

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
September 13, 2022
5:00 PM

A. CALL TO ORDER

Mr. McGlennon called the meeting to order at approximately 5:05 p.m. following the James City Service Authority Board of Directors Regular Meeting.

B. ROLL CALL

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

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

ADOPTED
OCT 25 2022
Board of Supervisors
James City County, VA

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. Pledge Leader - Tommy Estes, a 5th grade student at Stonehouse Elementary and a resident of the Berkeley District

Ms. Larson gave highlights of Tommy's interests and activities.

Tommy led the Board and citizens in the Pledge of Allegiance.

E. PUBLIC COMMENT

1. Ms. Peg Boarman, 17 Settlers Lane, noted she was present to talk trash to the Board. Ms. Boarman spoke about the Clean County Commission and the 2022 3rd Quarter Clean Business Award. Ms. Boarman mentioned Mr. Icenhour and Ms. Sadler were in attendance to present the award, adding she welcomed the Board to participate if desired in future awards. Ms. Boarman remarked if the community knew of a business that had adopted green initiatives or enacted environmentally friendly business practices, nomination was possible by visiting the County website. Ms. Boarman highlighted the 2022 Quarterly Award Winners to date: 1) Ulster American Homestead Garden Center; 2) Sweethaven Lavender Farm; and 3) Noah's Ark Veterinary Hospital. Ms. Boarman informed the Board there was an applicant for the Powhatan District which would accommodate all precincts; however, she welcomed additional volunteers. Ms. Boarman touched on the Repair Fair & Recycling Expo, which would be held on Saturday, November 19 at Warhill High School. Ms. Boarman advised the James City

Ruritan Club would be hosting a bluegrass concert on Saturday, September 17, 7 p.m. at the Jamestown Presbyterian Church. Ms. Boarman added tickets would be sold at the door or could be purchased through her directly.

Mr. McGlennon thanked Ms. Boarman.

F. CONSENT CALENDAR

Mr. McGlennon requested to pull Item No. 2.

1. Grant Award - \$35,849 - Circuit Court Records Preservation Program

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

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

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

2. Salary and Incentive Adjustments - Public Safety Personnel

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

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

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

Mr. Stevens addressed the Board to provide details on this item. Mr. Stevens advised the County Police Department had 13 vacant positions, which was not abnormal for the region; however, was abnormal for the County. Mr. Stevens noted the Board approved salary adjustments for all County personnel in April 2022, which increased Public Safety personnel salaries to a range of approximately \$40,000-\$47,000. Mr. Stevens further noted with the 5% salary increase this would allow starting salaries closer to approximately \$51,000 which was more comparable for the region. Mr. Stevens highlighted the proposed changes to the public safety salary structure and incentives which included the following: 1) an across the board increase of 5% for full-time sworn law enforcement officers; 2) an in Emergency Medical Services-Intermediate/Paramedic salary incentives for firefighters from \$3,000/\$6,000 to \$6,000/\$12,000; 3) a salary incentive for education for full-time sworn law enforcement officers of \$1,500 for an Associates degree or 60 college credits and \$3,000 for a Bachelor's degree; 4) a shift differential of \$1.50/hour for law enforcement officers assigned to midnight shift; 5) adjustments to the Police Career Ladder Program resulting in an additional increase in salary of 2.5% for those at the POI, POII, and POIII levels; and 6) implementation of a \$5,000 signing bonus for police officers hired on or after July 1, 2022, that would be contingent upon the signing of a three-year contract with the County.

Mr. McGlennon thanked Mr. Stevens. Mr. McGlennon mentioned the importance of public safety and the recruitment and retention record the community had; however, the current challenges faced called for efforts to correct.

Mr. Hipple thanked Mr. Stevens and Chief Peterson for their efforts.

Ms. Sadler mentioned Mr. Stevens and his continuous support of all County personnel. Ms. Sadler recognized Mr. Stevens, Chief Peterson, and Mr. Brad Rinehimer, Assistant County Administrator, for their collaborative efforts. Ms. Sadler noted it was vital to support and compensate accordingly.

Ms. Larson thanked Chief Ashe, adding it was vital to incorporate the Fire Department as well. Ms. Larson thanked all County Public Safety personnel for their commitments to protect the citizens in the community. Ms. Larson remarked it was important to recognize the positivity

in relation to public safety. Ms. Larson expressed gratitude for all efforts.

Mr. Icenhour mentioned the limited number of police officers and firefighters the County had to serve the community. He commended the exceptional work of these first responders and his robust support for this item.

G. PUBLIC HEARING(S)

1. Lease of Real Property - 2054 Jamestown Road - Lease Agreement with Hampton Marine Services Corporation

A motion to Approve was made by Michael Hipple, the motion result was Passed.

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

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

Ms. Elizabeth Parman, Deputy County Attorney, addressed the Board noting this was a two-year renewal lease agreement to allow Hampton Marine Services Corporation to continue to lease a part of the James City County Marina for the operation of a boat repair business for the convenience of Marina patrons. Ms. Parman stated the proposed lease was under the same terms as the prior lease with a 3% annual increase in rent. Ms. Parman mentioned staff recommends approval of the resolution. Ms. Parman welcomed any questions the Board might have.

Mr. McGlennon opened the Public Hearing.

Mr. McGlennon closed the Public Hearing as there were no speakers.

2. Z-21-0012 and MP-21-0003. Proffer and Master Plan Amendment for the Continuing Care Retirement Facility at Ford's Colony (Ford's Village)

A motion to Approve was made by Michael Hipple, the motion result was Passed.

AYES: 3 NAYS: 2 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Larson, Sadler

Nays: Icenhour Jr, McGlennon

Mr. McGlennon welcomed Mr. Thomas Wysong, Senior Planner, to the podium.

Mr. Wysong addressed the Board noting Mr. Vernon Geddy, III, on behalf of Frye Development, LLC, requested an amendment to the adopted Master Plan and proffers for the Continuing Care Retirement Facility (CCRC) at Ford's Colony. Mr. Wysong stated that the subject parcel was zoned R-4, Residential Planned Community, located inside the Primary Service Area (PSA) and designated Low Density Residential on the adopted 2045 Comprehensive Plan. Mr. Wysong mentioned in 2008, this parcel was rezoned from R-8, Rural Residential to R-4, Residential Planned Community with proffers to permit a CCRC known as the Village at Ford's Colony. Mr. Wysong stated that the currently approved Master Plan for this property permits up to 741 units, rooms, and beds and is accompanied by proffers intended to mitigate community impacts. Mr. Wysong indicated that this proposal would amend the approved Master Plan and proffers by reducing the total number of units, rooms, and beds from 741 to 516, in addition to changing the layout of the site. Mr. Wysong stated that the applicant had proposed up to 286 age-restricted single-family and multifamily dwelling units with an additional 230 age-restricted units, rooms, and beds within the facility portion of the property. Mr. Wysong advised since the January 11, 2022, Board of Supervisors meeting, the applicant had proposed a further reduction in the number of units.

Mr. Wysong stated the revised proposal would reduce the total number of units, rooms, and beds to 470 with up to 270 age-restricted single-family and multifamily dwelling units and up to 200 age-restricted units, rooms, and beds within the facility portion of the property. Mr. Wysong mentioned the proffers had been updated to include a unit mixture limit on the facility portion of the property, which would allow up to 75 apartments and no more than 125 assisted living rooms, memory care rooms, or skilled nursing beds. The significant changes to the proffers would include the following: updating of the current contribution amount in relation to community impacts; the addition of a proffer requiring a traffic signal warrant analysis for the proposed main entrance of the development; the addition of a construction phasing proffer; and the revision of stormwater commitments. Mr. Wysong discussed the current proffers which were proposed to be removed. Mr. Wysong explained this application would result in a significant decrease in the density on the subject parcel from the 4.77 units per acre to 2.76 dwelling units per acre. Mr. Wysong added this proposal would also result in a marginal decrease within the overall density of Ford's Colony from 1.36 units per acre to 1.28 units per acre. Mr. Wysong noted the Planning Commission at its December 1, 2021, Regular Meeting voted to recommend approval of this application by a vote of 5-1. Mr. Wysong further noted staff finds the proposal to be compatible with the 2045 Comprehensive Plan, Zoning Ordinance, and surrounding development. Mr. Wysong stated staff recommended approval of this proposed amendment to the Board. Mr. Wysong welcomed any questions the Board might have, adding the applicants were in attendance as well.

Ms. Sadler inquired what the total number of units was originally and the revised proposed total number of units.

Mr. Wysong replied the current approved Master Plan would allow 741 units total and the amendment would reduce the total number of units to 470 overall.

Ms. Sadler asked if this application was already approved in 2008.

Mr. Wysong replied correct.

Ms. Sadler inquired if the revisions would allow less of an impact on public services in relation to first responders.

Mr. Wysong confirmed yes.

Ms. Sadler asked if preferred development was recommended within the PSA.

Mr. Wysong replied yes.

Mr. McGlennon welcomed Mr. Stephen Rogers, Planning Commission representative, to the podium.

Mr. Rodgers addressed the Board noting the Planning Commission voted 5-1 to recommend approval of this application to the Board of Supervisors. Mr. Rodgers highlighted some key points of discussion which included the current approved Master Plan had a significant increased number of total units which did not require a traffic signal warrant analysis or stormwater mitigation opposed to the newly proposed amendment. Mr. Rodgers mentioned the Planning Commission had concerns of potential traffic impacts on News Road during the construction phase of development. Mr. Rodgers noted some concerns with original proffers were in a sense more protective in relation to upstream portion properties. Mr. Rodgers further noted the Planning Commission recommended a potential second access to the development for resident use for emergency purposes.

Mr. McGlennon opened the Public Hearing.

Mr. Vernon Geddy, III, 1177 Jamestown Road, addressed the Board to provide a PowerPoint presentation. Mr. Geddy introduced the members of the applicant team in attendance which included: Mr. Bart Frye, Owner and CEO of Frye Development, LLC, Mr. Rock Bell, Vice President for Development of Frye Development, LLC, Mr. William Fralin, CEO of Retirement Unlimited, Inc. (RUI), and Mr. Jason Grimes, Vice President of AES Consulting Engineers. Mr. Geddy briefly highlighted various details about both organizations on the PowerPoint presentation. Mr. Geddy displayed the existing approved 2008 Ford's Village Master Plan on the PowerPoint presentation showing the 703 units in the larger complex area and 38 single-family duplexes for an overall total of 741 units. Mr. Geddy explained that this development could be built by-right and with the increased demand for these communities and the scarcity of properly zoned land this project would develop. Mr. Geddy displayed and touched on the 2022 Ford's Village Master Plan. Mr. Geddy noted the proposal heard by the Planning Commission had a total of 516 units; however, since the last deferral it was further reduced to a total of 470 units. Mr. Geddy touched on the vision for Ford's Village which included the creation of a CCRC that met the County's Zoning Ordinance requirements comprised of design, quality housing and high standards of living with amenities, facilities, and services that enhanced a long-term living environment for all residents within the development. Mr. Geddy explained the services and amenities would be shared by Ford's Village and The Morgan at Ford's Village which would create a variety of living option accommodations. The homes would utilize sustainable green building techniques and would be an age-restricted community of 55 years and older. Mr. Geddy touched on the design aspect of these homes which would include semi-custom designs with a variety of housing types with different price points with universal design features, such as elevators, backing for grab bars, wider hallways, etc. to allow residents to stay in their homes longer as they age. Mr. Geddy mentioned that the Ford's Village Master Plan's focus was on traditional town making principles to include narrow streets, alley loaded garages, and a multitude of parks and paths. Mr. Geddy explained the difference between conventional life care communities versus Ford's Village RUI model which included no large entrance fees as it was a month-to-month lease agreement to reduce the financial burden entering the facility. Mr. Geddy remarked this would create an intense focus on customer and quality service to retain residents. Mr. Geddy noted in the Frye independent living sections, the individual would own or rent the home. Mr. Geddy stated shared amenities and services were available based on a fee or subscription basis. He added residents in the Frye independent living homes would have a priority for spaces in The Morgan versus the general public, allowing it to operate as a real-life care community, but with different ownerships. Mr. Geddy advised this model allowed consumers a different option and future replication of this model in other areas of the state. Mr. Geddy highlighted the shared services and amenities through the RUI and Frye independent living homes on the PowerPoint presentation. Mr. Geddy pointed out various visual concepts of what the development would resemble, in addition to the various housing types and the anticipated design of The Morgan at Ford's Village on the PowerPoint presentation. Mr. Geddy touched on several stormwater management measures that would be implemented with the new proposed amendment to the Master Plan. Mr. Geddy spoke about the required traffic improvements included in the proffers, adding with the reduced number of overall units for the development it would significantly decrease the traffic impacts. Mr. Geddy concluded the presentation with highlighting various pros of the development and welcomed any questions the Board might have.

Mr. McGlennon asked the Board if there were any questions.

Mr. Icenhour inquired if Frye Development, LLC, would construct the buildings while RUI would be responsible for the operation of The Morgan or would RUI be responsible for constructing its own buildings.

Mr. Geddy replied RUI would be responsible for constructing The Morgan; however, Frye

Development, LLC, would be required to grade the site in the first phase of construction. Mr. Geddy confirmed RUI would take over construction thereafter.

Mr. Icenhour replied ok. Mr. Icenhour asked while there were shared amenities, both parts of the development would work independently.

Mr. Geddy confirmed yes.

Mr. Icenhour asked if the Frye independent living homes were available for purchase and/or rent.

Mr. Geddy replied rental opportunities may be possible; however, currently it was not definite.

Mr. Icenhour asked if there would be a homeowners association (HOA) for the Frye property.

Mr. Geddy replied correct.

Mr. Icenhour asked if The Morgan month-to-month lease agreement would include any type of HOA fees.

Mr. Geddy replied no.

Mr. Icenhour asked how many stories The Morgan Building would be.

Mr. Geddy stated a three-story building.

Mr. Icenhour asked if a height waiver request was required.

Mr. Geddy replied no.

Mr. McGlennon requested details on the skilled nursing aspect of the Master Plan.

Mr. Geddy replied the zoning permitted skilled nursing; however, it was not part of the proposed amended Master Plan. Mr. Geddy explained skilled nursing required a Certificate-of-Public-Need from the State, which would not be forthcoming at this time.

Mr. McGlennon asked if there would be a demonstrated need for that service.

Mr. Geddy replied he did not believe so.

Mr. McGlennon requested clarification if that was in the original Master Plan.

Mr. Geddy confirmed yes.

Mr. McGlennon asked if affordable housing was accommodated in the development.

Mr. Geddy replied two beds were reserved in The Morgan Building for affordable senior service, but regarding the housing there was not.

1. Mr. David Hertzler, 3482 News Road, addressed the Board noting his concerns of the traffic impact this development would have on News Road. He mentioned the current traffic congestion on News Road, adding Centerville Road and Greensprings Road were heavily reliant on News Road. Mr. Hertzler stated he was not in support of this application.

2. Mr. Channing Hall, 1147 Professional Drive, addressed the Board noting he was the legal counsel for the landowners. Mr. Hall spoke about the local family history and the initial intended use of the property for purpose of harvesting of trees for a lumber business. Mr. Hall explained the intended use was not able to continue as the property was zoned inside the PSA. Mr. Hall complimented both Virginia organizations on their expertise and quality of work. Mr. Hall recommended the Board approve the opportunity to allow a new legacy to unfold on the property. Mr. Hall noted he was in support of this application.

3. Mr. John Reitz, 4048 Powhatan Secondary, addressed the Board noting he had resided in the City of Williamsburg for 75 years and witnessed an abundance of growth within the area as time moved forward. Mr. Reitz expressed he was in favor of the application as he believed it was a quality program being presented. Mr. Reitz added there was a demand for this type of development. Mr. Reitz recommended some traffic mitigation on News Road; however, he reiterated his support of this application.

4. Mr. Kevin Fleming, 228 Old Carriage Way, addressed the Board noting there was not a recent Public Hearing on this application. He mentioned the last Public Hearing he was able to attend and speak at was the December 1, 2021, Planning Commission Regular Meeting. Mr. Fleming mentioned his inability to locate the set of minutes on the County website for that specific meeting. Mr. Fleming expressed his frustration as he felt the community was not given an opportunity to share their thoughts and concerns on the application. Mr. Fleming stated he was the President of the Powhatan Secondary Board. Mr. Fleming expressed his disagreement with only being able to speak once on a particular Public Hearing topic, in addition to the lack of opportunity to allow the community in proximity to this potential development to address their concerns.

Mr. McGlennon closed the Public Hearing as there were no additional speakers.

Mr. McGlennon inquired about the minutes specifically for the December 1, 2021, Planning Commission Regular Meeting.

Mr. Kinsman stated he was currently on the County website and was able to access those minutes, adding there was a total of 673 pages.

Mr. Icenhour expressed from his personal experience there were challenges accessing the County minutes on the website.

Ms. Larson agreed. She remarked she had questions for staff. Ms. Larson mentioned she had heard concerns regarding News Road. She asked if News Road was designed to handle additional traffic.

Mr. Wysong stated the applicant did submit a traffic study that utilized information from the original traffic study conducted in 2008 as well as the Ford's Colony traffic study, which was conducted approximately 2 years ago, in addition to a trip generation. Mr. Wysong reported based on the collected data staff did not find the development to generate negative impacts to News Road.

Ms. Larson asked if the proposed amendment was not approved and the original Master Plan moved forward, would the original Master Plan require any traffic mitigation.

Mr. Paul Holt, Director of Community Development and Planning, addressed the Board advising from a traffic analysis standpoint with relation to the middle segment of News Road including this proposal and other existing traffic, according to the Virginia Department of Transportation (VDOT) did not require additional lanes. Mr. Holt mentioned recent improvements made to the intersection of Centerville Road and News Road to include two

additional turn lanes and traffic signalization to alleviate capacity concerns. Mr. Holt remarked in terms of total traffic on a two-lane road it was sufficient. Mr. Holt stated the applicant had proffered to conduct the traffic analysis pertaining to turn lanes and signalization to ensure the turning movements remain at an acceptable level of service. Mr. Holt noted all data had been reviewed by VDOT and the proposal before the Board had passed the Board's policy for Adequate Public Facilities for roads.

Ms. Larson requested Mr. Geddy to return to the podium. Ms. Larson reiterated citizens' concerns and wanted to ensure that the applicant team was willing to work with the future residents of the development to ensure necessary safety accommodations were met.

Mr. Geddy replied the safety aspect was important as it was a part of the development to provide a safe environment for its residents.

Ms. Larson thanked Mr. Geddy.

Ms. Sadler asked if there was an anticipated average number of individuals who would be driving pertaining to future residents of the development.

Mr. Geddy replied he was uncertain of the number at this time; however, the traffic study took a count of the various housing types. Mr. Geddy mentioned for instance assisted living or memory care would most likely have a very limited number of drivers if any. Mr. Geddy advised this data was already factored into the traffic study.

Ms. Sadler asked which traffic plan was better based on the original 2008 Master Plan or the proposed amended master plan.

Mr. Geddy replied it was the same traffic improvements in either plan; however, this proposed amendment had 900 fewer trips per day.

Ms. Sadler thanked Mr. Geddy.

Mr. McGlennon asked the description of this CCRC as there were several components integrated into the development opposed to current senior living communities in the County.

Mr. Geddy replied the development served as a unified whole, for instance if an individual was a resident of the Frye independent living homes that resident could request a subscription for various services from The Morgan.

Mr. McGlennon expressed his anticipation of more single-family occupancy producing vehicle traffic generated.

Mr. Geddy replied this data was factored into the traffic study, adding there was no difference in the trip generation for the single-family homes than any other homes.

Mr. McGlennon asked if a resident living in one of the single-family homes had priority for a space at The Morgan if there was a waiting list.

Mr. Geddy replied correct.

Mr. McGlennon asked if any other Board members had questions.

Mr. Icenhour stated he had a question for staff. He asked if there were any other conceptual plans previously for the development of a CCRC.

Mr. Wysong replied to his knowledge he was not aware of any legislative cases or proposed amendments. Mr. Wysong added there could have been phone calls or things of that nature.

Mr. Icenhour recalled a time where there was a potential developer to create a CCRC on this parcel; however, he did not believe there was a case ever filed.

Mr. Holt stated he was uncertain of any prior considerations.

Mr. Hipple noted there were a couple of potential applicants who were interested in the development; however, the interest was based on maximum capacity and financial benefit. Mr. Hipple mentioned prior discussions with the applicant team and the desire to work with the County to ensure a quality community with superior products and service. Mr. Hipple explained the original Master Plan had already been approved to proceed with development, adding the development was within the PSA as desired. Mr. Hipple recommended further consideration of the proposed amendment as it would reduce the total number of units which would significantly reduce the total impacts. Mr. Hipple highlighted the pros of the proposed amendment, and that he was in favor to support the application.

Ms. Sadler stated the Board members received the Planning Commission minutes in their Agenda Packet which were reviewed thoroughly, in addition to watching the Planning Commission meetings. Ms. Sadler noted the Board members do hear from the citizens and value the opinions shared. Ms. Sadler expressed her concerns with original Master Plan which included the following: the number of total trips per day; quality standard of development; and the limited stormwater management requirements. Ms. Sadler thanked the applicant team for the reduced number of units as recommended by the Board.

Ms. Larson thanked County staff for their efforts and to Mr. Icenhour for his due diligence pertaining to this application, as well as Mr. Geddy's efforts. Ms. Larson mentioned a colleague of hers in Norfolk had great remarks about the developer of this project and the work conducted in the City of Norfolk.

Mr. Icenhour thanked Mr. Kinsman and Mr. Geddy for their responsiveness. Mr. Icenhour expressed the importance of providing a superior product that met County citizen requirements. Mr. Icenhour provided some background history of this project and the original 2008 Master Plan. He noted he and Mr. McGlennon were Board members who voted against the application in 2008, adding originally there were over 1,000 total units proposed and the Board requested a reduction in units which resulted in the 741 total units. Mr. Icenhour further noted in 2008 the property was zoned R-8, Rural Residential, located inside the PSA, and considered Low Density Residential as the Comprehensive Plan still defined it today. Mr. Icenhour explained by rezoning to R-4, Residential Planned Communities, it allowed for additional density opposed to if the development was a part of the Ford's Colony Master Plan. Mr. Icenhour discussed by-right development and the reality of it, as it was done in 2008. Mr. Icenhour stated the original developer went bankrupt, adding it was available to any potential developer who wanted to pursue the development; however, the property remained idle for numerous years. Mr. Icenhour expressed he felt the decisions made on this project should be based on land use designation and other factors. Mr. Icenhour stated Low Density Residential was defined as one unit to four units per acre depending on the benefit provided. He added there was a request last year to change it back to Moderate Density Residential; however, the Board decided to leave it as is. Mr. Icenhour recommended utilizing the 2045 Comprehensive Plan for any land use case as the first step in the process of consideration. Mr. Icenhour moved on to discuss density, which had been an ongoing challenge. Mr. Icenhour stated approximately 35% of the County land was considered undevelopable due to wetlands, steep slopes, etc. Mr. Icenhour explained the calculations of density and the viewpoint in relation to density. Mr. Icenhour expressed his belief that the density for the buildable portion of the property was greater than preferred. Mr. Icenhour spoke about impervious cover and

the classified levels of impervious cover which included: 1) Sensitive from 0%-10% of impervious cover; 2) Impacted from 10% up to 25% of impervious cover; and 3) Non-Supporting greater than 25% impervious cover. Mr. Icenhour noted in 2001 County staff had analyzed the 10 subwatersheds in the Powhatan Creek watershed and determined five of those subwatersheds were Sensitive and the other five were Impacted. Mr. Icenhour further noted in 2008 there was an update conducted on the Powhatan Creek watershed and determined three Sensitive subwatersheds and seven Impacted subwatersheds. Mr. Icenhour added there had not been update since 2008. Mr. Icenhour mentioned the build-out impacts on those watersheds and the future build-out projection levels. Mr. Icenhour expressed the concerns of uncertainty regarding the current level of impervious cover in the Powhatan Creek watershed and subwatersheds. Mr. Icenhour stated the Board was still required to make decisions on land use cases which could cause additional impacts. Mr. Icenhour reported this property had approximately 14.4% impervious cover, adding the bulk of the developable area was located in the area of Subwatershed No. 209. Mr. Icenhour expressed his belief that this development would increase the level of impervious cover within that subwatershed. Mr. Icenhour touched on the traffic aspect and the substantial increase to the weekday volume on News Road. Mr. Icenhour noted the inability to make major traffic improvements to County roads, so limitations were enforced. Mr. Icenhour used Jamestown Road as a prime example. Mr. Icenhour reported an approximate increase of 1,900 trips weekday average volume, in addition to the current weekday volume from Powhatan Secondary up to Monticello Avenue would increase traffic by approximately 22%. Mr. Icenhour remarked he favored the idea of the second entrance of the development would potentially be converted into a permanent entrance, adding he felt the turn lane additions would help. Mr. Icenhour stated the traffic signalizations were proffered; however, they were based on VDOT warrants. Mr. Icenhour expressed his belief that traffic signalization should be implemented at Powhatan Secondary, as that neighborhood had significant impact; however, it was undetermined at this time. Mr. Icenhour highlighted the CCRC's in the area which included the following: 1) Williamsburg Landing; 2) Patriot's Colony; 3) WindsorMeade; and 4) Brookdale Chambrel. Mr. Icenhour commented Brookdale Chambrel did not offer skilled nursing currently. Mr. Icenhour noted currently between all four CCRC's there were 962 built units of independent living, 191 approved units which have not been built yet, in addition to this development would add 345 more units. Mr. Icenhour further noted between the three CCRC's skilled nursing had 502 built units and 415 approved units which were not yet built awaiting a Certificate-of-Public-Need, in addition to the 125 proposed units for this development. Mr. Icenhour expressed his concern of the abundance of units approved but not currently built, adding he felt the market for this service was more than sufficient in the County. Mr. Icenhour highlighted the pros and cons of the development. Mr. Icenhour stated he did not support this application; however, he thanked County staff for all efforts.

Mr. McGlennon touched on the workforce/affordable housing challenges and vast majority of those service providers for these types of facilities did not reside in the community but commuted from other jurisdictions. Mr. McGlennon noted he agreed with several of Mr. Icenhour's points. Mr. McGlennon expressed he felt a more desired proposed amendment to this development could be achieved; however, he also questioned the actuality of the development moving forward based on the history and other factors. Mr. McGlennon highlighted the cons of this proposal and for those reasons he did not support this application.

At approximately 5:48 p.m., the Board recessed for a short break.

At approximately 5:53 p.m., the Board reconvened.

3. SUP-22-0008. Williamsburg Crossing – Greenwood Christian Academy Expansion

A motion to Approve was made by Sue Sadler, the motion result was Passed.

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

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

Mr. John Risinger, Planner, addressed the Board noting that Mr. Mark Thornblom of Greenwood Christian Academy had applied for a Special Use Permit (SUP) to allow the operation of a school at the Williamsburg Crossing Shopping Center, located at 5251 John Tyler Highway. Mr. Risinger stated that the property was zoned B-1, General Business, designated Mixed Use on the 2045 Comprehensive Land Use Map, and located within the PSA. Mr. Risinger mentioned that Greenwood Christian Academy had operated a school and child day care center in the Williamsburg Crossing Shopping Center since 2009 when both uses were permitted by-right in the B-1 District. Mr. Risinger advised that the existing facility had a capacity of 150 students and was referred to as the "Main Campus" on the master plan. Mr. Risinger stated that in 2012, the B-1 District was amended and schools became a specially permitted use, and the school use became nonconforming. Mr. Risinger explained that the applicant was requesting an SUP to expand the school within the shopping center by adding another facility referred to as the "Annex" on the master plan. Mr. Risinger stated the Annex would have a capacity of 75 students, bringing the total capacity of the school to 225 students. Mr. Risinger noted that the application did not propose any changes to the building footprint of the shopping center. Mr. Risinger further noted the applicant intended for all student pick-ups and drop-offs to take place at the Main Campus facility. Mr. Risinger stated that Greenwood Christian Academy offered before and after school programs which resulted in a wider timeframe for pick-up and drop-off. Mr. Risinger mentioned that staff anticipated that the existing vehicular entrances and drive aisles in the shopping center parking lot would be sufficient for vehicle traffic generated by the school. Mr. Risinger stated that with the proposed conditions, the school would be permitted to operate in the Main Campus and Annex facilities, bringing the use into conformance with the Zoning Ordinance. Mr. Risinger added the conditions also limited the school to a total capacity of 225 students from Kindergarten to Eighth Grade, and hours of operation from 7 a.m. to 5:30 p.m., Monday through Friday. Mr. Risinger noted at the August 3, 2022, Planning Commission Regular Meeting, the Planning Commission voted unanimously to recommend approval of this SUP to the Board of Supervisors, subject to the proposed conditions. Mr. Risinger further noted staff finds the proposal to be compatible with the surrounding development, consistent with the 2045 Comprehensive Plan and the Zoning Ordinance. Mr. Risinger commented staff recommended approval to the Board, subject to the proposed conditions. Mr. Risinger welcomed any questions the Board might have. Mr. Risinger added Mr. Thornblom was unable to attend the Board meeting; however, Greenwood Christian Academy representatives were in attendance for questions.

Mr. McGlennon welcomed Mr. Stephen Rodgers, Planning Commission representative, to the podium.

Mr. Rodgers addressed the Board noting the Planning Commission supported the application as there were no proposed changes to the footprint of the building or parking lot. Mr. Rodgers stated it was a continued use of an existing space and the Planning Commission found no disruptions to other existing facilities in the shopping center. Mr. Rodgers mentioned the public support and the support of the owner of the facility was in favor of the expansion and continued use. Mr. Rodgers noted the Planning Commission agreed with staff that the proposal was compatible with surrounding development, consistent with the 2045 Comprehensive Plan and the Zoning Ordinance.

Mr. Icenhour asked if there was any discussion in relation to the drop-off aspect and whether there were concerns with traffic impacts.

Mr. Rodgers replied there was discussion; however, the Planning Commission did not

anticipate any traffic related impacts with this application.

Ms. Larson requested staff to display the Annex in proximity to the Main Campus on the PowerPoint presentation.

Mr. Risinger pointed out the facilities on the PowerPoint presentation.

Ms. Larson noted she thought the Annex was on the other side of the shopping center; however, it was more in the middle. Ms. Larson further noted she heard an adult would accompany the students to the Annex facility.

Mr. Risinger replied correct.

Mr. McGlennon asked how the students would travel from one facility to the other.

Mr. Risinger replied the students would walk under the structural canopy which included a sidewalk.

Mr. McGlennon expressed concerns of if the rear entrance was used there would be a lack of shelter for the students regarding the elements; however, that was not the case. Mr. McGlennon asked about the average number of early drop-offs/late pick-ups versus the drop-off/pick-up at the school start time and departure time.

Mr. Risinger deferred the question to the Greenwood Christian Academy representatives in attendance.

Ms. Larson asked what the vehicular pattern in relation to drop-off and pick-up.

Mr. Risinger pointed out the drop-off loop on the PowerPoint presentation, adding Greenwood Christian Academy staff coordinated the traffic flow through that area.

Mr. McGlennon opened the Public Hearing.

Mr. McGlennon requested Ms. Samantha Welcher and/or Ms. Tara Sagman, to the podium to address the question deferred to the Greenwood Christian Academy representatives.

1. Ms. Welcher, 418 Mount Airy Place, Newport News, VA, addressed the Board noting she was the Principal at Greenwood Christian Academy and introduced her colleague Ms. Sagman, Business Administrator, for Greenwood Christian Academy.

Mr. McGlennon asked about the average number of early drop-offs/late pick-ups versus the drop-off/pick-up at the school start time and departure time.

Ms. Welcher stated the students utilizing the Annex Building were the older students which did not take advantage of the early drop-off and/or late pick-up opposed to the Preschool and younger students who more frequently used the early drop-off and late pick-up accommodations. Ms. Welcher anticipated no additional traffic movement and/or impacts.

Mr. McGlennon asked if there was a half-day program for Preschool or Kindergarten.

Ms. Welcher replied yes for preschool.

Mr. McGlennon noted the staggered timeframes to allow reduced traffic impact at one specific time.

Ms. Welcher replied correct.

Ms. Sadler complimented Greenwood Christian Academy and its efficiency.

Mr. McGlennon thanked Ms. Welcher and Ms. Stagman for being in attendance.

Mr. McGlennon closed the Public Hearing.

4. SUP-22-0011. 3004 Ironbound Road Tourist Home

A motion to Approve was made by Michael Hipple, the motion result was Passed.

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

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

Ms. Paxton Condon, Planner, addressed the Board noting that Mr. Randy Coleman had applied for an SUP to allow the short-term rental of a two-bedroom single-family home at 3004 Ironbound Road. Ms. Condon stated the property was zoned R-8, Rural Residential, designated as Low Density Residential on the 2045 Comprehensive Plan Land Use Map, and located within the PSA. Ms. Condon mentioned if granted, the SUP would allow for short-term rentals throughout the year. Ms. Condon noted there were no proposed changes to the footprint of the home. Ms. Condon discussed the favorable factors of this application such as: adequate off-street parking and that the applicant would obtain the proper licensing and inspections; however, the proposal did not meet the recommendations regarding locations for short-term rentals in the 2045 Comprehensive Plan. Ms. Condon stated that staff finds the proposal incompatible with surrounding zoning and development, and not consistent with the recommendations of the 2045 Comprehensive Plan. Ms. Condon mentioned staff was unable to recommend approval of this application. Ms. Condon noted at the August 3, 2022, Planning Commission Regular Meeting, the Planning Commission voted 6-1 to recommend approval of this application to the Board of Supervisors, subject to proposed conditions. Ms. Condon welcomed any questions the Board might have, adding the applicant was in attendance.

Mr. McGlennon welcomed Mr. Rodgers to the podium.

Mr. Rodgers addressed the Board noting the Planning Commission had discussed this application and agreed with staff that the location for this short-term rental was not consistent with the recommendations pertaining to location in the 2045 Comprehensive Plan. Mr. Rodgers stated the owner of the home would not be on-site during the rental of the home; however, the owner of the home also owned a business which directly adjoined the property. Mr. Rodgers added this was beneficial to the supervision aspect. Mr. Rodgers mentioned public support of this application and multiple short-term rentals in proximity to the property. Mr. Rodgers noted debate in relation to depleting affordable housing or starter homes in the County if this were to be pursued as a short-term rental opportunity; however, based on the location and for other factors the Planning Commission voted 6-1 to recommend approval of this application. Mr. Rodgers welcomed any questions the Board might have.

Mr. McGlennon mentioned a prior short-term case very similar to this scenario, adding there was an individual who was available at any given time should there be any concerns. Mr. McGlennon asked if there would be an individual available as an alternative when the business was not in operation.

Ms. Condon deferred the question to the applicant.

Mr. McGlennon opened the Public Hearing.

Mr. McGlennon closed the Public Hearing, as there were no speakers.

Mr. McGlennon requested the applicant to podium.

Mr. Coleman addressed the Board noting he had not addressed that aspect yet; however, he noted he had staff who resided adjacent to the property who would be available for a short response if needed. Mr. Coleman offered to address concerns if necessary.

Mr. McGlennon asked how far he lived away from the property.

Mr. Coleman replied 20 minutes away.

Ms. Larson asked if there were staff available immediately if necessary.

Mr. Coleman confirmed yes.

Mr. McGlennon thanked Mr. Coleman.

Mr. Hipple expressed his concern of the requirement of having an individual living on-site or connected to the property. Mr. Hipple remarked he owned a home he used as an Airbnb, and he did not have an individual living on-site. Mr. Hipple expressed he felt that would deter rental of the property. Mr. Hipple stated he was in support of the application.

Ms. Sadler stated she was in support of the application as well.

Ms. Larson stated she was in support of the on-site living arrangements for safety purposes. Ms. Larson mentioned hotels for instance undergo various safety inspections and measures. Ms. Larson expressed her concerns with Airbnb and its policies. Ms. Larson mentioned the beneficial aspect of the location and proximity to individuals if there should be concerns.

Mr. Hipple commended those individuals who come before the Board to apply for a short-term rental as there were various taxes which were collected on short-term rentals. Mr. Hipple explained there were numerous Airbnb's which did not go through the proper channels and were not taxed. Mr. Hipple mentioned he had his smoke detectors, fire alarms, etc. inspected annually. Mr. Hipple reiterated his disbelief with the on-site living arrangements.

Mr. McGlennon replied in this application it was not pertinent to have an individual on-site; however, for safety precautions it was preferred to have an individual in close proximity if there should be an issue. Mr. McGlennon remarked there were various aspects that still needed to be worked through.

Ms. Sadler asked Mr. Hipple if he had a phone number he provided in relation to his Airbnb if a tenant had an issue.

Mr. Hipple replied no contact was made directly through Airbnb. Mr. Hipple mentioned a vacation rental scenario, if there was an issue contact would be made directly to the rental company.

5. SUP-22-0009. JCC Police Firing Range Expansion

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

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

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

Ms. Condon addressed the Board noting Mr. Rick Koehl, had applied for a SUP on behalf of James City County Police Department to expand the existing Police firing range located at 1206 Jolly Pond Road. Ms. Condon stated the property was zoned PL, Public Lands, designated as Federal, State, or County Land in the adopted 2045 Comprehensive Plan, and located outside of the PSA. Ms. Condon mentioned the Jolly Pond Convenience Center and existing firing range were located on the property. Ms. Condon noted the firing range had been in continued use since 1985, adding the firing range was not available to the public. Ms. Condon further noted at the July 6, 2022, Regular Meeting, the Planning Commission voted 6-0 to recommend approval of the SUP to the Board of Supervisors, subject to the proposed conditions. Ms. Condon stated that staff finds the proposal to be compatible with surrounding development and consistent with the 2045 Comprehensive Plan and Zoning Ordinance. Ms. Condon added staff recommended approval to the Board of Supervisors. Ms. Condon welcomed any questions the Board might have, adding the applicant was present and County Police representatives were in attendance as well.

Mr. Rodgers addressed the Board noting all Planning Commission members agreed with staff to be compatible with surrounding development and consistent with the 2045 Comprehensive Plan and Zoning Ordinance. Mr. Rodgers expressed the importance of this application to allow County Police to train from a 100-yard range opposed to a 50-yard range. Mr. Rodgers informed the Board there were two unanimous votes, one to recommend approval to the Board of Supervisors and the other to find the application consistent with the 2045 Comprehensive Plan. Mr. Rodgers welcomed any questions the Board might have.

Mr. McGlennon asked if any Board members had questions.

Mr. Icenhour asked what direction the firing was taking place.

Ms. Condon pinpointed southwest on the PowerPoint presentation.

Mr. Icenhour asked if this application would double the fire range distance.

Ms. Condon replied correct.

Mr. Icenhour asked if removal of trees was necessary.

Mr. Koehl addressed the Board to clarify the firing range was currently set up as a 25-yard range, adding the expansion was to accommodate a 100-yard range to facilitate improved weapons training. Mr. Koehl stated the tree clearing would be conducted towards the northwest direction.

Mr. Icenhour replied that made more sense as there was more space there.

Mr. Koehl stated it was graded area so the firing would be in a more downhill direction.

Ms. Larson asked if an indoor firing range was more ideal.

Chief Peterson's response was inaudible.

Mr. McGlennon opened the Public Hearing.

Mr. McGlennon closed the Public Hearing as there were no speakers.

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

Mr. McGlennon welcomed Ms. Terry Costello, Senior Planner, to the podium.

Ms. Costello addressed the Board noting there were currently 13 Agricultural and Forestal Districts (AFDs) in the County, of which 12 were set to expire in October 2022. Ms. Costello stated as required by State Code the County must review the established AFDs prior to expiration. Ms. Costello added during the review process AFDs must be continued, modified, and/or terminated. Ms. Costello mentioned per the State Code allowed AFD property owners the opportunity to withdraw any and/or all of their property from the AFD during the renewal periods. Ms. Costello discussed the County AFDs and current total properties and acreage for each AFD, in addition to AFD withdraw requests. Ms. Costello noted at its July 21, 2022, AFD Advisory Committee meeting, the Committee voted 6-0 to recommend the continuation of the Districts to the Planning Commission and the Board of Supervisors. Ms. Costello further noted at its August 3, 2022, Planning Commission meeting, the Planning Commission unanimously recommended the continuation of the Districts to the Board of Supervisors. Ms. Costello mentioned staff finds the AFDs to be compatible with surrounding development and consistent with the 2045 Comprehensive Plan and Zoning Ordinance. Ms. Costello added staff also recommended the Board of Supervisors approve the renewal of the County AFDs for a period of four years. Ms. Costello welcomed any questions the Board might have.

Mr. McGlennon thanked staff for all efforts during this process.

Mr. Rodgers addressed the Board noting the Planning Commission members agreed with staff to recommend approval of the renewal of the 12 AFDs. Mr. Rodgers mentioned discussions of additional programs that may be of use to County landowners, specifically a Carbon Sequestration Program. Mr. Rodgers mentioned recommendations of a future survey to determine if other programs may be viable. Mr. Rodgers noted Mr. Richard Bradshaw, Commissioner of the Revenue, helped the Planning Commission recognize the various benefits to landowners and the importance of this program. Mr. Rodgers welcomed any questions the Board might have.

Mr. McGlennon opened the Public Hearing.

Mr. McGlennon called the speaker to the podium.

1. Ms. Shelia Chandler, 7900 Newman Road, was inaudible.

Mr. McGlennon closed the Public Hearing.

H. BOARD CONSIDERATION(S)

1. Resolution Authorizing the Purchase of Real Property at 3175 Ironbound Road

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

Mr. Kinsman addressed the Board noting the resolution before the Board would authorize the County Administrator to execute the necessary documentation to purchase a 1.98-acre parcel

adjacent to Clara Byrd Baker Elementary School. Mr. Kinsman mentioned the beneficial aspect of this property to potentially support a building or expansion for Pre-K education. Mr. Kinsman informed the Board that the property contained an uninhabitable single-family residence, which would be removed if purchased. Mr. Kinsman stated the purchase price was \$175,000 for the property; however, an additional \$50,000 was included to aid in closing costs, removal of the uninhabitable structure, and clear any debris from the property. Mr. Kinsman welcomed any questions the Board might have.

I. BOARD REQUESTS AND DIRECTIVES

Mr. Icenhour stated on August 2, 2022, he attended the Riverside Doctors' Hospital for a groundbreaking ceremony for the new medical building. Mr. Icenhour mentioned on August 18, 2022, he and Ms. Larson attended the Virginia Association of Counties (VACo) Summit. Mr. Icenhour noted on August 28, 2022, he attended a Veterans of Foreign Wars Picnic which was held at Upper County Park and recognized Ms. Boarman's attendance. Mr. Icenhour further noted on August 29, 2022, he attended the Clean Business Awards with Ms. Sadler. Mr. Icenhour recognized Noah's Ark Veterinary Hospital as the recipient of the 2022 3rd Quarter Clean Business Award.

Mr. Hipple mentioned he attended the Bethel Restoration Center for a celebration of 41 years of service.

Ms. Larson stated she had attended the Williamsburg Tourism Council Financial meeting today, adding all records were open and available on the website. Ms. Larson requested if there were any concerns to contact her directly. Ms. Larson spoke about the upcoming open meeting which would be held on September 27 at Busch Gardens. Ms. Larson mentioned last week she volunteered at the Food Bank Elected Officials Day, adding donations were welcomed for the local food pantry. Ms. Larson noted she had attended the VACo Summit. Ms. Larson further noted she attended a Joint Meeting with the Williamsburg-James City County (WJCC) Schools regarding school safety.

Ms. Sadler stated she participated in the Virginia Peninsula Regional Jail meeting with Mr. Stevens. Ms. Sadler mentioned her attendance at the Clean Business Award with Mr. Icenhour. Ms. Sadler noted she had received an abundance of spam calls recently and wanted to alert the public to be aware and cautious.

Ms. Larson remarked vast majority of scammers targeted the vulnerable and elderly population.

Mr. McGlennon questioned the current state of the abandoned structures located at 7259 Merrimac Trail. Mr. McGlennon requested staff to provide information regarding code violations and/or safety concerns, in addition to the financial costs to bring those structures up to code. Mr. McGlennon expressed his enjoyment attending the National Night Out on August 2, 2022. Mr. McGlennon stated he attended a meeting in Grove regarding the Grove Community Park and other concerns within the community. Mr. McGlennon added there would be a follow-up community meeting for further discussion. Mr. McGlennon mentioned challenges at Kingspoint regarding replacement of Dominion Energy cables. Mr. McGlennon noted utility mismarking's introduced various errors and safety concerns. Mr. McGlennon suggested consideration to the General Assembly and/or State Corporation Commission to investigate Miss Utility to ensure it was serving community needs properly. Mr. McGlennon noted communication with the WJCC School Board in relation to Pre-K facilities. Mr. McGlennon further noted two or three Pre-K facilities would be constructed to accommodate approximately 500 students. Mr. McGlennon anticipated forward movement on that initiative.

Mr. McGlennon stated he attended a Joint Meeting with the WJCC Schools and City Council regarding school safety and security measures. Mr. McGlennon mentioned for public notification purposes that on September 19, 2022, from 6-8 p.m. at Laurel Lane Elementary School and September 21, 2022, from 12-2 p.m. at the Williamsburg Community Building, VDOT would be briefing the public on the Project Pipeline, adding public input was welcomed.

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Stevens addressed the Board noting he wanted to thank the Board for the approval of the Public Safety Personnel Salary Incentive Adjustment. Mr. Stevens mentioned several discussions with Chief Ashe, Chief Peterson, and Mr. Rinehimer on a solution that would make a difference. Mr. Stevens stated it was approximately \$1.2 million additional salary and benefit costs annually to the County. Mr. Stevens noted evaluations would be forthcoming to determine if the wage increase was sufficient. Mr. Stevens appreciated the Board's support regarding staff and safety related concerns. Mr. Stevens hoped this would allow recruitment and retention in order to fill the current vacancies within the Fire Department and Police Department. Mr. Stevens informed the Board there was a County Employee Engagement Survey and Department Climate Survey conducted and the anticipated timeframe to receive the feedback from those surveys. Mr. Stevens mentioned a public outreach opportunity on September 29, 2022, at 6 p.m. located at the James City County Recreation Center. Mr. Stevens indicated the Police Department would be present to discuss community safety events and awareness within the community, in addition to discussion on the trash collection and a new future government center based on the space needs study that was conducted in May of this year.

K. CLOSED SESSION

None.

L. ADJOURNMENT

1. Adjourn until 1 pm on September 27, 2022 for the Business Meeting

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

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

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

At approximately 6:58 p.m., Mr. McGlennon adjourned the Board of Supervisors.


Deputy Clerk