizen in the area who was concerned with the lack of green space in the area, but commented this would not be taking up any additional green space.

Mr. Icenhour stated the concern of his constituents and stated this additional development would not be sensitive to the needs of the citizens.

Mr. Goodson stated that due to the purchase of the shopping center by Prime Retail Inc., the Board could not change what would happen other than to improve it.

On a roll call vote, the vote was AYE; Harrison, McGlennon, Bradshaw, Goodson (4). NAY: Icenhour (1).

RESOLUTION

CASE NO. SUP-4-06/MP-1-06. PRIME RETAIL MASTER PLAN AMENDMENT

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. Greg Davis has applied on behalf of Prime Retail, L.P., for an SUP to allow an expansion of approximately 81,000 square feet on existing and adjacent sites; and

WHEREAS, Mr. Greg Davis has also applied to amend the existing conditions of approval of James City County Case Nos. SUP-25-05 and MP-10-05; and

WHEREAS, the conditions listed below replace and supersede the conditions of approval of James City County Case No. SUP-25-05; and

WHEREAS, the proposed expansion is shown on the Master Plan prepared by LandMark Design Group, dated May 26, 2006, and entitled "Master Plan Prime Retail Phases I-VIII" and the "Master Plan" and references to phases below refer to phases shown on the Master Plan;

WHEREAS, the property is located on land zoned B-1, General Business, with proffers that can be further identified as Parcel Nos. (1-28), (1-29), (1-33C), (1-33D), and (1-33E) on James City County Real Estate Tax Map No. (33-3) and on land zoned B-1, General Business, that can be further identified as Parcel No. (1-2) on James City County Real Estate Tax Map No. (33-3); and

WHEREAS, the Planning Commission of James City County, following its public hearing on June 5, 2006, recommended approval of this application by a vote of 5-1.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP No. 4-06 as described herein with the following conditions:

Conditions Specific to the Phase 5A Expansion

1. Landscaping planters (the type and size of planters to be specified by the landscaping plan) along the entire store frontage of the Phase 5A Expansion as shown on the Master Plan, shall be approved by the Planning Director or his designee prior to final site plan approval for any future expansion. The planters shall be installed prior to issuance of any final Certificate of Occupancy for any future expansion.
2. Applicant has installed a 35-foot-wide transitional buffer planted along the northern most property line adjacent the 5A expansion. This area has been planted and shall be maintained at 133 percent of the numerical standards found in Section 24-94 of the James City County landscape ordinance, and with an emphasis on evergreen shade and understory trees as determined by the Planning Director. The fence already installed in this area shall be a maximum of eight feet high and shall be maintained with a vinyl coating and shall be either black or green in color. Furthermore, the fence shall be maintained with a setback from the property line of at least three feet.

Conditions Specific to the Phase 6 Expansion

1. Prior to final site plan approval for the Phase 6 expansion, the Planning Director shall review and approve the final architectural design of the building(s) prepared as part of the Phase 6 expansion. Such building shall be reasonably consistent, as determined by the Planning Director, with the architectural elevations titled, Prime Outlets Phase 6 expansion, submitted with this SUP application dated, July 6, 2005, and drawn by Gary S. Bowling, Guernsey Tingle Architects.
2. Prior to the issuance of any final Certificate of Occupancy for the Phase 6 expansion, lighting shall be installed for all three entrances from the property onto Richmond Road as shown on the Master Plan. In addition, adequate parking lot lighting shall be installed in the new 43-space parking lot as shown on the Master Plan behind Phase 6 which will be re-stripped from existing parking for buses to parking for cars. The specific location, adequacy, and design of all lighting fixtures shall be approved by the Planning Director. No lighting fixture shall exceed a height of 30 feet.
3. A landscaping plan for the Phase 6 expansion, including foundation landscaping in accordance with James City County Code Section 24, shall be approved by the Planning Director or his designee prior to final site plan approval.
4. Prior to submission of any development plan for the Phase 6 expansion, the applicant shall submit a water and sanitary sewer Master Plan and hydraulic analyses for the expansion space for review and approval by the James City Service Authority.

Conditions Specific to the Phases 7 and 8 Expansions

1. Prior to any final site plan approval for the Phase 7 and 8 expansions (Building A, B, or C as shown on the Master Plan), a mass transit plan in accordance with Section 25-59(f) of the James City County Code shall be approved by the Planning Director for Prime Retail. The plan, at a minimum, shall include a replacement bus transfer stop for Williamsburg Area Transit, or its successor, currently located in the Ewell Station shopping center. Installation of all bus stops, shelters and other items approved as part of the mass transit plan shall be completed prior to issuance of any temporary or final Certificate of Occupancy for the Phase 7 and 8 expansions.
2. Prior to any final site plan approval(s) for the Phase 7 and 8 expansions (Building A, B, or C as shown on the Master Plan), the Planning Director shall review and approve the final architectural design of the building(s) prepared as part of the Phase 7 and 8 expansions, including exterior architectural modifications to the existing Ewell Station Shopping Center. Such building shall be reasonably consistent, as determined by the Planning Director, with the architectural elevations titled, "Prime Outlets Phase 7 and 8 Expansion," submitted with this SUP application dated, February 20, 2006, and drawn by Gary S. Bowling, Guernsey Tingle Architects.
3. Prior to any final site plan approval(s) for the Phase 7 and 8 expansions (Building A, B, or C as shown on the Master Plan), a landscape plan including foundation landscaping in accordance with James City County Code Chapter 24, shall be approved by the Planning Director or his designee.
4. Landscape waivers are necessary for the approval of parking and stormwater facilities in the Community Character Corridor landscape area along Richmond Road, as shown on the Master Plan. Such waivers shall be subject to the approval of the Development Review Committee.
5. Landscaping shall be installed or bonded, prior to issuance of any temporary or final Certificate of Occupancy for the final building to be constructed (Building A, B, or C as shown on the Master Plan), along the entire Richmond Road frontage of the existing and expanded Prime property that exceeds plant material size requirements in Section 24-90 of the James City County Code by 125%. Such landscaping shall be included on the site plan for the final building to be constructed (Building A, B, or C as shown on the Master Plan), and subject to approval by the Planning Director.
6. Landscaping shall be installed or bonded prior to any Certificate of Occupancy for the final building to be constructed (Building A, B, or C as shown on the Master Plan), along the Olde Towne Road frontage that meets current ordinance requirements. Such landscaping shall be included on the site plan for the final building to be constructed, and subject to approval by the Planning Director.
7. Prior to the issuance of any final Certificate of Occupancy for the Phase 7 and 8 expansions (Building A, B, or C as shown on the Master Plan) lighting shall be installed for the existing entrances from the property onto Olde Towne Road as shown on the Master Plan. The specific location, adequacy, and design of all lighting fixtures shall be approved by the Planning Director. No lighting fixture shall exceed a height of 30 feet.
8. 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

any final site plan approval for the Phase 7 and 8 expansions (Building A, B, or C as shown on the Master Plan). 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 the intent of this condition which is to conserve water and minimize the use of public water resources to the greatest extent possible.

9. Approved site plans for the Phase 7 and 8 expansions shall reflect the following stormwater management facility improvements:
 - a. PC-186 (located along Olde Towne Road): Infiltration capacity shall be added in accordance with approved James City County Site Plan 110-02, or equivalent measures provided as approved by the Environmental Director;
 - b. PC-124 (located along Olde Towne Road): Shall be retrofitted to improve water quality in accordance with approved James City County Site Plan 110-02, or equivalent measures provided as approved by the Environmental Director;
 - c. PC-036 (behind the existing Food Lion): Shall be retrofitted to incorporate water quality treatment as approved by the Environmental Director; and
 - d. Pre-treatment measures shall be incorporated into development plans as approved by the Environmental Director.

The sequence of construction shall be approved by the Environmental Director, but under no circumstances shall the aforementioned stormwater facilities be completed later than the first Certificate of Occupancy being issued for the final building to be constructed as part of the Phases 7 and 8 expansions (Building A, B, or C as shown on the Master Plan).

10. Stormwater facility PC-055 (along Richmond Road) shall be modified to incorporate water quality and increased water quantity control as approved by the Environmental Director as part of the site plan reflecting improvements to PC-066 and PC-036 as outlined above.
11. The existing stormwater management facilities PC-066 and PC-036 serving the property, subject to the limitations hereinafter provided, shall be reconstructed to permit ground level parking of approximately 237 spaces co-located in, atop and around such facility, as generally depicted on the Master Plan. Building A, as shown on the Master Plan, is permitted to be constructed and occupied, provided a parking ratio of at least 1 space per 177 square feet of retail space, consistent with the approved Master Plan, is available to customers on the Ewell Station parcel (not counting construction staging areas) prior to the issuance of any Certificate of Occupancy for Building A, as shown on the Master Plan, and provided the site plan for Building A, as shown on the Master Plan, also reflects all associated parking intended to achieve the aforementioned required parking ratio.

Prior to issuance of any Certificate of Occupancy for Building A, the above referenced stormwater facilities/parking reconstruction shall be completed or surety shall be provided in an amount acceptable to the Environmental Director and County Attorney. Said amount shall include any related engineering costs necessary to produce final approval of plans and to complete construction of said project.

Said stormwater facilities/parking reconstruction shall be completed prior to the issuance of any Certificate of Occupancy for Buildings B or C, as shown on the Master Plan or within twelve months of any Certificate of Occupancy being issued for Building A, as shown on the Master Plan, whichever is earlier.

Stormwater facilities/parking reconstruction of PC-066 and PC-036 shall be reflected on a single site plan. Said site plan shall also reflect improvements to PC-055 as described in Condition #10.

Furthermore, the proposed interconnectivity and demolition of a portion of existing Phase I of Prime Retail, and related parking areas, as shown on the Master Plan, shall be complete within six months of any Certificate of Occupancy being issued for Building A, as shown on the Master Plan. The Planning Director may, in writing and in his sole discretion, agree to extend this deadline for no more than six months for good cause shown including, but not limited to, weather delays, unavailability of subcontract labor, or force majeure.

Reconstruction shall be in accordance with all applicable stormwater management ordinances and regulations, and subject to approval by the Environmental Director. Specifically, PC-066 shall be modified to meet the current County requirements for both water quality and channel protection, and PC-036 shall be modified to incorporate water quality protection. The parking reconstruction shall be implemented unless the Environmental Director determines that it cannot be achieved (a) due to engineering constraints, (b) due to environmental, stormwater management or other regulations, ordinances or laws, or (c) that the reconstruction cannot be achieved using soil-covered RainTank (R) devices and Eco-Stone Pavers or equivalent underground stormwater storage units and pervious cover approved by the Environmental Director.

In the event the parking reconstruction is not implemented as described above, the Applicant shall perform and submit a Parking Study, the methodology and parameters of which are subject to approval of the Planning Director. Said study shall be approved by the Board of Supervisors, upon recommendation of the Planning Commission, prior to any Certificate of Occupancy for the last two buildings to be constructed (Building A, B, or C as shown on the Master Plan). Specific elements of the study shall include: the identification of the existing parking inventory for Prime Outlets at the time of analysis, the occupancy rate of parking inventory for Prime Outlets for identified periods of analysis, an employee parking analysis, and improvement recommendations. Said site plans shall incorporate approved improvement recommendations.

12. The following road improvements were identified in the "Prime Outlets Phases 7 & 8 Traffic Impact Study" prepared by LandMark Design Group and submitted in February 2006 and revised in June 2006. These improvements are submitted to approval by VDOT and the Planning Director, and shall be made prior to the issuance of any Certificate of Occupancy for any of the proposed additional buildings in the Phase 7 & 8 expansions (Building A, B, or C as shown on the Master Plan):
 - a. Install dual exclusive left-turn lanes with 250 feet of storage and 200-foot tapers on westbound Richmond Road at Olde Towne Road.

- b. Widen southbound section of Olde Towne Road from Richmond Road to first shopping center entrance (“Bowling Alley entrance”) to two full-width lanes, creating two receiving lanes for the dual left-turn lanes referenced in condition (a) above. The outside lane will be a right-turn “drop” lane and the inside lane will serve as a through travel lane.
 - c. Install an exclusive left-turn lane with 200 feet of storage and 200-foot-taper on eastbound Richmond Road at Olde Towne Road to accommodate U-turn movement from eastbound Richmond Road to westbound Richmond Road. Install necessary traffic signal equipment to accommodate the U-turn movement with a protected left-turn phase at the intersection, and install appropriate signage, subject to VDOT approval.
 - d. Modify traffic signal timings and necessary traffic signal equipment at the Richmond Road/Olde Towne Road intersection to accommodate proposed lane configurations and identified new traffic movements.
 - e. Modify traffic signal timings along the Richmond Road corridor to optimize the coordinated system from Airport Road to the western signalized entrance to the property.
 - f. Remove sections of asphalt or otherwise modify the existing continuous right-turn lane on eastbound Richmond Road, subject to approval by VDOT and the Planning Director.
13. A Signal Warrant Analysis for the Olde Towne Road/shopping center entrances must be submitted for approval by VDOT and the Planning Director within 18 months of issuance of the demolition permit for the vehicular access through the existing Phase I building, and prior to final site plan approval for the last two buildings to be constructed (Buildings A, B, or C as shown on the Master Plan). A second Signal Warrant Analysis must be submitted for approval by VDOT and the Planning Director six months after issuance of the final Certificate of Occupancy for the final phase of expansion (Building A, B, or C as shown on the Master Plan). In the event a single site plan is submitted and approved for the entire expansion, one Signal Warrant Analysis must be submitted for approval by VDOT and the Planning Director six months after issuance of the final Certificate of Occupancy for the final phase of expansion (Building A, B, or C as shown on the Master Plan). The analyses shall satisfy VDOT Standard Signal Warrant Analysis requirements, subject to approval by VDOT and the Planning Director. Should traffic signal warrants be met, Applicant shall provide traffic signal(s), and necessary traffic signal equipment (including that associated with cross-coordination of traffic signals) at the Olde Towne Road shopping center entrance(s) in a manner acceptable to VDOT and the Planning Director. Furthermore, Applicant shall provide signal timing plans (AM, Mid-Day, PM, seasonal peak period, Saturday Mid-Day) such that the potential traffic signal(s) shall be coordinated with the Richmond Road/Olde Towne Road traffic signal, subject to the approval of VDOT and the Planning Director. Applicant shall also provide traffic signal timing plans (AM, Mid-Day, PM, seasonal peak period, Saturday Mid-Day) for the identified Richmond Road study area traffic signals to best optimize traffic progression, subject to approval of VDOT and the Planning Director. Such signal(s) and coordination improvements shall be guaranteed by surety prior to issuance of the building permit for the final phase of expansion (either Building B or Building C, as shown on the Master Plan).

14. Upon completion of the first building to be constructed (Building A, B, or C as shown on the Master Plan), and the vehicular access through the existing Phase 1, and the parking area behind the adjacent hotel, as shown on the Master Plan, Applicant shall provide an evaluation of potential access driveway closures or implementable access management strategies along Richmond Road and Olde Towne Road. Said evaluation shall be subject to the approval of VDOT, the Planning Director, and the Development Review Committee prior to any Certificate of Occupancy for the final phase of expansion (Buildings B and C as shown on the Master Plan). Such improvements shall be guaranteed by surety prior to issuance of a building permit for the final phase, as described above.
15. Approval of this SUP shall not invalidate the Ewell Station shopping center Phase 2 site plan titled "SP-110-02." SP-110-02 shall be invalidated when construction is commenced pursuant to any site plan associated with this SUP. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.

Conditions Applicable to all Phases of Prime Retail

1. This SUP shall be valid for the approximately 81,000-square-foot expansion of Prime Retail Phases 7 and 8. The total gross building area shall not exceed 518,264 sq. ft. as shown on Master Plan Titled "Prime Retail Phases I-VIII" dated June 21, 2006, and prepared by LandMark Design Group (The "Master Plan").
2. Development of the site shall be generally in accordance with the above-referenced Master Plan and any questions as to compliance shall be determined by the Development Review Committee (DRC). Minor changes may be permitted by the DRC, as long as they do not change the basic concept or character of the development. This SUP and these conditions shall supersede the existing conditions of approval of James City County Case No. SUP-25-05 and prior SUP conditions affecting the Prime Retail development.
3. 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 (with the exception of entrance lighting required herein). The use of temporary flood lighting shall be prohibited unless written approval is obtained by the Planning Director for use during a special event.
4. Prior to any final site plan approval for future expansion, all new and existing dumpsters shall be (a) in locations approved by the Planning Director, and (b) screened by landscaping or fencing as approved by the Planning Director.
5. Prior to issuance of any Certificate of Occupancy for any expansion, the applicant shall complete the following: (1) internal driveways shall be designated as "One Way" traffic only, where applicable; (2) fire lane shall be properly marked in accordance with the Virginia Fire Code; and (3) the applicant shall install signage for the rear parking lots and service drives clearly indicating the existence of additional parking spaces for customers and employees. Prior to installation of any new signage, the applicant shall prepare and submit a comprehensive signage plan for review and approval by the Planning Director.

6. If construction has not commenced on this project within 36 months from the issuance of this 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.

2. Case No. SUP-17-06. Richmond Road Veterinary Hospital and Kennel Facility

Mr. Bradshaw disclosed that the owners were previous clients of his but he no longer represented them and could fairly vote on this application.

Mr. Matt Smolnik, Planner, stated Mr. Matthew Burton has applied for an SUP to allow for the construction of a veterinary hospital and kennel facility at 8391 Richmond Road. The parcel consists of 34.26 acres and can be further identified on James City County Real Estate Tax Map No. (12-4) as Parcel No. (1-1). A veterinary hospital and kennel are specially permitted uses in the A-1, General Agriculture zoning district. The applicant is proposing to remove the existing residential structure, accessory buildings, and the current driveway on the property, and redevelop the north end of the parcel with a single-story 6,000-square-foot veterinary hospital with indoor kennel facilities, a fenced exercise rear yard, and 35 parking spaces. The applicant has indicated that there will be a maximum of four doctors at the hospital with a maximum of 16 employees on the largest shift. The applicant has proposed a 50-foot building setback and Community Character Corridor (CCC) landscaped buffer. The property fronts on Route 60 and is located across from the approved Villages of Whitehall development. Hickory Neck Church is located across Route 60 and approximately 900 feet east from the proposed veterinary hospital and kennel. Hickory Neck Church, an eighteenth century structure, is on the National Register of Historic Places. Residential properties border by the site to the north, east, and south, while the main line of the CSX railroad borders the property to the west. All of the bordering residential properties are designated General Industry by the Comprehensive Plan and are all zoned A-1, General Agriculture. The proposed development area is approximately 3.0 acres of the 34.26 acre parcel. Staff requested building elevations, however, they were not submitted by the applicant; therefore, the architecture of the proposed structure is unknown at this time.

Staff found the proposal generally consistent with the Comprehensive Plan.

At its meeting on June 5, 2006, the Planning Commission voted 6-0 to approve this application.

Staff recommended approval of the resolution.

Mr. Icenhour asked if the applicant would place the remainder of the land in a conservation district.

Mr. Smolnik stated he did not receive information from the applicant whether or not this property would be placed into a conservation easement.

Mr. Icenhour stated that this property could be parceled off and sold.

Mr. Smolnik confirmed this.

1. Mr. Rob Murphy, 113 Nashburg, spoke on behalf of the applicant, and stated that there was no interest in building on this portion of the parcel in question.

Mr. McGlennon asked if there was any consideration of putting that property into a conservation easement.

Mr. Murphy stated that at this point there was none.

Mr. Bradshaw made a motion to approve the resolution.

Mr. Bradshaw stated as large as the property is and as small as the use would be, he would urge caution in encouraging a conservation easement as this would be inconsistent with the Comprehensive Plan in this case.

Mr. Harrison stated he would urge caution in regard to dealing with large parcels of property and requesting conservation districts.

Mr. McGlennon stated the question was an attempt to ascertain the answer to a question that had been raised in the Planning Commission.

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

RESOLUTION

CASE NO. SUP-17-06. 8391 RICHMOND ROAD

VETERINARY HOSPITAL AND KENNEL FACILITY

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

WHEREAS, the applicant has proposed to construct a 6,000-square-foot veterinary hospital and kennel facility; and

WHEREAS, the property is currently zoned A-1, General Agriculture, and is designated General Industry on the 2003 Comprehensive Plan Land Use Map; and

WHEREAS, the property is located at 8391 Richmond Road on property more specifically identified as Parcel No. (1-1) on James City County Real Estate Tax Map No. (12-4); and

WHEREAS, on June 5, 2006, the Planning Commission recommended approval of the application by a vote of 6-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-17-06 as described herein with the following conditions:

1. This SUP shall be valid for a 6,200-square-foot veterinary hospital and kennel facility. Development of the site shall be generally in accordance with the submitted master 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. A Phase I Archaeological Study for the entire site shall be submitted to the Director of Planning for review and approval prior to land disturbance. 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.

3. Prior to final site plan approval, architectural elevations, building materials and colors shall be submitted to the Director of Planning for review and approval for compatibility with Hickory Neck Church and the Village of Toano in terms of design, scale, materials, and colors.
4. Any new exterior site lighting shall be limited to fixtures which are horizontally mounted on light poles not to exceed 15 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.
5. 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.
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. A landscaping plan shall be approved by the Director of Planning prior to final site plan approval for this project. The landscaping plan shall include enhanced landscaping within the 50-foot Community Character Corridor buffer along Richmond Road so that the required size of plants and trees equals, at a minimum, 125 percent of the landscaping otherwise required in Chapter 24, Article II, Division 4, of the James City County Code. A minimum of 50 percent of the plantings within the CCC buffer shall be evergreen.
8. Only one entrance shall be allowed onto Route 60.
9. All parking shall be located either behind the proposed building or to the side, behind the front building face line with a 42 inch non-chain-link vinyl or wood fence.

10. The BMP shall be designed to enhance the removal of coliform bacteria in addition to the standard water quality provisions in accordance with the Powhatan Creek Stormwater Master Plan, pages 69 to 71.
11. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

3. Case No. SUP-16-06. Hogan Homestead Children's Nursery

Mr. Jose Ribeiro, Planner, stated Ms. Catherine Hogan has applied on behalf of Mr. John Hogan and herself for a special use permit to operate a child day care center for 12 children, with operating hours from 8 a.m. to 2 p.m., Monday through Friday. The property on which the day care center will be operated is located at 9219 Richmond Road, which can be further identified on James City County Real Estate Tax Map No. (10-1) as Parcel No. (4-3). The property consists of 3.50 acres and is zoned A-1, General Agricultural, and is identified as Rural Lands on the Comprehensive Plan.

Staff found the proposed child day care facility acceptable given its minimal impacts and consistency with the surrounding uses and zoning.

At its meeting on June 5, 2006, the Planning Commission voted 6-0 to approve this application.

Staff recommended the James City County Board of Supervisors approve this SUP with the conditions listed in the attached resolution. Staff believed the conditions sufficiently addressed impacts to the site.

Mr. Ribeiro stated the language of the resolution had been changed to clarify that only changes or additions to the home that would be used in support of the day care center would be subject to approval by the Planning Director.

Mr. Goodson opened the Public Hearing.

1. Mr. John Hogan, 223 Nina Lane, stated he was available for any questions.

Mr. Bradshaw asked the applicant to confirm that the hours of operation would not need to be expanded and cause additional special use permits.

Mr. Hogan stated that at this point in time the service would be maintained within the stated hours until the operation could move to a commercial location.

Mr. McGlennon commented that the applicants were to be commended due to accommodating the community's interests by presenting the original application on a trial basis and through limited operation hours at the present location in the interior of a community. Mr. McGlennon stated his appreciation for the applicant's attention to the Board's questions and aspirations to move on to a commercial location.

As no one else wished to speak to this application, 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-16-06: HOGAN HOMESTEAD CHILDREN'S NURSERY

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

WHEREAS, Mrs. Catherine Hogan has applied for an SUP to allow a child day care center for 12 children within her home located at 9219 Richmond Road; and

WHEREAS, the property is currently zoned A-1, General Agriculture, and is designated Rural Lands on the 2003 Comprehensive Plan Land Use Map; and

WHEREAS, the property is located at 9219 Richmond Road on property more specifically identified as Parcel No. (4-3) on James City County Real Estate Tax Map No. (10-1); and

WHEREAS, on June 5, 2006, the Planning Commission recommended approval of the application by a vote of 6-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-16-06 as described herein with the following conditions:

1. The owner of the child day care center shall reside on the property.
2. No more than 12 children other than the owner's children shall be cared for on the property.
3. A site plan shall be submitted to the James City County Planning Division and shall be approved by the Planning Director.
4. Prior to final site plan approval, the applicant shall receive full approval from the Virginia Department of Health for water supply and septic tank and drain field capacity in an amount sufficient to handle the child day care center operation.
5. If a Certificate of Occupancy has not been obtained for the project within 36 months from the issuance of the SUP, the permit shall become void.
6. Hours of operation for the child day care center shall be limited from 8 a.m. to 2 p.m., Monday through Friday.
7. One sign related to the child day care center shall be permitted on the property. The sign shall not exceed four square feet; it must be attached to the dwelling and it shall not be illuminated.
8. No additional exterior lighting shall be permitted on the property, other than lighting typically used at a single-family residence.
9. No food preparation or laundry services shall be provided as part of the operation of the child day care center unless approved by the Health Department.

