

A G E N D A
JAMES CITY COUNTY PLANNING COMMISSION
MARCH 1, 2004 - 7:00 p.m.

1. ROLL CALL
2. Minutes
 - A. February 2, 2004 Closed Session
 - B. February 2, 2004 Regular Meeting
3. COMMITTEE AND COMMISSION REPORTS
 - A. Development Review Committee (DRC) Report
 - B. Policy Committee – Streetscape Guidelines Policy Revision
 - C. DRC & Policy Committee Appointments
 - D. Other Reports
5. PUBLIC HEARINGS
 - A. Z-11-03 & MP-11-03 - Stonehouse Modifications
 - B. SUP-24-03 - Communications Tower - 3135 Forge Road
 - C. Z-1-04 & MP-2-04 - New Town Section 5
 - D. Capital Improvement Program
 - E. SUP-1-04 - STAT Services, Inc.
 - F. AFD-7-86 - Mill Creek Gulden Addition
 - G. SO-1-04 - Zoning Ordinance Amendment - Individual Sewers
 - H. Z-15-03 & MP-13-03 - Stonehouse Station at Norge
6. PLANNING DIRECTOR'S REPORT
7. ADJOURNMENT

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE SECOND DAY OF FEBRUARY, TWO-THOUSAND AND FOUR, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

A. Joe Poole, III
Peggy Wildman
Jack Fraley
Donald Hunt
Joseph McCleary
Wilford Kale
George Billups

ALSO PRESENT

Leo Rogers, Deputy County Attorney
O. Marvin Sowers, Jr., Planning Director
Toya Ricks, Administrative Services Coordinator
Christopher Johnson, Senior Planner
David Anderson, Senior Planner
Christy Parrish, Senior Zoning Officer
Matthew Arcieri, Planner

2. ANNUAL ORGANIZATION MEETING

A. ELECTION OF OFFICERS

Mr. Marvin Sowers opened the floor for nominations for Chairperson of the Planning Commission for the year 2004.

Mr. Donald Hunt nominated Mr. A. Joe Poole, III. There being no further nominations, the floor was closed. In a unanimous voice vote, Mr. Poole, III was elected Chairperson of the Planning Commission.

Mr. Poole, III asked if there were any nominations from the floor for Vice-Chair of the Planning Commission for the year 2004.

Mr. Wilford Kale nominated Mr. Hunt. Ms. Peggy Wildman nominated Mr. Joe McCleary. Mr. McCleary withdrew his name from consideration. There being no further nominations, the floor was closed. In a unanimous voice vote, Mr. Hunt was elected Vice-Chair of the Planning Commission.

B. COMMITTEE APPOINTMENTS

Mr. Poole, III notified members that current appointments to the Development Review Committee and the Policy Committee will stand through the month of February. New appointments will be made at the March meeting.

3. MINUTES

Mr. McCleary made a motion to approve the minutes of the meeting of January 12, 2004 with corrections.

Ms. Wildman seconded the motion.

In a unanimous voice vote the Commission approved the minutes with corrections.

4. COMMITTEE AND COMMISSION REPORT

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. Poole, III presented the report. The DRC granted approval to Wellington Section 5 with the exception of 12 lots which are subject to re-submitted plans addressing agency comments. Approval was also granted to Ford's Colony Section 5 with the condition that the proposed water facility provides for the

demands for all lots outside the Primary Service Area. The Committee recommended an exception be granted to allow an alternate septic system for 7262 Osprey Drive. Approval was also granted to New Town United Methodist Church for a modification of setbacks. WindsorMeade MarketPlace was granted approval subject to re-submitted plans addressing agency comments.

Mr. Kale made a motion to approve the DRC report.

Mr. Hunt seconded the motion.

In a unanimous voice vote the Commission approved the DRC report.

B. BUILDERS FOR THE BAY SITE PLANNING ROUNDTABLE

Mr. McCleary presented the report. The Builders for the Bay sponsored the first local site planning roundtable on January 23rd. Approximately 70 participants represented area developers and county agencies. The goal is to assist local jurisdictions in revising existing codes and ordinances to allow more environmentally sensitive site design to preserve and enhance more natural areas. The next meeting is scheduled for mid-March.

B. OTHER COMMITTEES

Mr. Kale, Policy Committee Chairman, notified members that the Policy Committee will hold its first of three meetings tomorrow to consider Capital Improvement Projects (CIP) for the upcoming year. Mr. Kale plans to provide an update at the March meeting.

5. PUBLIC HEARINGS

A. CASE NO. Z-11-03 & MP-11-03 Stonehouse Planned Community.

Mr. Matthew Arcieri stated that Mr. Greg Davis, on behalf of Stonehouse at Williamsburg LLC., requested the case be deferred until the March 1st meeting. The applicant requested more time to resolve outstanding issues regarding the Stonehouse master plan and proffers. Staff concurred with the request.

Mr. Poole, III opened the public hearing.

Hearing no requests to speak, Mr. Poole, III deferred the case until the March 1st meeting.

B. CASE NO. Z-9-03 Williamsburg Community Chapel Rezoning.
CASE NO. Z-12-03 Jamestown Hundred Proffer and Master Plan Amendment.
CASE NO. SUP-20-03 Jamestown Hundred Master Plan Amendment.

Mr. David Anderson stated that Mr. Craig Covey, on behalf of Williamsburg Community Chapel and Hampton Roads Development, has applied to rezone .965 acres for the infill development of three single family residential lots in the Jamestown Hundred Subdivision.

This application was unanimously deferred at the November 3, 2003 meeting to allow the applicant and the residents of Jamestown Hundred to reach a compromise. The parties were unable to reach an agreement. The applicant has revised the original proposal by eliminating one of the four proposed lots. Staff found that the conditions and proffers adequately address associated impacts and recommended approval.

Mr. A. Joe Poole, III opened the public hearing.

Mr. Lawrence Cumming, Kaufman and Canoles, represented Hampton Roads Development. The applicant has modified the original request to three and reduced the size of the adjoining lots near lots 4 and 5. Mr. Cumming noted that addendums advised buyers that the seller would not be bound by the statements of

others concerning future use or condition of adjoining property.

Mr. Kale and Mr. Cumming discussed who the real estate agents worked for and who would be responsible for any misrepresentations.

Mr. Kale asked if the addendum had been signed by all the Jamestown Hundred buyers.

Mr. Cumming answered yes.

Mr. Kale wanted to know what adjustments had been made to lots 4 & 5.

Mr. Cumming explained the adjustments.

Mr. Kale asked if any of the lots fronting the road near lots 11A and 11B had been sold.

Mr. Cummings stated that the area remains undeveloped at this time.

Mr. Fraley and Mr. Cummings discussed how the applicant calculated a net gain of only two lots.

Mr. Fraley asked if there had been any instances where a buyer did not sign the addendum or where changes had been initialled by the buyer and seller.

Mr. Cummings did not know of any such instances.

A general discussion ensued concerning the fairness of the document and potential buyers' reliance on the zoning of surrounding properties.

Mr. McCleary said there appeared to be little difference from the original proposal relative to open space.

Mr. Richard Costello, AES Consulting Engineers, explained the change in open space.

Mr. Stephen Bacon, 3220 Reades Way, submitted a copy of the declaration of restrictions for the community that refer to the parcels in question as designated open space.

Mr. Debra Gillilan, 3236 Reades Way, said a petition had been filed with the Army Corps of Engineers regarding the proposed road being constructed on wetlands.

Mr. Roxanne Womack, 3205 Reades Way, said she considered surrounding zoning before purchasing her home.

Mr. Ralph Harshbarger, 3252 Reades Way, gave a summary of the negotiations between the developer and homeowners.

Mr. Craig Covey, on behalf of Williamsburg Community Chapel, explained how the proposal will benefit the Chapel and the community.

Hearing no other requests to speak, Mr. Poole, III closed the public hearing.

Mr. Kale asked how the declaration of restrictions will impact construction of the access road.

Mr. Cummings said the Corps of Engineers and James City County must approve the installation of the access road.

Mr. Kale asked if Mr. Covey had any additional information to add.

Mr. Covey said the Board did approve a vacation of the County's easement to allow construction.

They are still in negotiations with the Corps of Engineers.

Mr. McCleary made motion to amend the application by including additional conditions.

There was a discussion concerning whether or not approval of this application would allow for construction of the access road.

Mr. Rogers confirmed that the Board agreed to a land swap of easements only. The road would still require Site Plan and Army Corp. of Engineers approval.

Mr. Hunt clarified the location of the proposed access road.

Mr. Billups did not support amending the application.

In a voice vote the amendment was approved 5-2, AYE (5): Poole, Wildman, McCleary, Kale, Fraley; NAY (2): Billups, Hunt.

Mr. McCleary made a motion to approve the application as amended.

Ms. Wildman seconded the motion.

In a roll call vote the application was approved 6-1, AYE (6): Poole, Wildman, McCleary, Kale, Fraley, Hunt; NAY (1): Billups.

C. SUP-30-03 – Chesapeake Bank.

Mr. Christopher Johnson stated that Mr. Marshall Warner, on behalf of Chesapeake Bank, has applied for a special use permit to allow the construction a bank with a drive-thru and ATM. A bank is a by-right use in the B-1, General Business zoning district; however, a commercial Special Use Permit is required for any use which generates more than 75 peak hour vehicle trips.

Staff found the proposal consistent with surrounding zoning and development and consistent with the Comprehensive Plan. Staff recommended approval of the application and attached conditions.

Mr. A. Joe Poole, III opened the public hearing.

Mr. Vernon Geddy, represented the applicant. Mr. Geddy agreed with the staff report and conditions.

Mr. Kale asked if the proposal would utilize the vacant former “Buffeteria” building.

Mr. Jim Bennett, AES Consulting Engineers, said it was not a part of the project.

Mr. Hunt made a motion to approve the application.

Mr. Kale seconded the motion.

In a unanimous roll call vote the application was approved 7-0, AYE: (7) Billups, Poole, Wildman, Kale; Hunt, Hagee, McCleary; NAY: (0).

C. ZO-3-03 – Zoning Ordinance Amendment.

Ms. Christy Parrish presented the staff report. Staff requested to forward an amendment to exempt signs from the Zoning Ordinance which are within nonresidential developments in any zoning district that are not visible from a public road or abutting property line. Staff recommended approval.

Mr. A. Joe Poole, III opened the public hearing.

Ms. Jackie Wilder, Jamestown High School Parent Teachers Association, showed a photo of the sign students want to erect. She explained how it would be utilized.

Hearing no other requests to speak, Mr. Poole, III closed the public hearing.

Mr. McCleary made a motion to approve the request.

Ms. Wildman seconded the motion.

In a unanimous roll call vote the application was approved 7-0; AYE: (7) Poole, McCleary, Hagee, Hunt, Kale, Billups, Wildman; NAY: (0)

E. SUP-24-03 - Communications Tower - 3135 Forge Road
SUP-27-03 - Communications Tower - 129 Industrial Boulevard.

Mr. Matthew Arcieri presented the staff report. The applicant was still working on the location of the 3135 Forge Road tower and therefore requested deferral of SUP-24-03.

Mr. Richard Miller, James City County Fire Chief, has applied for a special use permit to allow for the construction of a 380-foot communication tower serving as part of the JCC 800-NHZ trunked radio system.

Staff found the proposal generally consistent with the County's Performance Standards for Wireless Communications Facilities and the 2003 Comprehensive Plan. In such cases where the proposal does not satisfy the criteria, exceptions have been made in the interest of public safety. Staff recommended approval.

Mr. A. Joe Poole, III opened the public hearing.

Mr. Kale questioned the close proximity of two of the towers.

Chief Miller explained that one tower will relay communications and the others towers.

Mr. Hunt asked if the existing tower at the EOC building be torn down.

Chief Miller said it would be torn down and replaced with a shorter one.

Mr. John Dodgemeyer, Owens Brockway, was concerned about possible impacts on their operations.

Chief Miller said he will have Motorola contact Mr. Dodgemeyer.

Mr. Hunt and Chief Miller discussed the antennas that will be on top of the towers.

Chief Miller said the antennas will be at the top.

Hearing no other requests to speak, Mr. Poole, III closed the public hearing.

Ms. Wildman made a motion to approve the application.

Mr. McCleary seconded the motion.

In a unanimous roll call vote the application was approved 7:0; AYE: (7) Poole, McCleary, Hagee, Hunt, Kale, Billups, Wildman; NAY: (0).

F. Z-15-03 & MP-13-03 - Stonehouse Station at Norge.

Mr. Matthew Arcieri presented the staff report. Ms. Lou Rowland has applied to rezone approximately 10.167 acres from B-1, General Business to R-5, Multifamily Residential, with proffers. The application seeks to allow for the construction of up to 104 affordable rent apartments.

Staff found the proposal consistent with the Comprehensive Plan and meets a need for affordable housing in the County. Staff recommended approval of the application and proffers.

Mr. A. Joe Poole, III opened the public hearing.

Ms. Lou Rowland outlined the history, services and credentials of Ripley-Heatwole. She showed photos of other Ripley-Heatwole developments.

Mr. Vernon Geddy agreed with the staff report. He said the proposed use will bring the property in-line with the Comprehensive Plan. Mr. Geddy said the most important benefit of the project is that it will help meet the County's need for affordable housing.

Mr. Billups asked if the project will create jobs for County citizens.

Ms. Rowland said local sub-contractors would be hired for construction. In addition 5 permanent positions will be created.

Ms. Wildman and Mr. Kale expressed their views on the material used for the soft trail.

Mr. Jim Stam, Stonehouse District Citizens Association, expressed concerns about safety due to the proximity of the railroad tracks and a bridge.

Mr. Jack Fitzpatrick, Mirror Lakes, detailed his concerns about crime and safety.

Mr. Tony Dion, 102 Fairmount Drive, wanted to know project's impact on property values, crime rates, and fiscal impacts to the County.

Mr. Jim Brown, 4 Longleaf Circle, felt the project was not a good mix for the area.

Mr. Robert Howe, 204 Plainsview Road, disagreed with projections on the number of school-age children.

Hearing no other requests to speak, Mr. Poole, III closed the public hearing.

Mr. Poole did not support rezoning this area to residential. He was also concerned about the impacts to traffic and schools.

Mr. McCleary said the Comprehensive Plan has designated this property as residential since 1991.

Mr. Fraley was concerned about the proximity to a railroad track.

Mr. Kale said there are numerous developments that abut the tracks. He questioned the accuracy of the school projections. He suggested a deferral to answer some of the questions raised.

Mr. Hunt and Mr. Fraley supported a deferral for more information.

Mr. Billups asked for documentation on impacts to county agencies. He also wanted to see affordable housing dispersed throughout the County not localized in the Norge area. Mr. Billups felt the need is for low-income housing not affordable housing.

Ms. Wildman echoed Mr. Fitzpatrick's concerns regarding safety. She agreed with a deferral.

Mr. Poole, III summarized the items members wanted to see addressed by the applicant.

Mr. Geddy said there is a March 31st deadline for application for tax credits. He requested the case be pre-advertised for the March Board of Supervisors meeting.

Mr. Kale made a motion to defer the application.

Mr. Billups seconded the motion.

In a unanimous roll call vote the application was deferred 7:0; AYE: (7) McCleary, Hagee, Hunt, Kale, Billups, Poole NAY (0).

G. Z-14-03 & MP-1-04 Powhatan Secondary Proffer Amendment.

Mr. David Anderson presented the staff report. Mr. Lawrence Beamer, on behalf of Powhatan Enterprises, Inc., has applied to amend the existing proffers to allow commercial/office development generating up to 1,504 vehicles per day.

This case was deferred at the January 12th meeting to allow the applicant and adjacent property owners to resolve issues raised at that meeting. The parties met and were able to resolve those issues.

Staff found the proffer amendment consistent with the surround area and compatible with the Comprehensive Plan. Staff recommended approval.

Mr. Fraley asked about the status of issues relative to traffic impacts.

Mr. Anderson said Virginia Department of Transportation (VDOT) will require a traffic study at the time of site plan application that will address those issues.

Mr. Kale asked for clarity on the transference of traffic counts.

Mr. Anderson said the applicant could address Mr. Kale's question.

Mr. A. Joe Poole, III opened the public hearing.

Mr. Tim Trant, Kaufman and Canoles, agreed with the staff report. He highlighted the applicant's cooperation with adjacent owners. He also clarified the source of the additional traffic density.

Mr. Rogers brought to the Commissioners attention the need to change proffer number 4 regarding the landscape berm.

Mr. Kale asked if the commercial area would use both curb cuts onto News road.

Mr. Trant said that was correct.

Hearing no other requests to speak, Mr. Poole, III closed the public hearing.

Mr. Hunt made a motion to approve the application with the understanding that staff and the applicant while resolve proffer number 4 prior to the Board of Supervisors hearing.

Mr. McCleary seconded the motion.

In a roll call vote the application was approved 7:0; AYE: (7) McCleary, Hagee, Hunt, Kale, Billups, Wildman; Poole NAY (0).

6. PLANNING DIRECTOR'S REPORT

Mr. Marvin Sowers presented the report. He said that he had discussions with Mr. McCleary concerning Mr. Billups' desire to have more information from agencies included along with staff reports.

7. ADJOURNMENT

There being no further business, the February 2, 2004, meeting of the Planning Commission was recessed at approximately 10:45 p.m.

A. Joe Poole, III, Chairman

O. Marvin Sowers, Jr., Secretary

A CLOSED MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE SECOND DAY OF FEBRUARY, TWO-THOUSAND AND FOUR, AT 6:30 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

A. Joe Poole, III	Joseph McCleary
Peggy Wildman	Wilford Kale
Jack Fraley	George Billups
Donald Hunt	O. Marvin Sowers

2. ANNUAL ORGANIZATION MEETING

At 6:30 p.m., Mr. Poole recommended that the Commission go into Closed Session pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia to consider personnel matters, the nominations for Commission Chairman and Vice Chairman, and consideration of appointment to Commission committee.

At 7:00 p.m., Mr. Poole reconvened the Commission into Open Session.

Mr. Kale made a motion to adopt the Closed Session resolution.

Mr. Billups seconded the motion.

In a unanimous roll call vote the resolution was approved 7-0. AYE: (7), Poole, Wildman, Kale, McCleary, Farley, Billups, Hunt; NAY: (0).

RESOLUTION

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Planning Commission of James City County, Virginia, (Commission) has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Commission that such closed meeting was conducted in conformity with Virginia Law.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia, hereby certifies that, to the best of each member's knowledge; (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and (ii) only such public business matters were heard, discussed, or considered by the Commission as were identified in the motion, made pursuant to Section 2.2-3711 (A)(1), to consider the nomination of Chairman and Vice-Chairman and consideration of appointments of Commission committees.

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1. ROLL CALL

A. Joe Poole, III
Peggy Wildman
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Joseph McCleary
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George Billups

ALSO PRESENT

Leo Rogers, Deputy County Attorney
O. Marvin Sowers, Jr., Planning Director
Toya Ricks, Administrative Services Coordinator
Christopher Johnson, Senior Planner
David Anderson, Senior Planner
Christy Parrish, Senior Zoning Officer
Matthew Arcieri, Planner

2. ANNUAL ORGANIZATION MEETING

A. ELECTION OF OFFICERS

Mr. Marvin Sowers opened the floor for nominations for Chairperson of the Planning Commission for the year 2004.

Mr. Donald Hunt nominated Mr. A. Joe Poole, III. There being no further nominations, the floor was closed. In a unanimous voice vote, Mr. Poole, III was elected Chairperson of the Planning Commission.

Mr. Poole, III asked if there were any nominations from the floor for Vice-Chair of the Planning Commission for the year 2004.

Mr. Wilford Kale nominated Mr. Hunt. Ms. Peggy Wildman nominated Mr. Joe McCleary. Mr. McCleary withdrew his name from consideration. There being no further nominations, the floor was closed. In a unanimous voice vote, Mr. Hunt was elected Vice-Chair of the Planning Commission.

B. COMMITTEE APPOINTMENTS

Mr. Poole, III notified members that current appointments to the Development Review Committee and the Policy Committee will stand through the month of February. New appointments will be made at the March meeting.

3. MINUTES

Mr. McCleary made a motion to approve the minutes of the meeting of January 12, 2004 with corrections.

Ms. Wildman seconded the motion.

In a unanimous voice vote the Commission approved the minutes with corrections.

4. COMMITTEE AND COMMISSION REPORT

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. Poole, III presented the report. The DRC granted approval to Wellington Section 5 with the exception of 12 lots which are subject to re-submitted plans addressing agency comments. Approval was also granted to Ford's Colony Section 5 with the condition that the proposed water facility provides for the

demands for all lots outside the Primary Service Area. The Committee recommended an exception be granted to allow an alternate septic system for 7262 Osprey Drive. Approval was also granted to New Town United Methodist Church for a modification of setbacks. WindsorMeade MarketPlace was granted approval subject to re-submitted plans addressing agency comments.

Mr. Kale made a motion to approve the DRC report.

Mr. Hunt seconded the motion.

In a unanimous voice vote the Commission approved the DRC report.

B. BUILDERS FOR THE BAY SITE PLANNING ROUNDTABLE

Mr. McCleary presented the report. The Builders for the Bay sponsored the first local site planning roundtable on January 23rd. Approximately 70 participants represented area developers and county agencies. The goal is to assist local jurisdictions in revising existing codes and ordinances to allow more environmentally sensitive site design to preserve and enhance more natural areas. The next meeting is scheduled for mid-March.

B. OTHER COMMITTEES

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5. PUBLIC HEARINGS

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Mr. Matthew Arcieri stated that Mr. Greg Davis, on behalf of Stonehouse at Williamsburg LLC., requested the case be deferred until the March 1st meeting. The applicant requested more time to resolve outstanding issues regarding the Stonehouse master plan and proffers. Staff concurred with the request.

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others concerning future use or condition of adjoining property.

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Mr. Kale asked if any of the lots fronting the road near lots 11A and 11B had been sold.

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Mr. Craig Covey, on behalf of Williamsburg Community Chapel, explained how the proposal will benefit the Chapel and the community.

Hearing no other requests to speak, Mr. Poole, III closed the public hearing.

Mr. Kale asked how the declaration of restrictions will impact construction of the access road.

Mr. Cummings said the Corps of Engineers and James City County must approve the installation of the access road.

Mr. Kale asked if Mr. Covey had any additional information to add.

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They are still in negotiations with the Corps of Engineers.

Mr. McCleary made motion to amend the application by including additional conditions.

There was a discussion concerning whether or not approval of this application would allow for construction of the access road.

Mr. Rogers confirmed that the Board agreed to a land swap of easements only. The road would still require Site Plan and Army Corp. of Engineers approval.

Mr. Hunt clarified the location of the proposed access road.

Mr. Billups did not support amending the application.

In a voice vote the amendment was approved 5-2, AYE (5): Poole, Wildman, McCleary, Kale, Fraley; NAY (2): Billups, Hunt.

Mr. McCleary made a motion to approve the application as amended.

Ms. Wildman seconded the motion.

In a roll call vote the application was approved 6-1, AYE (6): Poole, Wildman, McCleary, Kale, Fraley, Hunt; NAY (1): Billups.

C. SUP-30-03 – Chesapeake Bank.

Mr. Christopher Johnson stated that Mr. Marshall Warner, on behalf of Chesapeake Bank, has applied for a special use permit to allow the construction a bank with a drive-thru and ATM. A bank is a by-right use in the B-1, General Business zoning district; however, a commercial Special Use Permit is required for any use which generates more than 75 peak hour vehicle trips.

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Mr. Kale asked if the proposal would utilize the vacant former “Buffeteria” building.

Mr. Jim Bennett, AES Consulting Engineers, said it was not a part of the project.

Mr. Hunt made a motion to approve the application.

Mr. Kale seconded the motion.

In a unanimous roll call vote the application was approved 7-0, AYE: (7) Billups, Poole, Wildman, Kale; Hunt, Hagee, McCleary; NAY: (0).

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Ms. Christy Parrish presented the staff report. Staff requested to forward an amendment to exempt signs from the Zoning Ordinance which are within nonresidential developments in any zoning district that are not visible from a public road or abutting property line. Staff recommended approval.

Mr. A. Joe Poole, III opened the public hearing.

Ms. Jackie Wilder, Jamestown High School Parent Teachers Association, showed a photo of the sign students want to erect. She explained how it would be utilized.

Hearing no other requests to speak, Mr. Poole, III closed the public hearing.

Mr. McCleary made a motion to approve the request.

Ms. Wildman seconded the motion.

In a unanimous roll call vote the application was approved 7-0; AYE: (7) Poole, McCleary, Hagee, Hunt, Kale, Billups, Wildman; NAY: (0)

E. SUP-24-03 - Communications Tower - 3135 Forge Road
SUP-27-03 - Communications Tower - 129 Industrial Boulevard.

Mr. Matthew Arcieri presented the staff report. The applicant was still working on the location of the 3135 Forge Road tower and therefore requested deferral of SUP-24-03.

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Mr. Hunt and Chief Miller discussed the antennas that will be on top of the towers.

Chief Miller said the antennas will be at the top.

Hearing no other requests to speak, Mr. Poole, III closed the public hearing.

Ms. Wildman made a motion to approve the application.

Mr. McCleary seconded the motion.

In a unanimous roll call vote the application was approved 7:0; AYE: (7) Poole, McCleary, Hagee, Hunt, Kale, Billups, Wildman; NAY: (0).

F. Z-15-03 & MP-13-03 - Stonehouse Station at Norge.

Mr. Matthew Arcieri presented the staff report. Ms. Lou Rowland has applied to rezone approximately 10.167 acres from B-1, General Business to R-5, Multifamily Residential, with proffers. The application seeks to allow for the construction of up to 104 affordable rent apartments.

Staff found the proposal consistent with the Comprehensive Plan and meets a need for affordable housing in the County. Staff recommended approval of the application and proffers.

Mr. A. Joe Poole, III opened the public hearing.

Ms. Lou Rowland outlined the history, services and credentials of Ripley-Heatwole. She showed photos of other Ripley-Heatwole developments.

Mr. Vernon Geddy agreed with the staff report. He said the proposed use will bring the property in-line with the Comprehensive Plan. Mr. Geddy said the most important benefit of the project is that it will help meet the County's need for affordable housing.

Mr. Billups asked if the project will create jobs for County citizens.

Ms. Rowland said local sub-contractors would be hired for construction. In addition 5 permanent positions will be created.

Ms. Wildman and Mr. Kale expressed their views on the material used for the soft trail.

Mr. Jim Stam, Stonehouse District Citizens Association, expressed concerns about safety due to the proximity of the railroad tracks and a bridge.

Mr. Jack Fitzpatrick, Mirror Lakes, detailed his concerns about crime and safety.

Mr. Tony Dion, 102 Fairmount Drive, wanted to know project's impact on property values, crime rates, and fiscal impacts to the County.

Mr. Jim Brown, 4 Longleaf Circle, felt the project was not a good mix for the area.

Mr. Robert Howe, 204 Plainsview Road, disagreed with projections on the number of school-age children.

Hearing no other requests to speak, Mr. Poole, III closed the public hearing.

Mr. Poole did not support rezoning this area to residential. He was also concerned about the impacts to traffic and schools.

Mr. McCleary said the Comprehensive Plan has designated this property as residential since 1991.

Mr. Fraley was concerned about the proximity to a railroad track.

Mr. Kale said there are numerous developments that abut the tracks. He questioned the accuracy of the school projections. He suggested a deferral to answer some of the questions raised.

Mr. Hunt and Mr. Fraley supported a deferral for more information.

Mr. Billups asked for documentation on impacts to county agencies. He also wanted to see affordable housing dispersed throughout the County not localized in the Norge area. Mr. Billups felt the need is for low-income housing not affordable housing.

Ms. Wildman echoed Mr. Fitzpatrick's concerns regarding safety. She agreed with a deferral.

Mr. Poole, III summarized the items members wanted to see addressed by the applicant.

Mr. Geddy said there is a March 31st deadline for application for tax credits. He requested the case be pre-advertised for the March Board of Supervisors meeting.

Mr. Kale made a motion to defer the application.

Mr. Billups seconded the motion.

In a unanimous roll call vote the application was deferred 7:0; AYE: (7) McCleary, Hagee, Hunt, Kale, Billups, Poole NAY (0).

G. Z-14-03 & MP-1-04 Powhatan Secondary Proffer Amendment.

Mr. David Anderson presented the staff report. Mr. Lawrence Beamer, on behalf of Powhatan Enterprises, Inc., has applied to amend the existing proffers to allow commercial/office development generating up to 1,504 vehicles per day.

This case was deferred at the January 12th meeting to allow the applicant and adjacent property owners to resolve issues raised at that meeting. The parties met and were able to resolve those issues.

Staff found the proffer amendment consistent with the surround area and compatible with the Comprehensive Plan. Staff recommended approval.

Mr. Fraley asked about the status of issues relative to traffic impacts.

Mr. Anderson said Virginia Department of Transportation (VDOT) will require a traffic study at the time of site plan application that will address those issues.

Mr. Kale asked for clarity on the transference of traffic counts.

Mr. Anderson said the applicant could address Mr. Kale's question.

Mr. A. Joe Poole, III opened the public hearing.

Mr. Tim Trant, Kaufman and Canoles, agreed with the staff report. He highlighted the applicant's cooperation with adjacent owners. He also clarified the source of the additional traffic density.

Mr. Rogers brought to the Commissioners attention the need to change proffer number 4 regarding the landscape berm.

Mr. Kale asked if the commercial area would use both curb cuts onto News road.

Mr. Trant said that was correct.

Hearing no other requests to speak, Mr. Poole, III closed the public hearing.

Mr. Hunt made a motion to approve the application with the understanding that staff and the applicant while resolve proffer number 4 prior to the Board of Supervisors hearing.

Mr. McCleary seconded the motion.

In a roll call vote the application was approved 7:0; AYE: (7) McCleary, Hagee, Hunt, Kale, Billups, Wildman; Poole NAY (0).

6. PLANNING DIRECTOR'S REPORT

Mr. Marvin Sowers presented the report. He said that he had discussions with Mr. McCleary concerning Mr. Billups' desire to have more information from agencies included along with staff reports.

7. ADJOURNMENT

There being no further business, the February 2, 2004, meeting of the Planning Commission was recessed at approximately 10:45 p.m.

A. Joe Poole, III, Chairman

O. Marvin Sowers, Jr., Secretary

**JAMES CITY COUNTY
DEVELOPMENT REVIEW COMMITTEE REPORT**

FROM: 2/1/2004 THROUGH: 2/25/2004

I. SITE PLANS

A. PENDING PRELIMINARY APPROVAL

SP-087-01	The Vineyards Ph. 3 at Jockey's Neck
SP-089-01	Ewell Station Storm Water Management Fac. Mod.
SP-116-01	Powhatan Secondary - Ph. 7, Sanitary Sewer Ext.
SP-112-02	Ford's Colony Recreation Park
SP-045-03	Noah's Ark Vet Hospital SP Amendment
SP-052-03	Kingsmill Access Ramp for Pool Access Bldg.
SP-056-03	Shell Building - James River Commerce Center
SP-063-03	District Park Sports Complex Parking Lot Expansion
SP-077-03	JCC Courthouse Bioretention Demonstration Project
SP-079-03	Tequila Rose Walk-in Cooler
SP-082-03	Williamsburg Winery-Gabriel Archer Tavern
SP-086-03	Colonial Heritage Golf Course
SP-087-03	Busch Gardens Maintenance Storage Building
SP-095-03	KTR Stonemart
SP-108-03	Fieldstone Parkway Extension
SP-127-03	New Town - Old Point National Bank
SP-129-03	Busch Gardens Oktoberfest Expansion
SP-131-03	Colonial Heritage Ph. 2, Sec. 1
SP-132-03	Windy Hill Market Gas Pumps & Canopy SP Amendment
SP-136-03	GreenMount Industrial Park Road Extension
SP-139-03	New Town Block 8, Ph. 1
SP-140-03	Pocahontas Square
SP-145-03	Williamsburg National 13 Course Expansion
SP-150-03	WindsorMeade Marketplace
SP-001-04	Strawberry Plains Center
SP-003-04	WindsorMeade Villas
SP-004-04	WindsorMeade - Windsor Hall
SP-005-04	WindsorMeade - Villa Entrance and Sewer Const.
SP-006-04	Williamsburg Christian Retreat Center SP Amend.
SP-009-04	Colonial Heritage Ph. 1, Sec. 3
SP-012-04	Tequila Rose Restaurant 2
SP-013-04	Gabriel Archer - Williamsburg Winery - Amendment
SP-014-04	Action Park of Williamsburg Ride
SP-015-04	New Town - Sec. 4, Ph. 2 Infrastructure

B. PENDING FINAL APPROVAL

SP-061-02	Powhatan Plantation Recreation Bldg Amd
SP-005-03	Hankins Farm Water and Sewer Extension

EXPIRE DATE

6 /18/2004
5 /27/2004

Wednesday, February 25, 2004

Page 1 of 4

SP-009-03	Energy Services Group Metal Fabrication Shop	11/14/2004
SP-035-03	Prime Outlets, Ph. 5-A & 5-B - SP Amendment	4 /30/2004
SP-049-03	James River Commerce Center Columbia Drive	5 /19/2004
SP-050-03	Wmbg-Jamestown Airport T-Hanger & Parking Exp.	7 /29/2004
SP-053-03	George Nice & Sons Fill Project	8 /8 /2004
SP-091-03	Colonial Heritage Ph. 1, Sec. 5	8 /4 /2004
SP-092-03	Ford's Colony - Westbury Park, Recreation Area #2	9 /8 /2004
SP-114-03	Thayer-Smith Self Storage	10/2 /2004
SP-116-03	Kingsmill - Armistead Point	11/19/2004
SP-130-03	Wythe-Will Distributing Company, LLC	11/12/2004
SP-134-03	Ironbound Center 4	12/15/2004
SP-138-03	New Town - Prudential-McCardle Office Building	12/29/2004
SP-141-03	Colonial Heritage - Ph. 2, Sec. 3	1 /12/2005
SP-143-03	New Town - United Methodist Church	1 /12/2005
SP-144-03	Building Specialities Warehouse Expansion	1 /16/2005
SP-147-03	J.H. Fisher Offices and Warehouse	1 /22/2005
SP-002-04	Ironbound Village Ph. 2	2 /17/2005

C. FINAL APPROVAL

DATE

SP-015-03	Monticello Woods Community Center	2 /2 /2004
SP-075-03	James City County Fire Station No.2	2 /18/2004
SP-089-03	Ford's Colony - Country Club Redevelopment Plans	2 /25/2004
SP-112-03	Faith Baptist Church Recreation Building	2 /5 /2004
SP-128-03	Monster Storage	2 /4 /2004
SP-135-03	Custom Culinary Connections	2 /2 /2004
SP-007-04	Busch Gardens - Emporium SP Amendment	2 /2 /2004
SP-008-04	Powhatan Plantation Maintenance Building Amendment	2 /13/2004
SP-010-04	Action Park Picnic Pavilion	2 /6 /2004
SP-011-04	Unitarian Universalists - Parking Lot	2 /13/2004

II. SUBDIVISION PLANS

A. PENDING PRELIMINARY APPROVAL

S-104-98	Skiffes Creek Indus. Park, VA Trusses, Lots 1,2,4
S-013-99	JCSA Mission Bank ROW Acquisition
S-074-99	Longhill Station, Sec. 2B
S-110-99	George White & City of Newport News BLA
S-091-00	Greensprings West, Plat of Subdv Parcel A&B
S-032-01	Subdivision and BLE Plat of New Town AssociatesLLC
S-008-02	James F. & Celia Ann Cowles Subdivision
S-031-02	Bruce's Super Body Shop, Lot 2 subdivision
S-086-02	The Vineyards Ph. 3 BLA Lots 1, 5-9, 52
S-058-03	Ford's Colony - Sec. 10, 171-172
S-062-03	Hicks Island - Hazelwood Subdivision
S-063-03	102 Lands End BLA + BLE
S-066-03	Stonehouse, BLA & BLE Parcel B1 and Lot 1, Sec. 1A
S-067-03	Ford's Colony Sec. 33, Lots 1-49
S-083-03	Columbia Drive Subdivision
S-091-03	Village Housing at the Vineyards Ph. 3, Lot 36- 37
S-094-03	Brandon Woods Parkway ROW
S-097-03	Stonehouse Community Recreation Center 2-D
S-098-03	Stonehouse Glen, Sec. 1
S-099-03	Wellington, Sec. 5
S-100-03	Colonial Heritage Ph. 2, Sec. 1
S-101-03	Ford's Colony - Sec. 35
S-107-03	Stonehouse Conservation Easement Extinguishment
S-108-03	Leighton-Herrmann Family Subdivision
S-113-03	7260 Osprey Drive Subdivision
S-115-03	Eagle Tree Farm Lot 12
S-116-03	Stonehouse Glen, Sec. 2
S-002-04	The Settlement at Monticello (Hiden)
S-003-04	Monticello Avenue ROW plat for VDOT
S-004-04	Monticello Woods, Lot 40A
S-006-04	Colonial Heritage - Ph. 1, Sec. 3 & 3A
S-007-04	Druid Hills, Sec. D Resubdivision
S-008-04	Lake Powell Forest Ph. 6
S-009-04	Colonial Heritage Public Use Site B
S-011-04	The Vineyards - Ph. 3, Lot 1
S-012-04	New Town - Block 2, Parcel E
S-013-04	Wexford Hills Ph. 2
S-014-04	Aberdeen BLE
S-015-04	170 Racefield Drive Subdivision
S-016-04	Building Specialities BLE

B. PENDING FINAL APPROVAL

		EXPIRE DATE
S-037-02	Village Housing at the Vineyards, Ph. 3	5 /5 /2004
S-039-02	Powhatan Secondary, Ph. 6-C	5 /8 /2004
S-052-02	The Retreat--Fence Amendment	6 /18/2004
S-076-02	Marion Taylor Subdivision	10/3 /2004
S-094-02	Powhatan Secondary Ph. 7-C	12/30/2004
S-108-02	Scott's Pond, Sec. 3	1 /13/2005
S-021-03	Stonehouse Sec. 2-C Easements	5 /2 /2004
S-033-03	Fenwick Hills, Sec. 2	10/31/2004
S-044-03	Fenwick Hills, Sec. 3	6 /25/2004
S-049-03	Peleg's Point, Sec. 5	7 /3 /2004
S-055-03	Colonial Heritage Ph. 1, Sec. 5	8 /4 /2004
S-056-03	Colonial Heritage Ph. 1, Sec. 4	9 /23/2004
S-057-03	Ford's Colony - Sec. 34	8 /19/2004
S-068-03	Williamsburg Farms	12/18/2004
S-073-03	Colonial Heritage Ph. 2, Sec. 2	10/6 /2004
S-076-03	Wellington, Sec. 4	11/3 /2004
S-077-03	James Terrace, Sec. 10, Lots 4-6	10/1 /2004
S-078-03	Monticello Woods - Ph. 2	11/3 /2004
S-084-03	Liberty Property Limited Partnership	10/23/2004
S-106-03	Colonial Heritage Ph. 2, Sec. 3	1 /12/2005
S-001-04	Ironbound Village Ph. 2, Parcel 2	2 /17/2005

C. FINAL APPROVAL

		DATE
S-037-01	Wellington Sec. 2 & 3 Construction Plans	2 /3 /2004
S-008-03	Norge-Fenton Mill BLA	2 /17/2004
S-092-03	Plat of Subdivision and BLA Ford's Colony	2 /25/2004
S-109-03	Eagle Tree Farms Lot 13 Resubdivision	2 /20/2004
S-114-03	New Town - Block 2, Parcel F	2 /2 /2004
S-005-04	Monticello Woods BLA Lots 6, 7 & 8	2 /3 /2004
S-010-04	Ford's Colony - Sec. 10, Lot 118 BLA	2 /23/2004

D. EXPIRED**EXPIRE DATE**

DEVELOPMENT REVIEW COMMITTEE ACTION REPORT
Meeting of February 25, 2004

Case No. C-032-04

JCC Communications Towers

Mr. Richard Miller of James City County Fire Department has submitted a conceptual plan proposing three communications towers. The first, a 280-foot tower, would be located at the Virginia Peninsula Regional Jail. Two others, both 380-foot towers, would be located in the Hankins Industrial Park and James City County Landfill. The parcels, respectively, are further identified as parcel (1-11) on James City County Tax Map (60-1), parcel (1-4) on Tax Map (12-4), and parcel (1-62A) on Tax Map (12-4). DRC review is necessary as Section 15.2-2232 of the Virginia State Code requires Planning Commission review of any public area, facility or use not shown on the adopted Comprehensive Plan.

DRC Action: The DRC unanimously found the proposed towers consistent with the County Comprehensive Plan.

Case No. S-006-04/SP-009-04

Colonial Heritage, Phase 1, Sections 3 & 3A

Mr. Richard Smith of AES Consulting Engineers, on behalf of U.S. Homes, submitted a subdivision/site plan proposing an 86-lot subdivision (comprised of a mix of single-family detached, single-family attached, duplex, and triplex residential units) on Richmond Road across from the Williamsburg Pottery. The parcel for subdivision is further identified as parcel (1-32) on James City County Tax Map (24-3). The case requires DRC review because the subdivision proposes more than 50 residential lots.

DRC Action: The DRC recommended that the Planning Commission grant preliminary approval subject to agency comments.

Case No. SP-129-03

Busch Gardens Oktoberfest Expansion

Mr. Ronnie Orsborne of LandMark Design Group, on behalf of Busch Entertainment Corporation, submitted a site plan for an approximately 40,000 square foot pre-manufactured metal building to contain a state-of-the-art amusement attraction. The parcel is further identified as parcels (1-9) on James City County Tax Map (51-4). The case requires DRC review as the total floor area the new building exceeds 30,000 square feet.

DRC Action: The DRC recommended that preliminary approval be granted for the project subject to agency comments.

Brandon Woods Temporary Sales Sign Extension Request

Mr. Larry Cooke submitted a request for an extension for temporary sales sign located at the entrance of the Brandon Woods subdivision. The parcel is further identified as (2-1A) on parcel (47-1). DRC review is necessary since the DRC originally approved the temporary sales sign at its February 2003 meeting.

DRC Action: The DRC voted approval of the Brandon Woods Sign Request but lengthened the extension to 24 months instead of 12 months.

Case No. SP-003-04

WindsorMeade Villas

Mr. Jason Grimes of AES Consulting Engineers, on behalf of Virginia United Methodists Homes, Inc., has submitted a site plan for 96 single family units and a club house west of Route 199 with an entrance from Monticello Avenue. The parcel is further identified as parcel (1-34A) on James City County Tax Map (38-3). DRC review is necessary because the development proposes a group of buildings which contain a floor area that exceed 30,000 square feet.

DRC Action: The DRC recommended preliminary approval of the site plan.

Case No. SP-004-04

WindsorMeade – Windsor Hall

Mr. Jason Grimes of AES Consulting Engineers, on behalf of Virginia United Methodists Homes, Inc., has submitted a site plan for a 121,000 square foot residential facility containing 94 apartments, 16 assisted living units, a 24-bed dementia facility and a 20-bed skilled nursing facility on WindsorMeade Way. The parcel is further identified as parcel (1-34) on James City County Tax Map (38-3). DRC review is necessary because the site plan proposes a building whose floor area exceeds 30,000 square feet.

DRC Action: The DRC unanimously recommended preliminary approval subject to agency comments.

Case No. C-007-03

New Town: Town Center Parking Overview

Mr. Larry Salzman of New Town Associates submitted a conceptual plan outlining the general parking arrangements for Block 2 and Block 5 buildings within New Town. The parcel is further identified as parcel (1-50) on James City County Tax Map (38-4). DRC review is necessary to allow for general off-site parking and shared parking for all Block 2 and Block 5 buildings and to establish a quarterly process to automatically review off-site and shared parking at New Town.

DRC Action: The DRC recommended approval of the plan.

Case No. SP-139-03

New Town Block 8, Phase 1A

Mr. Bob Cosby of AES Consulting Engineers, on behalf of GCR, Inc., submitted a site plan proposing 10 single family homes and 24 townhomes in Block 8, Phase 1 of New Town. The parcel is further identified as parcel (1-7) on James City County Tax Map (38-4). DRC review is required for the following reasons: First, the plan requires a modified parking waiver; second, the plan requires a modification to the setback requirements of Section 24-257 of the Zoning Ordinance; and third, the site plan proposes a group of buildings which contain a total floor area that exceeds 30,000 square feet.

DRC Action: The DRC approved the shared parking waiver, setback modification, and granted preliminary approval for New Town Block 8, Phase IA.

Case No. 140-03

Pocahontas Square

Mr. Scott Acey of MSA, on behalf of RML III Corporation, submitted a site plan for a 92,236 square foot apartment complex comprised of 96 units located at 8844 Pocahontas Square. The project area is further identified as parcels (1-4), (1-5), and (1-5A) on James City County Tax Map (59-1). DRC review is necessary because the project proposes a total square footage in excess of 30,000 square feet.

DRC Action: The DRC recommended preliminary approval of the site plan.

Case No. S-002-04

The Settlement at Monticello, Phase I (Hidden)

Mr. Jim Bennett of AES Consulting Engineers, on behalf of Monticello Woods Active Adult, LLC, submitted a subdivision plan for the creation of 137 lots on the south side of Monticello Avenue across from the Monticello Woods subdivision. The parcel is further identified as parcel (1-10) on James City County Tax Map (37-4). DRC review is necessary as the Subdivision ordinance requires DRC review of all major subdivisions with 50 or more residential lots.

DRC Action: The DRC recommended that the Planning Commission find the proposal consistent with the Master Plan and Proffers and grant preliminary approval subject to agency comments.

Case No. S-098-03

Stonehouse Glen, Section 1

Mr. Ronnie Orsborne of LandMark Design Group, on behalf of Stonehouse, submitted a subdivision plan proposing the creation of 80 single family lots in Section I of Stonehouse. The property is located at 9186 Six Mount Zion Road and is further identified as parcel (1-1) on James City County Tax Map (6-4). DRC Review is necessary for the following reasons: First, the development proposes more than 50 lots; second, the site is in a land bay that is designated for attached structures containing two to four dwelling units on the Stonehouse Master plan; and third, the approved proffers call for a two acre park, which is divided on the proposal into a 1.2 acre park and a 0.8 acre park.

DRC Action: The DRC unanimously deferred action on this case.

MEMORANDUM

DATE: March 1, 2004
TO: The Planning Commission
FROM: Lee Schnappinger, Landscape Planner
SUBJECT: Streetscape Guidelines Policy Revision

As part of the Planning Division's effort to increase an applicant's ability to meet landscape requirements, a number of initiatives have been taken to clarify submittal requirements. Attached is a revised version of the Streetscape Guidelines Policy, which is commonly added as a Special Use Permit or Proffer Condition for subdivisions. In summary, the following changes are being proposed:

- The term "certified landscape architect" is being replaced by "Virginia Landscape Architect" to reflect changes in Virginia legislation.
- Clarification has been made to acknowledge conflicts between the Landscape Preservation Easement and utility easements.
- A plant list has been provided with suggested trees for the street trees and other plant material for entrances.
- Where the previous policy was restricted to the use of native plants, the revised policy allows for plant material that is adapted to the soils and climate of the area. Invasive material is not allowed.
- Dates for planting have been provided to increase the ability for the material to survive. In addition, the plant material is to be bonded.
- Specific language has been added for the Planning Division to be notified of the installation.

These changes have been made with consultation of the development community. Staff believes they will provide clarification for applicants during the design and development phase and reduce the need for revisions after plan submission. Therefore, staff recommends the Planning Commission approve the changes.

Lee Schnappinger

Attachments:

1. Draft Streetscape Guidelines Policy

STREETSCAPE GUIDELINES POLICY

Goal

~~To preserve the existing healthy, durable, mature trees, and to plant new trees appropriate to James City County's climate, along residential streets, subdivision entrances and common areas in order to preserve and/or to reestablish tree canopies in these areas.~~ *To preserve and/or establish tree canopies along residential streets, subdivision entrances, and common areas. Plant new trees appropriate to the climate and soils of James City County, enhancing existing healthy, durable, and mature trees in these areas.*

Tree preservation/planting shall be accomplished such that, within 20 years growing time, the minimum tree canopy over residential streets shall be 20%. *The environmental and aesthetic benefits from tree planting enhance the quality, character, and health of the community.*

Guidelines for Street Trees

In all residential subdivisions, deciduous shade trees and/or shrubs shall be planted along all rights-of-way within and abutting the subdivision. Street tree plans shall be prepared by a ~~certified landscape architect~~ *Virginia Landscape Architect* and shall be reviewed and approved by the Director of Planning. The street tree plans shall adhere to the following guidelines:

- Trees and/or shrubs shall be located within a minimum five-foot landscape preservation easement contiguous to such right-of-way. *Every effort should be made to avoid conflict between the landscape preservation easement and the utilities during the design phase of the subdivision. If a conflict cannot be avoided, the landscape preservation easement shall be placed as close to the right-of-way as the design allows.*
- The easement shall contain, at a minimum, one tree per an average 40 linear feet of street on each side of the street or one shrub per an average 20 linear feet of street on each side of the street. The mix of trees and shrubs shall be approved by the Planning Director.
- Trees and/or shrubs ~~may~~ *shall* be spaced no greater than 75 feet apart along 60% of the street frontage.
- All trees that are planted shall be native species *or street trees commonly planted in the James City County area that are adapted to the soils and climate.* ~~And~~ *At the time of planting, trees shall have a minimum caliper of 1 1/2". Shrubs are to be a minimum of 22" in height at the time of planting. Please refer to the Table 1 for street tree suggestions. Although plant material is not restricted to the list provided, any trees or shrubs that are invasive or require extensive maintenance for disease or pest control will not be approved.*
- Existing trees which are within 20 feet of the edge of the right-of-way, and which are protected and preserved in accordance with the requirements of the Zoning Ordinance, may be used to satisfy this planting requirement *if approved by the Planning Director.* Canopies that are a mixture of existing and planted trees or shrubs shall have similar or complementary branch characteristics.
- *Plantings are to occur between November 1 and March 31 while the plant material is dormant to reduce the stress of transplanting. Prior to final site plan approval, the plantings are to be bonded for the cost of the installation.*

Upon completion of installation, a ~~certified landscape architect~~ *Virginia Landscape Architect* shall verify, in writing, that the *specified* trees or shrubs were installed in ~~accordance with the locations shown on the plans.~~ *A signed letter from the Landscape Architect shall be submitted to the Planning Division at the time of verification.*

Guidelines for Entrances and Common Areas

Entrances shall be landscaped with ~~appropriate combinations of~~ native *and/or climate and soil appropriate* trees, shrubs, grasses, and ground covers except where the existing mature trees have been preserved or protected in such areas. *Plant material to be used in these areas shall be specified from Table 2 or, if not on the list, meet the above criteria.* Unless the Director of Planning or his designee determines that such landscape treatment is unnecessary, impractical, or in conflict with drainage, utilities, sight distance, or other required features of the subdivision, the cleared portions of the entrances and associated common areas in a residential subdivision shall be landscaped with a minimum of 1 tree and 3 shrubs per 400 square feet exclusive of roadways, sidewalks, recreation facilities or other impervious areas.

In wooded areas, entrance features including walls, fences and signs shall be minimized to reduce the amount of clearing to accommodate entrance roads. In no case shall clearing for entrance roads and abutting utility easements exceed 60 feet *in width*.

Table 1. Suggested Street Trees

Acer campestre, Hedge Maple
Acer rubrum, Red Maple
Fraxinus pennsylvanica, Green Ash (seedless cultivars)
Ginkgo biloba, Maidenhair Tree (male cultivars)
Nyssa sylvatica, Black Tupelo
Ostrya virginiana, American Hophornbeam
Quercus phellos, Willow Oak
Quercus shumardii, Shumard Oak
Ulmus parvifolia, Lacebark Elm
Zelkova serrata, Japanese Zelkova

This list is suggested. Trees used are not required to be from this list.

Table 2. Suggested Plant Material for Entrances and Common Areas

Trees

Betula nigra, River Birch
Carya ovata, Shagbark Hickory
Cercis Canadensis, Eastern Redbud
Cornus kousa, Kousa Dogwood
Juniverus virginiana, Eastern Redcedar
Pinus taeda, Loblolly Pine

Shrubs

Hamamelis virginiana, Witch Hazel
Ilex opaca, Inkberry
Ilex vomitoria, Yaupon Holly
Myrica cerifera, Wax Myrtle
Viburnum dentatum, Arrowwood Viburnum

Groundcovers and other Herbaceous Plants

Calamagrostis acutiflora, Feather Reed Grass
Ceratostigma plumbaginoides, Plumbago
Coreopsis verticillata, Threadleaf Coreopsis
Deschampsia caespitosa, Tufted Hair Grass
Festuca cinerea, Blue Fescue
Helictotrichon sempervirens, Blue Oat Grass
Hemerocalis, Daylily
Hypericum calycinum, St. Johnswort
Liriope muscari, Blue Lily-turf
Miscanthus sinensis, Japanese Silver Grass
Panicum virgatum, Switch Grass
Potentilla fruticosa, Bush Cinquefoil

This list is suggested. Plants used are not required to be from this list.

Z-11-03 & MP-11-03. Stonehouse Planned Community Amendment
Staff Report for the March 1, 2004, Planning Commission Public Hearing

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS

Planning Commission: County Government Complex
December 8, 2003, 5:30 p.m. Building C Board Room (Deferred)
January 12, 2004, 5:30p.m. Building F Board Room (Deferred)
February 2, 2004, 7:00p.m. Building F Board Room (Deferred)
March 1, 2004, 7:00 p.m. Building F Board Room
Board of Supervisors: April 13, 2004, 7:00p.m. Building F Board Room (Tentative)

SUMMARY FACTS

Applicant: Mr. Greg Davis, Kaufman & Canoles

Land Owner: Ken McDermott, Stonehouse at Williamsburg, LLC

Proposed Use: To amend the master plan and proffers for the Stonehouse Planned Community by realigning Fieldstone Parkway, shifting residential densities and rezoning some landbays to residential. There is no proposed increase to the total number of approved residential units within the Stonehouse Planned Community.

Location: 9235 Fieldstone Parkway & 9186 Mount Zion Road
Stonehouse District

Tax Map/Parcel: (4-4)(1-29) and a portion of (6-4)(1-1)

Primary Service Area: Inside

Parcel Size: 209 acres out of 2,182 acres

Existing & Proposed Zoning: Planned Unit Development Residential & Commercial with Proffers

Comprehensive Plan: Low Density Residential & Mixed Use

Surrounding Zoning: North & East: New Kent County—Agricultural Zoning
James City County rural lands zoned A-1
PUD-R: Stonehouse
South: PUD-R: Stonehouse
West: Interstate 64 and
PUD-C: Stonehouse Commerce Park

Staff Contact: Karen Drake - Phone: 253-6685

STAFF RECOMMENDATION

The applicant has requested the Planning Commission defer this case until the April 5, 2004 Planning Commission Meeting to allow more time to resolve outstanding issues regarding the Stonehouse master plan and proffers. Staff concurs with the request.

Attachment:

1.) Deferral Request Letter

KAUFMAN & CANOLES

— | A Professional Corporation | —
Attorneys and Counselors at Law

Timothy O. Trant, II
757 / 259-3823

4801 Courthouse St.
Ste 300
Williamsburg, VA 23188
757 / 259-3800
fax: 757 / 259-3823
totrant@kaufcan.com

February 24, 2004

Via Hand Delivery & Facsimile (757) 253-6850

Karen Drake
Senior Planner
James City County
101-E Mounts Bay Road
Williamsburg, VA 23185



Re: *Stonehouse at Williamsburg, LLC*
Application for Rezoning and Master Plan Amendment of a portion of Stonehouse
James City County Case No.'s. Z-11-03 & MP-11-03
Our Matter No. 100281

Dear Ms. Drake:

The above-referenced case is scheduled to be presented to the James City County Planning Commission at its meeting on March 1, 2004. The applicant and its consultants have been diligently working to respond to the issues raised in the Memorandum of Expectations (the "Memorandum"), dated December 9, 2003, from the James City County Department of Development Management ("Staff"). On February 13, 2004, the applicant submitted to Staff a revised set of draft proffers and a revised master plan that are responsive to the Memorandum.

The applicant is aware that the revised submissions are under review by Staff and that Staff will not have completed its review of the submissions prior to the March 1, 2004 Planning Commission meeting. Accordingly, the applicant recognizes that Staff will not prepare a staff report nor make a recommendation to the Planning Commission regarding the case at the March 1, 2004 meeting. Therefore, the applicant requests that any action on the case by the Planning Commission be deferred until the April 5, 2004 Planning Commission meeting. The applicant does, however, request the opportunity to make a brief informational presentation to the Planning Commission at its March 1, 2004 meeting.

If you have any questions, please do not hesitate to contact me.

Very truly yours,


Timothy O. Trant, II

xc: Kenneth G. McDermott (via facsimile 908-234-9508)
Mark Rinaldi (via facsimile 757-229-0049)
Gregory R. Davis, Esq. (via hand delivery)
Alvin P. Anderson, Esq. (via hand delivery)
Rhea Woloszynski (via email rheawolo@cox.net)

#6052340 v1

Chesapeake

Hampton

Newport News

Norfolk

Richmond

Virginia Beach

SPECIAL USE PERMIT 24-03 JCC Communications Tower
Staff Report for March 1, 2004 Planning Commission Meeting

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS

Planning Commission:

Building F Board Room; County Government Center

January 13, 2004 (deferred) 7:00 p.m.

February 2, 2004 (deferred) 7:00 p.m.

March 1, 2004 7:00 p.m.

Board of Supervisors:

April 13, 2004 (tentative) 7:00 p.m.

SUMMARY FACTS

Applicant:

Richard Miller, James City County Fire Chief

Land Owner:

James City County

Proposed Use:

140 foot communication tower serving as part of the JCC 800-MHz trunked radio system.

Location:

3135 Forge Road

Tax Map/Parcel:

(12-3)(1-27)

Zoning:

B-1, General Business

Comprehensive Plan:

Federal, State & County Land

Primary Service Area:

Yes

STAFF RECOMMENDATION

The applicant has requested deferral of this special use permit until April 5, 2004 in order to finalize the location and site layout of the communications tower. Staff concurs with this request.

Staff Contact:

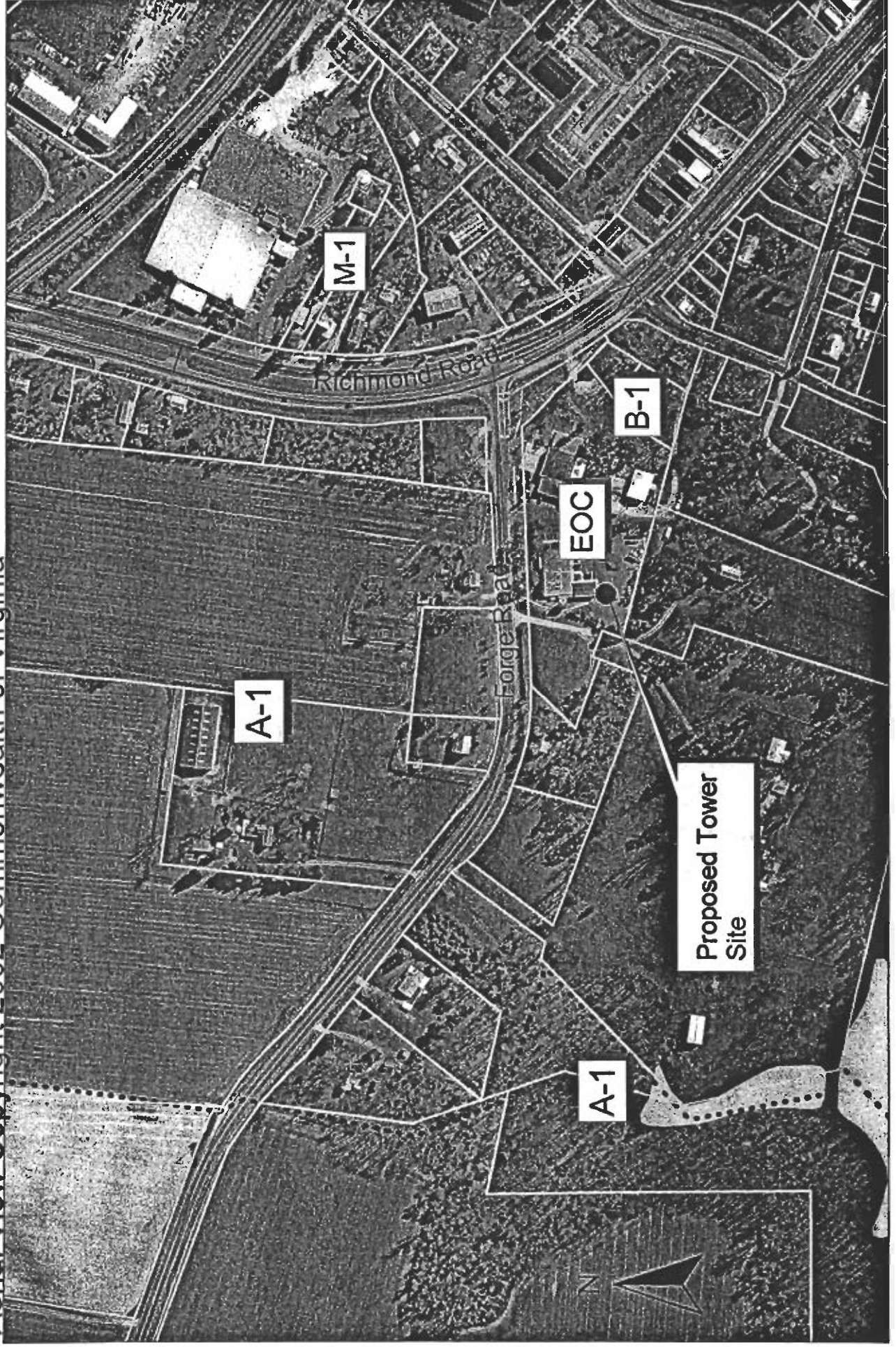
Matthew Arcieri

Phone: 253-6685

24SUP-24-03, JCC Communication Tower

JCC Emergency Operations Center (Forge Road)

Aerial View Copyright 2002 Commonwealth of Virginia



REZONING -1-04 / MASTER PLAN -2-04. New Town Section 5
Staff Report for the March 1, 2004, Planning Commission Public Hearing

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS 7:00 p.m.; Building F Board Room; County Government Complex
Planning Commission: March 3, 2004
Board of Supervisors: April 13, 2004 (tentative)

SUMMARY FACTS

Applicant: Greg Davis

Land Owner: New Town Associates

Proposed Use: A maximum of 63,358 square feet of limited business/industrial space

Location: 152 and 155 Tewning Road, Berkeley District

Tax Map/Parcel (38-2)(1-3) and (38-2)(1-4)

Parcel Size 8.87 acres

Proposed Zoning: M-1, Limited Business/Industrial with proffers

Existing Zoning: R-8, Rural Residential and M-1 Limited Business/Industrial with proffer

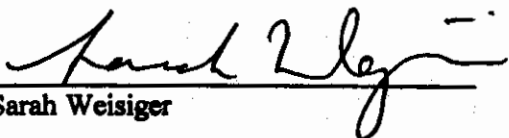
Comprehensive Plan: Mixed Use

Primary Service Area: Inside

STAFF RECOMMENDATION

The applicant has requested a deferral of this case to allow more time to resolve outstanding issues. Staff recommends deferral until the next Planning Commission meeting on April 5, 2004.

Staff Contact: Sarah Weisiger, Planner Phone: 253-6685


Sarah Weisiger

Attachment:
Applicant deferral letter

KAUFMAN & CANOLES

— | A Professional Corporation | —
Attorneys and Counselors at Law

Timothy O. Trant, II
757 / 259-3823

4801 Courthouse St.
Ste 300
Williamsburg, VA 23188
757 / 259-3800
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totrant@kaufcan.com

February 24, 2004

Via Hand Delivery & Facsimile (757) 253-6850

Sarah Weisiger
Planner
Planning Department
James City County
101-E Mounts Bay Road
Williamsburg, VA 23185



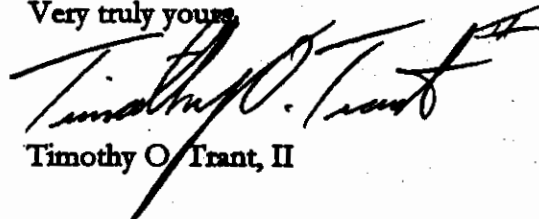
Re: *New Town Associates, LLC*
Application for Rezoning and Master Plan Amendment of a portion of Section 5 of New Town
James City County Case No's. Z-1-04 & MP-2-04
Our Matter No. 101847

Dear Ms. Weisiger:

The above-referenced case is scheduled to be presented to the James City County Planning Commission at its meeting on March 1, 2004. The applicant hereby respectfully requests deferral of the case to the April 5, 2004 Planning Commission meeting, in order to provide the applicant additional time to respond to the various comments received from the Planning Staff.

If you have any questions, please do not hesitate to contact me.

Very truly yours,



Timothy O. Trant, II

xc: John P. McCann (via facsimile 804-497-7848)
Gregory R. Davis, Esq. (via hand delivery)
Alvin P. Anderson, Esq. (via hand delivery)
G. Archer Marston, III, P.E. (via facsimile 757-220-8994)
Thomas Derrickson (via facsimile 757-220-8994)
Dexter Williams (via facsimile 804-379-3810)

#6052302 v1

MEMORANDUM

DATE: March 1, 2004
TO: The Planning Commission
FROM: Tamara A. M. Rosario, Senior Planner
SUBJECT: FY 2005-2009 Capital Improvements Program (CIP)

After a series of meetings to discuss and rank Capital Improvements Program (CIP) requests, the Policy Review Committee, in conjunction with staff, is forwarding its recommendations for the Fiscal Years 2005 - 2009 Capital Improvements Program. In addition to a project's ranking, the Policy Committee includes specific recommendations and comments in some instances. These additional recommendations are included in the project descriptions and are highlighted in ***bold italics***.

The ranking system for CIP requests emphasizes service needs and conformance to the Comprehensive Plan and other approved planning documents such as the Recreation Master Plan and Master Water and Sewer Plan. A sample rating sheet is attached for your reference. Following the determination of numerical scores based on the ranking system, each project has been designated as a *high, medium, or low* priority. Please note that this objective ranking system does not account for all factors that may influence a project's priority. For instance, the Policy Committee was mindful of priorities established by specific departments.

Typically, all projects designated as a high priority are recommended by the Comprehensive Plan. Projects receiving a medium priority designation may be recommended by the Comprehensive Plan, and require particular consideration due to Federal or State mandates, contractual obligations, or because they complement County policy or departmental goals and objectives. Projects receiving a low priority are generally those projects that are not specifically supported by the goals and strategies of the Comprehensive Plan and thus require further scrutiny to determine their standing within the CIP.

The attached report contains a summary of CIP project rankings and descriptions of the proposed projects. As stated last year, Operating Contribution category requests are for various projects that do not result directly in a county asset, but are major expenditures that support the Comprehensive Plan. Additional Policy Committee recommendations are noted more fully in the report, but in brief, include the following: encouraging WJC Schools to coordinate the various communication system replacements to ensure consistency and efficient procurement; not ranking the proposed Third High School due to unresolved questions of mission, design, requirements, and public approval; and expressing concerns regarding the land use implications of the Riverview Plantation Transmission Water Lines.

RECOMMENDATION:

The Policy Review Committee and staff recommend the Planning Commission approve the Capital Improvements Program rankings as summarized in the attached report.


Tamara A. M. Rosario

Attachments:

1. Summary of James City County CIP Priority Rankings
2. James City County CIP Project Descriptions and Rankings
3. Summary of JCSA CIP Rankings
4. CIP Rankings Sheet
5. Minutes from the Policy Committee Meeting

JAMES CITY COUNTY CIP PRIORITY RANKINGS
FY 05

HIGH PRIORITY

<i>Project</i>	<i>Dep't</i>
Purchase Development Rights (PDR)	D
Water Quality Improvements/Lightfoot BMP	D
Toano Convenience Center Relocation	GS
Ambulance Replacement	PS
Lafayette H.S.-Hot Water Boiler	ED

MEDIUM PRIORITY

<i>Project</i>	<i>Dep't</i>
Grounds Equipment Storage Building	GS
Greenways and Trails	PR
JCW Community Center Parking & Expansion	PR
Warhill Sports Complex Sports Facility	PR
Berkeley M.S.-Restrooms	ED
Lafayette H.S.-Field Drainage System	ED
Matthew Whaley E.S.-Entrance	ED
Norge E.S.-Refurbishment	ED

LOW PRIORITY

<i>Project</i>	<i>Dep't</i>
Shared Animal Shelter	GS
Jamestown H.S.-Catwalks & Communications	ED
Multi-Purpose Building	ED
Stonehouse E.S.-Bus Canopy	ED

NO PRIORITY

<i>Project</i>	<i>Dep't</i>
Third High School	ED

Key:
D = Development
ED = Schools
GS = General Services
OC= Operating Contribution
PR = Parks and Recreation
PS = Public Safety

UNRANKED PROJECTS-No Money Requested

<i>Project</i>	<i>Dep't</i>
James River Commerce Center Infrastructure	D
Human Services Center (HSC) Expansion	GS
HSC Telephone System	GS
James City County Library Chiller	GS
Chickahominy Riverfront Park Master Plan	PR
Freedom Park Phases 2 & 3	PR
Greensprings Trail Restroom & Storage	PR
James River Community Center Water Play	PR
Mid-County Park Office/Storage Building	PR
Skate Park/Tower Site Phase 2	PR
Upper County Park Parking & Restroom	PR
Warhill Sports Complex Phases 4 & 5	PR
Mobile Data System	PS
New Ambulance - Station 5	PS
Heavy Rescue Vehicle	PS
Stonehouse Fire Station 6	PS
Clara Byrd Baker E.S.-HVAC & Communications	ED
Cooley Field	ED
D.J. Montague E.S.-HVAC & Communications	ED
James Blair M.S.-Bus Canopy & Sidewalk	ED
James River E.S.-Gym Roof Replacement	ED
Rawls Byrd E.S.-Communications	ED
Toano M.S.-Sewage Lift Station	ED

UNRANKED PROJECTS-Operating Contribution

<i>Project</i>	<i>Dep't</i>
Bikeways and Multi-Use Paths	OC
Road Improvements	OC
Underground Utilities	OC
VDOT Road Match	OC
Water Quality Improvements/Other	OC

JAMES CITY COUNTY CIP PROJECT DESCRIPTIONS AND RANKINGS

DEVELOPMENT PROJECTS

James River Commerce Center Infrastructure [Unranked – No Money Requested]

FY05 Request: \$0

Proposed 5-Year Project Total: \$1,050,000

The James River Commerce Center is located off Pocahontas Trail in the James River Enterprise Zone. The light industrial park is being developed as a joint partnership between the County's Industrial Development Authority (IDA) and Williamsburg Developments Inc., a wholly-owned subsidiary of the Colonial Williamsburg Foundation. To date, the County and/or the IDA have spent about \$500,000 to plan and design the park resulting in several new businesses relocating to the Center. This CIP requests \$50,000 in FY07 to plan, design, and engineer and \$1,000,000 in FY08 to construct infrastructure necessary to develop and subdivide the remaining 60 acres of the James River Commerce Center that belongs to the IDA.

Purchase of Development Rights (PDR) [High Priority Ranking]

FY05 Request: \$610,000

Proposed 5-Year Project Total: \$8,110,000

Established by the Board of Supervisors in November, 2001, the Purchase of Development Rights program received 14 initial applications representing 1,185 acres. Currently, four properties of the original 14 are in the queue for negotiations with an estimated value of \$2.25 million dollars. Two additional unsolicited applications have been submitted to date with an estimated value of \$1.3 million dollars. The CIP funding requested for FY05-09 will allow staff to take a moderately aggressive approach to meet the demand of landowners desiring to participate. Uniform and consistent funding is necessary to establish the PDR program, as future state and federal grants for PDR funding will be given only to localities with established programs.

Water Quality Improvement – Lightfoot/Warhill BMP [High Priority Ranking]

FY05 Request: \$100,000

No 5-year Project Total

Various needed water quality improvement projects located throughout the County are proposed for design and/or construction during FY05. Only one of these projects, the Lightfoot/Warhill Regional Stormwater System, is considered a CIP project; the remaining projects are all technically classified as operating contributions. The FY05 CIP funding request for the Lightfoot/Warhill Regional Stormwater System would fund preliminary engineering for a regional BMP for the area as recommended by the Powhatan Creek Watershed Study. Segments of the project include upgrading the dam design for the farm pond at the Warhill Sports Complex and building a piping system approximately 3,000 feet in length.

GENERAL SERVICES

Human Services Center (HSC) Expansion [Unranked – No Money Requested]

FY05 Request: \$0

Proposed 5-Year Project Total: \$3,070,000

The Human Services Center (HSC) was constructed in 1985 to provide a central location for the County's human service functions. According to the Facility Master Plan, the HSC currently is overcrowded, and there is limited capacity to expand at the existing site. The parcel adjacent to the HSC, consisting of 0.894 acres was purchased in FY02 in anticipation of the HSC expansion. The adjacent land purchased allows the proposed expansion, now scheduled for FY07 or FY08, to meet the Chesapeake Bay Ordinances. The expansion would provide office space for eight divisions, including the Office of Community Services, Extension, Housing and Community Development, Neighborhood Connections, Parks and Recreation Administration, Social Services, Transit Administration, and Williamsburg Area Medical Assistance Corporation (WAMAC).

HSC PBX Expansion/Building Wiring [Unranked – No Money Requested]

FY05 Request: \$0

Proposed 5-Year Project Total: \$78,600

Funding is requested to upgrade and expand the current PBX telephone system at the HSC to accommodate telephone needs at the new facility on that campus when it is constructed. This project would not be required if the HSC expansion is not implemented.

Shared Animal Shelter [Low Priority Ranking]

FY05 Request: \$260,000

Proposed 5-Year Project Total: \$1,300,000

Due to overcrowding at the County and Heritage Humane Society facilities, and future demands, both the County and Heritage Humane Society must make major updates and expansions to their facilities. The City of Williamsburg, James City County, and the Heritage Humane Society have agreed that a new combined shelter on the City's property on Waller Mill Pond is an effective and efficient option. Funding (primarily for planning, design, and engineering) would begin in FY05 with the remaining funds spread over FY06, 07, and 08.

Grounds Equipment Storage Facility [Medium Priority Ranking]

FY05 Request: \$218,000

Proposed 5-Year Project Total: \$218,000

Funding is requested in FY05 to construct a 30' by 60' metal building to serve as a staging area for maintenance staff; as a shelter for mowers and equipment which are currently stored outside; and as a possible parks staff office/contact station.

GENERAL SERVICES, cont.

Toano Convenience Center Relocation [High Priority Ranking]

FY05 Request: \$82,800

Proposed 5-Year Project Total: \$82,800

Central Dispatch will be expanding in the Emergency Operations Center on Forge Road to accommodate the new radio system equipment, displacing the convenience center. This CIP request asks for \$82,800 in FY05 to construct a new center on the same site in order to continue trash and recycling drop-off service for the Stonehouse area.

James City County Library [Unranked – No Money Requested]

FY05 Request: \$0

Proposed 5-Year Project Total: \$85,000

The Williamsburg Regional Library seeks FY06 funds to replace an unreliable and outdated chiller which does not work well with its control system. The chiller would be installed at the James City County Library.

PARKS AND RECREATION

Freedom Park [Unranked – No Money Requested]

FY05 Request: \$0

Proposed 5-Year Project Total: \$5,300,000

Funds requested in FY07 are for Phase 2 improvements—historical areas, restrooms, and picnic areas; those requested in FY2009 are for Phase 3 improvements associated with active recreation near Centerville Road.

Warhill Sports Complex (WSC) [Unranked – No Money Requested]

FY05 Request: \$0

Proposed 5-Year Project Total: \$7,200,000

FY07, FY08, and FY09 funds are requested for the continued development of the WSC to meet the athletic and active recreational needs of the community. The funds would finance Phases 4 and 5 of the complex, namely multi-use practice fields, a baseball area, and picnic areas.

Upper County Park [Unranked – No Money Requested]

FY05 Request: \$0

Proposed 5-Year Project Total: \$200,000

FY07 and FY08 funds are requested to pave the parking area and to construct a new restroom facility.

Mid-County Park [Unranked – No Money Requested]

FY05 Request: \$0

Proposed 5-Year Project Total: \$300,000

Funds are requested in FY08 to replace the existing office/restroom and storage building due to termite damage and higher customer service needs.

James City/Williamsburg Community Center (JCWCC) [Medium Priority Ranking]

FY05 Request: \$200,000

Proposed 5-Year Project Total: \$1,150,000

To address an inadequate parking situation during peak operational hours, FY05 funds are requested to expand the parking lot onto the tower site. Funds will also be used to improve lighting levels and to close Asbury Lane. Other planned improvements for this popular facility include expansion of the fitness area and lower level in FY07 and a playground, concession, bathroom, and irrigation in FY09.

PARKS AND RECREATION, cont.

James River Community Center [Unranked – No Money Requested]

FY05 Request: \$0

Proposed 5-Year Project Total: \$100,000

Future funds are requested to purchase and install a water playground in FY09.

Greensprings Trail [Unranked – No Money Requested]

FY05 Request: \$0

Proposed 5-Year Project Total: \$150,000

Funds will install a restroom facility and storage at the trailhead behind Jamestown High School.

Greenways and Trails [Medium Priority Ranking]

FY05 Request: \$50,000

Proposed 5-Year Project Total: \$250,000

Continuation of an annual fund to acquire and develop greenways and trails is requested. Funds are designated for the design/development and/or conservation of greenways and open space throughout the County. The funds are also used to support state and federal grant funds for trail development and land acquisition.

Skate Park/Tower Site [Unranked – No Money Requested]

FY05 Request: \$0

Proposed 5-Year Project Total: \$440,000

Funds in FY07 are requested for the Phase 2 site improvements such as sidewalks, picnic shelters, and a playground. Additional improvements and an expansion are anticipated in FY09.

Chickahominy Riverfront Park [Unranked – No Money Requested]

FY05 Request: \$0

Proposed 5-Year Project Total: \$175,000

The funds requested in FY07 and FY08 are the completion of the park's Master Plan and the construction of a new playground and picnic shelter within the park.

PARKS AND RECREATION, cont.

Warhill Sports Complex Sports Facility [Medium Priority Ranking]

FY05 Request: \$100,000

Proposed 5-Year Project Total: \$6,565,000

Cooley Field, the County's home facility for all high school football, soccer, and track and field events, is currently overused and inadequate in terms of seating and parking. A new sports facility would alleviate scheduling issues, upgrade the varsity facility, and provide a venue for community and revenue-generating events. \$100,000 is requested in FY05 to continue architectural and engineering services for a County-owned sports facility on Warhill Sports Complex. The remaining money would complete the design plans and construction in FY06 for the facility to open in 2007.

PUBLIC SAFETY

Ambulance Replacement [High Priority Ranking]

FY05 Request: \$165,000

Proposed 5-Year Project Total: \$825,000

Funds are requested to replace an existing 1996 light-duty ambulance with a new medium-duty ambulance in FY05, with additional replacement amounts requested for each of the subsequent 4 years. The requested units will have a heavier duty chassis and will provide an extended service life (10 years for the medium-duty versus 5 years for the light-duty). At the end of the 5 year project, all the current light-duty ambulances will have been replaced with medium-duty models; the estimated cost savings is estimated at \$400,000.

New Ambulance [Unranked – No Money Requested]

FY05 Request: \$0

Proposed 5-Year Project Total: \$235,000

Funds are requested to purchase a new medium-duty ambulance in FY06 for Fire Station 5, which does not currently have an ambulance. The purchase would allow the department to have a first line Advanced Life Support unit in each fire station.

Heavy Rescue Vehicle [Unranked – No Money Requested]

FY05 Request: \$0

Proposed 5-Year Project Total: \$550,000

Funds are requested to purchase a heavy rescue truck and trailer at Fire Station 3 in FY06. This unit would replace two existing units and one trailer.

Stonehouse Fire Station 6 [Unranked – No Money Requested]

FY05 Request: \$0

Proposed 5-Year Project Total: \$150,000

As the population begins to grow in the Stonehouse area of the County, the Fire Department is beginning to experience the resulting increase in their workload. While land has been proffered through the Stonehouse residential project, \$150,000 is requested in FY09 to begin planning for the new fire station. This represents a 2-year delay from the currently approved FY07 CIP funds.

Mobile Data System [Unranked – No Money Requested]

FY05 Request: \$0

Proposed 5-Year Project Total: \$2,123,470

Funds are requested to support RMS, CAD and 800 MHz radio projects to be installed and implemented in FY07. The Mobile Data System would assist Police, Fire, Rescue and Dispatch, streamlining the work of public safety and emergency communications personnel and creating time-savings and safety improvements. The system would assist in a variety of ways including the ability to do immediate DMV checks and allowing the fire department to have immediate access to building plans while responding to emergency incidents.

SCHOOLS

In regards to all of the communications system replacements listed below for individual schools, the Policy Committee encourages WJC Schools to coordinate the communication needs of the entire school division through a universal study or similar planning document. The study would set division-wide standards, ensuring that all schools can communicate at the same high standards; set priorities and scheduling for upgrades; and facilitate an effective procurement process.

Clara Byrd Baker Elementary [Unranked – No Money Requested]

FY05 Request: \$0

Proposed 5-Year Project Total: \$1,267,850

Future funds are identified for engineering and renovation/replacement of the school's HVAC system, including the addition of a fresh air system, in FY06 and FY07. FY08 funds are requested for replacement of the school communication system (telephone and media retrieval subsystem).

Rawls Byrd Elementary [Unranked – No Money Requested]

FY05 Request: \$0

Proposed 5-Year Project Total: \$50,000

Funds are identified in FY06 for the replacement of the school's communication system (telephone and media retrieval subsystem).

D. J. Montague Elementary [Unranked – No Money Requested]

FY05 Request: \$0

Proposed 5-Year Project Total: \$1,278,980

Future funds are identified for engineering and renovation/replacement of the school's HVAC system, including the addition of a fresh air system, in FY06 and FY07. Funds are requested in FY08 for the replacement of the school communication system (telephone).

Norge Elementary [Medium Priority Ranking]

FY05 Request: \$826,800

Proposed 5-Year Project Total: \$826,800

FY05 funds are identified for the refurbishment of paint, tile, and carpeting and for renovation of the kitchen within Norge Elementary. The paint, tile, and carpeting refurbishment remains a high priority of the School Board and staff. Replacement of carpeting has been deemed necessary to ensure the safety of students and staff.

SCHOOLS, cont.

Matthew Whaley Elementary [Medium Priority Ranking]

FY05 Request: \$99,110

Proposed 5-Year Project Total: \$368,350

FY05 funds are requested to re-brick and renovate the front entrance. Future funding is requested to reinsulate the attic ceiling to help conserve energy and to replace the auditorium ceiling, which contains encapsulated asbestos.

James River Elementary [Unranked – No Money Requested]

FY05 Request: \$0

Proposed 5-Year Project Total: \$72,080

FY06 funds are identified for the replacement of the flat gym roof with a standing seam metal one in order to prevent leaks.

Stonehouse Elementary [Low Priority Ranking]

FY05 Request: \$168,010

Proposed 5-Year Project Total: \$168,010

FY05 funds are requested for the engineering and construction of a bus canopy. Funds were allocated in the total construction budget for this canopy, but were expended elsewhere.

Berkeley Middle [Medium Priority Ranking]

FY05 Request: \$202,884

Proposed 5-Year Project Total: \$582,474

Citing the necessity for parity with other district schools, WJC Schools requests FY05 funds for renovations of Berkeley Middle School restrooms. Future funds are requested for the installation of a new light and sound system in the auditorium in FY06 and completion of the standing seam metal roof in FY09.

James Blair Middle [Unranked – No Money Requested]

FY05 Request: \$0

Proposed 5-Year Project Total: \$70,490

Funds are requested in FY06 in order to replace the bus canopy and sidewalk at the rear of the building.

SCHOOLS, cont.

Cooley Field [Unranked – No Money Requested]

FY05 Request: \$0

Proposed 5-Year Project Total: \$295,740

Cooley Field is again presented as an individual site/facility and is not included as part of the James Blair Middle School site, as directed by the School Board. Funds for the lighting system is request in FY06 and renovations/upgrades in FY08 are for a new scoreboard and sound system, additional parking, a concession stand and equipment shed, and the re-crowning and re-sodding of the playing field.

Toano Middle [Unranked – No Money Requested]

FY05 Request: \$0

Proposed 5 Year Project Total: \$69,960

FY05 funds are requested to upgrade the sewage lift station for safety and health reasons and to ensure no loss of school time for students and staff.

Lafayette High [High Priority Ranking - hot water boiler]

[Medium Priority Ranking - field drainage system]

FY05 Request: \$363,050

Proposed 5-Year Project Total: \$1,630,950

Funds are requested in FY04-05 for an athletic field drainage system and a domestic hot water boiler that was not replaced during Lafayette's renovation due to lack of funds. It will soon cease functioning and is viewed as a safety issue. Future funding is slated for replacement of the tennis courts; refurbishment of the carpet, tile, and painting; replacement of the communications system; and the addition of two outdoor science pavilions on the Headwaters of Powhatan Creek.

Jamestown High [Low Priority Ranking]

FY05 Request: \$182,780

Proposed 5-Year Project Total: \$519,330

Funding in FY05 is requested to construct maintenance catwalks in the gymnasium and auditorium and to replace the communications system. Funding in FY07 is requested for the installation of A/C noise control devices in the auditorium. FY09 funding is requested to install lights at the athletic fields.

Operations Center [Unranked – No Money Requested]

FY05 Request: \$0

Proposed 5-Year Project Total: \$0

No projects have been identified which exceed the county's \$50,000 threshold.

SCHOOLS, cont.

Third High School [Unranked due to unresolved questions]

FY05 Request: \$705,000

Proposed 5-Year Project Total: \$38,310,000

The request for funds in FY05 is for continued planning and engineering. The remaining funds are allocated for construction during FY06-08. These costs are rough estimates and will be solidified once programmatic and design details are finalized.

The Policy Committee did not rank this project due to unresolved questions of public policy.

Multi-Purpose Building [Low Priority Ranking]

FY05 Request: \$3,535,000

Proposed 5-Year Project Total: \$3,535,000

A consolidated multiple use building is proposed in FY04-05 to house Student Services, CEO, Adult Education, Purchasing and Storage. The school division is currently renting space for all of these programs/areas except purchasing.

OPERATING CONTRIBUTION PROJECTS

Water Quality Improvement [Unranked – Operating Contribution]

FY05 Request: \$777,000

Various needed water quality improvement projects located throughout the County are proposed for design and/or construction during FY05. Only one of these projects, the Lightfoot/Warhill Regional Stormwater System, is considered a CIP project; the remaining projects are all technically classified as operating contributions. The operating contribution projects are related to restoring impaired stream segments, constructing regional stormwater facilities, performing watershed studies, and continuing public outreach.

- ◆ WJC Community Center & Longhill Road Connector Outfall Stream Stabilization
- ◆ Mirror Lakes Dam Outfall Upgrade
- ◆ Powhatan Creek Bacteria Study
- ◆ Mid-County Outfall Stream Stabilization
- ◆ Ironbound Square Regional BMP
- ◆ Pride and Turf Love Programs

Bikeway & Multi-Use Paths [Unranked – Operating Contribution]

FY05 Request: \$307,000

CIP funding FY05-09 would allow the construction of bikeways and multi-use paths for both pedestrians and cyclists, with primary emphasis on facilities that leverage non-County funds and/or meet critical needs such as the Jamestown 400th Anniversary events. Six proposed bikeways and multi-use paths that are currently being planned and designed that have received federal funding include:

- ◆ Croaker Road
- ◆ Ironbound & Sandy Bay Roads
- ◆ Ironbound Road (New Town Section)
- ◆ Longhill Road
- ◆ Merrimac Trail
- ◆ Richmond Road

Road Improvements [Unranked – Operating Contribution]

FY05 Request: \$20,000

Projected total capital costs for road improvements is \$309,000, with \$139,000 funded in FY04 and \$150,000 available from non-departmental sources for Louise Lane and Route 199 landscaping. An additional \$40,000 is requested in FY05 and FY06 for Jamestown 2007 Corridor Beautifications in preparation for the 400th Anniversary events planned at Jamestown.

OPERATING CONTRIBUTIONS PROJECTS, cont.

Underground Utilities [Unranked – Operating Contribution]

FY05 Request: \$540,000

The FY05 funding request would allow timely completion of the following projects:

- ♦ Jamestown Road/Colony Square Area with the extension of underground utilities through the intersection with Williamsburg Office Park.
- ♦ Five Forks Area, with underground utilities extended 200-300 yards each direction from the intersection.
- ♦ Ironbound Road/New Town—This is a new project, the timing of which has accelerated. The reconstruction of the Monticello/Ironbound Road intersection is expected to start in FY05, necessitating the relocation of 1400' of utilities. Addition utilities are still proposed to be placed underground with the future Ironbound Road widening project.

VDOT Road Match [Unranked – Operating Contribution]

FY05 Request: \$325,000

\$250,000 would continue to fund the construction obligation to the PPTA project for Route 199 and the Route 199/Jamestown Road. \$75,000 would fund the first of two years for beautification along the PPTA project, Segment 1.

JCSA CIP PRIORITY RANKINGS
FY 05-09

High Priority Projects

Water Supply Reserve - Repair, Replacement & Rehabilitation
Sewer System Reserve - Repair, Replacement & Rehabilitation
Desalination Plant Upgrade
Well Abandonments
Riverview Plantation Transmission Water Lines*
Riverview Plantation Distribution Water Lines
Seasons Trace Storage Tank Replacement

Medium Priority Projects

Heavy Equipment
W-40 Well (Chickahominy) Upgrade
Tewning Road Site Expansion Escrow
Terminate Interconnections with City of Williamsburg
Water System Improvements Escrow
Sewer System Improvements Escrow
Zonal Isolations
Water Tank Ventilation Modifications
Lift Station Upgrades (Air Ejector Stations)
Sewer Bridge Rehabilitation
Lift Station 1-5 Windsor Forest Upgrade
Public Safety Radio System Equipment
Raleigh Square Waterline Replacement
Kingswood Area Waterline Replacement
White Oaks Area Waterline Replacement

Low Priority Projects

Lift Station 3-9 Indigo Dam Road Control Building
Lift Station 1-9 & 4-6 Control Buildings
Lift Station 1-7 Control Building
Lift Station 2-5 & 2-6 Control Buildings
James Terrace Sewer Line Inspection
JCSA Building E Rehabilitation
Governors Land Water Transmission Line
Neck-O-Land Water Transmission Line
Lift Station Odor Control Systems
Stonehouse Water Tank

**While the Policy Committee supports providing water to Riverview Plantation due to public health considerations, it remains concerned about the negative land use impacts associated with extending water outside the Primary Service Area. The Policy Committee recommends that the potential land use impacts be minimized through controls such as size, location, and access to the line, etc.*

CAPITAL IMPROVEMENTS PROGRAM RATING SYSTEM

This is the rating system which will be used by the Planning Division in ranking all CIP projects. CIP project funding requests will become part of the Five Year Capital Improvements based on their conformity with the strategies and policies of the Comprehensive Plan. This form is provided for your information only. Please do not attempt to rate your project request(s) using this form. The Policy committee will review this form and approve it or some variation thereof for use during consideration of funding requests.

<u>Rating Category</u>	<u>Points</u>
1. Implements Comprehensive Plan	
A. Implements specific strategy	20
B. Implements specific objective or goal	10
2. Project/Service Location	
A. Encourages development or service provision in appropriate areas as delineated by the Comprehensive Plan	10
B. Encourages development or service provision in inappropriate areas as delineated by the Comprehensive Plan.	-10
3. Service Needs	
A. Meets service needs which are totally unmet as suggested by the Comprehensive Plan (particularly the public facilities and service standards, if applicable).	10
B. Meets service needs which are inadequate as suggested by the Comprehensive Plan (particularly the public facilities and service standards, if applicable).	5
C. Commits the County to an entirely new service not addressed by the Comprehensive Plan or duplicates an existing community service.	-10
4. Project Timing/Urgency	
A. Cannot be reasonably postponed due to mandate or service/facility need.	10
B. Necessary within five years for anticipated needs.	5
C. Can be postponed for at least five years without detriment.	0
5. Project Funding	
A. Partially funded as part of previous fiscal year CIP.	10
B. Project will utilize Federal, State, Non-County, or Private sources or cost will be shared as part of a regional agreement.	5
C. Not previously funded and/or does not utilize any non-County funds.	0
6. Project Site Characteristics (if applicable)	
A. Utilizes an existing County-owned or controlled site or facility.	10
B. Preserves only potentially available and/or appropriate site or facility for the future.	5
7. Project Relationships	
A. Supports or improves existing facilities or services not addressed by the Comprehensive Plan (i.e., addressed by Tactical Plan, Master Water and Sewer Plan, Recreation Master Plan, etc.)	10
B. Contrary to County policy or negative impacts other programmed projects.	-10

MINUTES FOR THE POLICY COMMITTEE (PC) MEETING ON THE FY2005-2009 CAPITAL IMPROVEMENTS PROGRAM (CIP) HELD ON TUESDAY, FEBRUARY 3, 2004 AT 4:00PM IN THE BUILDING E CONFERENCE ROOM, JAMES CITY COUNTY COMPLEX

Policy Committee (PC) Members

Mr. Donald Hunt
Mr. George Billups (4:45PM)
Mr. Joe McCleary
Mr. Wilford Kale, Chair

Also Present

Mr. Jack Fraley, Planning Commissioner
Ms. Tammy Rosario, Senior Planner
Ms. Karen Drake, Senior Planner
Ms. Sue Mellen, Director of Budgeting & Accounting
Ms. Ellen Cook, Planner
Mr. Trey Davis, Development Management Assistant
Mr. John Carnifax, Superintendent, Parks and Recreation
Mr. David Allen, Budget Management Specialist

Mr. Wilford Kale opened the meeting by explaining the purpose of the FY2005-FY2009 CIP review by the Policy Committee. He instructed members to use the meeting to decide what additional information would be needed from department heads in reviewing the CIP requests. He expressed his desire to continue with last year's decision not to consider any CIP request for the third high school as that is still an active political issue.

Mr. Joe McCleary concurred and suggested using the same wording as was used last year. He then clarified the role of the committee in reviewing the priority order of requests once a specialized computer program has ranked them, and making changes as needed.

Ms. Tammy Rosario gave an overview of the summary of CIP requests and noted that they were divided into categories including development projects, general services, parks and recreation, public safety, schools, JCSA, and operating contributions.

Ms. Rosario, Ms. Karen Drake, and Ms. Ellen Cook then began to lead the PC through the CIP requests for FY2005. The PC then determined which requests would require further information at the next meeting. The following lists details those decisions:

- ◆ The PC requested that Ms. Sue Mellen research whether \$600,000 is enough for the Purchase of Development Rights (PDR) program in FY05 and whether the properties are paid for in their entirety or incrementally.
- ◆ The PC requested that Ms. Mellen provide an update of the ongoing investigation into whether Facilities spent CIP reserved for grounds equipment storage at the Warhill Sports Complex on other projects.
- ◆ The PC would also like to know whether there are any abandoned roadways or rail corridors which might be used as future walking trails.
- ◆ The PC asked staff to remove any references to the third high school in future summaries of CIP requests for the joint sports facility.
- ◆ The PC requested that Ms. Mellen find out whether ordering multiple ambulances at once would be more cost effective than ordering one per year.
- ◆ The PC asked Ms. Rosario to determine whether a new location for the multi-purpose building has been identified.
- ◆ The PC requested that presentations be made for the PDR, Animal Shelter, and the Warhill Tract requests.

Mr. Fraley asked that it be put on record that he is a member of the Architectural Review Board for the James River Center Commerce Park.

There being no further business, the meeting adjourned at 5:15PM. The next meeting of the FY2005-2009 CIP requests will be held on Tuesday, February 10, 2004 at 4:00PM in the Building E Conference Room.

MINUTES FOR THE POLICY COMMITTEE (PC) MEETING ON THE FY2005-2009 CAPITAL IMPROVEMENTS PROGRAM (CIP) HELD ON TUESDAY, FEBRUARY 10, 2004 AT 4:30PM IN THE BUILDING E CONFERENCE ROOM, JAMES CITY COUNTY COMPLEX

Policy Committee (PC) Members

Mr. Joe McCleary

Absent

Mr. Wilford Kale

Mr. George Billups

Mr. Don Hunt

Also Present

Ms. Tammy Rosario, Senior Planner

Ms. Karen Drake, Senior Planner

Ms. Ellen Cook, Planner

Mr. Trey Davis, Development Management Assistant

Ms. Sue Mellen, Director of Budgeting & Accounting

Mr. Bill Porter, Acting Development Manager

Mr. Doug Powell, Acting Asst. County Administrator

Mr. Ed Overton, PDR Administrator

Ms. Barbara Watson, Acting Asst. Comm. Services Dir.

Mr. Joe McCleary opened the meeting at 4:37PM and announced he would hold approval of the minutes from the February 3, 2004 meeting until next time when other PC members would be present.

Mr. Bill Porter gave a presentation on the proposed shared animal shelter. He noted that the money requested reflected a worst-case scenario. The concept of the shared facility would allow the existing outdated Animal Control building at the landfill outside the PSA to be abandoned, while giving officers more time to work in the field. The warden would have access to drop off animals at the new facility at all hours and the Humane Society would care for the animals and use their resources to place them up for adoption. Mr. Porter explained that the County would be the biggest contributor of both money and animals to the shared shelter. With the County facility now in compliance, however, many of the details of the arrangement are not yet nailed down.

Mr. Ed Overton gave a brief history of the Purchase of Development Rights (PDR) program. To date, \$1,087,000 has been spent to protect a total of 363.4 acres on 4 parcels. A USDA grant of \$200,000 from 2002 still has not been used. Mr. Overton is currently awaiting information from the USDA on deed restrictions for 3 more qualified parcels which were submitted in December, 2003. There is approximately \$1 million of James City County money in the PDR account and Mr. Overton hopes to close out the first round of applications by June of 2004. He noted that the \$610,000 request for FY05 reflects the reality of the current budget, though it does not provide as much money as would be needed to accomplish their desired goals. The FY06 request would ideally be for \$3 million. Four parcels from the first round of applications still remain and would cost at least \$2.2 million. Two new unsolicited applications have arrived that would cost about \$1.2 million. Mr. Overton is exploring other financing options such as getting land owners to donate all or a portion of the easements.

Mr. Doug Powell gave an overview of the proposed joint sports complex. He noted that Cooley Field, which currently hosts both varsity and junior varsity games, was built in the 1950s and is too small for current needs. The new facility would host varsity games, leaving Cooley field for junior varsity only. An RFP is currently out for architectural services.

Ms. Sue Mellen responded to last week's questions regarding the application from Facilities for outdoor storage. She found the balances in the application to be incorrect and noted

that the \$88,000 previously awarded had not been spent. She said the new application is modified to reflect a larger facility and is still valid.

Staff did not know of any railway or road corridors that had been abandoned.

Ms. Mellen stated that the Fire Department had explored the option of buying more than one ambulance at a time, but they found it better to buy them incrementally over a five-year competitively-bid contract. The City of Richmond purchased ambulances all at once and ran into problems when all of the equipment had to be replaced at the same time.

Ms. Tammy Rosario found that CEO stands for Center for Educational Opportunities, in response to Mr. Billups' question at the previous meeting. This facility houses the school system's off-site alternative education program. Ms. Rosario said the multi-purpose building would be most-likely located within the city limits and would contain mostly classroom space for alternative and adult education with some space for the warehousing of student records. She also confirmed that the net annual operating costs for the Chickahominy Riverfront Park are approximately \$200,000.

Ms. Rosario will be computing the CIP rankings prior to the next PC meeting.

There being no further business, the meeting adjourned at 5:20PM. The next meeting of the FY2005-2009 CIP requests will be held on Tuesday, February 17, 2004 at 4:00PM in the Building E Conference Room. The PC will consider the Streetscapes Guidelines policy at 4:30PM.

**MINUTES FOR THE POLICY COMMITTEE (PC) MEETING ON THE
FY2005-2009 CAPITAL IMPROVEMENTS PROGRAM (CIP) HELD ON TUESDAY,
FEBRUARY 17, 2004 AT 4:00PM IN THE BUILDING E CONFERENCE ROOM, JAMES
CITY COUNTY COMPLEX**

Policy Committee (PC) Members

Mr. Joe McCleary
Mr. Wilford Kale
Mr. Don Hunt
Mr. George Billups

Also Present

Ms. Tammy Rosario, Senior Planner
Ms. Karen Drake, Senior Planner
Ms. Ellen Cook, Planner
Mr. Trey Davis, Development Management Assistant
Ms. Sue Mellen, Director of Budgeting & Accounting
Ms. Lee Schnappinger, Senior Landscape Architect
Mr. Chris Basic, AES Consulting Engineers

Mr. Wilford Kale opened the meeting at 4:09PM. On a motion by Mr. Joe McCleary seconded by Mr. Don Hunt, the minutes of the February 3, 2004 meeting were unanimously approved. Mr. McCleary then moved to approve the corrected minutes of the February 10, 2004 meeting and was seconded by Mr. George Billups. These were unanimously approved.

Ms. Rosario presented the CIP rankings and noted that the preliminary listing was a strict representation of how the numbers came out after being computed. Items with asterisks were those with special considerations.

Mr. Kale requested that the CIP related to the third high school be removed from the rankings and the PC agreed.

Mr. McCleary noted that the animal shelter was an equally political issue and the PC agreed to move it to a low priority ranking based on information provided by Bill Porter at the last meeting.

Mr. Hunt asked whether the Lightfoot/Warhill BMP for stormwater management was in the Powhatan Creek Watershed. Ms. Karen Drake responded that it was. Ms. Sue Mellen explained that it was a CIP item because it will be an asset built on County-owned property. Mr. Kale asked Ms. Rosario to make sure this was reflected in any future spreadsheets.

Mr. McCleary requested that the ambulance purchase be moved into the high priority category because it involves public safety and is part of a multi-year bid. The PC agreed.

Mr. McCleary also asked that the request for the bathroom renovation at Berkely Middle School be moved up in the rankings as it has to do with livability issues.

Mr. Kale asked for a briefing on the boiler at Lafayette High School. Ms. Drake noted that the school system ranked this project third behind the CIP requests for Norge Elementary and Berkeley Middle School.

Mr. Billups asked what the schools could purchase out of their own budget.

Ms. Mellen responded that the school system can retain up to one percent of their excess operating budget and must put any overage into CIPs.

Mr. Kale asked what items were funded in lieu of the boiler last year.

Ms. Mellen said she was unsure but that any money last year would have had to have come from the school system's own funds.

Mr. Kale suggested that the boiler request be separated from the other CIP items for Lafayette and be put into the high priority category. The PC agreed.

Mr. Billups and Mr. Kale asked about the proposed communications systems for the schools, whether they were centralized and whether a program for replacement existed. Ms. Mellen was not sure. Mr. Kale suggested that the schools plan ahead for these systems and make sure that they can tie into each other and the main County system.

Mr. Billups asked why the bathroom renovations at Berkeley Middle School had not been completed during a recent renovation there. Ms. Rosario noted that the Board of Supervisors had asked the same question in the past and denied funding for this project before.

Mr. McCleary made a motion to approve the County CIP rankings as amended. Mr. Hunt seconded this motion at it was approved unanimously.

Ms. Rosario presented the James City Service Authority CIP rankings and noted the high priority request for funds to run a waterline outside the primary service area from Wexford Hills to Riverview Plantation. Ms. Drake said that the BOS is committed to this action and that JCSA will be filing a special use permit request soon for the line.

Mr. Hunt asked whether the line might be run across the state park, rather than private land, to negate the issues of development that could come from an extension of a public water line outside the PSA. Mr. McCleary said he spoke with Larry Foster of JCSA about the project and noted that the best place to insert controls for access, and to note that this was an emergency action not intended to set a precedent for similar projects, is within the conditions of the SUP.

The PC agreed to leave the request as a high priority, but directed Ms. Rosario to speak at the Planning Commission meeting about the land use concerns, including limiting the capacity of the line to only serve existing houses in Riverview Plantation.

Mr. Kale asked whether all issues related to the desalinization plant were a high priority. Ms. Rosario replied that she was not sure, but thought they were.

Mr. McCleary moved to approve the amended ranking. Mr. Hunt seconded this motion and it was approved unanimously.

Ms. Lee Schnappinger gave an overview of the updated streetscape guidelines. She said the changes should provide applicants with more clarity and flexibility in their landscape designs.

Mr. McCleary asked whether the list of suggested plants was in addition to or in place of native trees. Ms. Schnappinger replied that this was only a partial listing of plants that might be used.

Mr. Kale asked that the title of the two tables listing suggested plants be altered to reflect the fact that these lists were not exclusive. The PC agreed.

Mr. Chris Basic of AES Consulting Engineers expressed his support for the new policy and noted that all agencies should be at the table when working on future plantings to coordinate easements and setbacks. Mr. Kale asked Mr. Basic to write a letter to Bill Porter and attend the full Planning Commission meeting as well.

Mr. McCleary moved to approve the new guidelines. Mr. Hunt seconded the motion and it was unanimously approved.

There being no further business, the meeting adjourned at 5:23PM.

SPECIAL USE PERMIT 1-04. STAT Services, Inc.

Staff Report for the March 1, 2004, Planning Commission Public Hearing

This report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS

Planning Commission: Building F Board Room; County Government Center
March 1, 2004, 7:00 p.m.
Board of Supervisors: April 13, 2004, 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. Mark Kaisand
Landowner: Powhatan Springs, LLC
Proposed Use: Office Building
Location: 133 Powhatan Springs Road; Berkeley District
Tax Map/ Parcel: (46-2)(1-9)
Parcel Size: 2.126 acres
Zoning: R-8, Rural Residential
Comprehensive Plan: Low Density Residential
Primary Service Area: Inside

STAFF RECOMMENDATION

The Board of Supervisors approved a Special Use Permit for a contractors office on this property on February 12, 2002. The applicant for that case, A-Stat Restoration Services, chose not to develop the site and sold the property to Powhatan Springs, LLC in June 2003. Powhatan Springs, LLC is owned by a former employee of A-Stat Restoration Services, Mark Kaisand, who purchased the A-Stat mildew, fire and smoke cleanup division. Due to the late date of the purchase of the property and the demands associated with building a new business, the owner determined that he would be unable to satisfy the engineering requirements for developing the site prior to the expiration date for the SUP, February 12, 2004. The owner intends to develop a contractors office of the same size and scope that was originally proposed for this site.

Staff continues to find the proposal generally inconsistent with the surrounding zoning and development and inconsistent with the Comprehensive Plan; however, with the attached conditions, staff finds the proposal to be an improvement over the recent uses of this site and a positive improvement to the surrounding residential area. Staff recommends the Planning Commission recommend approval of this application with the attached conditions.

Staff Contact: Christopher Johnson Phone: 253-6685

PROJECT DESCRIPTION AND PROPOSED OPERATION

Mr. Mark Kaisand has applied on behalf of Powhatan Springs, LLC for a Special Use Permit to allow the construction of an approximately 12,000 square foot contractors office building at 133 Powhatan Springs Road. In addition to the proposed office building, the Master Plan for the development identifies parking areas and an area approximately 6,800 square feet in size for outdoor storage of containers and equipment. The applicant intends to remove all structures currently located on the site and any remaining construction equipment left by the previous owner. As part of the proposed improvements to the site, the owner will bring existing overhead utilities underground and remove an existing gas pump and underground fuel tank.

HISTORY

The property has been utilized for over thirty years in a variety of uses including equipment sales and rentals and most recently as a base of operation for a construction company. Zoning records indicate that a construction company relocated in February 2001 and the site was purchased by General Corporate Services, Inc., the parent company of A-Stat Restoration Services and Emergency Rental Services. Prior to purchasing the property in April 2001, General Corporate Services, Inc. requested that staff conduct a verification of nonconforming use on the site. Following a review of business licenses, real estate assessment records, JCSA records and personal interviews with adjacent property owners, staff concluded that the property could retain the existing use as a contractor's office and storage facility as a permitted nonconforming use. As a permitted nonconforming use, all structures on the property could continue to be used as a contractor's office and storage facility but any improvements to the property must comply with the current Zoning Ordinance. Business, government, and professional offices are a specially permitted use in the current R-8, Rural Residential, Zoning District; therefore, the proposed office building requires a Special Use Permit. The nonconforming status of the outdoor storage use on the site would remain in effect if this application is approved. Once the existing structures are removed from the site, the nonconforming status of the office use goes away. The contractor's office would then become a specially permitted use subject to the conditions of the Special Use Permit.

SURROUNDING ZONING AND DEVELOPMENT

Staff finds that the proposed contractors office and associated equipment storage area is generally inconsistent with the residential character of the surrounding area; however, with the attached conditions, staff finds the proposal to be an improvement over the most recent uses of this site and a positive improvement to the surrounding residential area. Staff has not received any objection from adjacent property owners on Powhatan Springs Road.

Environmental Impacts

Watershed:	Powhatan Creek
Environmental Staff Comments:	None

Public Utilities

Primary Service Area:	Inside
JCSA Staff Comments:	The proposed office building would be required to connect to both public water and sewer. Detailed water conservation measures must be submitted for review and approval by the JCSA prior to final approval of the site plan for the proposed building.

Traffic

Access: Powhatan Springs Road
VDOT Comments: No improvements to the existing entrance to the site are needed
Staff Comments:

In terms of traffic generation, staff does not believe that the proposed use represents a significant change over previous uses of the site and will not generate traffic volumes greater than what has come to be expected by the residents living on Powhatan Springs Road.

COMPREHENSIVE PLAN

Community Character Corridor: Powhatan Springs Road is not a CCC
Land Use Map Designation: Low Density Residential
Staff Comments:

Staff does not believe that the proposed development is consistent with the Low Density Residential designation as it is not a limited commercial establishment, is not located at the intersection of a collector road, and the scale of the proposed structure does not compliment the character of the nearby residential area. Staff does acknowledge that the proposed development would represent a significant improvement to the site over several of the previous uses of the property and with the proposed conditions, will better compliment the residential character of the surrounding area. The addition of enhanced landscaping and dark color perimeter fencing in select areas and building features which attempt to compliment the character of the surrounding area will provide a net positive improvement to the site and the surrounding area.

CONCLUSIONS AND CONDITIONS

Staff finds the proposal generally inconsistent with the surrounding zoning and development and generally inconsistent with the Comprehensive Plan; however, with the attached conditions, staff finds the proposal to be an improvement over the recent uses of this site and a positive improvement to the surrounding residential area. Staff does not believe that approval of the application will set a negative precedent as there are few, if any, sites in the County that have a more nonconforming status in comparison to the surrounding area in which they are located. Staff recommends the Planning Commission recommend approval of this application with the following conditions:

* Please note that no changes have been made to the adopted conditions for Case No. SUP-29-01

1. **Construction.** If construction has not begun on the project within 24 months of the issuance of the special use permit, it shall become void. Construction shall be defined as securing permits for land disturbance and building construction.
2. **Master Plan.** Development of the site shall be generally in accordance with the "Master Plan, A-Stat Restoration Services" prepared by Morris Mason, and dated January 8, 2002, with such accessory structures and minor changes as the Development Review Committee determines does not change the basic concept or character of the development.
3. **Tank Removal.** Prior to obtaining a Certificate of Occupancy, the owner shall remove the gas pump and underground fuel tank from the Property.
4. **Lot Line Extinguishment.** Prior to final site plan approval, the owner shall receive approval of and record a subdivision plat which extinguishes the lot line separating Parcels A and Parcel B on the Property identified as Parcel No. (1-9) on James City County Real Estate Tax map No. (46-2).

5. Landscaping. A landscaping plan shall be approved by the Planning Director or his designee prior to final site plan approval. The owner shall provide enhanced landscaping for the area along the property frontage on Powhatan Springs Road, along the portions of the property adjacent to residential homes, and along areas designated on the Master Plan for parking. Enhanced landscaping shall be defined as 133% of the Zoning Ordinance landscape requirements.
6. Signs. Signage on the site shall be limited to a single ground mounted, monument style, freestanding sign further limited to a maximum of 16 square feet along the Powhatan Springs Road right of way. The sign shall be externally illuminated and shall be approved by the Planning Director or his designee prior to final site plan approval.
7. Fence. Any existing perimeter fence which is removed as part of the development shall be replaced with a black or dark green colored chain link fence or solid wood fence and identified on the development plans and approved by the Planning Director or his designee prior to final site plan approval.
8. Dumpsters. All dumpsters on the Property shall be screened by landscaping and fencing in a location approved by the Planning Director or his designee prior to final site plan approval.
9. Water Conservation. The owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority. The standards 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 if and where appropriate and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. The water conservation standards shall be approved by the James City Service Authority prior to final site plan approval.
10. Lighting. All exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to, and approved by, the Planning Director or his designee which indicates no glare outside the property lines. All light poles shall not exceed 20-feet in height unless otherwise approved by the Director of Planning prior to final site plan approval. "Glare" shall be defined as more than 0.1 footcandle at the property line or any direct view of the lighting source from the adjoining residential properties.
11. Architecture. Prior to final site plan approval, the Planning Director shall review and approve the final building elevations and architectural design of the office building. Such approval as determined by the Planning Director shall ensure that the design, building materials, color, and scale of the office building and any future building additions are compatible with the surrounding residential area.
12. Severability. This special use permit is not severable. Invalidity of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

Christopher Johnson

CONCUR:

O. Marvin Sowers, Jr.

ATTACHMENTS:

1. Location Map
2. Master Plan dated January 8, 2002

Made Plus For A-Stat Publications Inc.
Prepared By M. Marie Mason





Case No. SUP-01-04
STAT Services, Inc.

900 0 900 1800 Feet



Agricultural and Forestal District 7-86. Mill Creek – Gulden Addition
Staff Report for the March 1, 2004 Planning Commission Public Hearing

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS

Planning Commission: Building F Board Room; County Government Complex
March 1, 2004, 7:00 p.m.
Board of Supervisors: April 13, 2004, 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. Randolph Gulden

Land Owner, Tax Map ID, Area and Existing Zoning: Mr. Randolph Gulden; (10-2)(1-12); 87.201 acres; A-1

Proposal: Addition of 87.201 acres to the existing Mill Creek AFD

Location: 126 Camp Road.

Comprehensive Plan: Rural Lands

Primary Service Area: Outside

STAFF RECOMMENDATION

The proposed addition meets the minimum area and proximity requirements for inclusion into an AFD and is consistent with surrounding zoning and development and the 2003 Comprehensive Plan. Staff recommends the Planning Commission recommend approval of the Gulden addition to the Mill Creek AFD subject to the conditions of the existing district. On February 18, 2004 the AFD Advisory Committee recommended approval of this application by a vote of 6-0.

Staff Contact: Matthew Arcieri Phone: 253-6685

History

In August of 2002 the Board of Supervisors renewed the Mill Creek AFD for a period of four years. The Gulden property is proposed to be added to the Mill Creek AFD. It is comprised of one parcel totaling 87.201 acres and further identified as Tax Map No. (10-2)(1-12). The parcel is located off of Camp Road.

Public Impacts

1. Surrounding Zoning and Development

The property is entirely surrounded by land zoned A-1, General Agricultural. While there are a few single family homes located along Camp Road, a majority of the adjacent property is wooded and undeveloped. The property abutting the southern side of the parcel is part of the Mill Creek AFD. The proposal is consistent with surrounding zoning and development.

2. Environmental Impacts

Approximately one half of the property is wooded. The remainder is open fields with a single family dwelling and other farm structures located adjacent to Camp Road.

3. Utilities

Public water and sewer is unavailable.

Comprehensive Plan

The 2003 Comprehensive Plan designates this parcel as Rural Lands.

Staff Comments: The majority of parcels within the Mill Creek AFD are also designated Rural Lands. The first Comprehensive Plan rural land use standard calls for preserving the County's natural, wooded and rural character of the County. The Agricultural and Forestal District program supports this objective.

RECOMMENDATION:

The proposed addition meets the minimum area and proximity requirements for inclusion into an AFD and is consistent with surrounding zoning and development and the 2003 Comprehensive Plan. On February 18, 2004 the AFD Advisory Committee recommended approval of this application by a vote of 6-0. Staff recommends the Planning Commission recommend approval of the Gulden addition to the Mill Creek AFD subject to the conditions of the existing district which are as follows:

1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family. Parcels of up to 5 acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment, provided, a). The subdivision does not result in the total acreage of the District to drop below 200 acres; and b). The subdivision does not result in a remnant parcel of less than 25 acres.
2. No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Land inside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996.

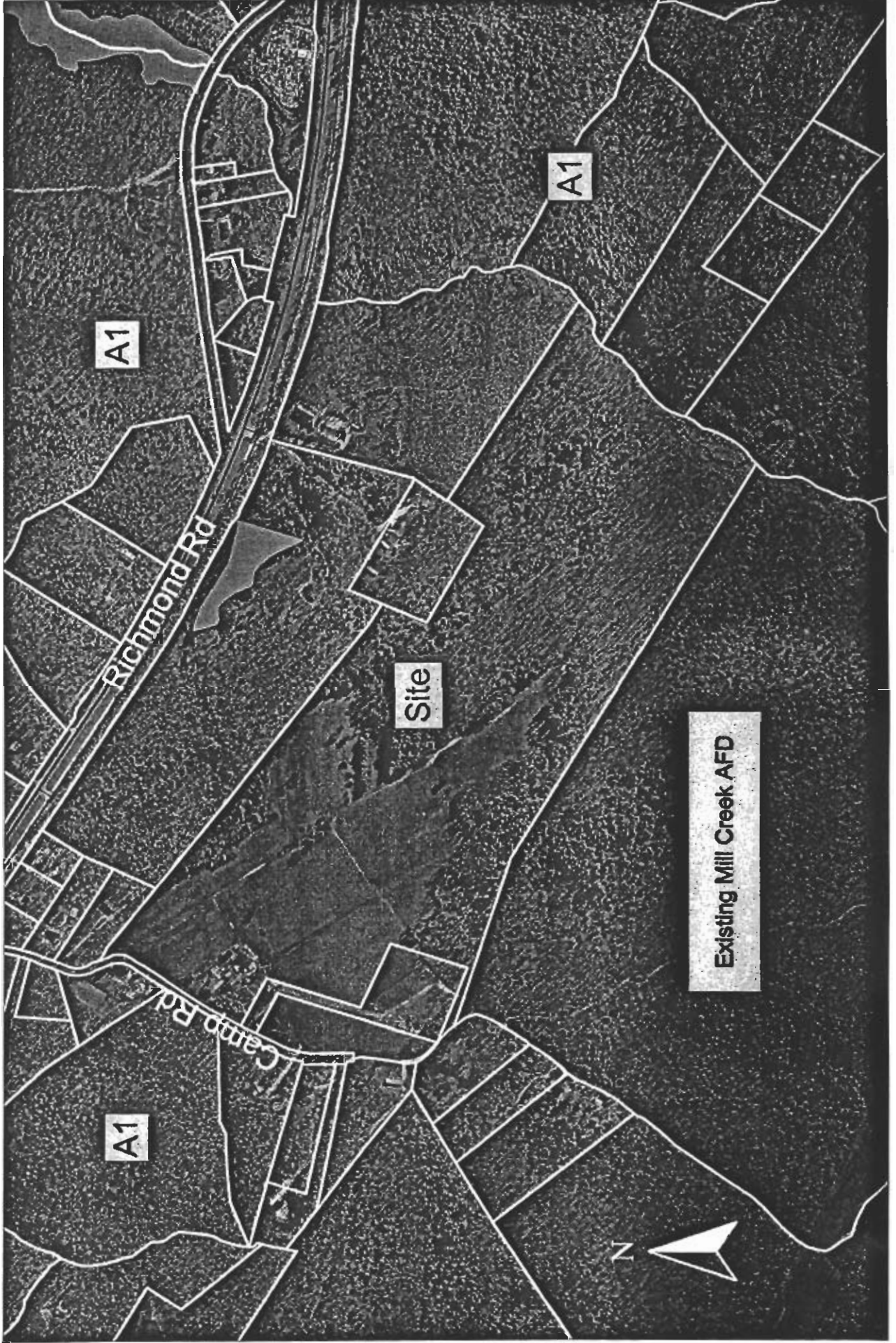
3. No special use permit shall be issued except for agricultural, forestal or other activities and uses consistent with the State Code Section 15.2-4301 et. seq. which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

Matthew D. Arcieri

Attachments:

1. Location map

AFD-7-86; Mill Creek (Gulden Addition)



MEMORANDUM

DATE: March 1, 2004
TO: The Planning Commission
FROM: David Anderson, Senior Planner
SUBJECT: Case No. SO-1-04, Individual Sewer Ordinance Amendment

OVERVIEW

Staff has been requested by the Planning Commission to forward an amendment to permit the use of alternate septic drainfield systems without Planning Commission review and approval. Currently, Section 19-60, Individual Sewer, of the Subdivision Ordinance requires a waiver to be granted by the Planning Commission for use of alternate septic drainfield systems. The proposed amendment would allow by-right use of these systems provided that they are ultimately approved by the Health Department. Health Department approval is currently required for all septic drainfield systems including alternate septic drainfield systems, but occurs subsequent to Planning Commission approval of such systems.

CONVENTIONAL VERSUS ALTERNATE SYSTEMS

The main difference between conventional septic drainfield systems and alternate septic drainfield systems is that alternate systems have a secondary treatment method. In conventional systems, the soil acts as both a treatment medium and receiving environment. Effluent is pumped from a septic tank to a distribution box and then released into a drainfield and absorbed directly into the soil. The soil is responsible for providing much of the treatment. In alternate systems, before the effluent is absorbed into the soil, it is filtered. Common filtering methods include biofilters, such as peat, and synthetic filters. The effluent is treated in this filter before being absorbed into the soil. Therefore, the soil acts simply as a receiving environment rather than a treatment medium. Simply stated, the effluent that is absorbed into the soil in an alternate system has been pretreated and is much safer to the environment than the effluent of a conventional system and provides better protection from ground water contamination.

The limiting factor in whether or not a particular septic drainfield system can be permitted is the distance between the bottom of the drainfield and the top of the seasonal water table. A state code specified distance is necessary between the two restrictive features depending on the type of system utilized. This separation distance is necessary to ensure the sufficient treatment of the effluent before it enters the seasonal water table. Conventional systems require a larger separation distance due to the minimal amount of treatment performed on the effluent before it is absorbed into the soil, whereas alternate systems providing higher levels of effluent treatment require a smaller separation distance. Therefore, land with a shallow seasonal water table will not support conventional septic drainfield systems and alternate septic drainfield systems must be used if the property is to be developed. Although the drainfield area is typically smaller for alternate systems due to the advanced effluent treatment, the size of the lot only plays a small role in whether or not a system is permitted, while the seasonal water table depth is much more critical.

Most of the alternate septic drainfield systems that are used in James City County are pre-packaged systems requiring very low maintenance. The three most common alternate systems are Puraflo, Ecoflo, and Advantex. Users of these systems are typically required to sign a contractual maintenance agreement, requiring an annual inspection of the sump/pump unit. The systems are also commonly outfitted with an alarm warning device that will sound in the event of system malfunction. Additionally, the alternate systems require that the septic tank be pumped out every five years just like conventional systems. Due to ease of maintenance of these systems, they are considered just as safe as conventional systems. The exception to this is systems that discharge directly into a water source rather than a drainfield, which in the event of failure could result in untreated effluent discharging directly into the water source. As such, James City County does not permit the use of direct discharge systems and will maintain this position under this ordinance amendment. All septic systems permitted in James City County would continue to be soil absorption systems; the definition of such systems follows:

Soil absorption systems. On-site sewage disposal systems which utilize the soil to provide final treatment and disposal of effluent from a septic tank in a manner that does not result in a point-source discharge and does not create a nuisance, health hazard or ground or surface water pollution.

LAND USE IMPLICATIONS

Allowing alternate septic drainfield systems will technically allow lots to be developed that would otherwise not be able to be developed if they were restricted to the use of conventional septic drainfield systems. However, the Development Review Committee has been routinely approving waivers for such systems for several years. In addition, the lot size requirements and density standards specified in the ordinance and the Comprehensive Plan are not impacted by use of these systems. Any development utilizing alternate septic drainfield systems would still have to adhere to these larger requirements.

RECOMMENDATION

Staff believes the proposed amendment recognizes the technological advancements of alternate septic drainfield systems and the environmental benefits stemming from these advancements, while maintaining the larger development standards set forth in the ordinance and Comprehensive Plan. Staff recommends the Planning Commission approve the attached ordinance amendment.

David Anderson

Attachment:

1. Individual Sewer Ordinance Amendment
2. Definitions Ordinance Amendment

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 19, SUBDIVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA BY AMENDING ARTICLE III, REQUIREMENTS FOR DESIGN AND MINIMUM IMPROVEMENTS, SECTION 19-60, INDIVIDUAL SEWER.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 19, Subdivisions, is hereby amended and reordained by amending Section 19-60, Individual sewer.

Chapter 19. Subdivisions

Article III. Requirements for Design and Minimum Improvements

Sec. 19-60. Individual Sewer.

If public sewer is not available, subdivision lots shall be served by individual septic tank systems in accordance with the following:

(1) Individual septic tank systems for each lot must be approved by the health department and shall be a ~~conventional septic tank system with a distribution box and gravity fed drainfield~~ *soil absorption system of conventional or alternate design.*

~~(2) For lots inside the Primary Service Area only, and where lots are not otherwise required to connect to public sewer, where conventional septic tank systems are not feasible, and with a~~

~~positive recommendation from the health department, the agent may consider allowing one of the following types, as defined by the health department:~~

- ~~(a) Low pressure distribution; or~~
- ~~(b) Shallow placed drain field with a sand filter.~~

~~For lots outside the Primary Service Area and only with a positive recommendation from the health department, the alternative septic tank systems above may be used only in a remedial fashion where conventional septic tank systems are failing.~~

~~(3)~~ (2) The plans for such subdivisions shall include specific septic tank locations, including primary and reserve drainfields and soils information as required by health department regulations, as well as appropriate notation as required in section 19-29 (m).

Any proposed lots not suitable for the installation of septic tank systems shall be combined with lots that are suitable.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this ____
day of ____, 2004.

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 19, SUBDIVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA BY AMENDING ARTICLE I, GENERAL PROVISIONS, SECTION 19-2, DEFINITIONS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 19, Subdivisions, is hereby amended and reordained by amending Section 19-2, Definitions.

Chapter 19. Subdivisions

Article I. General Provisions

Sec. 19-2. Definitions.

Soil absorption systems. On-site sewage disposal systems which utilize the soil to provide final treatment and disposal of effluent from a septic tank in a manner that does not result in a point-source discharge and does not create a nuisance, health hazard or ground or surface water pollution.

Bruce C. Goodson
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this ____ day of ____, 2004.

REZONING 15-03 / MASTER PLAN 13-03/ HEIGHT LIMITATION WAIVER 2-03. Stonehouse Station at Norge

Staff Report for the March 1, 2004 Planning Commission Public Hearing

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS

Planning Commission: Building F Board Room; County Government Complex
February 2, 2004, 7:00 p.m. (deferred)
March 1, 2004, 7:00 p.m.
Board of Supervisors: April 13, 2004, 7:00 p.m.

SUMMARY FACTS

Applicant: Ms. Lou Rowland, Stonehouse Station, L.P.

Land Owner, Tax Map ID, Area and Existing Zoning: Sixty Four Associates; (13-4)(1-21); 10.167 acres; B-1

Proposal: To rezone a total of approximately 10.167 acres to allow for the construction of up to 104 apartments which, by proffer, are proposed to be affordable in rent. A height limitation waiver is also requested from the Board of Supervisors as the proposed apartment buildings exceed 35 feet in height.

Location: 7721 Croaker Road.

Proposed Zoning: R-5, Multifamily Residential, with proffers

Comprehensive Plan: Moderate Density Residential

Primary Service Area: Inside

STAFF RECOMMENDATION

This case was deferred by the Planning Commission on February 2, 2004. The following report provides additional information sought by the Commission on a variety of issues regarding this proposal.

With the submitted proffers, staff finds the proposal will not negatively impact surrounding property. Staff also finds the proposal consistent with the Land Use and Housing policies of the Comprehensive Plan and consistent with the Comprehensive Plan Land Use Map designation. Staff also finds that the added benefit of affordable housing will meet an important need in James City County. Staff recommends the Planning Commission recommend approval of the Rezoning and Master Plan applications and the acceptance of the voluntary proffers conditioned upon final agreement with the adjacent property over the proposed shared driveway prior to action by the Board of Supervisors.

Staff Contact: Matthew Arcieri Phone: 253-6685

Proffers: Are signed and submitted in accordance with the James City County Proffer Policy.

Project Description

Stonehouse Station, L.P. has submitted an application to rezone approximately 10.167 acres located at 7721 Croaker Road from B-1, General Business to R-5, Multifamily Residential, with proffers. If approved, the developer would construct a new affordable apartment housing complex. The development, to be known as Stonehouse Station at Norge, would consist of up to 104, two and three bedroom apartments among nine buildings. The project is possible with support from the Low Income Housing Tax Credit Program and financing by the Virginia Housing Development Authority.

Issues raised at the February 2, 2004 Planning Commission

Schools

Per the "Adequate Public School Facilities Test" policy adopted by the Board of Supervisors, all special use permit or rezoning applications should pass the test for adequate public school facilities. With respect to this test, the following information is offered by the applicant:

<i>School</i>	<i>Current Enrollment (9/30/2003)</i>	<i>Design Capacity</i>	<i>Projected Students Generated by Proposal</i>	<i>Enrollment + Projected Students</i>
Stonehouse Elementary	525	588	12	537
Toano Middle	783	775	7	790
Lafayette High	1,478	1,250	9	1,487

The student generation rate for apartments is 0.267 students per unit. This number used by the applicant is generated by the Department of Financial and Management Services in consultation with WJCC Public Schools based on historical attendance data gathered from other apartment complexes in James City County. A copy of this data is attached. The number does not include non-school age children. This number is an average; some apartment complexes will have more children while others have less.

Pedestrian Circulation

Early on in the rezoning process, it was recognized by staff and the applicant that providing a sidewalk along the property's Croaker Road frontage was not practical given the steep topography of the site and since a sidewalk could not connect to sidewalk on adjoining properties. Based on staff's recommendation, the applicant provided a sidewalk along the entrance road to the project. This sidewalk will provide *future* connection to the adjacent property at the corner of Croaker and Richmond Road. Sidewalks will be required on that property when it develops.

The County has a federal grant and is in the preliminary planning stages for a multi-use path on the opposite side of Croaker Road. When constructed this path is envisioned to extend from the JCC Library over the railroad tracks to the corner of Croaker and Richmond Road.

The police department reviewed accident data involving pedestrians on Croaker Road. From the period of January 1, 2001 through July 31, 2003 there were no accidents involving pedestrians on Croaker Road.

Based on the topography and the affordable goals of the project staff concludes that the proposed pedestrian facilities are acceptable. Residents of Stonehouse Station at Norge will primarily utilize automobiles to attend facilities such as the JCC Library or shopping centers on Richmond Road until such time that adequate, safe pedestrian facilities exist on Croaker Road.

Railroad Tracks

The police department compiled accident data involving pedestrians on the CSX railroad tracks. From the

period of January 1, 2001 through July 31, 2003 there were no accidents involving pedestrians and trains.
Crime and Property Values in other Ripley-Heatwole Communities
As requested, the applicant has provided additional information on these issues which is attached to this report.

Additional crime data provided by the James City County Police Department is also attached.

The James City County Division of Real Estate Assessments has reviewed this proposal and concluded that approval of this project should not produce a negative affect on surrounding property values.

Moderate Density Residential Designation on Comprehensive Plan

During the 1991 Comprehensive Plan update, this property was re-designated from low-density residential to moderate density residential. This represents an effort to identify and increase the amount of land designated moderate density residential in James City County in recognition of a significant lack of opportunities. In addition, the moderate density residential designation was intended to help establish the limits of the Norge Community Character Area and to provide a transitional land use between the Community Commercial area (Norge Crossing Shopping Center) and low-density residential property further west along Richmond Road. Language was added in subsequent Comprehensive Plan updates to encourage land use and development patterns that reinforce the visual separation between Community Character Areas. An important way to achieve this is by encouraging development which does not require a high degree of visibility from the road.

During the 2003 Comprehensive Plan, staff re-evaluated all of the undeveloped moderate density residential property in the County. Again, it was determined that the County has very few opportunities for multi-family development, especially in affordable ranges. Based on the location of the site, it was determined that the site was preferable for a residential development. The site is lower than the adjacent road, which would impede the visibility of any business located on the site and limits its access from Croaker Road. In addition, there is more than 30 acres of undeveloped B-1 property designated community commercial (rezoned in 1987), in the Norge Crossing Shopping Center.

RECOMMENDATION:

With the submitted proffers, staff finds the proposal will not negatively impact surrounding property. Staff also finds the proposal consistent with the Land Use and Housing policies of the Comprehensive Plan and consistent with the Comprehensive Plan Land Use Map designation. Staff also finds that the added benefit of affordable housing will meet an important need in James City County. Staff recommends the Planning Commission recommend approval of the Rezoning and Master Plan applications and the acceptance of the voluntary proffers conditioned upon final agreement with the adjacent property over the proposed shared driveway prior to action by the Board of Supervisors.

Matthew D. Arcieri

Attachments:

1. Location map
2. Response packet from Ripley-Heatwole dated February 16, 2004 (under separate cover)
3. Current school enrollment data
4. Crime data from JCC Police Department
5. Citizen Comments
6. Proffers

Citizen Comments

Received February 6, 2004

Our Stonehouse Representatives' meeting was just held on Monday and I must tell you that there is a great deal of concern about the projects going in near us. Michelle Point is one thing but because it is a situation where people are buying in and will have an investment in it is less troubling than the apartment complex in Norge for low income called Stonehouse at Norge. There is already too much confusion over our name and location - please don't make that worse. Don't continue to overcrowd our schools and amenities just for the sake of affordable housing. Please take more time with this and consider the quality of life for those neighborhoods that have already been approved and are in the growing process. The schools will be unable to handle the growth already approved - please give careful consideration to anything else that comes before you. My husband and I left Newport News because of the crime and growding associated with low income housing that was put in in the Denbigh area against outcries from everyone concerned. That entire area is horrible now. Food Lion near us there had to close as well as several other businesses. They were constantly being robbed and the crime rate in Denbigh went thru the roof. I am begging you to stop pushing low income housing. Don't let the north end of the county become a dumping ground.

Kim League

Received February 8, 2004

I am writing to express my concern over the two projects that are now being considered by the James City County Planning and Board of Supervisors. I do not support either one of these projects. I may be entering into the fray at a late date as I am not sure how far along they have progressed. These projects will bring additional children into the area and put them into a school system that is already at capacity. Over crowding these schools will only dilute their effectiveness and impede the School Board and the School Administration's desire to maintain their 100% accreditation and continue improving the school system.

Concentrating low-income housing in any area is going to be detrimental to that area in a number of ways. I have personally seen the impact of low income housing in an area. The crime rate went up and property values went down. The area, which once had a rural character, became an area that had a high rate of crime, drugs, and other undesirable elements that affect the quality of life. I think the result of all this is for longtime residents have started moving out of the areas to escape what they see is a decline in their personal safety as well as their own personal investment.

In addition to the residential considerations, consideration should be given to the economic impact on the County. The County has a great industrial park at Stonehouse Commerce Park that is in need of industrial tenets. The higher the standard of living and the overall education of the community will serve as a marketing tool to attract high quality tenets. Concentrating low-income housing in this area will only dampen the enthusiasm that decision makers may have for relocating to James City County.

I am concerned that planning process will not distribute these projects that are being considered around the county. I feel that it is extremely important not to have a concentration in one section

of the county. If these projects in fact have to be done I urge the Planning Commission to opt for quality and not quantity. Right now in Stonehouse many of the homes have been bought by individuals that are either retiring from jobs up north or are just relocating to a more suitable area. They are enthusiastic about their move to James City County. Many of the people have come from out of state. The Stonehouse area is going to continue to develop and if these projects are going to be allowed the Stonehouse development may go down the tubes.

I appreciate your time and consideration in this matter. Please forward my comments to the members of the Planning Commission.

Sincerely,

George B. League
3146 Ciderhouse Road
Toano, Virginia 23168
Telephone: 969 1490

Received February 9, 2004

It was with a great deal of concern that I read the articles in the Virginia Gazette and The Daily Press regarding the affordable housing approved by planning in the Stonehouse District. The project that most concerns me is the Stonehouse Station at Norge. Not only is the name a disaster for those of us who live in Stonehouse but the potential for overcrowding of our schools and increased crime makes this project a threat to the quality of our lives. You gave us your word that you would not approve projects that would overburden our schools and other public utilities. You have already approved Stonehouse and our children will be going to overcrowded schools as it is. Stonehouse Elementary and Toano are at their maximum. Please reconsider approval of this and other projects that would overburden our schools and lessen the quality of our beautiful county. Most of us left overcrowded, crime ridden areas for the considerate development that James City County and Williamsburg were known for. I left Newport News for just that reason. My beautiful waterfront neighborhood in the once rural Denbigh area had, thanks to low income housing, become a dangerous place to live with theft and murder being an everyday occurrence. Please don't think it can't happen here. Please, please give this your heartfelt consideration. We need you to be careful and vigilant for us.

Sincerely, Kimberly League
3146 Cider House Road

We are extremely concerned about the recent approval by the Planning Commission of the numerous additional "affordable housing" units in our district. Our district schools are already at capacity as reported last week in the Daily Press. In the past, the supervisors have given their word that our schools and other facilities would not be overtaxed. It seems reckless to approve additional growth without first responsibly planning roads, schools and safety facilities to accommodate that growth.

The Stonehouse Station at Norge if projected to include 200 apartments. Apartments *do* contribute to the *population* of schools, but do not generate the tax base necessary to *build* new schools. If an apartment complex and additional homes are to be built in our district. The funds should be allocated and set aside to provide the necessary facilities *first*.

Please consider taking the necessary action to provide the infrastructure first.

Thank you,
Ray & Marianne Bruett

Dear Sirs and Madams,

I am writing to express my concern about Stonehouse Station at Norge, and especially about the choice of its name. I have seen the apartments which have been condemned at Longhill and Centerville and have seen the condition in which they were kept and allowed to exist. I have no problem with low income housing as long as standards of maintenance and appearance are met. If the occupants are unable or unwilling to keep them in decent condition and repair, then the county must, to show that it is committed, not only to low income housing, but to the interests of all of the citizens of James City County, assume this responsibility. I also have concerns about crime and drugs as has been reported at many low income projects, including Burnt Ordinary.

I do not have information about whether the planned location of this development fits best into the County's comprehensive plan or what the affect of this development on existing school districts would be, but I trust that you have or will ensure that these concerns are addressed. I know that many of my neighbors are concerned about and will address these aspects of this proposal.

I must, however, object strenuously to the choice of name for this development. Stonehouse is a recognized and sought after name and location, due largely to the development and residents of Stonehouse (the residential development). My neighbors and I bought in James City and at Stonehouse, in particular, to achieve and maintain a certain residential identity and property value. Allowing this new development to utilize the appeal of the status of the existing Stonehouse not only detracts from our neighborhood's value but also would be confusing to potential residents of either neighborhood.

I realize that we live in the Stonehouse district and that the name Stonehouse is not copyrighted, but, I am sure that there are a number of other equally satisfactory names for the new development.

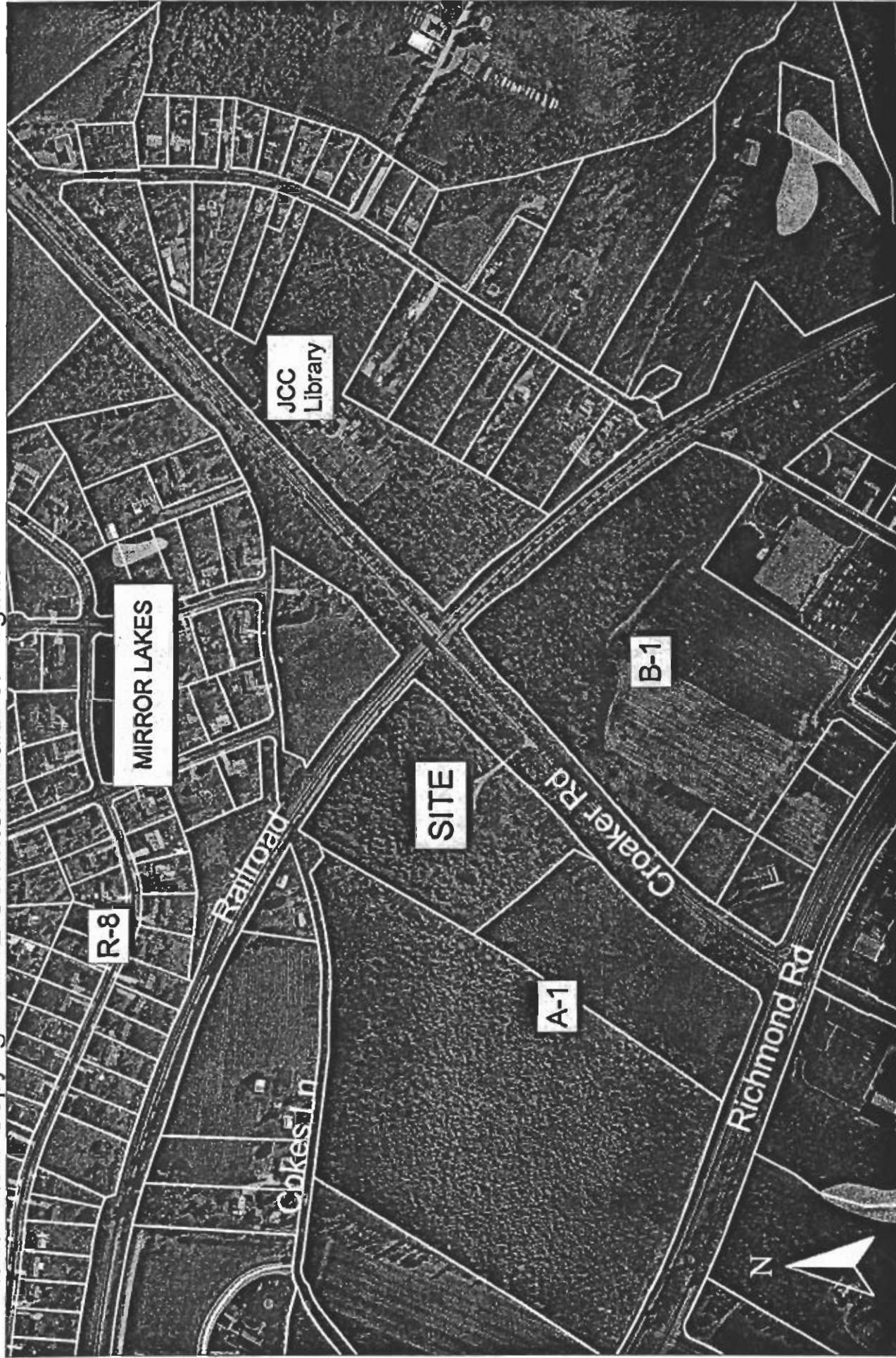
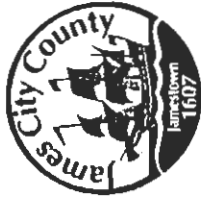
I appreciate your attention to this matter and trust that you will understand our concern.

Judy DeWitt
Gerald W DeWitt, MD

2Z-15-03/MP-13-03/HW-2-03

Stonehouse Station at Norge

Aerial View Copyright 2002 Commonwealth of Virginia



APARTMENTS WITH PUBLIC SCHOOL ENROLLMENT

NAME	TAX MAP #	NUMBER OF UNITS	SEB	SEB	ISR	OTHER	YEAR BUILT	ACRES	ELEM. KIDS	MIDDLE KIDS	HS KIDS	SEP-03 PUB SCH ENROLL	ENROLL PER UNIT
BURNT ORDINARY	(12-4)(01-0-0026)	102	0	48	54	0	1987	4.360	24	9	7	40	0.392
BURTON WOODS	(31-3)(01-0-0012A)	48	0	48	0	0	1981	3.560	15	3	5	23	0.479
CONWAY GARDEN	(48-1)(01-0-0031)	200	20	140	40	0	1971	6.920	8	6	0	14	0.070
LAFAYETTE FAMILY	(32-3)(01-0-0007A)	112	0	80	30	2	1989	17.094	27	11	10	48	0.429
LAFAYETTE SQUARE	(32-3)(01-0-0006)	106	30	56	20	0	1984	11.090	28	19	17	64	0.604
MARLBORO	(48-1)(01-0-0029)	48	10	28	10	0	1963	2.445	8	1	1	10	0.208
MONTCELLO AT POWHATAN	(38-1)(03-0-0033)	120					2001	21.763	9	3	10	22	0.183
OLDE JAMESTOWN	(48-1)(01-0-0027)	52	0	0	52	0	1971	2.865				0	0.000
REGENCY AT LONGHILL	(32-4)(01-0-0026B)	206	18	164	24	0	1986	10.820	19	8	7	28	0.136
ROLLING MEADOWS	(33-3)(01-0-0037)	200	56	144	0	0	1994	20.970	66	28	20	114	0.570
STEEPLECHASE	(38-3)(01-0-0013)	220	18	114	88	0	1986	15.598	14	2	1	17	0.077
STONEGATE	(41-3)(01-0-0002)	128	24	88	16	0	1972	7.830	27	14	10	51	0.398
STRATFORD HALL	(33-3)(01-0-0027)	156	0	124	32	0	1974	8.800	10	9	5	24	0.154
WOODS OF WMSBG, P-1	(32-3)(01-0-0005)	125	24	80	21	0	1978	16.910	19	7	6	32	0.256
<hr/>													
		1823											
			274		120		99		487		0.267		
			56.26%		24.64%		20.33%						

James City County Police Dept. - Selected Crimes - 2003

Location	Robbery	Burglary	Forcible Sex Offense/Rape
Berkeley's Green		1	
Birchwood Park			1
Blow Flats Road			1
Bradshaw Ordinary		1	
Briarwood			1
Busch Corporate Center	1		1
Busch Gardens	1		
Bush Springs Road			1
Chambrel at Williamsburg		1	
Chickahominy Haven		1	1
Chickahominy Road		1	2
Chisel Run		1	1
Clara Byrd Baker School		1	
Conway Gardens/Olde Jamestown Apartments		1	
Country Village Trl. Park	1	7	1
Cypress Point		1	
Fieldcrest		1	
Ford's Colony/Swinley Forest			1
Forest Glen		4	2
Ft Magruder/Stonegate Apts		4	
Governor's Land/Clubhouse		1	
Governor's Land/Middle		1	
Hardwood	1	2	1
Heritage Trl. Park	1	3	1
Ironbound Square			1
James Terrace		5	2
Jamestown High School		1	
Kingsmill/Commerical			1
Kingsmill/Resdential		4	1
Kingspoint		4	
Lafayette Square	1	2	
Lafayette Village		2	
LaFontaine		2	
Mallard Hills			1
Marketplace Shopping Center		2	
Marston's Trl. Park		1	
Midlands Apartments		3	
Mirror Lake Estates		1	
Monticello Marketplace			1
Norvallia		2	1
Other Land	7	35	8
Parrish Hills			1
Poplar Hall			1
Powhatan Plantation		3	
Rolling Meadows		2	2
Ron Springs Rd./Magruder Trl. Park		2	1
Scott's Pond		1	
Seasons's Trace		1	2

Location	Robbery	Burglary	Forcible Sex Offense/Rape
Skiffe's Creek Terrace			1
St. Georges Hundred		1	
Stratford Hall Apartments	1		
Temple Hall Estates		1	
Tewning Road		1	
The Meadows		1	
Toano Woods		1	
Williamsburg Landing		4	
Williamsburg Pottery		1	
Williamsburg Terrace Mobile Home Park			1
Windsor Forest		1	
Windy Hill Trl. Park	1	10	2
Winston Terrace		1	
Woodland Farms			1

Citizen Comments

Received February 6, 2004

Our Stonehouse Representatives' meeting was just held on Monday and I must tell you that there is a great deal of concern about the projects going in near us. Michelle Point is one thing but because it is a situation where people are buying in and will have an investment in it is less troubling than the apartment complex in Norge for low income called Stonehouse at Norge. There is already too much confusion over our name and location - please don't make that worse. Don't continue to overcrowd our schools and amenities just for the sake of affordable housing. Please take more time with this and consider the quality of life for those neighborhoods that have already been approved and are in the growing process. The schools will be unable to handle the growth already approved - please give careful consideration to anything else that comes before you. My husband and I left Newport News because of the crime and growding associated with low income housing that was put in in the Denbigh area against outcries from everyone concerned. That entire area is horrible now. Food Lion near us there had to close as well as several other businesses. They were constantly being robbed and the crime rate in Denbigh went thru the roof. I am begging you to stop pushing low income housing. Don't let the north end of the county become a dumping ground.

Kim League

Received February 8, 2004

I am writing to express my concern over the two projects that are now being considered by the James City County Planning and Board of Supervisors. I do not support either one of these projects. I may be entering into the fray at a late date as I am not sure how far along they have progressed. These projects will bring additional children into the area and put them into a school system that is already at capacity. Over crowding these schools will only dilute their effectiveness and impede the School Board and the School Administration's desire to maintain their 100% accreditation and continue improving the school system.

Concentrating low-income housing in any area is going to be detrimental to that area in a number of ways. I have personally seen the impact of low income housing in an area. The crime rate went up and property values went down. The area, which once had a rural character, became an area that had a high rate of crime, drugs, and other undesirable elements that affect the quality of life. I think the result of all this is for longtime residents have started moving out of the areas to escape what they see is a decline in their personal safety as well as their own personal investment.

In addition to the residential considerations, consideration should be given to the economic impact on the County. The County has a great industrial park at Stonehouse Commerce Park that is in need of industrial tenets. The higher the standard of living and the overall education of the community will serve as a marketing tool to attract high quality tenets. Concentrating low-income housing in this area will only dampen the enthusiasm that decision makers may have for relocating to James City County.

I am concerned that planning process will not distribute these projects that are being considered around the county. I feel that it is extremely important not to have a concentration in one section

of the county. If these projects in fact have to be done I urge the Planning Commission to opt for quality and not quantity. Right now in Stonehouse many of the homes have been bought by individuals that are either retiring from jobs up north or are just relocating to a more suitable area. They are enthusiastic about their move to James City County. Many of the people have come from out of state. The Stonehouse area is going to continue to develop and if these projects are going to be allowed the Stonehouse development may go down the tubes.

I appreciate your time and consideration in this matter. Please forward my comments to the members of the Planning Commission.

Sincerely,

George B. League
3146 Ciderhouse Road
Toano, Virginia 23168
Telephone: 969 1490

Received February 9, 2004

It was with a great deal of concern that I read the articles in the Virginia Gazette and The Daily Press regarding the affordable housing approved by planning in the Stonehouse District. The project that most concerns me is the Stonehouse Station at Norge. Not only is the name a disaster for those of us who live in Stonehouse but the potential for overcrowding of our schools and increased crime makes this project a threat to the quality of our lives. You gave us your word that you would not approve projects that would overburden our schools and other public utilities. You have already approved Stonehouse and our children will be going to overcrowded schools as it is. Stonehouse Elementary and Toano are at their maximum. Please reconsider approval of this and other projects that would overburden our schools and lessen the quality of our beautiful county. Most of us left overcrowded, crime ridden areas for the considerate development that James City County and Williamsburg were known for. I left Newport News for just that reason. My beautiful waterfront neighborhood in the once rural Denbigh area had, thanks to low income housing, become a dangerous place to live with theft and murder being an everyday occurrence. Please don't think it can't happen here. Please, please give this your heartfelt consideration. We need you to be careful and vigilant for us.

Sincerely, Kimberly League
3146 Cider House Road

We are extremely concerned about the recent approval by the Planning Commission of the numerous additional "affordable housing" units in our district. Our district schools are already at capacity as reported last week in the Daily Press. In the past, the supervisors have given their word that our schools and other facilities would not be overtaxed. It seems reckless to approve additional growth without first responsibly planning roads, schools and safety facilities to accommodate that growth.

The Stonehouse Station at Norge if projected to include 200 apartments. Apartments *do* contribute to the *population* of schools, but do not generate the tax base necessary to *build* new schools. If an apartment complex and additional homes are to be built in our district. The funds should be allocated and set aside to provide the necessary facilities *first*.

Please consider taking the necessary action to provide the infrastructure first.

Thank you,
Ray & Marianne Bruett

Dear Sirs and Madams,

I am writing to express my concern about Stonehouse Station at Norge, and especially about the choice of its name. I have seen the apartments which have been condemned at Longhill and Centerville and have seen the condition in which they were kept and allowed to exist. I have no problem with low income housing as long as standards of maintenance and appearance are met. If the occupants are unable or unwilling to keep them in decent condition and repair, then the county must, to show that it is committed, not only to low income housing, but to the interests of all of the citizens of James City County, assume this responsibility. I also have concerns about crime and drugs as has been reported at many low income projects, including Burnt Ordinary.

I do not have information about whether the planned location of this development fits best into the County's comprehensive plan or what the affect of this development on existing school districts would be, but I trust that you have or will ensure that these concerns are addressed. I know that many of my neighbors are concerned about and will address these aspects of this proposal.

I must, however, object strenuously to the choice of name for this development. Stonehouse is a recognized and sought after name and location, due largely to the development and residents of Stonehouse (the residential development). My neighbors and I bought in James City and at Stonehouse, in particular, to achieve and maintain a certain residential identity and property value. Allowing this new development to utilize the appeal of the status of the existing Stonehouse not only detracts from our neighborhood's value but also would be confusing to potential residents of either neighborhood.

I realize that we live in the Stonehouse district and that the name Stonehouse is not copyrighted, but, I am sure that there are a number of other equally satisfactory names for the new development.

I appreciate your attention to this matter and trust that you will understand our concern.

Judy DeWitt
Gerald W DeWitt, MD

PROFFERS

THESE PROFFERS are made this 23rd day of January, 2004 by **SIXTY FOUR ASSOCIATES, INC.**, a Virginia corporation (together with its successors and assigns, the "Owner") and **STONEHOUSE STATION, L.P.**

RECITALS

A. Owner is the owner of a tract or parcel of land located in James City County, Virginia, containing approximately 10.167 acres with an address of 7721 Croaker Road, James City County, Virginia and being Tax Parcel 1340100021 (the "Property"). The Property is now zoned B-1.

B. Stonehouse Station, L.P. and/or assigns ("Buyer") has contracted to purchase the Property conditioned upon the rezoning of the Property.

C. Owner and Buyer have applied to rezone the Property from B-1 to R-5, Multifamily Residential District, with proffers.

D. Buyer has submitted to the County a master plan entitled "Stonehouse Station at Norge" prepared by Pinnacle Group Engineering, Inc. dated December 22, 2003 (the "Master Plan") for the Property in accordance with the County Zoning Ordinance.

E. Owner and Buyer desire to offer to the County certain conditions on the development of the Property not generally applicable to land zoned R-5.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2297 of the Code of Virginia, 1950, as amended, and the County Zoning Ordinance, Owner agrees that it shall meet and comply with all of the following conditions in developing the Property. If the requested rezoning is not granted by the County, these Proffers shall be null and void.

CONDITIONS

1. Master Plan. The Property shall be developed generally as shown on the Master Plan, with only minor changes thereto that the Development Review Committee determines do not change the basic concept or character of the development.

2. Water Conservation. Water conservation standards shall be submitted to and approved by the James City Service Authority prior to final site plan approval. Owner shall be responsible for enforcing these standards. The standards shall address such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.

3. Number of Apartments. The number of apartments on the Property shall not exceed One Hundred and Four (104) dwelling units, as defined in the Zoning Ordinance and all apartments

shall be rental units; however, this maximum density is conditioned on approval of the requisite density bonuses during the site plan review and approval process.

4. Affordable Housing. For a period of fifteen (15) years from one year following the date the first apartment on the Property is placed in service, all apartments on the Property shall be occupied by individuals or families whose incomes do not exceed sixty percent (60%) of the area median gross income, all as determined in accordance with the applicable guidelines of the Virginia Housing Development Authority under the Federal Low Income Tax Credit program governed by Section 42 of the Internal Revenue Code. If the income of an occupant(s) of a rental unit on the Property does not exceed the applicable income limit under this Section upon commencement of the occupancy of the unit, the requirements of this Section shall be deemed satisfied for the duration of occupancy of a unit by such occupant(s) regardless of a subsequent change in income.

5. Archaeology. A Phase I Archaeological Study for the entire Property 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 Property and the clearing, grading or construction activities thereon.

6. Environmental Protections. The Owner shall grant, free of charge, to the County a conservation easement with terms consistent with these Proffers over the area generally delineated on the Master Plan as "Natural Open Space to Remain Undisturbed" generally in the locations shown on the Master Plan (the "Conservation Area"). The exact boundaries of the Conservation Area shall be shown on the site plan of the Property. The conservation easement over the Conservation Area shall be granted at the time of final site plan approval by the County. The Conservation Area shall remain undisturbed by Owner and in its natural state, except as set forth below. Dead, diseased and dying trees or shrubbery and invasive or poisonous plants may be removed from the Conservation Area. With the prior approval of the Environmental Director, such approval not to be unreasonably withheld, utilities may intrude into or cross the Conservation Area and clearing and construction activities necessary therefor may take place in the Conservation Area. Pedestrian paths and trails and fences generally as shown on the Master Plan or included in these Proffers may intrude into or cross the Conservation Area and clearing and construction activities necessary therefor may take place in the Conservation Area. Stormwater BMPs may be located in the Conservation Area.

7. Entrance/Taper. There shall be one entrance into the Property from Route 607 generally in the location shown on the

Master Plan. The entrance shall have a right turn taper from southbound Route 607 into the Property and a left turn lane from northbound Route 607 into the Property. The taper and turn lane proffered hereby shall be constructed in accordance with Virginia Department of Transportation ("VDOT") standards and shall be either (i) completed or (ii) bonded in form satisfactory to the County Attorney prior to issuance of any certificates of occupancy for dwelling units on the Property.

8. Sidewalks. There shall be sidewalks at least five feet in width installed generally in the locations shown on the Master Plan, which may be installed in phases as residential units are constructed, and along one side of the entrance driveway. Sidewalks shall be installed concurrently with the construction of adjoining parking areas or driveways.

9. Recreation. Owner shall provide the recreational facilities listed below as shown on the Master Plan before the County is obligated to grant certificates of occupancy for more than 60 dwelling units on the Property:

- Two passive recreation areas of at least a total of 0.50 acre with picnic tables and barbeques.
- Clubhouse of at least 1,800 square feet.
- One swimming pool with a surface area of at least 1,200 square feet.
- Tot lot of 0.17 acre.

- A mulched multi-purpose trail at least six feet in width generally as shown on the Master Plan. The trails shall be located to avoid mature or specimen trees where reasonably feasible. The design and exact location of the trail shall be subject to the approval of the Director of Planning.

10. Private Driveways. All driveways (as hereinafter defined) on the Property shall be private. "Driveways" shall mean any interior roadway or lane designed for vehicular travel and connecting the parking areas on the Property to Route 607.

11. Sewer Service. (a) The County shall not be obligated to issue any building permits for structures on the Property until either: (i) the developer of the Colonial Heritage project and the County and/or the James City Service Authority ("JCSA") have entered into an agreement providing for the construction of proposed Regional Lift Station 9-9 and its associated cross country gravity sewer lines and the removal of Lift Stations 6-3 and 6-5 and construction has commenced; or (ii) a detailed capacity analysis of existing Lift Station 6-5 accounting for flows reserved by the Colonial Heritage project and identifying the upgrades necessary to serve the development of the Property is submitted to and approved by the JCSA and Owner makes the necessary upgrades to existing Lift Station 6-5 at its expense or (iii) the developer obtains permission from CSX Railroad to the north to cross the CSX right-of-way and, at its expense, ties

into the existing Hampton Roads Sanitation District ("HRSD") force main east of the railroad.

(b) A contribution of \$427.00 for each dwelling unit on the Property shall be made to the JCSEA in order to mitigate impacts on the County from the physical development and operation of the Property unless Owner, at its expense, upgrades an existing Lift Station 6-5 as provided in Section 11(a)(ii) above to serve the Property or ties into the existing HRSD force main east of the CSX railroad as provided in Section 11(a)(iii) above to serve the Property in which case no additional contribution shall be required. The JCSEA may use these funds for development of sewer system improvements or any project related to improvements to the JCSEA sewer system, the need for which is generated in whole or in part by the physical development and operation of the Property.

12. Architectural Elevations. The architecture and exterior elevations of the dwelling units on the Property shall be generally consistent with the proposed typical elevations for the project submitted on January 17, 2004 as a part of the Community Impact Statement as determined by the Director of Planning.

13. Croaker Road Supplemental Landscaping. In areas where existing trees are cleared in order to expand the existing pond on the Property for use as a stormwater BMP, supplemental landscaping consisting of at least 125% of Zoning Ordinance

requirements shall be installed to create a visual screen that partially but not completely blocks the view of the development from Route 607 in accordance with a plan approved by the Director of Planning prior to final approval of development plans.

14. Perimeter Fence. There shall be a six foot privacy fence installed in the locations shown on the Master Plan, a portion of which shall be vinyl and a portion of which shall be chainlink as shown on the Master Plan, at the time of construction of the adjacent trail. The color and final design of the fence shall be subject to the review and approval of the Director of Planning.

15. Severability. Each condition hereof, or portion thereof, is severable. The invalidity of any particular condition, or portion thereof, shall not affect the validity of the remaining conditions, or portion thereof.

WITNESS the following signatures.

SIXTY FOUR ASSOCIATES, INC.

By: Mary Thompson
Title: _____

STONEHOUSE STATION, L.P.

By: Stonehouse Station GP,
L.L.C., General Partner

By: _____
Title: _____

STATE OF VIRGINIA AT LARGE
CITY/COUNTY OF Williamsburg, to-wit:

The foregoing instrument was acknowledged this 23
day of January, 2004, by Mary Kempton, as President
of SIXTY FOUR ASSOCIATES, INC. on behalf of the
corporation.

Barbara J. Claus
NOTARY PUBLIC

My commission expires: 1/31/07.

STATE OF VIRGINIA AT LARGE
CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged this _____
day of _____, 2004, by _____, as _____
of STONEHOUSE STATION, L.P. on behalf of the
partnership.

NOTARY PUBLIC

My commission expires: _____.

PLANNING DIRECTOR'S REPORT

March 2004

This report summarizes the status of selected Planning Division activities during the last 30 days.

1. Route 60 Relocation. VDOT continues its design work on the relocation of Route 60 in Grove. Planning staff met with VDOT in February for a project update and learned that VDOT is aiming for a location public hearing in late summer 2004. VDOT is currently only pursuing design of the section from the Greenmount Industrial Park to the Fort Eustis interchange.
2. Pedestrian Improvements. Planning staff continued to meet with VDOT on the design of pedestrian improvements at three intersections. Improvements are scheduled to take place this summer at the intersections of Route 5/Williamsburg Crossing Shopping Center entrance, Longhill Road/Old Town Road and Monticello Avenue /News Road. Improvements at the first intersection were originally requested by Planning Commissioners.
3. Jamestown 2007 Community Activities Task Force. Planning staff have been appointed to this committee which is charged with beautification and involvement of the community in the 2007 event. The Task Force had its kick-off meeting in February.
4. Route 199/Jamestown Intersection. Planning staff met with VDOT several times in February to discuss enhancements for this intersection (landscaping, signage, fencing, etc.). The enhancements would take place as part of the overall intersection improvements project.
5. New Town DRB. The DRB considered the following cases on February 19th:

Approval of subdivision plats for Block 5 – Parcel D, Block 8, Parcels A, B, & C (Residential Phases 1A & 1B and Commercial Parcel.) and Block 5 – Parcels E & F (GCR Mixed Use Buildings and Youngblood Mixed Use Building)

Section 5 Zoning (Tewning Road Industrial area) to M1 was deferred until proffers could be submitted

Youngblood – Mixed Use Building – Block 5, Parcel C – Revised Elevations and GCR, Inc. – Block 5 Mixed Use Buildings A1 (attached to Corner Pocket), A, and B were unanimously approved

C D & A Building – Block 2, Parcel E – Variance request and revised elevations and New Town, Section 4, Phase II – Roads & Utilities and Block 8, Phase 1B – Landscaping and Lighting both received tentative approval

Review of preliminary building elevations and site plan for WindsorMeade Marketplace

6. Better Site Design Roundtable. This study group will have its next meeting on March 12. Commissioner Joe McCleary and County staffers are participating.
7. Upcoming Cases. New cases that are tentatively scheduled for the April 5th Planning Commission meeting include:

Case No. SUP-09-04 Chesapeake Bank SUP Amendment. The applicant, Mr. Jim Bennett of AES, has requested an extension of the expiration date of SUP-28-00.

Case No. SUP-10-04 103 Indigo Terrace Day. Ms. Evangelina Crump has requested an extension of operating hours for her Precious Moments Playhouse Daycare Center to 24 hours.

O. Marvin Sowers, Jr.