

A G E N D A
JAMES CITY COUNTY PLANNING COMMISSION
MARCH 7, 2005 - 7:00 p.m.

1. ROLL CALL
2. MINUTES
 - A. February 7, 2005 Regular Meeting
3. COMMITTEE AND COMMISSION REPORTS
 - A. Development Review Committee (DRC) Report
 - B. Other Committee Reports
4. PUBLIC HEARINGS
 - A. Z-15-04 & SUP-34-04 The Villas at Jamestown
 - B. Z-13-04 & SUP-31-04 Monticello at Powhatan North
 - C. SUP-36-04 Farm Fresh Gas Pumps
 - D. Review of the FY 2006-2010 Capital Improvements Program
 - E. SUP-01-05 Alice's Wonderland Playhouse
 - F. SUP-02-05 & SUP-03-05 JCSA Water Storage Facility Warhill & Stonehouse
 - G. Z-14-04 Pocahontas Square Proffer Amendment
5. PLANNING COMMISSION CONSIDERATION
 - A. MONTHLY BOARD OF SUPERVISOR'S REPRESENTATIVE FOR 2005
 - B. INITIATING RESOLUTIONS – ZONING ORDINANCE AMENDMENT
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 SEVENTH OF FEBRUARY, TWO-THOUSAND AND FIVE, AT 6:30 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Jack Fraley
Ingrid Blanton
Donald Hunt
George Billups
Wilford Kale
Jim Kennedy
Mary Jones

ALSO PRESENT

John Horne, Development Manager
Mike Drewry, Assistant County Attorney
Marvin Sowers, Planning Director
Karen Drake, Senior Planner
Chris Johnson, Senior Planner
Matt Arcieri, Senior Planner
Pat Foltz, Development Management Assistant

2. ORGANIZATIONAL MEETING

Mr. Hunt recommend that the Commission go into Closed Session pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia to consider personnel matters, including nominations for Commission Chairman and Vice-Chairman and consideration of appointments to Commission committees.

At 7:00 pm the Planning Commission reconvened in open session

Mr. Kale moved the adoption of the resolution for the closed session.

Mr. Billups seconded the motion.

Mr. Hunt, the acting chairman, opened the floor for nominations for chairman.

Mr. Kale nominated Mr. Hunt as the new chairman.

Mr. Kennedy seconded the nomination.

Mr. Fraley moved to close the nominations.

Mr. Kennedy seconded the motion.

The Planning Commission approved Mr. Hunt as chairman with a unanimous voice vote.

Mr. Hunt opened the floor for vice-chairman nominations.

Mrs. Jones nominated Mr. Fraley.

Mr. Kale seconded the nomination.

Ms. Blanton motioned to close the nominations.

The Planning Commission confirmed Mr. Fraley as vice-chairman with a unanimous voice vote.

3. PRESENTATIONS

Mr. Hunt presented Mr. Joe Poole III with a plaque commemorating his service with the Planning Commission.

3. MINUTES

Mrs. Blanton requested a clarification of her comments on Williamsburg Place.

Mrs. Jones pointed out a spelling correction in the newly distributed minutes.

Mr. Kennedy moved approval of the amended minutes.

Mrs. Blanton seconded the motion.

The Planning Commission approved the amended minutes with a unanimous voice vote.

4. COMMITTEE AND COMMISSION REPORTS

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. Fraley delivered the DRC reports for January and February. The DRC heard five cases at its January 12th meeting. It recommended preliminary approval be granted for S-067-03 - Ford's Colony Section 33, C-007-03 - New Town Parking, SP-136-04 - Fieldstone Glen, and S-111-04/SP-139-04 - Colonial Heritage Phase 3, Section 1. For S-091-04, Marywood, the DRC approved the proposed open space and sidewalk waiver but denied the applicant's request for a cul-de-sac exception.

The DRC heard three cases at its February 2nd meeting. The DRC approved a building setback waiver for Blocks 1-9 of New Town. The DRC deferred consideration of SP-116-03 – Stonehouse Glen Section 2 and SP-130-04 – Abe's Mini Storage.

Mr. Kale moved to accept the report.

Mr. Kennedy seconded the motion.

The Planning Commission approved the DRC report with a unanimous voice vote.

B. POLICY COMMITTEE REPORT

Mr. Kale delivered the Policy Committee report. Mr. Kale deferred discussion of the zoning ordinance amendments to the pending public hearing.

5. PUBLIC HEARINGS

A. CASE NO. Z-13-04, MP-13-04, SUP-31-04 Monticello at Powhatan North

Mr. Johnson presented the deferral request. Mr. Tim Trant of Kaufman & Canoles has applied on behalf of Powhatan Enterprises, Inc. to rezone 36.5 acres of land from R-8, Rural Residential District, to R-2, General Residential District/Cluster, with proffers. The applicant proposes to construct 96 dwelling units in 24 quad buildings, for a gross density of 2.63 units per acre. The property is located at 4450 Powhatan Parkway, and is further identified as Parcel (1-1) on James City Real Estate Tax Map (38-3). The property is designated Low Density Residential on the Comprehensive Plan Land Use Map. Recommended uses on property designated for Low Density Residential include very limited commercial establishments, single family homes, duplexes, and cluster housing with a gross density of 1 unit per acre up to 4 units per acre in developments that offer particular public benefits. The applicant requested a deferral in order to resolve several outstanding issues. Staff supported the deferral request.

Mr. Hunt opened the public hearing.

Seeing no speakers, Mr. Hunt deferred the case to the March Planning Commission.

B. CASE NO. Z-15-04, MP-11-04, SUP-34-04, Villas at Jamestown

Mr. Johnson presented the deferral request. Mr. Gregory R. Davis and Mr. Timothy O. Trant, II of Kaufman & Canoles have submitted an application to rezone 30.36 acres of land from R-8, Rural Residential District to R-2, General Residential District, Cluster, with proffers. The applicant proposes 92 single family attached units. The property is located in the Five Forks area, and is more specifically at 248, 238, 230, and 226 Ingram Road and is further identified as Parcels (1-15), (1-11), and (1-10) on James City County Tax Map (46-2) and Parcel (1-19) on James City County Tax Maps (47-1). The property is designated Low Density Residential and Mixed Use on the Comprehensive Plan Land Use Map. Recommended uses on property designated for Low Density Residential include very limited commercial establishments, single family homes, duplexes, and cluster housing with a gross density of 1 unit per acre up to 4 units per acre in developments that offer particular public benefits. Recommended uses on property designated for Mixed Use include community-scale and neighborhood commercial and office uses. The development proposes a density of approximately 3 units per acre. The applicant requested a deferral in order to resolve several outstanding issues. Staff supported the deferral request.

Mr. Hunt opened the public hearing.

Seeing no speakers, Mr. Hunt deferred the case to the March Planning Commission.

C. CASE NO. Z-14-04 Pocahontas Square Proffer Amendment

Mr. Johnson presented the deferral request. Mr. Jay Epstein has applied to amend the proffers for approximately 14 acres at 8814, 8838, and 8844 Pocahontas Trail currently zoned R-5, Multi-family Residential, with proffers. The applicant has proposed to amend proffers related to the percentage of affordable dwelling units, the owners association, sidewalks, and cash contributions for community impacts. Ninety-six affordable townhouse units at a density of approximately 6.9 dwelling units per acre were approved for this site in 2003. The property is also known as parcels (1-4), (1-5A) and (1-5) on the James City County Real Estate Tax Map (59-2). The site is designated for Low Density Residential development on the James City County Comprehensive Plan Land Use Map. Recommended uses on property designated for Low Density Residential include very limited commercial establishments, single family homes, duplexes, and cluster housing with a gross density of 1 unit per acre up to 4 units per acre in developments that offer particular public benefits. The applicant requested a deferral in order to resolve several outstanding issues. Staff supported the deferral.

Mr. Kale asked which proffers had been proposed for amendment.

Mr. Johnson responded that staff and the applicant were actively collaborating and that staff anticipated being able to bring a recommendation forward to the March meeting.

Mr. Sowers commented that the new applicant, Mr. Epstein, had made significant changes in his application since it was filed after the deadline.

Mr. Hunt opened the public hearing.

Seeing no speakers, Mr. Hunt deferred the case to the March Planning Commission.

D. CASE NO. Z0-05-04 Zoning Ordinance Amendment – Public Water Storage Facilities

Mr. Kale reported that the Policy Committee had met to discuss this case and the succeeding case for height limits in the Rural Residential district. Mr. Kale asked Ms. Drake to outline the particulars of the case. The Policy Committee had recommended approval of both amendments.

Ms. Drake noted existing water storage facilities. Staff had prepared an ordinance to amend the James City County Code by amending Section 24-200, Public Utilities to

allow public water storage facilities to exceed the height limits specified by each zoning district with an approved height waiver and the issuance of a special use permit; and to amend Section 24-289, Utilities in R-4, Residential Planned Community Districts and Section 24-499, Permitted Uses in Planned Unit Developments to make water facilities (public) and sewer facilities (public), including but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions as specially permitted uses. She noted two proposed facility sites in Stonehouse and Season's Trace.

Ms. Blanton asked for confirmation of the actual constructed height of the completed towers.

Ms. Drake responded that the planned height would be 165 feet.

Mr. Hunt opened the public hearing.

Mr. Larry Foster, General Manager of JCSA, asked the Planning Commission to approve the amendment.

Seeing no other speakers, Mr. Hunt closed the public hearing.

Mr. Kale moved the approval of the Policy Committee minutes and recommendation.

Mr. Billups seconded the motion.

The Planning Commission approved the motion by a vote of 7-0: AYE (7): Hunt, Jones, Billups, Blanton, Hunt, Kale, Kennedy. NO (0).

E. CASE NO. ZO-01-04 Zoning Ordinance Amendment – Rural Residential Height Limits

Mr. Johnson presented the staff report. Staff had prepared an ordinance to amend and reordain Chapter 24, Zoning, of the Code of the County of James City, Virginia, by amending Article V, Districts, Division 8, Rural Residential, R-8, Section 24-354, Height Limits, to allow public or semi-public buildings such as schools, churches or libraries to be erected to a height of 60 feet from grade, provided that the required front, side and rear yards are increased one foot for each foot in height over 35 feet.

Mr. Hunt opened the public hearing.

Seeing no speakers, Mr. Hunt closed the public hearing.

Mr. Kennedy moved approval of the amendment.

Mrs. Blanton seconded the motion.

The Planning Commission approved the motion by a vote of 7-0: AYE (7): Hunt, Jones, Billups, Blanton, Hunt, Kale, Kennedy. NO (0).

F. CASE NO. SUP-36-04 Farm Fresh Gas Pumps

Mr. Trey Davis presented the deferral request. Mr. Michael Griffith of FF Acquisition, LLC, has applied on behalf of Farm Fresh, Inc. for a special use permit to allow for a 4-pump, self-service gas station to be constructed in the parking lot of the existing Farm Fresh grocery store in Norge. The property, located at 115 Norge Lane, is currently zoned B-1, General Business, and is designated Community Commercial on the 2003 Comprehensive Plan Land Use Map. The parcel may be further identified as Parcel No. (1-71F) on James City County Real Estate Tax Map No. (23-2). The applicant requested a deferral in order to resolve several outstanding issues. Staff supported the deferral.

Ms. Blanton noted that the addition of gas pumps would require a relocation of parking spaces. She questioned the need for the total number of spaces.

Mr. Davis responded that a survey was underway to determine the need for those spaces.

Mr. Billups asked if the Zoning Ordinance distinguished between normal cars and compact cars in the determination of parking spaces required.

Mr. Sowers responded that the Zoning Ordinance does not distinguish between compact cars and normal cars.

Mr. Hunt opened the public hearing.

Seeing no speakers, Mr. Hunt closed the public hearing and deferred the case to the March Planning Commission.

G. CASE NO. SUP-37-04 Winston Drive Duplex

Mr. Arcieri presented the staff report. Mr. Peter Bunai has applied for a special use permit to construct a duplex unit on a parcel located at **115 Winston Drive** and further identified as Parcel No. (9-5B) on James City County Real Estate Tax Map No. (48-1). The property is zoned R-2, General Residential. The parcel is designated Low Density Residential on the Comprehensive Plan Land Use Map. Recommended uses on property designated for Low Density Residential include very limited commercial establishments, single family homes, duplexes, and cluster housing with a gross density of 1 unit per acre up to 4 units per acre in developments that offer particular public benefits. Staff recommends denial of the application.

Mrs. Blanton asked if the drainage comments issued by the Environmental Division were affected by the size of the duplex.

Mr. Arcieri responded that the comments were predicated on building size, and the parcel poses several environmental challenges.

Ms. Blanton asked for an explanation of the diagram presented as part of the staff report.

Mr. Arcieri deferred to the applicant.

Mr. Hunt opened the public hearing.

Mr. Peter Bunai addressed the character of the surrounding neighborhood and stated that, for residential reasons, building a duplex would be preferable to building a normal home with an accessory apartment.

Mr. Billups asked if the diagram was representative of what the applicant was prepared to build.

Mr. Fraley asked Mr. Arcieri if the addition of two front doors was the only difference between a duplex and a single family home with an accessory apartment.

A discussion ensued as to the differences between duplexes and accessory apartments.

Mr. Billups asked if having two driveways on the site would pose a significant difference in the zoning classification of the structure.

Mr. Arcieri replied that there would not be a significant difference. Further he clarified that staff's recommendation was based on the Comprehensive Plan.

Mr. Kale asked if the Zoning Ordinance addressed how many people could live in an accessory apartment.

Mr. Fraley asked if the Planning Commission were to recommend approval, what specific conditions staff would recommend attaching to the application.

Mr. Sowers highlighted condition 6 in the Planning Commission report.

Mr. Fraley asked the applicant if he had reviewed the conditions attached to the application.

Mr. Bunai responded that he would work with the conditions in building the house.

Ms. Tracy Corpus, 117 Winston Drive, spoke to the quality of Mr. Bunai's work and recommended the Planning Commission approve the application.

Mrs. Jones asked if Ms. Corpus lived in an accessory apartment.

Ms. Corpus responded that she lived in a single family home.

Mr. J. P. Waltner, 116 Winston Drive, credited Mr. Bunai's work within the neighborhood.

Ms. Barbary Haley, 104 Winston Drive, spoke to Mr. Bunai's good work in the neighborhood and recommended the Planning Commission approve the application.

Mr. Morris Dickson, 104 Catherine Court, stated that he was neutral with regard to the application but lived downstream and pointed out that the drainage problems on the property were significant.

Seeing no other speakers, Mr. Hunt closed the public hearing.

Mrs. Jones asked how Mr. Bunai would situate parking and garages in his eventual design.

Mr. Bunai clarified his design.

Mr. Sowers responded that condition 6 would have to be amended to site those improvements as proposed by Mr. Bunai.

Mr. Kale asked how many other property owners in the surrounding area could apply to build duplex units.

Mr. Arcieri responded that, in theory, any property owner in the R-2 zoning district could apply to have a duplex, provided the lot exceeds 15,000 square feet in area.

The Planning Commission discussed the precedents that the approval of this duplex might create.

Mr. Fraley voiced his concern that approving this application could open the door to future applications.

Mrs. Blanton stated that she supported the application and, despite her concerns, she would support the application.

Mrs. Jones credited the applicant for his work but expressed her concerns that the case would open a precedent and that the plan was not compatible with the Comprehensive Plan.

Mr. Billups spoke to his concern of the applicant's right to construct his home the way he wants to. He counted appearance as a factor, but did not feel there was enough justification to deny the application on that basis and that condition 6 gave staff the ability to regulate the appearance of the eventual home. He moved to approve the application.

Mrs. Blanton seconded the motion.

Mr. Fraley clarified whether or not the motion included the conditions recommended by staff in the staff report.

Mr. Billups stated that the motion included conditions 1-7.

Mr. Hunt asked the applicant if he was satisfied with the conditions.

Mr. Bunai responded that, under condition 6, he would be able to proceed as long as he had approval to construct his house with two front doors. He stated that he could accept the conditions.

Mrs. Blanton stated she would support the application with reservations.

Mr. Billups clarified that he meant the motion to allow the construction of two front doors.

Mr. Hunt asked Mr. Sowers if Mr. Billups' motion required an amendment of the stated conditions.

Mr. Sowers stated that the motion required an amendment to the conditions to meet Mr. Billups' intent.

Mr. Fraley stated that he did not understand the motion as presented.

Mr. Billups stated that he was removing the stipulation prohibiting two front doors.

Mr. Kale asked if the applicant agreed to the other conditions.

Mr. Bunai stated that he understood the motion and was willing to work with it.

The Planning Commission failed to pass the motion by a count of 3-4. AYE: (3) Blanton, Billups, Hunt. NO: (4) Kale, Kennedy, Fraley, Jones.

7. PLANNING DIRECTOR'S REPORT

Mr. Sowers highlighted the Planning Division's impending move on Feb. 10-11 and stated that Planning would remain open for business. Mr. Sowers asked Mr. Hunt if he was prepared to announce the Policy Committee membership.

Mr. Hunt announced the members: Mr. Billups, Mr. Kennedy, Ms. Jones, and Mr. Fraley.

8. ADJOURNMENT

There being no further business, the January 10, 2005, meeting of the Planning Commission was recessed at approximately 8:10 p.m.

Donald Hunt, Acting Chairman

O.Marvin Sowers, Jr., Secretary

**JAMES CITY COUNTY
DEVELOPMENT REVIEW COMMITTEE REPORT**

FROM: 2/1/2005 THROUGH: 2/28/2005

I. SITE PLANS

A. PENDING PRELIMINARY APPROVAL

SP-063-03	Warhill Sports Complex, Parking Lot Expansion
SP-116-03	Kingsmill - Armistead Point
SP-006-04	Williamsburg Christian Retreat Center Amend.
SP-016-04	Richardson Office & Warehouse
SP-025-04	Carter's Cove Campground
SP-047-04	Villages at Westminster Drainage Improvements
SP-067-04	Treyburn Drive Courtesy Review
SP-077-04	George Nice Adjacent Lot SP Amend.
SP-082-04	New Town - Sec. 2 & 4 Roadway Improvements
SP-093-04	Powhatan Plantation Ph. 9
SP-104-04	Williamsburg Community Chapel Second Entrance
SP-107-04	Noah's Ark Vet Hospital Conference Room
SP-108-04	Williamsburg Office Complex
SP-113-04	Williamsburg Landing SP Amend.
SP-116-04	The Station at Norge
SP-130-04	New Town - Court Square
SP-131-04	New Town - Towne Bank
SP-133-04	Haynes Distribution Center, Green Mount Indus Park
SP-135-04	Williamsburg Landing Parking Addition
SP-136-04	Stonehouse - Fieldstone Glen Townhomes
SP-140-04	Monticello Woods Clubhouse Modification
SP-141-04	Carolina Furniture Warehouse
SP-143-04	Portable 1000 Gallon Diesel Fuel Tank
SP-145-04	Colonial Heritage Ph. 2, Sec. 1
SP-146-04	Settlement at Monticello Temp Sales Office
SP-150-04	Abe's Mini Storage
SP-002-05	WindsorMeade Marketplace Amend. No. 1
SP-004-05	Longhill Grove, Fence Amend.
SP-006-05	Stonehouse - The Fairways
SP-007-05	Stonehouse - Clubhouse Point
SP-008-05	Williamsburg National Clubhouse Expansion
SP-009-05	Colonial Heritage Ph. 1, Sec. 4 SP Amend.
SP-010-05	Colonial Heritage Ph. 1, Sec. 2 SP Amend.
SP-011-05	Citizens and Farmers Bank Parking Extension
SP-014-05	New Town - Lambert Building, Blocks 6 & 7
SP-015-05	Hagee Building, New Town Block 8
SP-016-05	New Town- Retail Phase 2

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SP-017-05 Williamsburg Community Chapel Building Exp.
 SP-018-05 Eckerd's

B. PENDING FINAL APPROVAL

EXPIRE DATE

SP-056-03	Shell Building - James River Commerce Center	3 /4 /2005
SP-091-03	Colonial Heritage Ph. 1, Sec. 5	8 /4 /2005
SP-136-03	GreenMount Industrial Park Road Ext. Ph. 1	3 /15/2005
SP-023-04	Williamsburg Landing SP Amend.	4 /2 /2005
SP-027-04	Greensprings Condos SP Amend. (Braemar Creek)	6 /7 /2005
SP-056-04	Michelle Point	7 /12/2005
SP-079-04	Norge Railway Station	7 /23/2005
SP-092-04	Columbia Drive Waterline Extension	8 /18/2005
SP-096-04	First Colony Subdivision Clubhouse	9 /2 /2005
SP-098-04	Warhill Green	10/4 /2005
SP-110-04	Christian Life Center Expansion Ph. 1	12/6 /2005
SP-112-04	Wythe-Will Distribution Center Landscaping Amend.	10/21/2005
SP-121-04	Williamsburg Crossing - Parcel 23	12/6 /2005
SP-124-04	J.W. Crossing, Ph. 2	12/13/2005
SP-125-04	GreenMount Industrial Park Road Ph. 2	12/2 /2005
SP-126-04	New Town, Section 2, Block 3	12/22/2005
SP-132-04	St. Bede Catholic Church, Rectory Building	12/30/2005
SP-139-04	Colonial Heritage Ph. 3, Sec. 1	2 /7 /2006
SP-142-04	Lafayette H.S., Track Drainage Improvements	1 /11/2006
SP-144-04	Riverview Plantation Water Main Extension	1 /14/2006
SP-003-05	Williamsburg National- Golf Maintenance Facility	2 /28/2006

C. FINAL APPROVAL

DATE

SP-108-03	Fieldstone Parkway Extension	2 /25/2005
SP-003-04	WindsorMeade Villas	2 /25/2005
SP-004-04	WindsorMeade - Windsor Hall	2 /25/2005
SP-057-04	The Archaearium at Historic Jamestowne	2 /18/2005
SP-088-04	Wal-Mart Distribution Center - Ph. 3	2 /28/2005
SP-127-04	New Town, Retail Ph. 1	2 /8 /2005
SP-129-04	ADA Handicap Ramp to KM Resort & Spa Pool	2 /2 /2005
SP-134-04	Oktoberfest Expansion Ph. 2 Amend.	2 /3 /2005
SP-138-04	John Tyler Monopole Tower Co-location	2 /14/2005
SP-147-04	Prime Outlets Ph. 5A and 5B Amend.	2 /24/2005
SP-149-04	Strawberry Plains Center	2 /17/2005
SP-001-05	Busch Gardens Festa Foul Shot Game	2 /2 /2005
SP-012-05	Busch Gardens High Striker Addition	2 /18/2005
SP-013-05	Busch Gardens - New France Locker Structure	2 /28/2005

D. EXPIRED

EXPIRE DATE

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-086-02	The Vineyards, Ph. 3, Lots 1, 5-9, 52 BLA
S-062-03	Hicks Island - Hazelwood Subdivision
S-066-03	Stonehouse, BLA & BLE Parcel B1 and Lot 1, Sec. 1A
S-067-03	Ford's Colony Sec. 33
S-108-03	Leighton-Herrmann Family Subdivision
S-116-03	Stonehouse Glen, Sec. 2
S-034-04	Warhill Tract BLE / Subdivision
S-046-04	ARGO Ph. 2
S-047-04	ARGO Ph. 3
S-048-04	Colonial Heritage Open Space Easement
S-063-04	123 Welstead Street BLE
S-066-04	Hickory Landing Ph. 1
S-067-04	Hickory Landing Ph. 2
S-087-04	Dudley S. Waltrip Family Subdivision
S-091-04	Marywood Subdivision
S-109-04	Scott's Pond, Sec. 3B
S-112-04	Wellington Sec. 6 & 7
S-114-04	Stonehouse - Parcel B1 and Lot 1, Sec. 1A
S-115-04	Brandon Woods ROW Subdivision
S-118-04	Jordan Family Subdivision
S-120-04	New Town, Block 8, Parcel C
S-121-04	Wellington Public Use Site
S-001-05	Toano Business Center
S-002-05	The Pointe at Jamestown Sec. 2B
S-003-05	Waterworks & S. Clement BLA
S-004-05	New Town Block 2G, 3I, 6/7-A
S-006-05	167 West Landing BLE, BLA
S-007-05	Armistead Point- Kingsmill BLA
S-008-05	Colonial Heritage - Ph. 1, Sec. 3A
S-009-05	2508 Campbell BLE
S-010-05	2886 Lake Powell Road BLA
S-011-05	New Town Blck 6 & 7 A,C,D,E Blck 3 Parcel B,C,D
S-012-05	Greensprings Trail ROW-Waltrip Property Conveyance
S-013-05	Greensprings Trail ROW-Ambler/Jamestown Prop. Conv
S-014-05	Greensprings Trail ROW-P L.L.L.C Prop. Conveyance
S-015-05	Colonial Heritage Phase 3, Section 2

B. PENDING FINAL APPROVAL**EXPIRE DATE**

S-037-02	The Vineyards, Ph. 3	5 /4 /2005
S-044-03	Fenwick Hills, Sec. 3	6 /25/2005
S-049-03	Peleg's Point, Sec. 5	7 /3 /2005
S-055-03	Colonial Heritage Ph. 1, Sec. 5	8 /4 /2005
S-056-03	Colonial Heritage Ph. 1, Sec. 4	9 /8 /2005
S-073-03	Colonial Heritage Ph. 2, Sec. 2	10/6 /2005
S-098-03	Stonehouse Glen, Sec. 1	4 /5 /2005
S-099-03	Wellington, Sec. 5	2 /3 /2006
S-100-03	Colonial Heritage Ph. 2, Sec. 1	12/6 /2005
S-101-03	Ford's Colony - Sec. 35	2 /2 /2006
S-106-03	Colonial Heritage Ph. 2, Sec. 3	1 /12/2006
S-002-04	The Settlement at Monticello (Hiden)	3 /1 /2006
S-009-04	Colonial Heritage Public Use Site B	3 /18/2005
S-035-04	Colonial Heritage Blvd., Ph. 2	4 /28/2005
S-036-04	Subdivision at 4 Foxcroft Road	6 /15/2005
S-037-04	Michelle Point	7 /12/2005
S-038-04	Greensprings West Ph. 4B & 5	6 /9 /2005
S-045-04	ARGO Ph. 1	6 /28/2005
S-059-04	Greensprings West Ph. 6	9 /13/2005
S-065-04	133 Magruder Avenue - Sadie Lee Taylor Prop.	8 /4 /2005
S-071-04	Cowles Subdivision -163 Howard Drive	9 /3 /2005
S-074-04	4571 Ware Creek Road (Nice Family Subdivision)	12/21/2005
S-075-04	Pocahontas Square	9 /16/2005
S-077-04	James River Commerce Center	10/4 /2005
S-080-04	Williamsburg Winery Subdivision	12/6 /2005
S-081-04	Subdivision for Lot 3 Norge Neighborhood	10/11/2005
S-090-04	Minichiello Villa	10/21/2005
S-097-04	Cowles Estate BLA	11/4 /2005
S-100-04	Williamsburg National Golf Course BLA	11/4 /2005
S-105-04	Gross Family Subdivision	11/23/2005
S-106-04	8721 Pocahontas Trail Subdivision	12/1 /2005
S-108-04	Marion Taylor Subdivision (2nd Application)	12/22/2005
S-110-04	New Town, Blocks 8B & 5F, Lots 1-20 & 25-34	1 /12/2006
S-111-04	Colonial Heritage Ph. 3, Sec. 1	1 /12/2006
S-119-04	The Retreat Ph. 2	1 /27/2006

C. FINAL APPROVAL**DATE**

S-062-04	2400 Little Creek Dam Road	2 /1 /2005
S-095-04	3338 Racefield Drive (Leonituk Family Subdivision)	2 /20/2005
S-098-04	Gilley Family Subdivision	2 /2 /2005
S-102-04	New Town, Block 5, Parcel F, Lots 21-24	2 /2 /2005
S-113-04	Cardinal Acres, JCSA Well Lot BLA	2 /22/2005
S-005-05	Scott's Pond Lots 22, 23, and Lift Station 6-1 BLE	2 /15/2005

D. EXPIRED

EXPIRE DATE

DEVELOPMENT REVIEW COMMITTEE ACTION REPORT
March 2, 2005

Case No. SP-145-04

Colonial Heritage, Phase 2, Section 1

Mr. Chris Mulligan of AES Consulting Engineers submitted a site plan proposing the creation of 73 single family attached units in Colonial Heritage, Phase 2, Section 1. The site, located on Richmond Road, is further identified as parcel (1-32) on James City County Tax Map (24-3). DRC action is required as the site plan proposes more than 50 units.

DRC Action: The DRC recommended preliminary approval be granted.

Case No. SP-150-04

Abe's Mini Storage

Mr. Alistair Ramsey of LandMark Design Group, on behalf of Dr. John Matney, submitted a site plan for a mini-storage facility to be located at 5435 and 5433 Richmond Road. The parcels are further identified as parcels (1-15) and (1-59) on James City County Tax Map (33-3). DRC review is necessary because the applicant proposes a group of buildings which contain a floor area exceeding 30,000 square feet.

DRC Action: The DRC deferred the case.

Case No. SP-006-05

Stonehouse – The Fairways

Mr. Ryan Stephenson of AES Consulting Engineers, on behalf of 2J Investments, submitted a site plan proposing the construction of 16 multi-family units on 9720 Mill Pond Run in Stonehouse. The site is further identified as parcel (1-12) on James City County Tax Map (5-3). DRC review is necessary as the site plan proposes two entrances on the same road.

DRC Action: The DRC deferred the case.

Case No. SP-116-04

The Station at Norge

Mr. Lou Rowland of Stonehouse Station, L.P. submitted a site plan proposing 104 apartments to be located at 7721 Croaker Road. The site is further identified as parcel (1-21) on James City County Tax Map (13-4). DRC review is necessary as the development proposes more than 50 units.

DRC Action: The DRC recommended preliminary approval for the case subject to agency comments.

Case No. S-091-04

Marywood

Mr. Jason Grimes of AES Consulting Engineers submitted a subdivision plan proposing 115 lots to be located adjacent to the Kingswood and Druid Hills subdivisions. The site is further identified as parcel (1-47) on James City County Tax Map (47-2). DRC review is necessary as the development proposes more than 50 lots.

DRC Action: The DRC deferred the case.

REZONING-15-04/MASTER PLAN-11-04/SPECIAL USE PERMIT-34-04. VILLAS AT JAMESTOWN

Staff Report for the March 7, 2005, 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: February 7, 2005 (deferred)
March 7, 2005
Board of Supervisors: April 12, 2005 (tentative)

SUMMARY FACTS

Applicant: Mr. Gregory R. Davis and Mr. Timothy O. Trant, II, Kaufman and Canoles, P.C.

Land Owner: Mr. Cowles M. Spencer

Proposed Use: 92 single family attached residential units

Location: 248, 238, 230, and 226 Ingram Road

Tax Map and Parcel No.: (46-2)(1-15), (46-2)(1-11), (46-2)(1-10), (47-1)(1-19)

Parcel Size: 30.36 acres

Proposed Zoning: R-2, General Residential District, Cluster, with Proffers

Existing Zoning: R-8, Rural Residential District

Comprehensive Plan: Low Density Residential and Mixed Use

Primary Service Area: Inside

STAFF RECOMMENDATION:

The applicant has requested that the Planning Commission defer this case until the April 4, 2005 Planning Commission Meeting in order to allow more time to resolve outstanding issues. Staff concurs with the request.

Staff Contact: Ellen Cook Phone: 253-6685

Ellen Cook

Attachments:

1. Deferral Letter

KAUFMAN & CANOLES

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

Timothy O. Trant, II
757 / 259-3823
totrant@kaufcan.com

757 / 259-3800
fax: 757 / 259-3838

Mailing Address:
P.O. Box 6000
Williamsburg, VA 23188

4801 Courthouse Street
Suite 300
Williamsburg, VA 23188

February 28, 2005

Via Hand Delivery & Email

VIA HAND DELIVERY

Ellen G. Cook
Planner
James City County
101-E Mounts Bay Road
Williamsburg, VA 23185

Re: *Villa Development Company, LLC*
Villas at Jamestown
James City County Case No's. Z-15-04, MP-11-04, & SUP-34-04
Our Matter No. 84455

Dear Ms. Cook:

The above-referenced case is scheduled to be presented to the James City County Planning Commission at its meeting on March 7, 2005. The applicant and its consultants are working diligently to respond to the various comments received from the James City County Department of Development Management ("Staff") and to bring the application to a final, presentable form. Given the detailed nature of Staff's comments and in preparation for the presentation of the application to the Planning Commission, the applicant and its consultants are undertaking a thorough review of the submittal materials before making a resubmission to Staff.

The applicant is not likely to have completed its review and to have prepared materials for resubmission in time for the Staff to present the application at the March 7, 2005 Planning Commission meeting. Accordingly, the applicant recognizes that Staff will not be prepared to make a complete staff report nor make a recommendation to the Planning Commission regarding the case at the March 7, 2005 meeting. Therefore, the applicant requests that any action on the case by the Planning Commission be deferred until the April 4, 2005 Planning Commission meeting.

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Hampton

Newport News

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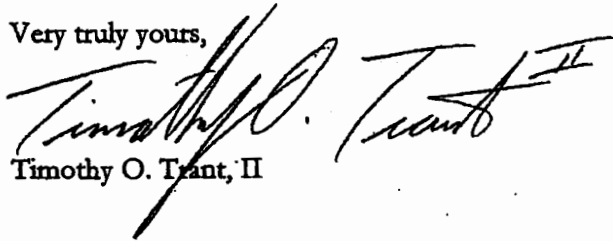
www.kaufmanandcanoles.com

February 28, 2005

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

Very truly yours,



Timothy O. Trant, II

xc: Cowles M. Spencer (via U.S. Mail)
Sheila Byers (via facsimile 757-659-0188)
Alvin P. Anderson, Esq. (via hand delivery)
Gregory R. Davis, Esq. (via hand delivery)
Richard A. Costello (via facsimile 757-220-8994)
Thomas W. Derrickson (via facsimile 757-220-8994)
William J. Cashman (via facsimile 757-473-8214)
Julie C. Steele (via facsimile 757-599-7509)
Theodore J. Figura (via facsimile 757-877-5708)
J. David Fuss (via U.S. mail)
Gerald H. Johnson (via U.S. mail)
Judith C. Fuss (via U.S. mail)

#6065423v2

**Rezoning 13-04, Special Use Permit 31-04, Master Plan 10-04. Monticello at Powhatan North
Staff Report for the March 7, 2005, 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

Building F Board Room; County Government Center

Planning Commission: February 7, 2005, 7:00 p.m. (deferred)
March 7, 2005, 7:00 p.m.

Board of Supervisors: April 12, 2005, 7:00 p.m. (tentative)

SUMMARY FACTS

Applicant: Mr. Timothy O. Trant, Kaufman & Canoles

Land Owner: Lawrence E. Beamer of Powhatan Enterprises, Inc.

Proposed Use: Construction of 96 dwelling units in 24 quad buildings

Location: 4450 Powhatan Parkway
Powhatan District

Tax Map/Parcel: (38-3) (1-1)

Primary Service Area: Inside

Parcel Sizes: 36.485 acres

Existing Zoning: R-8, Rural Residential

Proposed Zoning: R-2, General Residential with Cluster Overlay

Comprehensive Plan: Low Density Residential

Staff Contact: Tamara A. M. Rosario, Senior Planner

Phone: 253-6685

STAFF RECOMMENDATION

The applicant has requested an indefinite deferral of this case to allow the applicant time to re-evaluate the proposal based on significant citizen and staff input. Staff concurs with the request.

ATTACHMENT:

1. Deferral Request Letter

KAUFMAN & CANOLES

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

Timothy O. Trant, II
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totrant@kaufcan.com

757 / 259-3800
fax: 757 / 259-3838

Mailing Address:
P.O. Box 6000
Williamsburg, VA 23188

4801 Courthouse Street
Suite 300
Williamsburg, VA 23188

March 1, 2005

Via Hand Delivery & Email

Tammy A. Rosario
Senior Planner
James City County
101-E Mounts Bay Road
Williamsburg, VA 23185

Re: *Powhatan Enterprises, Inc.*
Monticello at Powhatan North (Phase III)
James City County Case No's. Z-13-04, MP-10-04, & SUP-31-04
Our Matter No. 79791

Dear Ms. Rosario:

The above-referenced case is scheduled to be presented to the James City County Planning Commission at its meeting on March 7, 2005. As you know, the applicant has met with residents of the Berkeley Section of Powhatan Secondary, Hospice Support Care of Williamsburg, the Friends of the Powhatan Creek Watershed, and residents of Ford's Colony to discuss the proposed project. The applicant has received a significant amount of input from these stakeholders, and is in the process of re-evaluating the proposal based on the issues that seemed most important to the community.

Of primary concern to the Berkeley Section residents is that the residential units be for sale to individual owners as opposed to rental units. The applicant is working with its land planners and the prospective developer to create an ownership-style product for the site. Also of importance to the Berkeley Section residents is traffic flows along Powhatan Parkway. The applicant is working with its land planners and engineers, adjacent property owners, and the prospective developer in order to evaluate potential means of moderating the proposed traffic impacts.

Hospice Support Care of Williamsburg is primarily concerned about the improvement of the entranceway it shares with the site at issue. The applicant is working to provide Hospice with the requisite assurances that the entranceway will be appropriately improved and maintained. Hospice is also concerned about the intensity of uses on the site and the maintenance of sufficient buffers. The applicant is working with its land planners and the prospective developer to insure that adequate buffers are maintained and that the primary use and recreational amenities are of a low intensity.

The Friends of Powhatan Creek Watershed ("Friends") are primarily concerned about the potential impacts of the development on the water quality of Powhatan Creek. The present development plan called for implementation of low impact design features to maximize infiltration and to enhance groundwater recharge. As the plans for the property evolve, our client is eager to preserve the LID techniques which the Friends found to be important. The applicant is also looking

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Tammy A. Rosario
March 1, 2005
Page 2

into the feasibility of providing commitments to permanently preserve substantial amounts of open space on the site, as well as ways to minimize impervious cover.

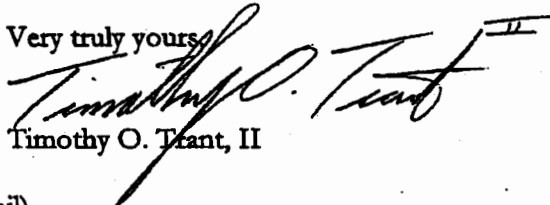
Ford's Colony residents are most concerned about the view of the property from adjacent residences in Ford's Colony. An expansive conservation easement exists on the portion of the site bordering Ford's Colony, and the applicant is working with its land planners and the prospective developer to identify ways in which to minimize the impact to view sheds from Ford's Colony.

As you can see, in addition to the comments raised by James City County Department of Development Management ("Staff"), there are numerous issues to be addressed in creating a revised plan of development for the property. The applicant has decided to prepare a revised concept plan and associated submittal materials. Once these have been prepared, the applicant will need to again meet with each of the stakeholders to review the revised proposal and to respond to comments. The applicant will then prepare the revised submittal for review and consideration by Staff.

Given the extensive amount of effort and coordination necessary to prepare the application for resubmittal to Staff, the applicant will not be in a position to resubmit in time for Staff to present the application at the March 7, 2005 Planning Commission meeting. Accordingly, the applicant requests that any action on the case by the Planning Commission be deferred indefinitely until the applicant and Staff have determined that the application is in a form appropriate for presentation to the Planning Commission.

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

Very truly yours,



Timothy O. Trant, II

cc: The Honorable Michael J. Brown (via U.S. mail)
The Honorable Jay T. Harrison, Sr. (via U.S. mail)
Lawrence E. Beamer (via facsimile 757-258-2824)
Bradley Waitzer (via U.S. mail)
Alvin P. Anderson, Esq. (via hand delivery)
Gregory R. Davis, Esq. (via hand delivery)
Stephen A. Romeo (via facsimile 757-229-0049)
Donald J. Messmer (via facsimile 757-253-2565)
Andrew J. Poole (via U.S. mail)
Andrea L. Freeland (via U.S. mail)
Linda A. Taylor (via U.S. mail)
J. David Fuss (via U.S. mail)
Drew R. Mulhare (via U.S. mail)
Alfred L. Woods (via U.S. mail)
Ronald H. Dunn (via U.S. mail)

#6064137v3

SPECIAL USE PERMIT CASE NO. SUP-36-04 FARM FRESH GAS PUMPS

Staff Report for the March 7, 2005, 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

	<u>7:00 p.m.; Building F Board Room; County Government Complex</u>
Planning Commission:	March 7, 2005, 7:00 PM April 4, 2005, 7:00 PM (tentative)
Board of Supervisors:	May 10, 2005, 2005, 7:00 PM (tentative)

SUMMARY FACTS

Applicant:	Mr. Thomas C. Kleine, Troutman Sanders, LLP
Land Owner:	Norge Plaza, Inc.
Proposal:	To place 4 gasoline pumps and a canopy in the existing Farm Fresh parking lot.
Location:	115 Norge Lane
Tax Map/Parcel	(23-2)(1-71F)
Parcel Size	6.27 acres
Existing Zoning:	B-1, General Business, with proffers
Comprehensive Plan:	Community Commercial
Primary Service Area:	Inside

STAFF RECOMMENDATION

The applicant has requested deferral of this case until the April 4, 2004 Planning Commission meeting in order to continue working on engineering issues related to comments from the James City Service Authority. Staff concurs with this request.

Staff Contact:	Trey Davis, Planner	Phone: 253-6685
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Attachment:

1. Request for deferral

TROUTMAN SANDERS LLP

ATTORNEYS AT LAW
A LIMITED LIABILITY PARTNERSHIP222 Central Park Avenue
Suite 2000
VIRGINIA BEACH, VIRGINIA 23462
www.troutmansanders.com
TELEPHONE: 757-687-7600
FACSIMILE: 757-687-7810Thomas C. Kleine
tom.kleine@troutmansanders.comDirect Dial: 757-687-7789
Direct Fax: 757-687-7810

February 25, 2005

VIA TELEFAX (757) 253-6822Mr. Trey Davis
James City County Planning Division
101-E Mounts Bay Road
Williamsburg, Virginia 23187-8784

Re: Case Number SUP 36-04/ Farm Fresh Gas Pumps

Dear Mr. Davis:

On behalf of my client, FF Acquisition, LLC, I am writing to respectfully request a thirty day deferral of the above-referenced matter to the April 4, 2005 public hearing of the James City County Planning Commission.

As you are aware, we have been working to address certain written comments received on February 4, 2005 from the James City Service Authority (JCSA). We would like to utilize the additional time in order for our engineers to continue working with JCSA to address these issues prior to the next public hearing.

Thank you for your assistance with this matter.

Sincerely,



Thomas C. Kleine

cc: R.J. Nutter, II, Esq.

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** TOTAL PAGE.02 **

MEMORANDUM

DATE: March 7, 2005
TO: The Planning Commission
FROM: Tamara A. M. Rosario, Senior Planner
SUBJECT: FY 2006-2010 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 2006-2010 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***. In general, the Policy Committee upgraded projects related to emergency response, school safety, fundamental school maintenance, and state or federally-mandated projects. In contrast, the committee lowered priority for several Parks and Recreation projects as they were deemed to have an overall lower priority than those in the high priority category.

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, the projects are divided into high, medium, or low priorities. 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.

All projects receiving a high priority designation either support or implement the adopted Comprehensive Plan. Projects receiving high or medium priority designations may not be specifically supported by the Comprehensive Plan but require particular consideration due to state or federal regulations, contractual obligations, or may be seen as complements to County policy or departmental goals and objectives. Projects receiving a low priority designation may require further scrutiny to determine their standing within the Capital Improvements Program.

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. Policy Committee recommendations are noted in the report.

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
FY06**

Projects within each priority category are in alphabetical order according to department.

HIGH PRIORITY

Project	Dept.
Columbia Drive and Utilities	D
M.A.N. Fiber Ring	D
Greenspace	D
Purchase Development Rights (PDR)	D
Clara Byrd Baker Elementary School - HVAC	ED
Eighth Elementary School	ED
Jamestown High School - Catwalks	ED
Norge Elementary School - Cafeteria Expansion	ED
Norge Elementary School - Kitchen Renovation	ED
Stonehouse Elementary School Expansion	ED
Third High School	ED
Toano Middle School - Sewage Pump Upgrade	ED
Chiller	ELC
Voting Equipment	ELC
Toano Convenience Center Relocation	GS
EOC Expansion	PS
New Ambulance	PS

MEDIUM PRIORITY

Project	Dept.
Wayfinding Signs Project	D
General Services Building	GS
Grounds Equipment Storage Facility	GS
Warhill Site Development	GS
Warhill Sports Facility	GS
Greenways and Trails	PR
JCW Community Center Expansion	PR
Freedom Park Improvements	PR
Warhill Sports Complex Improvements	PR
Mobile Data System	PS

LOW PRIORITY

Project	Dept.
Jamestown High School - Auxiliary Gym	ED
Lafayette High School - Field Drainage Improvements	ED
Matthew Whaley Elementary - Front Entrance Renovation	ED
Pupil Transportation - New Buses	ED
Stonehouse Elementary School - Parking Expansion	ED
Communications Equipment	ELC
Grounds Equipment	GS
Pool Resurfacing	PR
Citizen Response System	PS

UNRANKED PROJECTS - No Money Requested for FY06

Project	Dept.
EDA Drive	D
Berkley M. S. - Cafeteria Exp., Renovations, Roof, HVAC	ED
Clara Byrd Baker E. S. - Cooler, HVAC, Parking, Comm.	ED
Cooley Field - Renovations	ED
D.J. Montague E. S. - Freezer, HVAC, Comm. System	ED
Fourth Middle School	ED
Jamestown H. S. - Noise Devices, Renovations	ED
James Blair M. S. - Canopy, Sidewalk, Refurb., HVAC	ED
James River E. S. - Gym Roof	ED
Lafayette H. S. - Tennis, Aux. Gym, Renovations, Pavilion	ED
Matthew Whaley E. S. - Cupolas, Auditorium Ceiling	ED
Norge E. S. - Roof, Parking Lot Resurfacing	ED
Rawls Byrd E. S. - Bus Loop, Restrooms, Carpet	ED
Stonehouse E. S. - Bus Loop Canopy	ED
Toano M. S. - Cafeteria Exp., Classroom Addition	ED
Third Library	ELC
Chickahominy Riverfront Park	PR
Greensprings Trail	PR
James River Community Center	PR
Mid County Park	PR
Skate Park/Tower Site	PR
Upper County Park	PR
New Police Building	PS
Replacement Ambulances	PS
Replace Fire Engine - Station 1	PS
Stonehouse Fire Station	PS

UNRANKED PROJECTS - Operating Contributions

Project	Dept.
Bikeways and Multi-Use Paths	OC
Road Improvements	OC
Underground Utilities	OC
VDOT Road Match	OC
Water Quality Improvements	OC

Key:

D = Development
ED = Schools
ELC = Electoral Board, Library Board, Communications
GS = General Services
OC = Operating Contribution
PR = Parks and Recreation
PS = Public Safety

JAMES CITY COUNTY CIP PROJECT DESCRIPTIONS AND RANKINGS

PUBLIC SAFETY

The Policy Committee placed priority on projects directly related to improving responses to emergencies, moving several projects to higher positions relative to their initial rating.

Phase II – Emergency Communications Center (EEC)/Emergency Operations Center (EOC) Expansion [High Priority]

FY06 Request: \$445,000

Proposed 5-Year Project Total: \$445,000

The Fire Department requests FY06 funds to construct Phase II of the EEC/EOC expansion project. Phase II includes relocation of the Fire Department building, the fueling station, and the collection station; site work; parking; and miscellaneous expenses. This expansion is necessary to handle the new equipment and radio system acquired to improve public safety communications countywide.

Stonehouse Fire Station 6 [Unranked – No Money Requested]

FY06 Request: \$0

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

As the population continues to grow in the Stonehouse area of the County, the Fire Department anticipates a corresponding increase in emergency calls. 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 funds currently approved in FY07.

New Ambulance - Fire Station 5 [High Priority]

FY06 Request: \$239,000

Proposed 5-Year Project Total: \$239,000

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. An 18% increase in calls for service since opening and an anticipated 10% increase department wide makes this request an urgent priority for the department.

Replacement Ambulances – Fire Stations 1 – 4 [Unranked – No Money Requested]

FY06 Request: \$0

Proposed 5-Year Project Total: \$660,000

Funds are requested to replace existing light-duty ambulances with new medium-duty ambulances each year starting in FY07. 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.

Citizen Response System [Low Priority]

FY06 Request: \$60,000

Proposed 5-Year Project Total: \$86,000

The Information Resources Management (IRM) Division proposes a computer-based citizen response system to consistently record and track citizen requests throughout County departments. FY06 funds would finance hardware and software licenses for a pilot program in the ECC/EOC. IRM anticipates that in addition to helping manage requests during extraordinary events such as hurricanes and Jamestown 2007, the system would also routinely shed non-emergency calls from the 911 dispatch center, dispense immediate and accurate information to callers, and generate work orders to appropriate departments.

Replacement Fire Engine – Fire Station 1 [Unranked – No Money Requested]

FY06 Request: \$0

Proposed 5-Year Project Total: \$500,000

FY06 funds are requested to replace a fire engine at Station 1. Engine 5 has been in service for more than 20 years, does not meet current safety standards, and has inadequate space for EMS equipment.

Mobile Data System [Medium Priority]

FY06 Request: \$2,030,075

Proposed 5-Year Project Total: \$2,030,075

Funds are requested for the hardware and licenses associated with a mobile data system installed in FY06. The mobile data system would allow Police, Fire, Rescue, and Dispatch to utilize computer terminals on calls, streamlining the work of public safety workers and improving emergency communications. Among other things, the system would give the Police Department the ability to do immediate DMV checks and allow the Fire Department to have immediate access to building plans while responding to emergency incidents.

New Police Building [Unranked – No Money Requested]

FY06 Request: \$0

Proposed 5-Year Project Total: \$3,775,000

The Police Department proposes constructing a new central law enforcement facility which would accommodate the growing police department and overcome deficiencies at the current building. Police Department personnel have increased from less than 50 in the early 1990s to an expected 77 in July 1, 2005 with no increase in space. The new building would allow for adequate training facilities, room for new investigators, and several other additions which would aid in the operation of the Police Department. Funding would begin in FY09 with engineering and planning with construction expected in FY10.

ELECTORAL BOARD, LIBRARY BOARD, COMMUNICATIONS

Election Equipment [High Priority]

FY06 Request: \$10,700

Proposed 5-Year Project Total: \$10,700

Funding requested for FY06 will be used to purchase 2 new AutoMARK voting terminals. The AutoMARK terminal allows voters with disabilities and other special needs to mark a ballot privately and independently. This project is mandated by the Federal Help America Vote Act (HAVA) and is to be implemented by January 1, 2006.

Chiller - James City Library [High Priority]

FY06 Request: \$85,000

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

The Library seeks FY06 funds to replace an unreliable and outdated chiller at the James City County Library, which does not work well with its control system. The new chiller will result in savings on energy and maintenance costs.

Third Library Building [Unranked – No Money Requested]

FY06 Request: \$0

Proposed 5-Year Project Total: \$7,526,000

With current and projected growth in James City County and the already crowded state of the libraries, a third library facility will be needed by 2013. The funding request of \$590,000 in FY09 is to provide for land acquisition and preliminary architectural and engineering work prior to the project going out for bid. The total project cost is estimated to be \$7,526,000.

Video Center Equipment [Low Priority]

FY06 Request: \$58,750

Proposed 5-Year Project Total: \$58,750

Funds are requested in FY06 for a variety of Building F Board Room and Community Video Center improvements. More specifically, the Communications Division plans to purchase and install a generator for the Community Video Center, allowing Channel 48 to remain on the air longer during a power outage. The balance of the request would be used to purchase a visual presenter and to reimburse to the Communications CIP.

PARKS AND RECREATION

The Policy Committee lowered priority for several Parks and Recreation projects, believing that public safety items and school projects had a higher relative priority.

Warhill Sports Complex (WSC) [Medium Priority]

FY06 Request: \$335,000

Proposed 5-Year Project Total: \$10,308,000

An amount of \$335,000 is requested in FY06 to install lighting on one 390' baseball field and one T-ball multi-use field. FY07, FY09, and FY10 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.

Freedom Park [Medium Priority]

FY06 Request: \$250,000

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

Funds requested in FY06 will be used for the interpretation of existing sites; funds requested in FY07 are for Phase 2 improvements—historical areas, restrooms, and picnic areas; and funds requested in FY09 are for Phase 3 improvements associated with active recreation near Centerville Road.

Pool Resurfacing [Low Priority]

FY06 Request: \$95,000

Proposed 5-Year Project Total: \$95,000

Funds will be used to resurface three outdoor pools at Chickahominy Riverfront Park and Upper County Park.

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

FY06 Request: \$50,000

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

Funds requested for FY06 will be used to replace fitness equipment to meet the needs of guests. Funds requested in FY07 will be used to improve lighting levels in the parking area and to close Asbury Lane. Other planned improvements for this popular facility include expansion of the fitness area and lower level in FY09 and a playground, concession, bathroom, and irrigation in FY10.

Greenways and Trails [Medium Priority]

FY06 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]

FY06 Request: \$0

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

Funds in FY07 are requested for the Phase 2 site improvements such as sidewalks, picnic shelters, and a playground. Funds requested for FY09 will be used to expand the skate park and for lighting in the skate park. Additional funds requested for FY10 will be used for the construction of restroom facilities, concessions, and storage areas.

Chickahominy Riverfront Park [Unranked – No Money Requested]

FY06 Request: \$0

Proposed 5-Year Project Total: \$500,000

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

Mid-County Park [Unranked – No Money Requested]

FY06 Request: \$0

Proposed 5-Year Project Total: \$650,000

Funds are requested in FY08 to replace the existing office/restroom and storage building due to termite damage and higher customer service needs. Additional funds are requested in FY10 to replace Kidsburg due to maintenance and material issues.

Upper County Park [Unranked – No Money Requested]

FY06 Request: \$0

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

Funds are requested in FY08 to pave the existing parking area and to construct a new restroom facility.

James River Community Center [Unranked – No Money Requested]

FY06 Request: \$0

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

Funds are requested in FY09 to install an outdoor water playground.

Greensprings Trail [Unranked – No Money Requested]

FY06 Request: \$0

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

Funds are requested in FY09 to install a restroom facility and storage at the trailhead behind Jamestown High School.

GENERAL SERVICES

Warhill Site Improvements [Medium Priority]

FY06 Request: \$2,500,000

Proposed 5-Year Project Total: \$10,257,000

Requested funds are needed to make necessary infrastructure improvements including storm water, water, sewer, utilities, entry road, roadway improvements, and rough grading to serve the new third high school, Thomas Nelson Community College, and the Community Stadium Facility.

Toano Convenience Center [High Priority]

FY06 Request: \$342,000

Proposed 5-Year Project Total: \$342,000

Central Dispatch will be expanding in the Emergency Operations Center on Forge Road to accommodate the new radio system equipment, which will displace the Convenience Center. This CIP request asks for \$342,000 in FY06 to construct a new center to continue trash and recycling drop-off service for the Stonehouse area.

Grounds Equipment Storage Facility [Medium Priority]

FY06 Request: \$218,000

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

Funding is requested in FY06 to construct a 30 foot by 60 foot 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 Building [Medium Priority]

FY06 Request: \$150,000

Proposed 5-Year Project Total: \$1,775,000

General Services seeks funds to construct an 11,000 square foot building, which would allow for the consolidation of General Services functions. The funding request of \$150,000 for FY06 would be used for planning, design, and engineering costs, while the remaining \$1,625,000 is requested for FY07 with an estimated date of completion of September 30, 2007.

Warhill Sports Facility [Medium Priority]

FY06 Request: \$100,000

Proposed 5-Year Project Total: \$7,930,000

Funding is requested for construction of a community stadium facility including parking, bleachers, concessions, and other related amenities. The stadium is currently proposed to have 4,000 seats, associated parking, artificial turf and a track facility; however, various options for the project are under consideration.

Grounds Equipment [Low Priority]

FY06 Request: \$87,300

Proposed 5-Year Project Total: \$87,300

General Services seeks FY06 funds for grounds maintenance equipment: \$50,000 for replacement of a 1993 10-foot athletic field mower and \$37,300 for replacements for two 1991 riding mowers.

DEVELOPMENT PROJECTS

Purchase of Development Rights (PDR) [High Priority]

FY06 Request: \$726,000

Proposed 5-Year Project Total: \$4,260,000

Established by the Board of Supervisors in November, 2001, the PDR program initially received substantial interest--14 applications representing 1,185 acres. The second open application period (FY05) resulted in six applications representing 814 acres. The CIP funding requested for FY06-FY10 would 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.

Metropolitan Area Network (M.A.N) Fiber Ring Replacement [High Priority]

FY06 Request: \$524,000

Proposed 5-Year Project Total: \$2,172,000

Fiber optics that are the foundation for the County's M.A.N may no longer be available after the Cox franchise agreement expires in January 2010, possibly bringing with it a large projected increase in fees amounting to as much as \$1.2 million per year in today's dollars. Funds are requested to install a County-owned fiber run parallel to the existing M.A.N., which will serve as a cushion against catastrophic failure resulting from a cut to the single original cable. Routed this way, the new line owned by the County can also serve as the County's sole fiber network in the event that Cox Communications refuses to negotiate continued use of the four fibers the County acquired in the 1995 franchise agreement.

Wayfinding Signs [Medium Priority]

FY06 Request: \$100,000

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

This request would fund the James City County portion of a proposed Wayfinding Signage System for Williamsburg, James City County, and York County. The system is designed to provide clearer and more consistent directions to visitors to the Historic Triangle, concentrating on major visitor destinations. Initially, 37 signs are proposed in the County.

Columbia Drive and Utilities [High Priority]

FY06 Request: \$50,000

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

With selection of Williamsburg Developments Inc. (WDI) as the preferred site of the County's second shell building, a property swap occurred between WDI and EDA, which required the extension of approximately 1200 linear feet of infrastructure along the Columbia Drive route with no financial participation by WDI. A VDOT Industrial Access Bonded Road Fund program will cover the cost of the road, but utilities such as water, sewer, and electric lines are not covered. The funds requested for FY06 will be used to pay for the cost of extending the utilities along Columbia Drive.

Economic Development Authority (EDA) Drive and Utilities [Unranked – No Money Requested]

FY06 Request: \$0

Proposed 5-Year Project Total: \$1,500,000

Funding will be used to extend infrastructure (road, sewer, water, underground power, etc.) into the lower 60 acres of EDA owned land at the James River Commerce Center.

Greenspace [High Priority]

As part of the FY97 budget, the Board of Supervisors approved an annual allocation of approximately one cent of the real estate tax rate to purchase land for open space. This request continues to set aside those funds.

OPERATING CONTRIBUTION PROJECTS

Water Quality Improvements [Unranked – Operating Contribution]

FY06 Request: \$1,100,000

Proposed 5-Year Project Total: \$3,350,000

There are a variety of needed Water Quality Improvement projects located throughout the County proposed to be in design and/or construction phases during FY06. Projects planned for FY06 are:

- ♦ Drainage Improvement Projects (DIP)
- ♦ One regional basin plus one upgrade
- ♦ ESH Stream Restoration Phase 2
- or
- ♦ Mid-County Outfall Stream Stabilization

Underground Utilities [Unranked – Operating Contribution]

FY06 Request: \$700,000

Proposed 5-Year Project Total: \$700,000

The request for FY06 funding is for the continuation of the underground program that has been in operation for 4 years. The FY06 request would fund a project at the Five Forks intersection and one along Jamestown Road per the request of the Historic Triangle Corridor Improvement group. If not completed in this manner, unsightly utility lines will continue to exist along visible Community Character Corridors in the County.

VDOT Road Match [Unranked – Operating Contribution]

FY06 Request: \$500,000

Proposed 5-Year Project Total: \$2,500,000

\$250,000 would continue to fund the construction obligation to the Public Private Transportation Authority (PPTA) project for Route 199. \$75,000 would fund the second of two years for beautification along the PPTA Route 199 project. \$150,000 would be used for additional funding for priority projects in the James City County/VDOT Six-Year Secondary Road Plan. \$25,000 would be used to fund construction cost overruns on the VDOT Greensprings Trail project.

Bikeway Grants Match [Unranked – Operating Contribution]

FY06 Request: \$397,000

Proposed 5-Year Project Total: \$1,063,000

CIP funding for FY06-FY10 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]

FY06 Request: \$179,000

Proposed 5-Year Project Total: \$179,000

Funding for FY06 will be used for various road improvement projects. \$40,000 will be used for improvements on River Drive with an additional \$29,000 for landscaping and sign upgrade. \$70,000 is requested for improvements on Norman Davis Drive with an additional \$30,000 for contingencies, landscaping, and signs.

SCHOOLS

While school projects related to increasing capacity were already high priority, the Policy Committee believed that School projects related to safety and fundamental maintenance within existing schools should have high priority as well.

Clara Byrd Baker Elementary [HVAC - High Priority]

FY06 Request: \$128,000

Proposed 5-Year Project Total: \$1,571,000

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. Limited food storage space and Health Department storage requirements have created the need for additional storage space in the kitchen area, also slated for FY06. FY08 funds are requested for replacement of the school communication system (telephone and media retrieval subsystem).

Rawls Byrd Elementary [Unranked – No Money Requested]

FY06 Request: \$0

Proposed 5-Year Project Total: \$671,500

FY08 funds are requested to reconstruct the current bus loop and to renovate student and staff restrooms. The change in the bus loop will allow diagonal bus parking, which is expected to result in safer circulation for students. Future funds are earmarked to replace the carpeting in the gymnasium.

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

FY06 Request: \$0

Proposed 5-Year Project Total: \$1,542,000

Limited food storage space and Health Department storage requirements have created the need for additional storage space in the kitchen area, slated for FY07. Future funds are identified for engineering and renovation/replacement of the school's HVAC system, including the addition of a fresh air system, in FY07 and FY08. FY08 funds are requested for replacement of the school communication system (telephone system).

Norge Elementary [Cafeteria and Kitchen - High Priority]

FY06 Request: \$657,000

Proposed 5-Year Project Total: \$1,074,000

FY06 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. Additional FY06 money is requested for the expansion of cafeteria space. Future needs include eventual replacement of roof over the cafeteria, gymnasium and the kindergarten wing, and resurfacing of the parking lot.

Matthew Whaley Elementary [Front Entrance - Low Priority]

FY06 Request: \$121,000

Proposed 5-Year Project Total: \$490,000

FY06 funds are requested to re-brick and renovate the front entrance. Future funds are requested to reinsulate the attic ceiling to help conserve energy, rebuild the cupolas, and replace the auditorium ceiling, which contains encapsulated asbestos.

James River Elementary [Unranked – No Money Requested]

FY06 Request: \$0

Proposed 5-Year Project Total: \$95,000

FY07 funds are identified to replace the existing flat gym roof with a standing seam metal one in order to prevent leaks.

Stonehouse Elementary [School Expansion-High Priority, Parking-Low Priority]

FY06 Request: \$2,338,000

Proposed 5-Year Project Total: \$2,518,000

FY06 funds are requested to expand the parking lot to accommodate 40 additional spaces. Future monies are proposed for an addition to Stonehouse in FY07 to increase capacity to 700 students and also the construction of a bus loop canopy.

Berkeley Middle [Unranked – No Money Requested]

FY06 Request: \$0

Proposed 5-Year Project Total: \$3,103,000

No money is requested for FY06 or FY07. However, FY08 funds are targeted to expand the cafeteria space to accommodate more students, to improve the auditorium light and sound system, and to complete the standing seam metal roof over remaining areas in the school. Additional money is requested in future years to renovate the locker rooms and restrooms and to replace the HVAC system equipment.

James Blair Middle [Unranked – No Money Requested]

FY06 Request: \$0

Proposed 5-Year Project Total: \$2,354,500

No projects are identified for FY06; however, in FY07 funds are requested to replace the bus canopy and sidewalk at the rear of the building. FY09 and FY10 projects include interior refurbishments and HVAC system design and replacement.

Cooley Field [Unranked – No Money Requested]

FY06 Request: \$0

Proposed 5-Year Project Total: \$651,000

Funds are requested in FY07 for a new lighting system as well as for renovations for visiting team and public restroom facilities. Renovations and upgrades in FY08 include a new scoreboard and sound system, additional parking, a concession stand and equipment shed, press boxes, security fencing, and the re-crowning and re-sodding of the playing field.

Toano Middle [Sewage Pump Lift Station - High Priority]

FY06 Request: \$73,000

Proposed 5 Year Project Total: \$1,288,000

FY06 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. Additional funds are requested in future years to expand the cafeteria dining space and to add exploratory classrooms.

Lafayette High [Athletic Field Drainage - Low Priority]

FY06 Request: \$98,000

Proposed 5-Year Project Total: \$1,761,000

Funds are requested in FY06 for an athletic field drainage system. Future funding is slated for improvements needed on the practice track and field area; replacement of the tennis courts; refurbishment of the carpet, tile, and painting; implementation of a food court concept; interior refurbishment; renovation of 900 Building; and the addition of two outdoor science pavilions on the Headwaters of Powhatan Creek.

Jamestown High [Catwalks - High Priority]

FY06 Request: \$73,000

Proposed 5-Year Project Total: \$1,654,000

\$142,000 is requested in FY06 to construct maintenance catwalks and to install noise control devices for the A/C in the auditorium. FY07 funding is requested for the renovation of cafeteria serving lines to implement the food court concept, as well as interior refurbishment and field lighting in later years.

Pupil Transportation [Low Priority]

FY06 Request: \$295,000

Proposed 5-Year Project Total: \$295,000

Four new/additional buses are requested to accommodate the growing general and special needs student population.

Third High School [High Priority]

FY06 Request: \$22,183,422

Proposed 5-Year Project Total: \$44,244,444

The requests for funds in FY06 and FY07 are for continued planning, engineering and construction of the third high school, with an anticipated opening in August 2007.

Fourth Middle School [Unranked – No Money Requested]

FY06 Request: \$0

Proposed 5-Year Project Total: \$16,811,449

Enrollment growth expected to occur over the next several years points to the need for a fourth middle school. Funds for engineering, planning, and construction are requested in FY07 and FY08. Site acquisition and off-site improvement costs are yet to be determined.

Eighth Elementary School [High Priority]

FY06 Request: \$7,813,351

Proposed 5-Year Project Total: \$15,626,702

Projected enrollment growth over the next several years also points toward the need for an eighth elementary school. FY06 and FY07 funds are planned for engineering, planning, construction, and other project costs. Site acquisition and off-site improvement costs are yet to be determined.

Jamestown High School Auxiliary Gym [Low Priority]

FY06 Request: \$795,000

Proposed 5-Year Project Total: \$795,000

\$795,000 is requested to construct an auxiliary gymnasium to meet the academic and extra-curricular needs of the student body at Jamestown High School. This auxiliary gym was originally programmed and designed during the original planning for Jamestown High School, but construction had to be delayed due to funding constraints.

Lafayette High School Auxiliary Gym [Unranked – No Money Requested]

FY06 Request: \$0

Proposed 5-Year Project Total: \$1,054,000

\$1,054,000 is requested to construct an auxiliary gymnasium to meet the academic and extra-curricular needs of the student body at Lafayette High School. This auxiliary gym was originally programmed and designed during the original planning for the renovation to Lafayette High School, but construction had to be delayed due to funding constraints.

JCSA CIP PRIORITY RANKINGS
FY 06-10

High Priority Projects

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

Medium Priority Projects

Heavy Equipment
Tewning Road Expansion
Terminate Interconnections with City of Williamsburg
Zonal Isolations
Water Tank Ventilation Modifications
Water System Improvements Escrow
Sewer System Improvements Excrow
Lift Station Upgrades (Air Ejector Stations)
Sewer Bridge Rehabilitation
James Terrace Sewer Line Inspection
Kingswood Area Waterline Replacement
White Oaks Area Waterline Replacement

Low Priority Projects

JCSA Building E Rehabilitation
Governors Land Water Transmission Line
Neck-O-Land Water Transmission Line
Lift Station Odor Control Systems

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

APPROVED MINUTES FOR THE POLICY COMMITTEE (PC) MEETING ON THE FY2006-2010 CAPITAL IMPROVEMENTS PROGRAM (CIP) HELD ON TUESDAY, FEBRUARY 8, 2005, AT 4 PM IN THE BUILDING E CONFERENCE ROOM, JAMES CITY COUNTY COMPLEX

Policy Committee (PC) Members

Mr. Donald Hunt
Mr. George Billups
Mr. Jim Kennedy
Ms. Mary Jones

Also Present

Ms. Tammy Rosario, Senior Planner
Ms. Ellen Cook, Planner
Mr. Matt Smolnik, Planner
Mr. Jesse Contario, Intern
Mr. John McDonald, Manager of Financial and Management Services
Ms. Stephanie Ahrendt, Acting Director of Budgeting and Accounting

Ms. Tammy Rosario opened the meeting with introductory comments. She stated that the main objective of the first three meetings was to gain basic knowledge about the requests so that the Policy Committee could recommend CIP priorities to the Planning Commission who would then make a recommendation to the Board of Supervisors. Furthermore, she said that this first meeting was primarily designed to make everyone familiar with the requests as well as allow for any basic questions to be answered. Should any questions arise that could not be answered in this initial meeting then the appropriate person would be contacted and asked to appear at one of the next two meetings so that all questions could be answered before the Policy Committee ranked requests.

Mr. George Billups asked if there was any system currently in place to determine which requests were new and which had been around for years.

Ms. Mary Jones further questioned which requests, if any, had been around for several years with no action taken on them.

Ms. Rosario responded stating that this year there was a net increase of 10 requests. She further stressed that in this particular meeting it was important that the dollar amount did not get over-emphasized as it is the responsibility of body to prioritize them regardless of cost, and the job of the Board of Supervisors to examine the cost of each request and its financial feasibility.

Mr. Jim Kennedy asked if the priority list would be broken down into different categories or if it would be one inclusive list.

Ms. Rosario replied that it would all be in one inclusive list.

Ms. Rosario began by reviewing the Public Safety requests. First she mentioned the EOC Expansion and then the Stonehouse Fire Station which she commented on as being a delayed request.

Mr. Kennedy asked what kind of test would be implemented to know when the new fire station was needed and if that test would be performed early enough to allow time to build a new station before the situation reached a crisis level.

Mr. John McDonald replied that the test involves examining the number of calls to Toano, the response time to those calls, and also the development of the Stonehouse area.

Ms. Rosario commented on the requests for a new ambulance, the replacement ambulance, and the Citizen Response System, which she noted was a new request.

Mr. Don Hunt questioned if this system was for emergency and non emergency calls; for example, would a citizen call this system if they were having problems with their water.

Ms. Rosario responded stating that the system is designed to separate which calls are emergency calls and which are not.

Mr. McDonald commented that during the hurricane there was no system to distinguish emergency calls from non-emergency calls and this posed a problem.

Mr. Billups questioned whether this system would be a part of any of the other emergency calling systems such as that of the Fire Department or Police Department.

Mr. McDonald responded that this system would stand alone.

Ms. Rosario then summarized the requests for the replacement fire engine, the mobile data system, and the new police building.

Mr. Kennedy questioned whether the sense of urgency for the replacement fire engine should be much greater than that of the mobile data system. He commented that he felt the replacement fire engine to ensure safe coverage of the area was more important than having the mobile data system.

Ms. Rosario responded stating that they could ask the person requesting the replacement fire engine about the coverage of the area and how urgent the need for the replacement fire engine is.

Ms. Jones then questioned where the new police building would be located.

Ms. Rosario commented that no location had yet been cited.

Mr. McDonald stated that he knew that they could not expand the station at the current location.

Ms. Rosario then commented that they predicted construction to occur in FY10.

Mr. Kennedy questioned the urgency of the new building.

Mr. Billups questioned where the new building could be built and commented that possibly a satellite station would be a better idea.

Mr. McDonald responded stating that the request is for expanding the police station to allow for more area for records storage and training facilities. He went on to say that currently those areas are being taken over by an expanding force and more cubicles for those new officers.

Ms. Rosario then commented that this request may be a good candidate to have someone come and make a presentation.

Mr. Kennedy then questioned whether the replacement fire engine mentioned before was the same fire engine as requested in 2001.

Mr. McDonald responded that it was not the same as requested in 2001.

Ms. Rosario then moved onto the Electoral Board with the first request mentioned being the Auto MARK voting terminals.

Mr. Kennedy commented that these machines were mandatory to allow the disabled to vote alone and unassisted.

Ms. Rosario then mentioned the chiller for the library.

Mr. Kennedy questioned whether this had already been replaced in the recent past.

Mr. McDonald responded that work had been done on the system; however, this particular piece of equipment had not been worked on.

Ms. Rosario commented that she would ask the appropriate person what work had been done in the recent past.

Ms. Rosario then summarized the request for a third library.

Mr. Kennedy wondered if research should be done prior to building the new library so as to make it more high-tech. He commented that moving into the future the amount of paper books used in libraries will most likely diminish.

The Policy Committee members discussed how facilities may change in the future as technology advances.

Mr. Matt Smolnik then began commenting on the requests within the Parks and Recreation Division. He first commented on the school athletic field lighting.

Mr. Kennedy asked if this was the same request as in 2002.

Mr. Smolnik responded that he did not know.

Ms. Jones then commented that when schools are built they do not take care of all of the needs immediately but rather do some of the building and infrastructure first and then save other parts for the future.

Mr. Kennedy asked if these new lights would allow for more community use.

Mr. Smolnik responded that the lights would allow for more community use.

Mr. Billups then questioned whether this is the WJCC Schools' responsibility or the responsibility of the Parks and Recreation Division. He also questioned whether or not this could be something that they reach a compromise on in an attempt to reduce cost for the County.

Mr. Smolnik then summarized the Warhill Sports Complex, Freedom Park, and the pool resurfacing.

The Policy Committee members discussed what other items had been done at Upper County Park in the recent past.

Mr. Smolnik then summarized the request for the Community Center.

Mr. Hunt asked if they collected member fees.

Mr. McDonald commented that Parks and Recreation recovers 67% of the cost of its operations.

Mr. Smolnik then summarized the greenways request.

Mr. Kennedy commented that there were proffers for certain sites from developers.

Ms. Rosario commented that in general, the proffers called for developers to build their portion of the trails and that the requested money was to build the remaining portions.

Mr. Kennedy suggested that Parks and Recreation should generate a report on the progress of the construction of these trails.

Mr. Smolnik then summarized the Skate Park/Tower site request.

The Policy Committee members discussed the popularity of the park and the wisdom of lighting it.

Mr. Smolnik then summarized the request for the Chickahominy Riverfront Park.

Mr. Billups questioned what the requests for the parks were actually going towards. He commented that he would like to know exactly what the parks physically look like right now and what they would look like after the project was completed. Specifically he wondered what the money would actually be used for.

Ms. Rosario commented that John Carnifax could come in and answer the Policy Committee's questions.

Mr. McDonald commented that often times the situation with the parks is that the County buys the land but then does not have the money to develop it until the future.

Mr. Smolnik then summarized the requests for Mid County Park, Upper County Park, James River Community Center, and the Greensprings Trail.

Mr. Kennedy questioned what exactly constitutes an outdoor water play system.

Ms. Rosario commented that John Carnifax could speak to that when he came in.

Ms. Ellen Cook then began summarizing the requests under General Service. She began with comments on the Warhill Site Development and the Toano Convenience Center.

Mr. Billups questioned if the Warhill site development request is the continuation of an existing plan.

Ms. Stephanie Ahrendt demonstrated the location on a map.

Mr. Kennedy asked whether there was a determined site for the Toano Convenience Center.

Mr. McDonald responded that there was a possible site in near Owens-Brockway.

Ms. Cook then summarized the requests for the Ground Storage facility, the General Services building, and the District Parks Sports Facility.

Mr. Hunt questioned if the new General Services building would be on Jolly Pond Road.

Mr. McDonald commented that the General Services building would be located on Tewning Road.

Ms. Cook then summarized the request for the grounds equipment.

Mr. Billups questioned where the District Sports Facility was located.

Ms. Ahrendt stated that it was located at the Warhill Sports Complex.

Mr. Billups then questioned if any of the services at the Warhill tract were being integrated with the other systems to absorb some of the costs.

Mr. McDonald commented that the only non-County money being used is that of the City of Williamsburg for the school and that of state-issued bonds for the buildings at Thomas Nelson.

Ms. Cook then began summarizing the requests from the Development Management Department. She began with the Purchase of Development Rights (PDR) request and the MAN Fiber Ring request.

The Policy Committee discussed the use and financial details of the MAN Fiber Ring.

Mr. Billups questioned whether the 14 lots for the PDR request were all one parcel or 14 separate parcels.

Mr. Hunt commented that they were separate parcels.

Ms. Cook then summarized the wayfinding signs request.

Ms. Jones questioned where the actual amount for the cost of these signs actually comes from. She questioned if there was any breakdown of the cost anywhere.

Ms. Rosario commented that there was indeed some breakdown in the request itself.

Ms. Cook then summarized the requests for Columbia Drive as well as EDA Drive.

Ms. Cook then moved onto the Operating Contributions items and summarized the requests for water quality improvements, underground utilities, VDOT Road Match, bikeways grants match, and road improvements.

Ms. Rosario then presented the Schools and JCSA requests.

Ms. Jones commented that almost all of the schools had the same kitchen requests in their proposals. She then questioned whether or not this money would be used for those projects if it was granted or if the money could end up funding another project.

Mr. Kennedy commented that once the money leaves the County's hands the Schools will do with it what they wish.

Mr. Billups commented that the School people needed to come in to clarify some of the requests. He also commented that it would also be helpful for the Operating Contributions people to come in to make a presentation.

Ms. Rosario agreed that having the people from the Schools come in was a good idea as they would be able to do a better job of explaining and prioritizing their requests considering the School Board's schedule to adopt its CIP.

After general discussions about schedules, Ms. Rosario commented that the people from the Schools should be scheduled to come in on for the third meeting slated for the 16th so as to avoid a lengthy meeting on the 14th. Other individuals would be scheduled for the 14th.

There being no further discussion, the meeting adjourned at 5:45 p.m. The next meeting of the FY2006-2010 CIP requests will be held on Monday, February 14, 2005 at 4 PM in the Building E Conference Room.

APPROVED MINUTES FOR THE POLICY COMMITTEE (PC) MEETING ON THE FY2006-2010 CAPITAL IMPROVEMENTS PROGRAM (CIP) HELD ON MONDAY, FEBRUARY 14, 2005, AT 4 PM IN THE BUILDING E CONFERENCE ROOM, JAMES CITY COUNTY COMPLEX

Policy Committee (PC) Members

Mr. Donald Hunt
Mr. George Billups
Mr. Jim Kennedy
Ms. Mary Jones

Also Present

Ms. Tammy Rosario, Senior Planner
Ms. Ellen Cook, Planner
Mr. Matt Smolnik, Planner
Mr. Jesse Contario, Intern
Mr. John McDonald, Manager of Financial and Management Services
Ms. Stephanie Ahrendt, Acting Director of Budgeting and Accounting
Deputy Chief Emmett Harmon, Police Department
Major Stan Stout, Police Department
Lt. Bradley Rinehimer, Police Department
Mr. John Carnifax, Parks and Recreation Division

Mr. George Billups opened the meeting. Ms. Tammy Rosario asked everyone to introduce themselves and gave a basic outline of what would be discussed during the meeting. The Police Department had three representatives to present the CIP request for its new building. Mr. Carnifax was also present from the Parks and Recreation Division to discuss his division's requests including a water playground and the lighting of the athletic fields.

Deputy Chief Emmett Harmon spoke on behalf of the Police Department about the need for a new Police Station. He cited the full CIP request documentation which outlined the various reasons the department needs a new building. He pointed out that in 1982 when the department moved into the current building they had only 40 officers; currently they employ 78 officers. Furthermore, he stated that a needs assessment study done in the late 1990s identified 11,000 square feet in the building, although he believed the effective number was closer to 7,000. He also commented that the current needs are roughly 13,000 square feet; however, the request is for a building with 25,000 square feet to account for future needs.

Mr. Don Hunt asked how long into the future this amount of square footage would be sufficient.

Deputy Chief Harmon responded that he believed it would suffice until the year 2030.

Deputy Chief Harmon also commented on the possibility of creating more satellite stations as opposed to building a new station. He stated that although satellite stations are useful, they would not alleviate the problems which the Police Department is now facing. The area the Police Department needs is mainly for training and records keeping, which satellite stations would not provide. He pointed out that currently the department has five satellite stations throughout the County. Furthermore he commented that the current building is still in good shape and the Fire Department has expressed interest in it for its administrative and training offices.

Mr. Billups asked if there were any specific locations in mind yet.

Deputy Chief Harmon responded that there were not.

Mr. Hunt asked if they were hoping to have it along the 199 corridor.

Deputy Chief Harmon responded that they were.

Mr. Jim Kennedy commented that the number listed in the request for land purchase seemed extremely low and questioned whether or not this number was realistic for FY09 when construction was scheduled to begin. Furthermore he pointed out that although having the Fire Department move into the building would be nice, it would not generate any money, whereas if the James City Service Authority purchased the building it could hasten the time it would take to raise money for the new facility.

Mr. Billups asked Deputy Chief Harmon what his philosophy was towards co-locating, such as an area where the Police Department, Fire Department, and other departments would be all near one another.

Deputy Chief Harmon responded that he was not against such an idea.

Deputy Chief Harmon then spoke briefly about another Police Department CIP request, the mobile data system. He said that this system would allow the officers on the road to do much of the research and tasks that the dispatchers do and would greatly increase efficiency for both the officer on the road and the dispatcher. He also stated that they were hoping to have one of these in almost every car, and that there were currently 76 cars in the fleet. He also pointed out that in general, the investigators did not want these in their cars.

Mr. Billups asked if the systems were lap held or located elsewhere in the car.

Major Stout responded that there were several types; however, the lap held ones would not be a good fit for their purposes. The best ones for their purposes are on the side of the dashboard and affixed to the car.

The Policy Committee thanked the Police Department representatives for coming.

Mr. John Carnifax from the Parks and Recreation Division then presented the CIP requests for both the lighting of the athletic fields and the water playground.

Mr. Carnifax began by passing around a picture of what the water playground would generally look like and briefly explained the concept of the park. He stated that the park would fulfill the request from the community for water access at a fraction of the initial cost and upkeep cost of a pool. He also stated that many parents seemed to feel much more comfortable with the water playground idea than an actual pool because of their fear of the water. Furthermore he commented that the particular type of park that they were looking to put in would have no standing water at all, and therefore, would not require lifeguard staff as opposed to regular staff.

Mr. Kennedy questioned whether the water would be recycled.

Mr. Carnifax stated that the water would be recycled. He also said that in terms of location, they were considering using the area near the outdoor basketball and tennis courts.

Ms. Rosario asked whether they have gauged how many citizens from the Grove area use the community pool.

Mr. Carnifax responded that it has not been gauged officially however he could comment and say that the number is rather low.

Mr. Kennedy raised the issue of the water park encroaching on private business and cited some companies who provide a water playground service to people for a price and questioned whether the government had any place in this particular area.

Mr. Carnifax responded stating that he fully understood the concerns of Mr. Kennedy and that those concerns are good to have and a very important issue to discuss; having said that though, he further commented that a water playground of this capacity is very unlikely to have any impact on the private sector providers of such activity.

Ms. Mary Jones questioned whether there had been any specific public requests for a water playground or other such water-related facility from the public.

Mr. Carnifax responded that there had been specific requests from citizens for water facilities. He commented that they had held several meetings in which this issue had come up more than once.

Ms. Jones commented that there is a need for community swimming clubs and questioned if there were a pool which could be used for this purpose, and if not, how much it would cost to build such a pool.

Mr. Carnifax commented that there was no pool currently which could be used to host meets and things of that nature. He further commented that they had done research for an indoor pool as an attachment to the Community Center and that pool would have cost roughly \$1.5 million.

Mr. Carnifax next moved onto discussing the lighting of the two fields at Stonehouse and commented that that project has been moved to FY08-09 because they are waiting for approval from the School Board.

Mr. Kennedy then asked if these were the same fields which were in question in 2002.

Mr. Carnifax responded that they were the same fields as in question in 2002; however, when the money was put aside in that year the school decided to spend the money on a different project.

The Policy Committee thanked Mr. Carnifax for his presentation on the Parks and Recreation CIP items.

Ms. Rosario then commented that she had provided responses from both the Fire Department as well as the Library on questions which had arisen during the last meeting. She said that she included those responses in the packets for the meeting.

Ms. Jones commented that it appeared that the Library did not want to move towards the more technologically advanced type of library which had been discussed during the previous meeting to which Ms. Rosario replied that it seemed that their patrons did not want to move in that direction either.

Ms. Rosario then commented that there were some Zoning Ordinance amendments which may be presented and discussed at the final meeting on the 23rd.

Mr. Billups questioned what these amendments pertained to.

Ms. Rosario responded that they pertained to a private request for a bus repair/storage area. She also said that the other one pertained to a new item out at New Town.

Mr. Hunt asked if the bus repair/storage station was a private firm to which Ms. Rosario responded yes.

There being no further discussion, Mr. Billups adjourned the meeting at 5 PM. The next meeting of the FY2006-2010 CIP requests will be held on Wednesday, February 16, 2005 at 4 PM in the Building E Conference Room.

APPROVED MINUTES FOR THE POLICY COMMITTEE (PC) MEETING ON THE FY2006-2010 CAPITAL IMPROVEMENTS PROGRAM (CIP) HELD ON WEDNESDAY, FEBRUARY 16, 2005, AT 4 PM IN THE BUILDING E CONFERENCE ROOM, JAMES CITY COUNTY COMPLEX

Policy Committee (PC) Members

Mr. Donald Hunt
Mr. George Billups
Ms. Mary Jones

Absent

Mr. Jim Kennedy

Also Present

Ms. Tammy Rosario, Senior Planner
Ms. Ellen Cook, Planner
Mr. Matt Smolnik, Planner
Mr. Jesse Contario, Intern
Mr. John McDonald, Manager of Financial and Management Services
Ms. Stephanie Ahrendt, Acting Director of Budgeting and Accounting
Mr. Michael Thornton, Assistant Superintendent for Finance & Administrative Services

Mr. George Billups opened the meeting. Ms. Tammy Rosario outlined the purpose of the meeting and introduced Mr. Michael Thornton from WJCC Schools who was present to discuss the priorities of the School Board for FY06.

Mr. Thornton first commented that the priority list had just been approved by the Board the night before and that he would like to highlight a few projects for the committee. He commented that the total number requested for projects in FY06 was no more than was requested in the original proposal; however, some of the projects had been delayed or pushed forward as the Board saw fit. He pointed out that the expansion of the Stonehouse Elementary School had been accelerated from FY07 to FY06 with an amount of \$2.6 million.

Ms. Ahrendt asked if this included engineering, and Mr. Thornton responded that it did indeed.

Mr. John McDonald asked if that number included the parking expansion and again Mr. Thornton responded that it did.

Ms. Mary Jones asked how much of the money was actually for the school expansion, and Mr. Thornton responded that \$2.5 million of it was for the actual expansion.

Mr. Billups asked what was actually being added for that amount.

Mr. Thornton responded that classroom expansion would increase the capacity to 700 students while right now the capacity was at 526 even though the current enrollment as of September 2004 was 582.

Mr. Billups asked about any core changes that needed to be made to the building, and Mr. McDonald responded that Stonehouse was built as a Red Cross disaster shelter and therefore the core was extremely strong.

Mr. Billups then asked if there was any plan of expansion where temporary trailers were now located and also how long into the future the expansion would be sufficient for the school.

Mr. McDonald responded that with the new elementary school being requested they expect that the expansion would be sufficient for the school several years into the future.

Mr. Billups then questioned if there would be any redistricting in the near future, and Mr. Thornton responded that the School Board had called for the beginning stages of the redistricting process to begin at the previous nights' meeting.

Ms. Jones asked how accurate the projections generally are and Mr. Thornton responded that in the past they had been roughly 97% to 98% accurate.

Mr. Hunt asked in which age group the greatest change in population was occurring, and Mr. Thornton was responded that in the past year or two the growth pattern had changed at the elementary level, particularly in Kindergarten.

Mr. McDonald commented that they had a breakdown of where the County was experiencing the greatest influx of children so that they could see which area needed the new school most. He further commented that the County would build the elementary school first and then the middle school soon after that.

Ms. Jones asked if there had been any thought given to changing one of the current middle schools into an elementary school and then building a new and bigger middle school.

Mr. Thornton responded that the Board had examined many options and that building a new elementary school and a new middle school was the most efficient way to accomplish the Board's goals. He also commented that the building of the new middle school had been pushed back to FY09.

Mr. Billups asked if there had been any consideration to building one large school which could serve grades K-8. He commented that this would be very helpful in trying to conserve land.

Mr. Thornton answered that the Board had not discussed a school which would serve K-8 under one roof; however, they had discussed having two schools serving those grades and sharing the same piece of land.

Mr. McDonald then commented that the site selection committee will discuss that if they find a piece of land that can accommodate both schools.

Ms. Rosario then asked if the Board had included their specific priorities had been included in the CIP document.

Mr. Thornton responded that the Board had developed what they called "Tier 1" priorities, which were mostly safety issues. He further commented that all of the projects requesting money in FY06 were the Board's top priorities.

Mr. Thornton then commented that the amounts requested for the eighth elementary school and the fourth middle school did not include land acquisition costs. He also cautioned committee members that the amount allocated for site improvements is one determined by the architect and is most likely a low estimate.

Ms. Rosario asked if the Board had a good handle on the sizes for the new schools to which Mr. Thornton responded that they did and were as follows: 700 for the eighth elementary school, 900 for the fourth middle school, and 1250 for the third high school (1450 core spaces and 1250 academic spaces).

Mr. Billups questioned if there was a mileage variance from one school to another to which Mr. Thornton replied that when it was time to choose a site that he, one representative from the School Board, and the director of transportation would take that issue into consideration.

Ms. Jones questioned whether everything would actually be covered when the new schools were built; she cited the problem at Jamestown High School where they intended to build an auxiliary gym initially, but then ran out of money when the school was being built.

Mr. Thornton commented that in the Jamestown situation it was unfortunate; however, cost restrictions required that that gym could not be built. He went on to state that several issues will cause the spending schedule to change, such as increases in building materials cost, inflation, and other things of that nature.

Ms. Jones questioned if the athletic field lighting was still a priority for the schools to which Mr. Thornton replied that it was not, and that it only was for Jamestown High School.

Ms. Jones then questioned why the athletic field lighting was now under the County projects and Mr. Thornton replied that it was a County initiative. Ms. Jones then asked if it had been funded for the schools in the prior year to which Mr. McDonald responded that it had two years ago; however, the money had been spent on a different project.

Mr. Thornton said that he would like to highlight the FY06 school bus request asking for \$200,000 which would add 4 new buses. He further commented that the school buses are used virtually the entire day from 5:30 a.m. to 8:00 p.m.

Ms. Rosario then asked if the new schools were going to be used for any programs not associated with the actual school functions to which Mr. Thornton replied that they were. He said that the schools were operational roughly 18 hours a day with before and after school programs.

Mr. Hunt then asked how many of the schools were certified shelters to which Mr. Thornton replied that only Stonehouse was currently a certified shelter.

Mr. McDonald then commented that the only schools which can be certified shelters are those outside of the Surry accident line.

Mr. Hunt then commented that this is an important issue when discussing site locations as well as other safety items such as proximity to railroads and things of that nature. He then asked if there were any updated guidelines taking these things into account when searching for new site locations.

Mr. Thornton replied that he was not aware of any such guidelines.

Ms. Rosario then commented that although there may not be official guidelines, it does enter into informal discussions during the site selection process.

Ms. Jones then asked if they were planning on putting the new elementary school in such a place that the students could walk to school.

Mr. Thornton said that parents were generally not supportive of their children walking what they perceived to be long distances to the bus stops. He anticipated it would be a similar issue with walking to school.

Ms. Jones then asked about the kitchen renovations and asked if the schools were moving to outsourcing in the future, were the renovations to Norge really a good investment.

Mr. Thornton replied that the renovations to Norge are to accommodate the present population whereas the new schools are anticipated to have a more contemporary food court type of cafeteria.

Mr. Thornton then concluded his presentation, and the Policy Committee thanked him for coming.

Ms. Jones then asked Ms. Rosario if the list with the rankings would be similar to the list which was distributed last year to which Ms. Rosario replied yes.

Ms. Rosario then concluded her remarks commenting that the packets including the minutes from the meetings as well as the final rankings would go out before the next meeting which was scheduled for Wednesday the 23rd. She also commented that the zoning ordinance amendments mentioned in prior meetings would not be discussed in the final meeting after all.

There being no further discussion, Mr. Billups adjourned the meeting at 5 PM. The next meeting of the FY2006-2010 CIP requests will be held on Wednesday, February 23, 2005 at 4 PM in the Building E Conference Room.

UNAPPROVED MINUTES FOR THE POLICY COMMITTEE (PC) MEETING ON THE FY2006-2010 CAPITAL IMPROVEMENTS PROGRAM (CIP) HELD ON WEDNESDAY, FEBRUARY 23, 2005, AT 4 PM IN THE BUILDING E CONFERENCE ROOM, JAMES CITY COUNTY COMPLEX

Policy Committee (PC) Members

Mr. Donald Hunt
Mr. George Billups
Ms. Mary Jones

Also Present

Ms. Tammy Rosario, Senior Planner
Ms. Ellen Cook, Planner
Mr. Matt Smolnik, Planner
Mr. Jesse Contario, Intern
Mr. John McDonald, Manager of Financial and Management Services

Mr. George Billups opened the meeting. Ms. Rosario explained that the final meeting is where the committee reviews the preliminary rankings of the projects as determined by staff. The committee may then choose to make adjustments and other recommendations based on the project's merits and other factors.

Mr. Hunt questioned whether Greenspace and Purchase of Development Rights (PDR) should be ranked as high priority over other such things as schools and public safety.

Mr. Billups responded that he believed they had received such a high ranking because those projects were already underway, and projects which are already underway and have been funded in the past receive a higher ranking. Mr. Billups then asked what exactly Greenspace was connected with.

Mr. McDonald responded that it was money put aside by the County to purchase land and then preserve it. He noted that there was no immediate plan per se for the money.

Mr. Hunt then asked if there was any care or maintenance associated with the projects.

Mr. McDonald said that there was a very modest amount of maintenance.

Ms. Rosario then commented that the primary goal of Greenspace is to preserve environmentally-sensitive, historical, cultural, or aesthetically important properties, whereas the main goal of PDR is the preservation of agricultural land.

Mr. Hunt then asked if there were a component of PDR for forest land.

Mr. McDonald commented that there was not one specifically; however, a landowner could submit an application for forest land which met other criteria.

Ms. Jones then asked if they had something in mind yet for the money being put aside for both Greenspace and PDR.

Ms. Rosario commented that they use the money in Greenspace to seize opportunities when they arise and that they have an application process for the PDR money to determine which properties should receive easements.

Mr. Hunt then commented that there are roughly 80 applications in the process right now and Mr. McDonald went on to say that he believes the committee is looking at roughly 7 applications seriously.

Mr. Billups then asked if there was some action that everyone would like to take on moving these items, cautioning the group that he believed this money was already in the budget and there was not much anyone could do.

Mr. Hunt said that his point was that there are several other things such as the schools which he would like to see higher on the priority list.

Ms. Jones commented that she agreed that the schools needed to be taken care of but realized that these projects were directly addressed in the Comprehensive Plan. Ms. Jones went on to cite the example of asbestos in the Matthew Whaley School as an example of not taking care of the schools the County already has.

Ms. Rosario pointed out that it was within the jurisdiction of this committee to move projects up or down on the priority list. She explained that Greenspace and PDR had received high scores in part because they are directly called for in the Comprehensive Plan.

Mr. Billups commented that the funding was \$600,000 and asked if we lost that much in taxes.

Mr. McDonald said that eventually if the County owns the property for that long it is conceivable that they could lose that much money in property taxes.

Mr. Billups then questioned what everyone would like to move up on the list in place of that \$600,000 project.

Mr. Hunt questioned if the Field Drainage at Lafayette High School might be a worthy candidate.

Mr. Kennedy stated that the money will not change for the Greenspace and PDR projects as they are already in the budget.

Ms. Jones then moved on to the subject of Public Safety and questioned why so many of the projects concerned with that issue received such low scores.

Mr. Kennedy commented that the department of Public Safety has long been a concern of the Comprehensive Plan and went on to say that York County had just implemented the mobile data system in their jurisdiction using federal money from the Department of Homeland Security.

Ms. Jones then commented that she believed those Public Safety projects should be moved up to which Mr. Kennedy responded that he would vote for such a measure.

Ms. Rosario asked if the committee wanted to move the EOC expansion as well as the new ambulance to high priority.

Mr. Billups then questioned what situation had occurred the previous year to require the need of another vehicle.

Ms. Jones responded saying that the situation was that the station does not have an ambulance at the time and they need one.

Mr. McDonald said that the need for a new ambulance is a result of the response time creeping up over the past few years.

Mr. Billups then commented that he believed the ambulance was needed to keep response time down in the area.

Mr. Hunt echoed Mr. Billups' point saying that a delay in the response time is unacceptable.

Ms. Rosario said that it seemed that everyone thought the EOC expansion and the new ambulance should be moved to high priority. The committee concurred.

Ms. Rosario then referred the committee back to their discussion on the School requests and asked if they had any comments regarding the new school bus request.

Mr. Hunt questioned if with each new bus a new driver would also be needed.

Mr. McDonald responded that a new driver would be needed.

Ms. Rosario then reminded everyone that according to the schools everything they asked for funding in FY06 for is deemed a high priority.

Mr. Kennedy then commented that a lot of the money for the Greenways projects comes from proffers which Mr. McDonald affirmed.

Mr. McDonald did say that the Greenways request would not fully fund implementation of the Greenways Master Plan, which several community groups were advocating.

Mr. Billups then questioned which projects were out of the high priority section.

Ms. Rosario responded saying that several public safety projects had been moved up to high, but no projects had been moved out of high priority yet.

Mr. Kennedy commented that the Warhill Sports Facility, the Warhill Sports Complex Improvements, and the Freedom Park project should all be moved down while issues of public safety and the schools should move up.

Mr. Billups asked if the Lafayette High School field drainage issue was a health issue to which Mr. McDonald responded that it was not.

Ms. Jones commented that the sewage pump upgrade seemed like a good candidate to be moved up to a higher priority, to which Mr. Hunt added that the schools are always quick to request new facilities but do not take care of the facilities they already have.

Ms. Jones went on to say that the kitchens are a health issue which must be addressed.

Ms. Rosario then summarized that based on discussion from the committee it seemed everyone wanted to lower the Lafayette field drainage project and raise the Norge kitchen expansion, Toano sewage pump upgrade, and the Clara Byrd Baker HVAC system.

Mr. Kennedy then commented that the Warhill Sports Facility, the Warhill Sports Complex Improvements and the Freedom Park project should all be moved down. The committee concurred.

Mr. Kennedy questioned what the grounds equipment request was for.

Mr. McDonald responded that it was for replacement lawn mowers and things of that nature.

Mr. Kennedy commented that in that case they could afford to be put off a little while. The committee concurred.

Ms. Rosario confirmed that the grounds equipment would be moved to low.

Ms. Jones then asked what was happening with the Wayfinding Signs project and questioned if that should possibly be moved.

Mr. Kennedy then commented that he believed that state money was coming in to compensate that spending.

Mr. McDonald said that he did not know of any state money coming in for that project.

Mr. Kennedy then said that possibly a grant was supposed to be used for it.

Mr. McDonald commented that he had not heard anything about grant money being used for this project.

Ms. Rosario then asked for confirmation that the committee wanted to move the Jamestown catwalks, the Matthew Whaley front entrance, the Norge kitchen and the Toano sewage pump all up to high.

The committee agreed on all except the Matthew Whaley front entrance project.

Mr. Hunt then questioned if the eighth elementary school was really a priority.

Mr. Kennedy said that he believed it was indeed a priority.

The committee then reiterated that the Lafayette field drainage project should be moved to a low priority.

Mr. Kennedy commented that the Voting Equipment was mandated by the state and therefore should be made a high priority because it was going to get the money anyways.

Ms. Jones questioned where the Mobile Data System should be moved to which everyone agreed it should be moved to medium priority.

Ms. Jones commented that the Warhill Site Improvements are happening and funded, so should they simply move them to high priority.

Mr. Hunt said that he did not agree with that, commenting that simply because something was going to be funded anyways does not mean that they should make it a high priority on their list.

Ms. Rosario commented that the site improvements went hand in hand with the construction of the third high school.

Ms. Jones commented that if that is the case maybe it should be a high priority to match the third high school.

Mr. Billups stated that he thought the Warhill Site Improvements should remain a medium priority to which everyone then agreed.

Ms. Rosario clarified that the committee wanted the Jamestown Auxiliary Gym, the Matthew Whaley front entrance, the Pupil Transportation project, and the rest to remain at low to which everyone agreed.

**Special Use Permit 01-05. Alice's Wonderland Playhouse
Staff Report for March 7, 2005 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

Building E Board Room; County Government Center

Planning Commission:

March 7, 2005, 7:00 p.m.

Board of Supervisors:

April 12, 2005, 7:00 p.m. (tentative)

SUMMARY FACTS

Applicant:

Ms. Alice Wilson, Program Administrator
Alice's Wonderland Playhouse

Land Owner:

George W. White

Proposed Use:

Child day care center for 40 children with operating hours from 6 a.m. to 7 p.m. Monday through Friday, and from 7 a.m. to 5 p.m. on Saturday

Location:

2942 Chickahominy Road
Stonehouse District

Tax Map/Parcel:

(22-3)(2-2)

Parcel Size:

0.783 acres

Zoning:

R-8, Rural Residential

Comprehensive Plan:

Rural Lands

Primary Service Area:

Outside

Staff Contact:

Tamara A. M. Rosario, Senior Planner

Phone: 253-6685

STAFF RECOMMENDATION

Staff recommends the Planning Commission approve this special use permit application with the conditions listed in the staff report.

PROJECT DESCRIPTION AND PROPOSED OPERATION

Ms. Alice Wilson has applied for a special use permit to operate a child day care center in the former White's Grocery Store at 2942 Chickahominy Road. Ms. Wilson proposes to serve 40 children, ranging in age from infants to children 12 years of age. Care options would include drop-in service, part-time care, full-time care, and before and after-school care. Hours of operation would be 6 a.m. to 7 p.m. Monday through Friday, and 7 a.m. to 5 p.m. on Saturday. The property is zoned R-8, Rural Residential, which requires a special use permit for a child day care center.

The site currently contains a vacant building approximately 4,000 square-feet in size. As the attached building floor plan shows, Ms. Wilson plans to renovate the building to include three classroom areas, two bathrooms, a kitchen and an office. Two drives provide access to the site, one of which is a shared drive with the rear neighbors and one of which leads to a small gravel parking area in front of the building. Grassy areas surround the remainder of the building, and a shaded area in the rear is designated for a future playground. Additional improvements such as lighting, landscaping, parking, utility improvements, and stormwater management will be required during the site plan stage.

Ms. Wilson is in the early stages of her business development and has made initial contacts with the Virginia Department of Social Services regarding her license, the James City County Code Compliance Division regarding the required building renovations and certificate of occupancy, and the Virginia Department of Health regarding the onsite septic system. Preliminary information from these offices indicates that the existing building, once renovated and upgraded, may support up to 40 children, depending on the exact ages of the children and the final building configuration. In addition, the building's anticipated use group will limit the building to no more than five children under the age of 30 months and a maximum occupant load of 49 persons. In order to support a day care center of this size, the existing drain field will need to be expanded or replaced. Although the center will provide meals and snacks for the children, Ms. Wilson plans to use only disposable items and have no laundry capabilities.

Adjacent neighbors support Ms. Wilson's application as documented in the attached letter of support. Staff proposes conditions which mitigate potential impacts to the neighbors.

PUBLIC IMPACTS

Environmental Impacts

Environmental Comments: A stormwater management facility or the use of low impact development techniques will be required should the proposed improvements result in the increase of impervious area on the site.

Staff Comments: Parking and other requirements will increase the amount of impervious area on the site. This issue will be addressed at the site plan stage.

Public Utility Impacts

Utilities: The site is served by a well, although public water is available. Sewage is handled through an onsite septic system.

JCSA Comments: The applicant may remain on well water if the well meets current Health Department standards and is properly maintained; otherwise, the applicant will be

required to connect to the public water system and backflow prevention will need to be incorporated into the development plans. In either case, the applicant will be responsible for properly abandoning any existing unused wells, confirming adequate fire flow, and developing water conservation standards.

Health Dept. Comments: An initial assessment of the proposed use indicates that the existing drain field is inadequate for the proposed use. The applicant will need to provide additional information to assess the existing drain field capabilities and to determine the proper size of the drain field actually needed.

Staff Comments: Staff has included a condition which requires the development of water conservation standards. All other issues will be addressed at the site plan stage.

Traffic Impacts

Traffic: The traffic impact study requirement for this application was waived given the low amount of traffic generation expected for this use and the favorable traffic conditions on Chickahominy Road.

VDOT Comments: The proposed use will not warrant any turn lane or turn lane treatments. Due to safety considerations, it is preliminarily recommended that the main access point be the existing shared entrance located on the east side of the property and that the entrance and parking area be paved. Additional information will be required at the site plan stage to finalize these recommendations.

Staff Comments: Staff concurs with VDOT and notes that these issues can be addressed at the site plan stage.

COMPREHENSIVE PLAN

Land Use Map Designation: Rural Lands

Rural Lands are areas containing farms, forests and scattered houses, exclusively outside of the Primary Service Area, where a lower level of public service delivery exists or where utilities and urban services are not planned for the future. Appropriate primary uses include agricultural and forestal activities, together with certain recreational, public, or semi-public and institutional uses that require a spacious site and are compatible with the natural and rural surroundings. Retail and other commercial uses serving Rural Lands are encouraged to be located at planned commercial locations on major thoroughfares inside the PSA. However, a few of the smaller direct agricultural or forestal-support uses, home-based occupations, and certain uses which require very low intensity settings relative to the site in which it will be located may be considered on the basis of a case-by-case review, provided such uses are compatible with the natural and rural character of the area, in accordance with the Development Standards of the Comprehensive Plan. These uses should be located in a manner that minimizes effects on agricultural and forestal activities, and located where public services and facilities, especially roads, can adequately accommodate them. Rural Land use Development Standards speak to siting non-agricultural, non-forestal uses in areas where they minimize impacts or do not disturb agricultural/forestal uses or open fields.

Staff Comments: Staff believes the proposed use, with conditions, will improve the existing condition of the site and not be a detriment to surrounding uses. The day care facility is a very limited commercial operation which will rehabilitate a vacant commercial

building. The site is not suitable for agricultural or forestal use, and is largely surrounded by single family detached homes on similarly zoned, non-agricultural land. Furthermore, VDOT indicates that Chickahominy Road has adequate capacity to handle the use without improvements. While non-agricultural or non-forestal uses are not encouraged in Rural Lands, staff finds the proposed use acceptable given the site's unique characteristics and the use's minimal impact to the surrounding area.

CONCLUSIONS & CONDITIONS

In June 2001, the Planning Commission recommended a policy on child day care centers within neighborhoods. Although it is attached for your reference, staff does not believe it is applicable to this property for the following reasons: (1) the property is not interior to a subdivision; (2) it is located along an arterial road; and (3) the use will be located in an existing commercial structure rather than a residence. Therefore, conditions listed below do not strictly abide by the policy.

Staff finds the proposed child day care facility acceptable given its minimal impacts and consistency with the surrounding uses and zoning. Staff recommends the Planning Commission approve this special use permit with the conditions listed below. Staff believes the conditions sufficiently address impacts to the site; other needed improvements can and will be addressed at the site plan stage when more detailed analysis can be applied.

1. The total number of occupants, including but not limited to staff and children, shall not exceed 49.
2. Hours of operation shall be limited from 6 a.m. to 7 p.m., Monday through Friday, and 7 a.m. to 5 p.m. on Saturday.
3. The owner shall submit a site plan and receive final site plan approval from the James City County Planning Division within thirty-six months of the date of approval of this special use permit, or the permit shall become void.
4. The owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority (JCSA). The standards may include, but shall not be limited to such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought tolerant plants where appropriate, and the use of water conserving fixtures and appliances to promote water conservation and to minimize the use of public water resources. The water conservation standards shall be approved by the JCSA prior to final site plan approval.
5. Any playground equipment and associated fencing shall be landscaped so as to screen the playground equipment and fencing from adjacent property owners. The landscaping plan and fencing material shall be reviewed and approved by the Planning Director prior to final site plan approval.
6. Any new exterior lighting fixtures, including building lighting, shall have recessed fixtures with no lens, bulb, or globe extending below the casing. No glare shall extend outside the property lines. No light pole shall exceed 15 feet in height unless otherwise approved by the Planning Director 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.
7. The owner shall obtain a final Certificate of Occupancy from the James City County Code Compliance Division within thirty-six months of the date of approval of this special use permit, or this permit shall become void.
8. This special permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

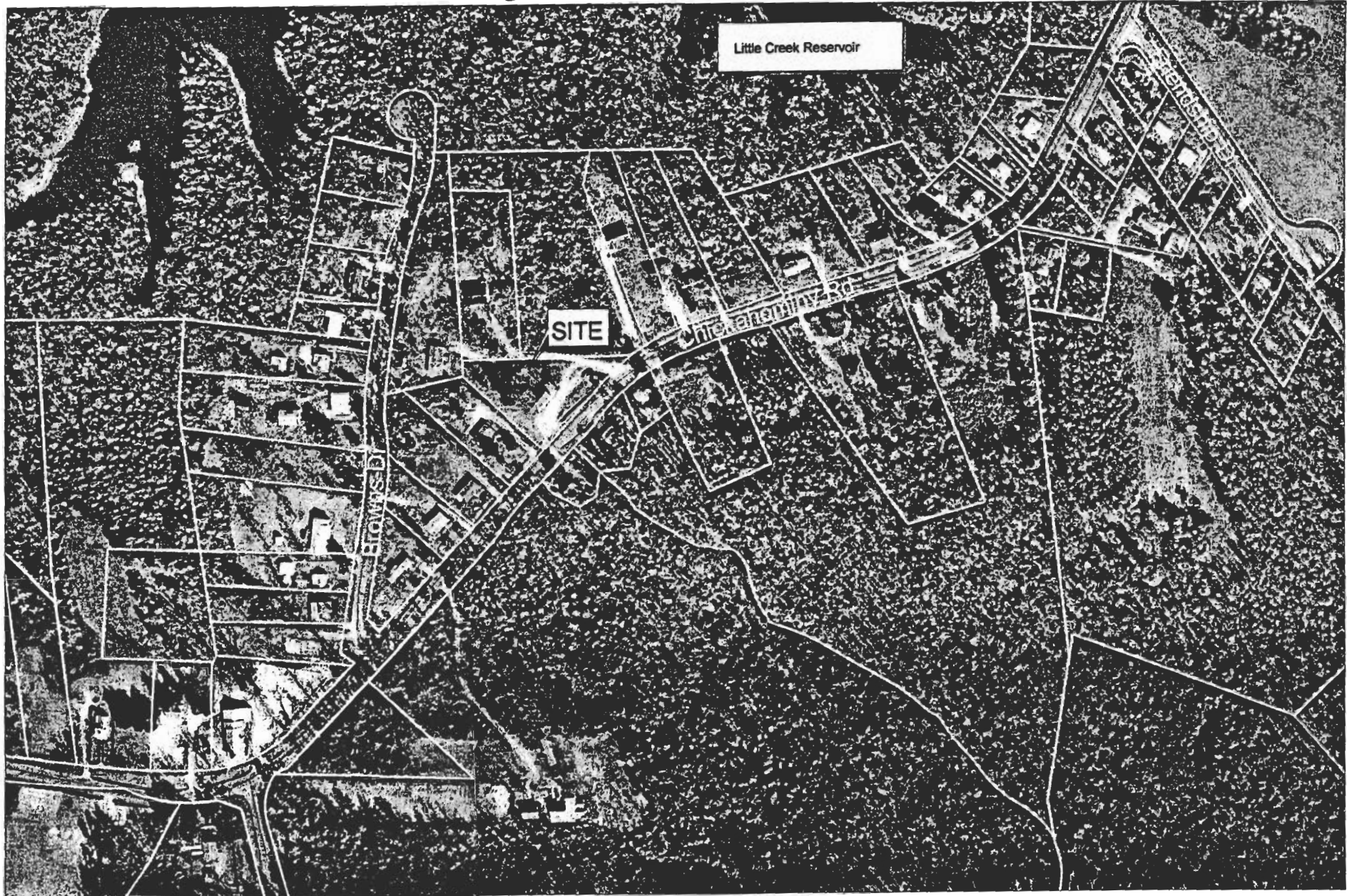
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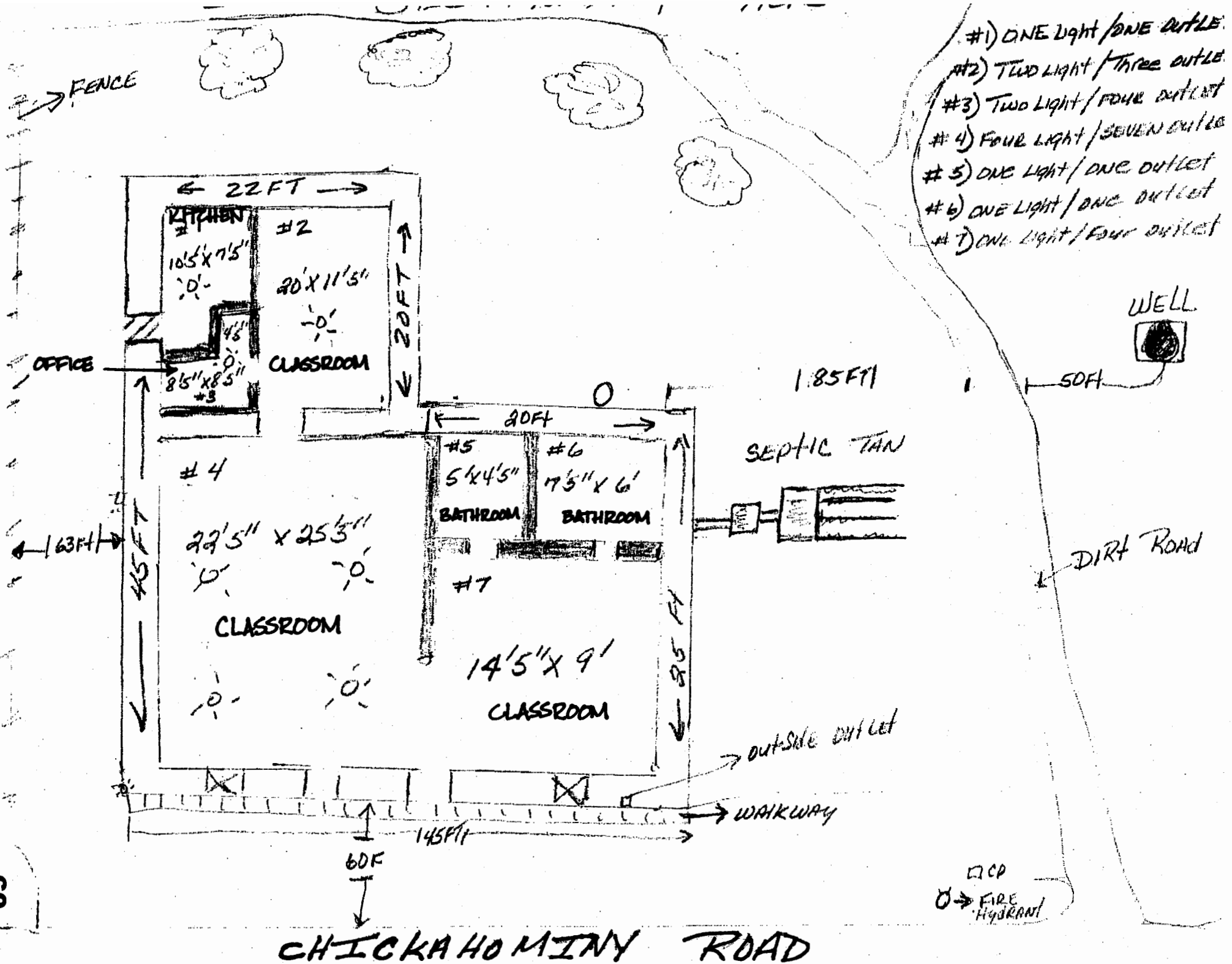
ATTACHMENTS:

1. Location Map
2. Building Floor Plan
3. Letter of support from neighbors
4. Child Day Care Center Policy

Case No. SUP-01-05. Alice's Wonderland Playhouse

Photo Copyright 2002 State of Virginia





November 23, 2004

Alice's Wonderland Playhouse
C-107-04



A Letter of Support

Subject: Opening Alice's Wonderland Family Child Care.

Dear Neighbor(s):

I would like to request your signature of support to open a Family Child Care Center at 2942 Chickahominy Road. (at the old White Grocery Store).

It is my desire to provide a family centered and supportive child care services to larger families and local community service agencies.

Alice's Wonderland Playhouse is designed to promote self-initiated learning and social skill building for toddlers in a safe and nurturing environment. My mission is to create a safe and inviting home away from home environment where children will learn and grow in many aspects of there development.

The family child care will provide an enriched experienced environment for children ages 2 to 5 years of age.

The hours of operation will be from Monday – Friday 7:00am to 7:00pm and Saturday 7:00am to 5:00pm.

The family child care should not have a significant impact on the traffic in our community. Most of the traffic in your area would be parents dropping off and picking up children during these hours of operation.

Please show your support of our mission by signing your name below. This letter will then be submitted to the James City County Planning Division for further approval by the James City County Board of Supervisors and Zoning Office.

Thanks again for your support.

A handwritten signature in cursive script, appearing to read "Alice R. Wilson".

Alice R. Wilson

Child Care Center/Administrator

James City County Planning Commission's Policy Committee
Child Day Care Centers Located in the Interior of Residential Neighborhoods
June 22, 2001

Policy Committee Recommendation for Child Day Care Centers Located in the Interior of Residential Neighborhoods:

1. If planning staff determines there are significant impacts on a neighborhood as a result of a child day care center, staff shall recommend denial of any child day care center located on a residential lot in the interior of a subdivision.
2. The Policy Committee recommends that the current threshold for requiring a special use permit for a child day care center shall remain as is (more than 5 children requires a special use permit), and each application will continue to be reviewed on a case by case basis. This threshold is based upon state licensing requirements, building permit requirements, land use impacts and home occupations limitations, and the Policy Committee finds that this threshold is appropriate for Commission and Board review.
3. ~~Should the Planning Commission and Board of Supervisors choose to recommend~~ approval of a special use permit application for a child day care center located on a residential lot in the interior of a subdivision, the Policy Committee recommends adding the following conditions:
 - there shall be a three-year time limit in order to monitor the impacts of the day care center;
 - no signage shall be permitted on the property;
 - no additional exterior lighting shall be permitted on the property, other than lighting typically used at a single-family residence.

SUP-02-05/HW-01-05. JCSA Elevated Water Storage Facility, Stonehouse Commerce Park
SUP-03-05/HW-02-05. JCSA Elevated Water Storage Facility, Warhill Sports Complex
Staff Report for March 7, 2005 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:

Board of Supervisors:

Building F Board Room; County Government Center

March 7, 2005, 7:00p.m.

March 22, 2005, 7:00p.m.

SUMMARY FACTS

SUP-02-05/HW-01-05. JCSA Elevated Water Storage Facility, Stonehouse Commerce Park

Applicant: Michael Vergakis, James City Service Authority
Land Owner: Stonehouse at Williamsburg, LLC
Proposed Use: Public Elevated Water Storage Tank & Water Transmission Mains
Location: 9186 Six Mount Zion Road
Tax Map/Parcel: (6-4)(1-1)
Parcel Size: 38 acres with SUP applying to 2 acres
Zoning: PUD-C, Planned Unit Development Commercial
Comprehensive Plan: Mixed Use
Primary Service Area: Yes

SUP-03-05/HW-02-05. JCSA Elevated Water Storage Facility, Warhill Sports Complex

Applicant: Michael Vergakis, James City Service Authority
Land Owner: James City County
Proposed Use: Public Elevated Water Storage Tank & Water Transmission Mains
Location: 9186 Six Mount Zion Road
Tax Map/Parcel: (32-1)(1-12)
Parcel Size: 514 acres with SUP applying to 2 acres
Zoning: R-8, Rural Residential
Comprehensive Plan: Park, Public, or Semi-Public Open Space
Primary Service Area: Yes

STAFF RECOMMENDATION

The two proposed elevated water storage tanks and associated water mains to be located at Stonehouse Commerce Park and Warhill Sports Complex will enhance the entire JCSA public water system throughout the County. While there are new visual impacts on the Route 199 and Barhamsville Road Community Character Corridors due the construction of the two water tanks, the view from the Longhill and Richmond Road Community Character Corridors is improved when the exiting tanks are dismantled. Staff recommends the Planning Commission approve the two special use permits with the conditions listed in the staff report. Please note that this case has been pre-advertised for the March 22, 2005 Board of Supervisors Meeting.

Staff Contact:

Karen Drake, Senior Planner

Phone: 253-6685

PROJECT DESCRIPTION AND PROPOSED OPERATION

The James City Service Authority (JCSA) currently has three working elevated water storage facilities or tanks within their system. The three tanks are as follows:

1. **ES-1. Toano Water Storage Tank** was built prior to 1974 and is approximately 125' tall with no antennas.
2. **ES-2. Season's Trace Water Storage Tank** located behind the Winter Park subdivision within Season's Trace was built around 1973. The tallest of the three tanks, it is approximately 140' tall with antennas to 160'.
3. **ES-3. Eastern State Water Storage** tank was built around 1949. The tank is approximately 130' tall with antennas mounted around the tank on hand rails instead of on top of the tank.

All three of the tanks were designed independently of each other to serve the needs of the immediate surrounding area. Since JCSA's charter on July 9, 1969, the three tanks were dedicated at different times to JCSA and incorporated into the present day water system.

Water storage facilities and the associated transmission lines are a specially permitted use in PUD-C, Planned Unit Development-Commercial and R-8, Rural Residential zoning districts. Therefore, JCSA has applied for two special use permit applications and height waivers for the construction of two elevated water tanks that would be designed to meet future water demands and enhance water pressure throughout the entire JCSA system. One tank is proposed within the Stonehouse Commerce Park and the other behind the existing Season's Trace water tank in the Warhill Sports Complex. The associated water main connections would be underground. Once these two elevated water tanks are constructed and operational, JCSA plans to dismantle the three existing water tanks. The Warhill Sports Complex is scheduled for completion first in 2007 in conjunction with the opening of the new high school. Construction of the water tank in Stonehouse Commerce Park would soon follow.

Each tank will be approximate 165 feet tall and will hold 1,250,000 gallons of water. The tanks will be painted a neutral color, white or sky blue, with no signage permitted on the sides of the tanks. The water tanks and on-site ground buildings will have security lighting, but per the proposed SUP condition, up-lighting of the water tanks for aesthetic purposes only is prohibited.

JCSA's preference is to construct a spherical tank, but due to construction costs, a composite tank may be more economical. (See Simulation Photographs) The primary differences between the two tank styles is the shape of the tank bowl and construction materials used, all steel or steel and concrete. There is little difference in site plan engineering requirements for either tank style. The final decision on the style of tank will not be determined until construction bids for the project have been received. Therefore a condition is proposed that the Planning Director will review and approve the final style and color of the water tanks for consistency with what has been submitted with this application.

Regarding wireless communications, there are currently antennas on the existing Season's Trace and Eastern State water tanks. JCSA has contacted the respective parties about relocating to the two proposed tank sites. Staff supports the relocation of the existing antennas and the collocation of new antennas to the future water tanks. However, the Zoning Ordinance permits wireless communication facilities using alternative mounting structures by-right up to 60' in height or 120' in height with an approved height waiver by the Board of Supervisors within the two zoning districts. Staff is reviewing this section of the Zoning Ordinance in regards to permitting antennas up to 165' on the proposed public water tanks. Further information will be provided at a later date as a separate height waiver application for the antennas will be necessary.

PUBLIC IMPACTS

Economic Development

The Office of the Economic Development (OED) recognizes the need to improve both fire flow pressure and water quantity to support and to continue to attract desirable economic development projects within the JCSA service area. OED, therefore supports initiatives to find solutions to these needs.

Environmental Impacts

Watershed:

- ♦ The Stonehouse Commerce Park tank will be located in the Ware Creek Watershed.
- ♦ The Warhill Sports Complex tank is located in the Powhatan Creek Watershed.

- ♦ **Environmental Staff Comments:** No immediate comments with respect to the SUP at this time. However, prior to issuance of the site plan approval and the issuance of a land disturbance permit, provision must be included in the plan set for any required tank drawdown operations to be safely directed to and routed through the adjacent stormwater management basin.

Public Utilities

Water conservation measures are proposed and if needed, the sites will be served by public water and sewer.

Traffic

A traffic study was not required with this application due to the negligible impact on surrounding roads and traffic. Once construction is complete, only JCSA is expected to access the sites for routine maintenance. There may be a temporary, but minor traffic impact during construction and demolition of the water tanks. Hours of construction will be restricted to Monday through Saturday from 7a.m. to 7p.m.

Access to the Stonehouse site is from a public road. Access to the Warhill Sports Complex site will be via the park's main entrance with a construction entrance proposed in the general vicinity of the Williamsburg Indoor Sports Complex (WISC) building. In cases of emergency, JCSA may access the Warhill Sports Complex site via the Season's Trace subdivision.

- ♦ **VDOT Comments:** No immediate comments on the proposed water tanks, however the access road connections and construction entrances will need to be reviewed and permitted by VDOT during the development plan stage.

COMPREHENSIVE PLAN

Community Character Corridors

- ♦ The proposed Stonehouse Commerce Park tank will be visible from the Barhamsville Community Character Corridor and from Interstate 64. However, the removal of the existing water tank in Toano will improve the viewshed of the Richmond Road Community Character Corridor and the Toano Community Character Area.
- ♦ The proposed Warhill Sports Complex tank will be visible from the Route 199 Community Character Corridor and the Season's Trace Subdivision. However, the impact on the Season's Trace Subdivision and the Longhill Community Character Corridor is improved when the existing Season's Trace and Eastern State tanks are dismantled.

Land Use Map Designation

- ◆ The Stonehouse Commerce Park is designated Mixed Use.
- ◆ The Warhill Sports Complex is designated Park, Public, or Semi-Public Open Space
- ◆ **Staff Comments:** Public elevated water storage facilities are not a suggested use in a mixed use or public open space area designation on the Comprehensive Plan Land Use Map. However, the two elevated water storage facilities are a necessary public improvement for the future of James City County. The high elevation of the two selected sites is a necessary factor for the successful integration of the new water storage facilities into the existing JCSA water system. Staff believes that when combined; the proposed locations in an existing industrial park and within a relatively secluded County owned wooded area with the removal of the existing visible water tanks, is the best solution for a necessary public improvement.

Height Limitation Waiver

The applicant has also requested Height Limitation Waivers from the Board of Supervisors for the construction of both proposed water tanks up to 165 tall. On property zoned PUD-C and R-8, water tanks may be constructed up to 60 feet as a matter of right. Per Section 24-200 of the James City County Zoning Ordinance states that *the height of public water storage facilities may exceed the height limits specified by a zoning district upon the issuance a special use permit and a height waiver by the Board of Supervisors. The height wavier shall meet the requirements for a height waiver of the zoning district in which the zoning public water storage facility is located.*

The height wavier may be granted by the Board of Supervisors upon finding that the following five height limitation waiver requirements applicable to both sites are met and that the sixth requirement which applies only to the Stonehouse Commerce Park water tank is also met:

1. Such structure will not obstruct light from adjacent property;
Staff comment: Given the proposed tank location in comparison to the existing landscaping and the minimal number of buildings located nearby, staff finds that light would not be obstructed from adjacent property.
2. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
Staff comment: While there are historic archaeological finds in the vicinity, there are no immediately adjacent above ground historic attractions or other areas of significant historic interest. Staff believes the ability to enjoy Warhill Sports Complex will not be impaired by the new tank nor will the viability of the Stonehouse Commerce Park be impacted. Removal of the existing tank eliminates its visual impact on the Toano Community Character Area.
3. Such structure will not impair property values in the area;
Staff comment: According to Real Estate Assessments, there is no prior indication that the construction of the water tanks will have a detrimental effect on surrounding residential or commercial properties.
4. Such structure is adequately designed and served from the standpoint of safety and that the county fire chief finds the fire safety equipment installed is adequately designed and that the structure is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property;

Staff comment: The project, if approved, will be subject to full County review processes. The Fire Department had no comments on the SUP or height limitation wavier applications.

5. Such structure will not be contrary to the public health, safety and general welfare.

Staff comment: The proposed water tanks will enhance the public health, safety and general welfare by improving the water pressure and fire flow availability within the public water system.

6. Such structure is in accordance with the uses, densities, design and traffic analysis on the original master plan. (*Applicable to the Stonehouse Commerce Park site only.*)

Staff comment: The water tank is in accordance with the Stonehouse master plan and is a compatible use with the surrounding industries located in the Commerce Park.

CONCLUSIONS & CONDITIONS

The two proposed elevated water storage tanks and associated water mains to be located at Stonehouse Commerce Park and Warhill Sports Complex will enhance the entire JCSA public water system throughout the County. While there are new visual impacts on the Route 199 and Barhamsville Community Character Corridors due to the construction of the two water tanks, the view from the Longhill and Richmond Road Community Character Corridors is improved when the existing tanks are dismantled. Please note that this case has been pre-advertised for the March 22nd Board of Supervisors meeting. Staff recommends the Planning Commission approve the two special use permits with the conditions listed below that would apply to each application:

1. The proposed water storage facility and associated water mains shall be constructed in general accordance the location map attached to this staff report.
2. Prior to final site plan approval, the Planning Director shall review and approve the color and style of the water storage facility. The color shall be a neutral white or sky blue shade, with no signage permitted on the tank. The tank style shall be spherical or composite as illustrated in Attachment #4.
3. Any new exterior site lighting shall be limited to fixtures which are horizontally mounted on light poles not to exceed 15 feet in height and/or other structures and shall be recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. No glare, defined as 0.1 footcandle or higher shall extend outside the property lines. Up lighting of the water tank for aesthetic purposes only is prohibited. Any up-lighting of the water tank for security purposes only shall be approved by the Planning Director.
4. The owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority prior to final site plan approval. The standards may include, but shall not be limited to such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought tolerant plants where appropriate, and the use of water conserving

fixtures and appliances to promote water conservation and minimize the use of public water resources.

5. If construction has not commenced on this project within thirty-six (36) months from the issuance of a special use permit, the special use permit shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
6. Hours of construction shall be Monday-Saturday from 7am to 7pm for the new water storage facilities.
7. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Karen Drake

CONCUR:

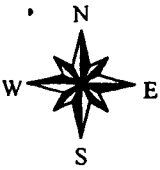
O. Marvin Sowers, Jr.

ATTACHMENTS:

1. Stonehouse Commerce Park
 - a. Location Map
 - b. Simulation Photographs
2. Warhill Sports Complex
 - a. Location Map
 - b. Simulation Photographs
3. Photographs of existing water tanks

DW-02-05
1/25/05
#1A

Proposed Water Storage Facility at Stonehouse



0 500 Feet

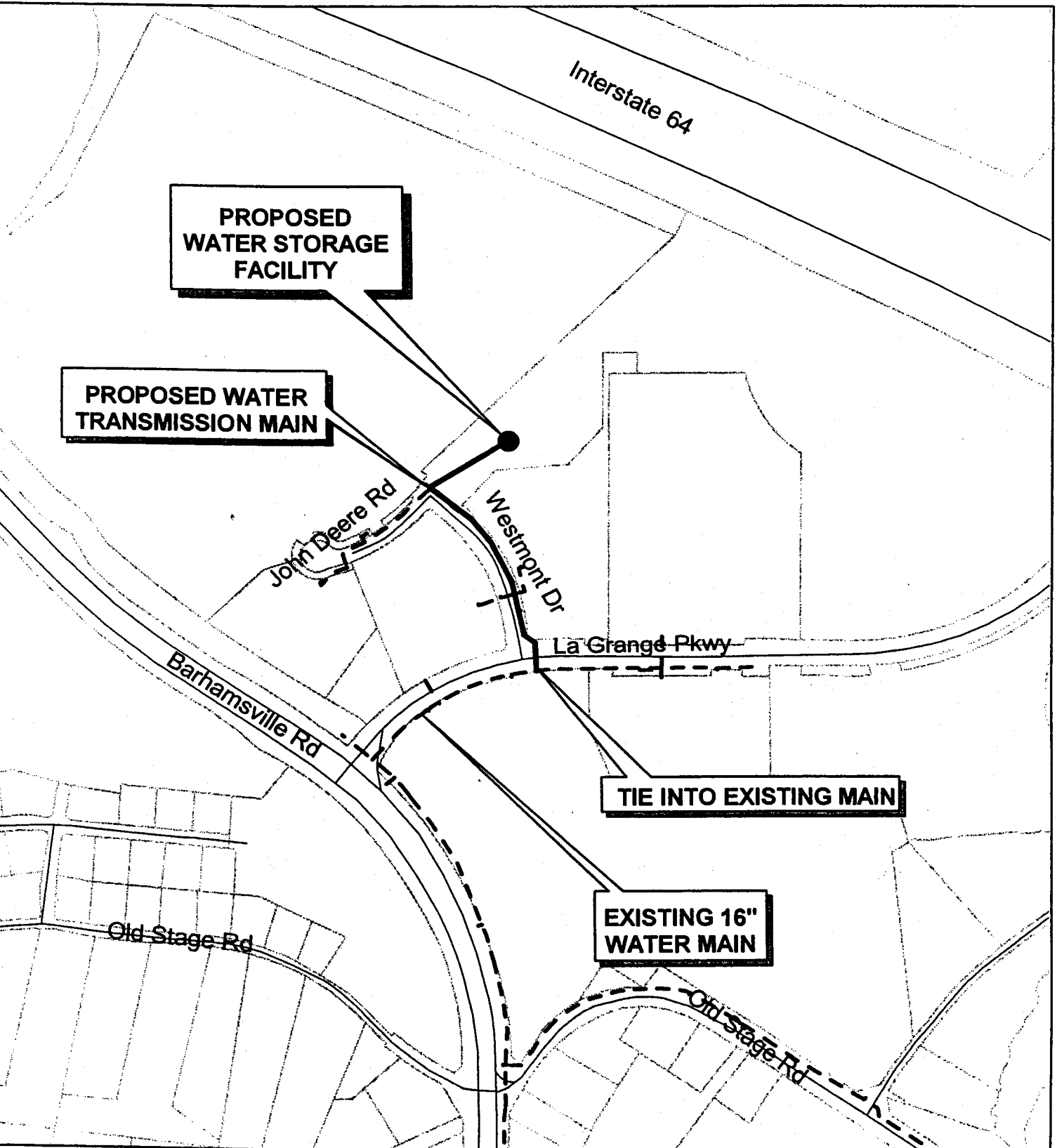


Exhibit "A"

Attachment #1B. Stonehouse Commerce Park Water Tank Simulation Photographs

Entering into the Stonehouse Commerce Park, driving towards Avid Medical.





Proposed Water Main and Water Storage Facility at Warhill Sports Complex

0 1000 Feet
JAN 2009

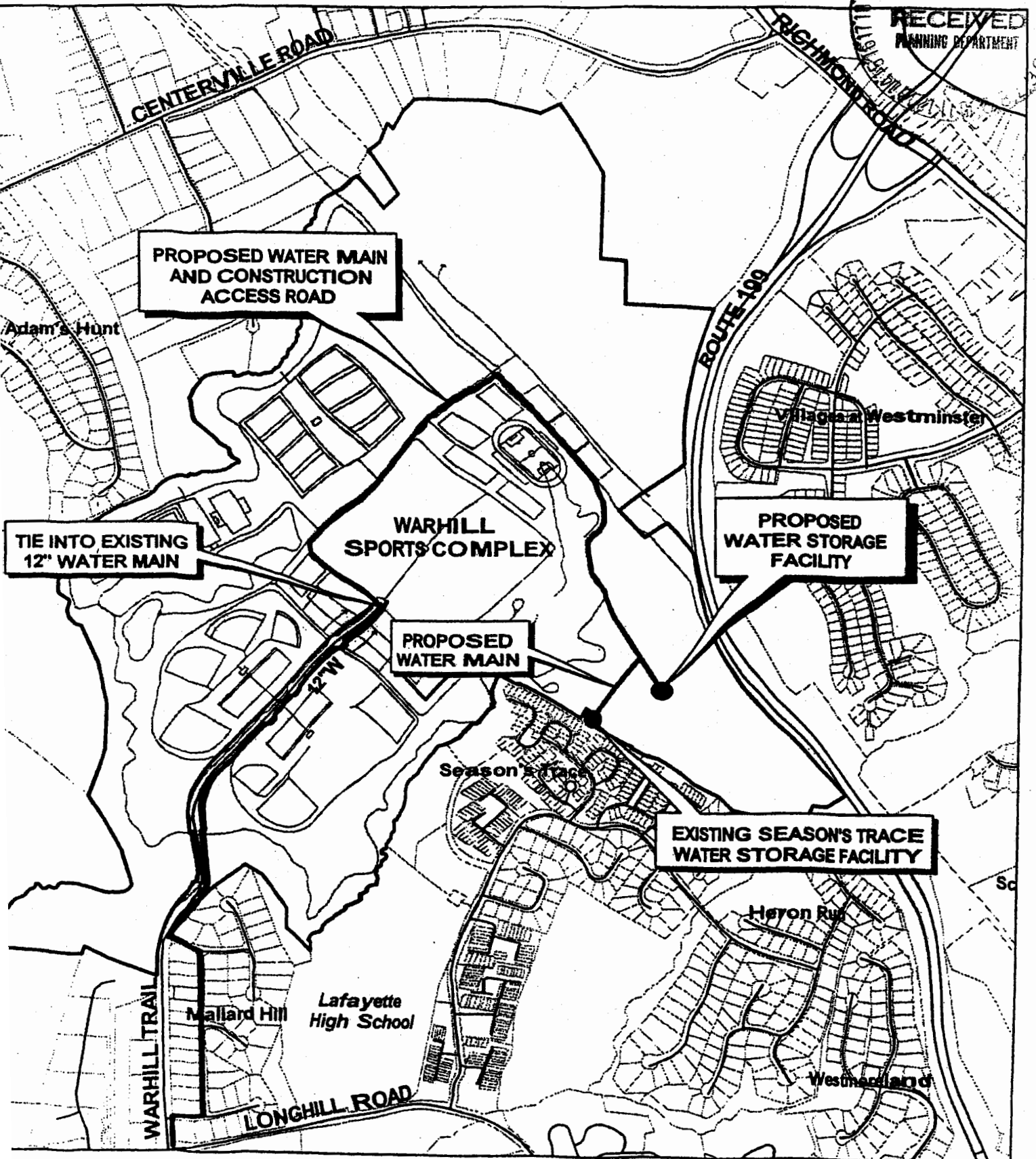


Exhibit "B"

Attachment #2B. Warhill Sports Complex Water Tank Simulation Photographs

In the Warhill Sports Complex near the WISC Building, a view of the existing & proposed tanks.



Attachment #2B. Warhill Sports Complex Water Tank Simulation Photographs

View of the proposed tank from Route 199, between Longhill Road and Richmond Road exits.



Attachment #3. Photographs of Existing JCSA Water Tanks

ES-1. Toano Water Storage Tank was built prior to 1974 and is approximately 125' tall with no antennas.



ES-2. Season's Trace Water Storage Tank located behind the Winter Park subdivision within Season's Trace was built around 1973. The tallest of the three tanks, it is approximately 140' tall and with antennas to 160'.



Attachment #3. Photographs of Existing JCSA Water Tanks

ES-3. Eastern State Water Storage tank was built around 1949. The tank is approximately 130' tall with antennas mounted around the tank on hand rails instead of on top of the tank.



**REZONING 14-04/MASTER PLAN 01-05. POCAHONTAS SQUARE PROFFER AMENDMENT
Staff Report for the March 7, 2005 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:

7:00 p.m.; Building F Board Room; County Government Center

February 7, 2005 (deferred)

March 7, 2005

Board of Supervisors:

April 12, 2005 (tentative)

SUMMARY FACTS

Applicant:

Jay Epstein of Health-E-Community Enterprises

Land Owner:

RML III Corporation

Proposal:

To amend the Master Plan by changing proposed unit sizes, and to amend five proffers, restate eight original proffers, and add one new proffer.

Location:

8814, 8838, and 8844 Pocahontas Trail

Tax Map/Parcel

(59-2)(1-4); (59-2)(1-5A); (59-2)(1-5)

Parcel Size

13.43 acres

Proposed Zoning:

R-5, Multifamily Residential, with amended proffers

Existing Zoning:

R-5, Multifamily Residential, with proffers

Comprehensive Plan:

Low Density Residential

Primary Service Area:

Inside

STAFF RECOMMENDATION

As in 2003, staff continues to feel that the Pocahontas Square development is consistent with surrounding development, and that with restated proffers remaining in place, it will not negatively impact surrounding property. Furthermore, while the proposed proffer amendment would result in fewer affordable units than the original proposal, the applicant would continue to offer almost two thirds of the development with price restrictions, would now contribute to longer term affordability with a second deed held by the County for twenty-five percent of the units, and has proffered cash contributions for seventy-five percent of the units. The proposal would continue to meet many of the goals in the Housing section of the Comprehensive Plan. There are some minor wording changes that need to be made to the proffers to make them legally acceptable. These have been discussed with the applicant and staff expects that they will be addressed prior to the Board of Supervisors meeting. Staff recommends that the Planning Commission recommend approval of the proffer and master plan amendment with the attached proffers.

Staff Contact:

Ellen Cook

Phone: 253-6685

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

PROJECT DESCRIPTION

The Pocahontas Square development consists of three contiguous parcels located on Pocahontas Trail. Surrounding development includes Brookside Haven (85 townhomes at a density of 8.2 units per acre), Heritage Mobile Home Village (60 mobile homes at a density of 5.6 units per acre), the Carter's Grove Agricultural and Forestal District (across Pocahontas Trail), and the Poplar Hall Plantation subdivision. The original Pocahontas Square rezoning from LB/R-8 to R-5 with proffers was approved by the Board of Supervisors in August of 2003, and included 96 townhouse units (6.9 units per acre). The original proposal was for a development in which all units would be price restricted and provide affordable housing. The applicant also provided a range of other proffers specifying, among other things, recreational amenities, buffers, and road improvements. Since 2003, the development plan for Pocahontas Square has been reviewed and approved by the County, but the units have not been built. The reason cited by the current applicant is that the existing proffered price restrictions (which apply to 100% of the units) are not financially feasible due to building material shortages and prices increases, International Building Code changes, and sharp increases in labor prices.

The proffer amendment proposes to change the concept of the Pocahontas Square development from one hundred percent affordable to a mixed-cost development. Two major elements of the original proposal that would change in accordance with the mixed-cost concept are the unit sizes (see Master Plan Amendment information below), which would expand the range of different size units available; and the price restriction amounts and percentages (see Proffer Amendment information below). The expansion in size range is intended to support the proposed mixed cost concept, where smaller units would likely continue to sell at lower, more affordable, prices in the future and the other units would vary in sales price. The price restricted units are expected to continue to primarily serve residents falling into the 60% and 80% of median income categories. In addition, the current applicant proposes the following:

- Cash proffers for all units above the \$110,000 price level
- A fifteen year second deed of trust held by the County for the \$110,000 units which will help ensure that these units remain in the ownership of residents qualifying for affordable housing
- A cash contribution to the Pocahontas Square Homeowners Association reserve fund

The applicant has also added a note to the Master Plan specifying that the units will be built by Health-E-Community Enterprises, whose building concept stresses sustainable building practices with better energy efficiency and indoor air quality than the average housing stock. Specific information about the master plan and proffer changes is summarized below.

The amended master plan proposes the following:

- ◆ The unit size range would expand to include units sized at 1,200, 1,384, 1,450, 1,550, and 1,650 square feet rather than having only two unit sizes (1,470 and 1,570) as originally shown.

To accompany this proposed master plan amendment, the following proffers are proposed to be amended:

- ◆ Owners Association. The applicant proposes to provide a single lump sum of \$12,960.00 to the Homeowners Association reserve fund which was not originally proffered.
- ◆ Master Plan. The proffer is amended to reference the preparation date of the amended Master Plan.
- ◆ Affordable Housing. The applicant proposes to change the number of affordable and price restricted units, and to change the sales prices of these units from the original affordable housing proffer. The original affordable housing proffer stated that 75 percent of the lots would be offered for sale at a price below \$100,000, and 25 percent of the lots would be offered at or below \$110,000. The applicant is now proposing to offer 25 percent of the units at a net sales price of \$110,000, 40 percent of the units at \$155,000 or below; and the remaining 35 percent at market rate. The proffer also contains the provision that a second deed would be held by the County for the affordable units in an amount equal to the difference between the appraised value of the unit

and the net sales price of \$110,000.¹ The result is an incentive for the original buyer to retain the home rather than sell immediately to make a profit. While staff concurs with the substance of this affordable housing proffer, staff feels that several wording changes related to the second deed of trust need to be addressed. Staff feels that these wording changes can be adequately addressed prior to the Board of Supervisors meeting.

- ◆ Sidewalk Connections. The applicant has proposed a different trigger for sidewalk installation than the original proffer which will allow for installation of the sidewalks in phases.
- ◆ Architectural Elevations. The proffer is amended to reference the preparation date of updated architectural elevations which change some of the specific elements, but not the general character of, the original proffered elevations.²

In addition, the following new proffer is proposed to be added:

- ◆ Cash Contributions for Community Impacts

Cash Proffer Summary	
Use	Amount
Water & Sewer	JCSA did not suggest a contribution as the development is served by Newport News Waterworks.
Community Impacts	\$1,000 per lot (for 72 of the 96 lots)
Community Impacts: Schools	\$700 per lot (for 72 of the 96 lots)
Homeowners Reserve Fund (From the Owners Association Proffer)	\$12,960.00
Total Amount (2005 dollars)	\$135,360
Total Per Lot	\$1,410 per lot (For all 96 proposed lots)

All other original Pocahontas Square proffers have been restated. These include:

- ◆ Water Conservation Standards
- ◆ Entrance/Turn Lanes
- ◆ Archaeology
- ◆ Sidewalk Design
- ◆ Route 60 Landscape Buffer
- ◆ Pedestrian Trail
- ◆ Underground Storage Tank Removal
- ◆ Private Streets

PUBLIC IMPACTS

1. Environmental Impacts

Watershed: Skiffes Creek

Staff Comment: The Environmental Division has reviewed and approved the Pocahontas Square development plan (SP-140-03): the proposed Master Plan and Proffer amendment would not affect the approved development plan.

2. Public Utilities

¹ The second deed is a non recourse deed of trust held by James City County for fifteen years in the form of a zero interest forgivable loan beginning one year after closing based on the balance owed. One fifteenth of the loan would be forgiven annually. If upon sale of the home it is purchased by an eligible person approved by James City County based on income and credit worthiness then the “soft second” is assumable, otherwise the “soft second” is payable upon sale of the home.

The site is served by public water and sewer.

Staff Comments: The JCSEA has reviewed and approved the Pocahontas Square development plan (SP-140-03): the proposed Master Plan and Proffer amendment would not affect the approved development plan.

3. Public Facilities

Per the “Adequate Public School Facilities Test” policy adopted by the Board of Supervisors, all special use permits or rezoning applications should pass the test for adequate public school facilities, which means having adequate design capacity for the proposed new school children, or that the school’s student population will be brought under design capacity within three years of the time of the application’s review through either physical improvements programmed in the Capital Improvements Plan (CIP) and/or through a redistricting plan approved by the School Board. As in 2003, both James River and Elementary and James Blair Middle School have design capacity in excess of the expected number of additional students, but the high school’s capacity is exceeded. However, since 2003 James City County residents approved a bond referendum for a third high school which will likely affect the student population at Jamestown High School within the next three years.

Schools	9/04 enrollment	With Pocahontas Square Students (projected numbers)	Design Capacity	At or Below Design Capacity
James River Elementary	434	(+69)=503	588	Yes
James Blair MS	583	(+38)=621	625	Yes
Jamestown HS	1,451	(+50)=1,501	1,250	No, but the Third High School bond referendum was approved.

Staff Comment: The applicant has proposed a proffer amendment that would change unit prices from the original proposal. Financial and Management Services staff have found in the past that higher priced attached units generally generate fewer school children than lower priced units, but that other factors, such as turn-over rates and location, seem to be important factors as well.

Proffer: \$700 per unit (for 72 of the 96 units) for school use.

5. Traffic

At the time of the original rezoning, VDOT reviewed the traffic impact study for this project and recommended the development provide both right- and left-turn lanes. The applicant proffered these turn lanes.

Staff Comment: VDOT has reviewed and approved the Pocahontas Square development plan (SP-140-03) which includes the right- and left-turn lanes: the proposed Master Plan and Proffer amendment would not affect the approved development plan.

Comprehensive Plan

♦ The Comprehensive Plan Land Use Map designated this property as Low Density Residential. Low Density areas are suitable for developments with overall densities of one dwelling unit per acre. In

order to encourage high quality design, development with density up to four units per acre is recommended if the development offers benefits such as mixed-cost housing, affordable housing, protection of wildlife habitats, adequate recreational areas, and effective pedestrian trail systems.

♦ Pocahontas Trail is designated as a Community Character Corridor.

Staff Comments:

At a density of 6.9 dwelling units per acre, this proposal, while consistent with surrounding zoning and development, is above the recommended Comprehensive Plan density. However, the proposal meets a number of other Comprehensive Plan goals, strategies and actions including:

- Increases the availability of affordable housing
- Achieves high quality in design and construction
- Infill development that minimizes site development costs and unnecessary sprawl, and maximizes the development potential of land convenient to public facilities and services

The current proposal continues to meet these and other goals of the Housing section of the Comprehensive Plan, although in terms of the percentage of affordable housing provided, it meets them to a lesser extent than the original proposal.

In terms of the Community Character Corridor, the 50 foot wide landscape buffer along the front of the property continues to be proffered and shown on the Master Plan. Since 2003, specimen tree preservation specifications and a landscape plan for the buffer have been reviewed and approved and are shown on the development plan.

RECOMMENDATION:

As in 2003, staff continues to feel that the Pocahontas Square development is consistent with surrounding development, and that with restated proffers remaining in place, it will not negatively impact surrounding property. Furthermore, while the proposed proffer amendment would result in fewer affordable units than the original proposal, the applicant would continue to offer almost two thirds of the development with price restrictions, would now contribute to longer term affordability with a second deed held by the County for twenty-five percent of the units, and has proffered cash contributions for seventy-five percent of the units. The proposal would continue to meet many of the goals in the Housing section of the Comprehensive Plan. There are some minor wording changes that need to be made to the proffers to make them legally acceptable. These have been discussed with the applicant and staff expects that they will be addressed prior to the Board of Supervisors meeting. Staff recommends that the Planning Commission recommend approval of the proffer and master plan amendment with the attached proffers.

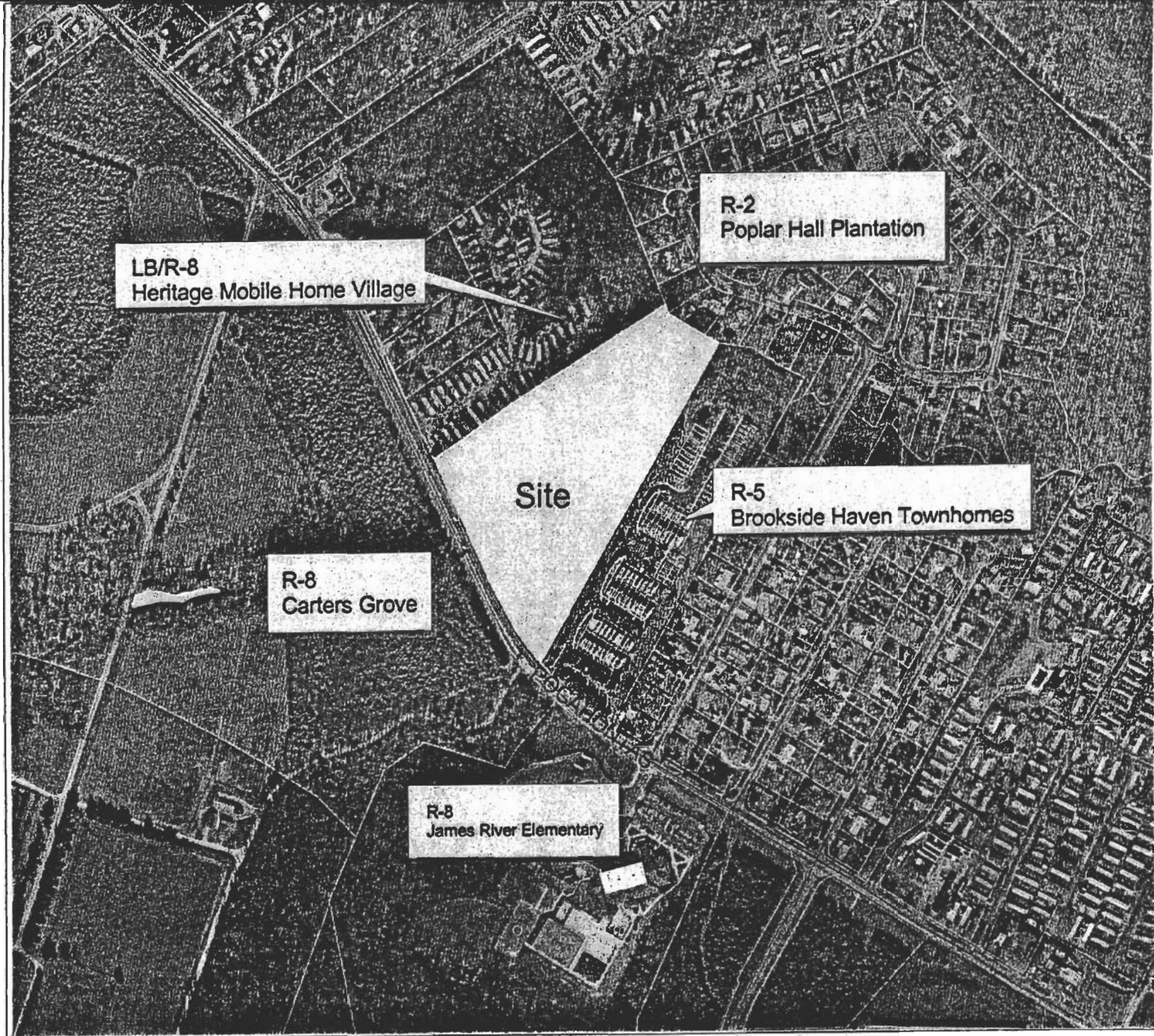
Ellen Cook

Attachments:

1. Location map
2. Proffers
3. Architectural Elevation Sheet
4. Letter to the Planning Division from the applicant
5. Master Plan (separate cover)

14-04/MP-01-05 Pocahontas Square Proffer Amendment

Photo Copyright 2002 State of Virginia



PROFFER AMENDMENT

THIS PROFFER AMENDMENT is made this 24th day of February, 2005, by RML III Corporation (together with its successors and assigns, the "Owner") and Jay Epstein (Developer), and PROFFERS dated July 31, 2003, which were accepted and approved as Agenda Item No. H-3 Rezoning Z-3-03 Pocahontas Square, by James City County Board of Supervisors on August 12, 2003, and ADDENDUM TO PROFFERS dated February 2, 2005. The existing proffers recorded in the James City County Clerk's office on August 21, 2003, as instrument #030024660 (Attached as Exhibit "A") remain in effect, except as amended by the following:

RECITALS

WHEREAS, Owner is the record title owner of three contiguous tracts or parcels of land located in James City County, Virginia, one with an address of 8814 Pocahontas Trail, Williamsburg, Virginia, and being Tax Parcel 5920100004, the second with an address of 8838 Pocahontas Trail, Williamsburg, Virginia, and being Tax Parcel 5920100005A, and the third with an address of 8844 Pocahontas Trail, Williamsburg, Virginia, and being Tax Parcel 5920100005 (together, the "Property").

WHEREAS, Jay Epstein, and/or assigns (Developer), has contracted to purchase the property conditioned upon rezoning and Proffer Amendment.

WHEREAS, the property is currently subject to Proffers made the 31st day of July, 2003, by Rose Marie Hall and RML III Corporation (See Exhibit "A" attached).

WHEREAS, the Owner and Developer desire to offer to the County certain amended conditions on the development of the property, not generally under current zoning.

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.

AMENDED CONDITIONS

1. Master Plan. The Property shall be subdivided and developed generally as shown on the revised Master Plan dated January 30, 2005, with only minor changes thereto that the Development Review Committee determines, which do not change the basic concept or character of the development.

2. Owners Association. There shall be organized an owner's association (the "Association") in accordance with Virginia law in which all property owners in the development, by virtue of their property ownership, shall be members. The articles of incorporation, bylaws and restrictive covenants (together, the "Governing Documents") creating and governing the Association shall be submitted to and reviewed by the County Attorney for consistency with this Proffer. The Governing Documents shall require that the Association adopt an annual maintenance budget, which shall include a reserve for maintenance of stormwater management, BMPs, recreation areas, private road and parking areas ("Reserve"), and shall require that the Association (i) assess all members for the maintenance of all properties owned or maintained by the association and (ii) file liens on members' properties for non-payment of such assessments. The Governing Documents shall grant the Association the power to file liens on members' properties for the cost of remedying violations of, or otherwise enforcing, the Governing Documents.

Owner shall maintain all common areas on the Property until 90% of the lots/units on the Property have been sold to minimize Association dues during that period so as to not adversely affect purchaser's ability to qualify for a home mortgage. At the time Owner's maintenance obligation under this Section ends, there shall be at least \$12,960.00 in the Reserve and Owner shall supply evidence of the same to the Planning Director prior to final subdivision approval.

3. Water Conservation. See Exhibit "A" attached.

4. Affordable Housing. A minimum of 24 of the lots with townhouse dwelling units shall be reserved and offered for sale at a net sales price to buyer at or below \$110,000.00 subject to adjustment as set forth herein. James City County Housing may be assigned a second deed of trust for the difference of the appraised value of the townhouse, which shall be prepared for review prior to closing and assigned at the time of closing, utilizing appropriate approved procedures and identifying the net sales price paid by the purchaser of the Townhouse for the 24 townhouses sold through James City County for \$110,000 or less. The second deed of trust will be in a form acceptable to Housing and Community Development and to the County Attorney. A minimum of 38 of the lots with townhouse dwelling units shall be reserved and offered for sale at a price at or below \$155,000.00 subject to adjustment as set forth herein. The maximum prices set forth herein shall be adjusted annually, on January 1st of each year, by increasing such prices by the cumulative rate of inflation as measured by the Consumer Price Index – Urban, U.S. City Average annual average change for the period from January 1, 2005 until January 1 of the year in question. The annual increase shall not exceed five percent (5%). The Director of Planning shall be provided with a copy of the settlement statement

for each sale at a price at or below the maximum prices set forth above. Owner shall consult with and accept referrals of, and sell to, potential qualified buyers from the James City County Office of Housing and Community Development on a non-commission basis.

5. Archaeology. See Exhibit "A" attached.
6. Route 60 Landscape Buffer. See Exhibit "A" attached.
7. Entrance/Turn Lanes. See Exhibit "A" attached.
8. Underground Storage Tanks. See Exhibit "A" attached.
9. Sidewalk Connections. There shall be two sidewalk connections from the internal sidewalks in the development to the sidewalk adjacent to Route 60 generally as shown on the Master Plan. Sidewalks may be installed in phases as residential units are constructed. Sidewalks shall be installed prior to issuance of certificates of occupancy for adjacent dwelling units.
10. Sidewalk Design. See Exhibit "A" attached.
11. Pedestrian Trail. See Exhibit "A" attached.
12. Private Streets. See Exhibit "A" attached.
13. Architectural Elevations. The architecture and exterior elevations of the dwelling units on the Property shall be generally consistent with the revised Proposed Typical Elevations for Pocahontas Square dated February 24, 2005, as determined by the Director of Planning.
14. Cash Contributions for Community Impacts.
 - (a) A contribution of \$700.00 for each dwelling unit on the Property other than the 24 units whose prices are restricted pursuant to Proffer 1 above shall be

made to the County in order to mitigate impacts on the County from the physical development and operation of the Property. The County may use these funds for any project in the County's capital improvement plan, the need for which is generated in whole or in part by the physical development and operation of the property, including, without limitation, for school use.

(b) A contribution of \$1,000.00 for each dwelling unit on the Property other than the 24 units whose prices are restricted pursuant to Proffer 1 above shall be made to the County in order to mitigate impacts on the County from the physical development and operation of the Property. The County may use these funds for any project in the County's capital improvement plan, the need for which is generated in whole or in part by the physical development and operation of the Property, including without limitation, for emergency services, school uses, off-site road improvements, library uses, and public use sites.

(c) The contributions described above, unless otherwise specified, shall be payable prior to final approval of the site plan or subdivision plat for such unit.

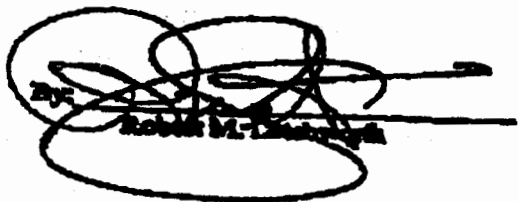
(d) The per unit contribution(s) paid in each year pursuant to this Section shall be adjusted annually beginning January 1, 2006 to reflect any increase or decrease for the preceding year in the Consumer Price Index, U.S. City Average. All Urban Consumers (CPI-U) All Items (1982-84 = 100) (the "CPI") prepared and reported monthly by the U.S. Bureau of Labor Statistics of the United States Department of Labor. In no event shall the per unit contribution be adjusted to a sum less than the amounts set forth in paragraphs (a) and (b) of this Section. The adjustment shall be made by multiplying the per unit contribution for the preceding year by a fraction, the numerator

of which shall be the CPI as of December 1 in the year preceding the calendar year most currently expired, and the denominator of which shall be the CPIs as of December 1 in the year preceding the calendar year most currently expired, and the denominator of which shall be the CPI as of December 1 in the preceding year. In the event a substantial change is made in the method of establishing the CPI, then the per unit contribution shall be adjusted based upon the figure that would have resulted had no change occurred in the manner of computing CPI. In the event that the CPI is not available, a reliable government or other independent publication evaluating information heretofore used in determining the CPI (approved in advance by the County Manager of Financial Management Services) shall be relied upon in establishing an inflationary factor for purposes of increasing the per unit contribution to approximate the rate of annual inflation in the County.

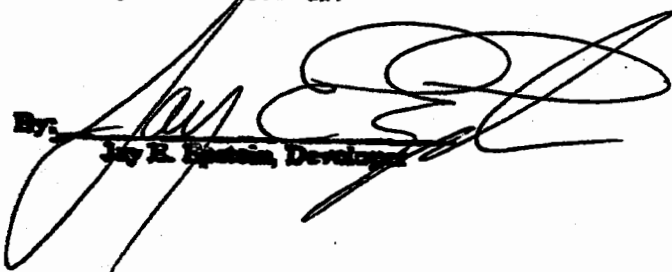
ALL OTHER PROFFERS, RECITALS AND CONDITIONS SHALL REMAIN THE SAME.

WITNESS the following signatures:

RML III, CORPORATION

By: 
Robert M. Thompson, President

RML III, CORPORATION

By: 
Jay R. Epstein, Developer

Commonwealth of Virginia
CITY/COUNTY OF Virginia, to wit:

The foregoing instrument was acknowledged this 21st day of
January, 2005, by Robert M. Lettoworth.

My Commission Expires 1/31/07

My commission expires: _____

Shirley C. Anderson
NOTARY PUBLIC

Commonwealth of Virginia
CITY/COUNTY OF Danville, Nev., to wit:

The foregoing instrument was acknowledged this 24th day of
February, 2005, by Jay E. Epstein.

My commission expires: December 30, 2005

John A. Hill
NOTARY PUBLIC

042790

PROFFERS

THESE PROFFERS are made this 31st day of July, 2003 by ROSE MARIE HALL (together with her successors and assigns, the "Owner") and RML III CORPORATION.

RECITALS

A. Owner is the owner of three contiguous tracts or parcels of land located in James City County, Virginia, one with an address of 8814 Pocahontas Trail, Williamsburg, Virginia and being Tax Parcel 5920100004, the second with an address of 8838 Pocahontas Trail, Williamsburg, Virginia and being Tax Parcel 5920100005A, and the third with an address of 8844 Pocahontas Trail, Williamsburg, Virginia and being Tax Parcel 5920100005 (together, the "Property"). A portion of the Property is now zoned LB and a portion is now zoned R-8.

B. RML III Corporation 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 LB and R-8 to R-5, Multifamily Residential District, with proffers.

D. Buyer has submitted to the County a master plan entitled "Master Plan of Pocahontas Square" prepared by MSA, P.C. dated 05/13/2003 (the "Master Plan") for the Property in accordance with the County Zoning Ordinance.

1

Instrument # 030024660

Recorded on Aug. 21, 2003

EXHIBIT

A

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 subdivided and 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. Owners Association. There shall be organized an owner's association or associations (the "Association") in accordance with Virginia law in which all property owners in the development, by virtue of their property ownership, shall be members. The articles of incorporation, bylaws and restrictive covenants (together, the "Governing Documents") creating and governing the Association shall be submitted to and reviewed by the County Attorney for consistency with this Proffer. The Governing Documents shall require that the Association adopt an

annual maintenance budget, which shall include a reserve for maintenance of stormwater management BMPs, recreation areas, private roads and parking areas, and shall require that the association (i) assess all members for the maintenance of all properties owned or maintained by the association and (ii) file liens on members' properties for non-payment of such assessments. The Governing Documents shall grant the Association the power to file liens on members' properties for the cost of remedying violations of, or otherwise enforcing, the Governing Documents.

3. **Water Conservation.** Water conservation standards shall be submitted to and approved by the James City Service Authority and Owner and/or the Association 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. The standards shall be approved by the James City Service Authority prior to final site plan or subdivision approval.

4. **Affordable Housing.** A minimum of 75 percent of the lots with dwelling units shall be reserved and offered for sale at a price at or below \$100,000.00 subject to adjustment as set forth herein. The balance of the lots with dwelling units shall be

reserved and offered for sale at a price at or below \$110,000.00 subject to adjustment as set forth herein. The maximum prices set forth herein shall be adjusted annually as of January 1 of each year by increasing such prices by the cumulative rate of inflation as measured by the Consumer Price Index - Urban, U.S. City Average annual average change for the period from January 1, 2004 until January 1 of the year in question. The annual increase shall not exceed five percent (5%). The Director of Planning shall be provided with a copy of the settlement statement for each sale at a price at or below the maximum prices set forth above. Owner shall consult with and accept referrals of, and sell to, potential qualified buyers from the James City County Office of Housing and Community Development on a non-commission basis.

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. Route 60 Landscape Buffer. There shall be a 50 foot landscape buffer along the Route 60 frontage of the Property measured from the edge of right-of-way after the installation of the proffered turn lanes generally as shown on the Master Plan.

Prior to the County being obligated to grant final development plan approval for the Property, a landscaping plan for the 50 foot landscape buffer along the Route 60 frontage of the Property consistent with this Condition shall be prepared and submitted for review and approval of the Director of Planning. The landscaping plan shall include additional shrubs to supplement the trees in the buffer and to buffer the adjacent parking areas generally as shown on the Master Plan and, where possible shall require that existing mature/specimen trees and groups of trees be protected and preserved to promote a sense of maturity to the landscape. In addition, the landscape plan for the entire project where possible shall require that existing mature/specimen trees and groups of trees located in setback or other open space areas be protected and preserved to promote a sense of maturity to the landscape. Mature/specimen trees to be preserved shall be identified on the site plan for the development. The approved landscaping plan shall be either (i) implemented in the development of the Property or (ii) bonded in form satisfactory to the County Attorney prior to the issuance of any certificates of occupancy. The buffer shall be exclusive of any lots or units and shall be undisturbed, except for the landscaping proffered herein and, with the approval of the Development Review Committee, utilities, the entrance as shown

generally on the Master Plan, the pedestrian trail proffered hereby, lighting, entrance features and signs.

7. Entrance/Turn Lanes. There shall be one entrance into the Property from Pocohantas Trail. The entrance shall have two exiting lanes and one entering lane. Right and left turn lanes and tapers shall be constructed at the entrance to the Property from Route 60. The right turn lane shall have 150 feet of storage and a 150 foot taper and the left turn lane shall have 200 feet of storage and a 200 foot taper. The turn lanes and tapers proffered hereby shall be constructed in accordance with Virginia Department of Transportation standards and shall be completed prior to the issuance of the first certificate of occupancy.

8. Underground Storage Tanks. The existing underground storage tanks on the Property (which were taken out of service in June 1986) shall be removed in accordance with applicable laws, regulations and ordinances prior to the issuance of the first certificate of occupancy.

9. Sidewalk Connections. There shall be two sidewalk connections from the internal sidewalks in the development to the sidewalk adjacent to Route 60 generally as shown on the Master Plan. These connections shall be installed prior to the issuance of the first certificate of occupancy.

10. Sidewalk Design. The design of the sidewalks adjacent to parking areas shall be subject to the approval of the Director of Planning to ensure adequate sidewalk width to provide for pedestrian circulation.

11. Pedestrian Trail. There shall be a paved walking trail at least four feet in width installed on the Property generally as shown on the Master Plan. The trail shall be located to avoid mature or specimen trees where reasonably feasible and the exact location of the trail shall be approved by the Director of Planning. The trail shall be either (i) installed or (ii) bonded in form satisfactory to the County Attorney prior to the issuance of any certificates of occupancy.

12. Private Streets. The private streets in the development shall be constructed in accordance with applicable County standards for private streets.

13. Architectural Elevations. The architecture and exterior elevations of the dwelling units on the Property shall be generally consistent with the Proposed Typical Elevations for Pocahontas Square dated 5/13/03 submitted as a part of the Community Impact Statement as determined by the Director of Planning.

Z-03-03
Pocahontas Square

PR-082

ELEVATIONS FOR POCAHONTAS SQUARE

January 24th 2005



1 Dutch Lap Siding

Nailite Hand-Laid Brick Siding

Vinyl Cedarway Shake Siding

Jay Epstein
President
Health-E-Community Enterprises of Virginia Inc.
3606 Acorn Avenue
Newport News Virginia 23607

February 14, 2005

Ellen Cook
Planner
James City County Planning Department

Ms. Ellen Cook:

Re: Pocahontas Square Proposal for Proffer Amendment

The aforementioned property is currently under contract from the original developer, who is disposing of the property due to the spiraling cost of development and building, which has made it impossible for him to meet his proffers of building all homes in the community at \$110,000 or less. After receiving full engineering approval, it became evident that the project would never be built. After reviewing the proffers and staff report, I contracted to purchase the property, because I feel that Pocahontas Square represents a true opportunity to bring mixed cost housing to the Grove Community that will enhance property values in the community. Pocahontas Square will provide an opportunity for housing for factory workers, firefighters, police officers, school teachers and county employees. These individuals prepared the backbone of the community and encompass a section of that population that otherwise would not be able to afford to live in James City County. In a mixed cost community of town homes priced from \$110,000 to \$170,000, the firefighter at the station down the street could afford to buy a home, as well as the work force at the industrial park which is in close proximity to the location.

- Our housing at Ironbound Village exemplifies the mixed cost housing concept, as well as Michelle Point that was approved by James City last year. By building a townhouse community with townhouses sized from 1200 square feet to 1650 square feet, we will be able to mix the income base of the purchaser yet keep all the homes affordable compared to the average cost of a home in James City which is now approaching \$300,000. This concept will insure that property values increase in the surrounding Grove area and not be price pointed at \$110,000 or less. "That would bring property values down in the Grove Community while a mixed cost townhouse community would give Grove a Chance to see appreciating home values while stabilizing the community."
- A new concept involving the recognition of the equity at closing for the homes purchased through James City Housing will be utilized at Pocahontas Square. We have noticed through the sales at Ironbound Village, Strawberry Plains, and the recent appraisals for Michelle Point that there is a great deal of equity in the

homes sold under proffered affordable housing prices. We expect to sell the homes at the net sales price of \$110,000, but the actual sales price will be the appraised value of \$143,000. James City County housing will hold a non-recourse second deed of trust for 15 years in the form of a zero interest forgivable loan. Beginning one year after closing, based on the amount owed, one fifteenth (or \$2,333.33 per the example) of the loan will be forgiven annually. If the sale of the townhouse is purchased by an eligible person approved by James City, based on income and credit worthiness, then the soft second is assumable; otherwise, the soft second is payable upon sale of home (See Attachment).

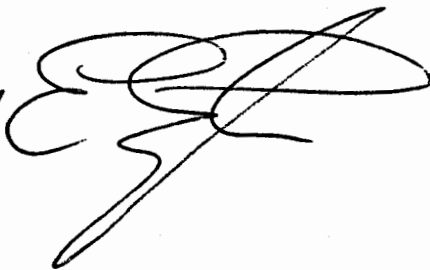
- The Federal Government has targeted the Grove area where Pocahontas Square is to be built as an Area of Chronic Economic Stress (See Attachment). The Grove area of James City has experienced limited growth in single-family homes and town homes for sale as compared to the rest of James City.
- A review of the surrounding area of this infill site shows a stagnant market price for townhouses for sale at Brookside Haven. The average town home at Brookside Haven originally sold in the upper fifty thousand dollar range in 1986. Today the townhouse sales price varies from fifty six thousand dollars to the low sixty thousand dollar range. (I have researched the tax assessors history of sales at 2, 4, 6 Sidewinder and 1857 Ferrell at Brookside Haven.) To remain with the current proffers would only support the stagnant market where the mixed approach would bring property values up in the surrounding infill site area. I feel it is important to build a mix cost housing community that will enhance adjoining property values.
- Skiffe's Creek Terrace just south of the site sold in 1987 in the high sixty thousand dollar price range and now resale in the low one hundred thousand dollar price range for 1200 square feet. The town homes at Carter's Village sold originally in the mid to upper ninety thousand-dollar price range. Today that same home has sold in the mid one hundred and ten thousand-dollar price range for 1300 square feet. We are seeing positive price increases to the one hundred and fifteen thousand dollar range at Carters Village for a 1300 square foot town home. The price structure at Pocahontas Square should start at a net cost of \$110,000 for the buyer. The sales price will be \$143,000 based on the appraised value with the county utilizing the soft second in the amount of \$33,000 to realize the net sales price of \$110,000 after the non-recourse soft second.
- Housing cost has escalated due to many different factors since the original approval of Pocahontas Square Townhouses in the fall of 2003. The economy has experienced many shortages of materials with spiraling costs due to closing of manufacturing plants for plywood and sheetrock, the shortage of cement due to the demands from China, and the natural disasters due to hurricanes that have depleted inventory of goods. The rapid increase of oil prices has also affected the cost of all petroleum base materials used in the building of homes and has added a burden to delivery costs.

- In the same regard, the new International Building Code that went into effect last year has added additional costs to the construction of the homes due to the new requirements that have affected all trade costs from framing, mechanical, electrical, and plumbing.
- We must also talk about the demand for housing that has created a shortage of the available work force for housing. As an affordable housing builder, we cannot offer the best pay. What we can offer is a clean work place that has an efficient schedule that allows our subcontractors to be more productive. However, we have not been able to overcome labor cost increases because of the great demand. We have seen our cost increase in labor for installation of framing, cement, block, roofing, siding, cabinets, trim and painting. I have included a cost comparison of actual homes built by Health-E-Community over the last year and a half (See Attachment). What you will notice is a 27% increase in labor and goods to build the identical home from June of 2003 through December of 2004. I have also included estimated costs based on my actual cost on the seven town homes I am building at Ironbound Village. Review of the costs will show there is no profit in building town homes at \$110,000 based on the cost increases as noted.
- The demand for site work for the infrastructure has also caused the development costs to increase. The site work involves the following: Ductile Iron pipe has doubled in price from \$8.00 dollars a foot to \$14.50 a foot for slip joint and \$19.00 a foot for mechanical iron pipe. Asphalt has had a 20% to 25% increase from \$32 to \$38.00 to \$45.00, depending on the size of the stone. Diesel fuel has increased over 40% and has affected the cost of operation of equipment, as well as the transportation cost for delivery of materials. Stone prices have increased by 10% to 15% for the base used under the roadway and parking pads. Concrete for the precast structures, curb, gutter, and sidewalks have increased 25% to 30%. All of these factors have caused the initially proposed proffers to be unattainable in the preset market place. Couple that with the increased benefit that is available by use of the mixed cost community provides strong motivation to amend the proffers to enhance the Grove area.

If you have further questions, please call me at 592-4855.

Sincerely,

Jay Epstein



Adjustments For Selected Building Costs From 07/30/03 to 12/10/04

Average Price Increase of \$21,798 or an increase of 26.5% in construction cost

Closing Date of Home 12/10/2004 7/30/2003

Model Comparison Lot Number	Davis	Davis	Difference of Cost	Percentage Change	Comments
Selected Items					
Building Permits	\$ 6,604.20	\$ 6,456.61	\$ 147.59	2.23%	County fee increase
Dump Fees/Hauling	\$ 540.66	\$ 346.67	\$ 193.99	35.88%	Dump fee and labor cost increase
Sub. Survey Work	\$ 600.00	\$ 450.00	\$ 150.00	25.00%	Labor Price Increases
Mat. Footings	\$ 1,775.28	\$ 1,285.16	\$ 490.12	27.61%	Concrete and steel price increase
Sub. Footings	\$ 1,200.00	\$ 960.00	\$ 240.00	20.00%	Labor Price Increases
Mat. Block	\$ 2,064.65	\$ 1,536.81	\$ 527.84	25.57%	Block cost increase in material
Sub. Block	\$ 2,804.00	\$ 1,644.00	\$ 1,160.00	41.37%	Material Cost Increases
Sub. Backfill	\$ 825.00	\$ 550.00	\$ 275.00	33.33%	Labor Price Increases
Mat. Framing	\$ 11,495.76	\$ 5,195.63	\$ 6,300.13	54.80%	IBC code change and wood increases
Sub. Framing	\$ 6,255.00	\$ 4,446.00	\$ 1,809.00	28.92%	Labor Price Increases
Mat. Trusses and Joist	\$ 4,022.63	\$ 3,006.47	\$ 1,016.16	25.26%	IBC code change and wood increases
Mat. Windows & Ext. Doors	\$ 2,750.59	\$ 1,863.62	\$ 886.97	32.25%	IBC code change and material cost
Sub. Roofing	\$ 2,070.00	\$ 1,668.69	\$ 401.31	19.39%	IBC code change and shingle increases
Sub. Siding	\$ 5,152.00	\$ 4,693.00	\$ 459.00	8.91%	Vinyl price increase
Sub. Wall Insulation	\$ 2,735.00	\$ 1,985.00	\$ 750.00	27.42%	Labor and material increases
Sub. Drywall	\$ 4,818.00	\$ 4,066.81	\$ 751.19	15.59%	Drywall price increase
Sub. Cabinets	\$ 4,535.00	\$ 3,654.00	\$ 881.00	19.43%	Cabinet supplier increases
Mat. Interior Trim	\$ 2,186.01	\$ 1,789.97	\$ 396.04	18.12%	Trim price increases
Sub. Interior Trim	\$ 2,394.80	\$ 1,469.30	\$ 925.50	38.65%	Labor Price Increases
Sub. Plumbing	\$ 6,576.65	\$ 4,687.00	\$ 1,889.65	28.73%	IBC code changes and pipe increases
Sub. HVAC	\$ 3,960.00	\$ 3,460.00	\$ 500.00	12.63%	Material Cost Increases
Sub. Electrical	\$ 3,334.15	\$ 2,514.85	\$ 819.30	24.57%	IBC code changes and wiring increases
Sub. Paint	\$ 2,089.60	\$ 1,558.00	\$ 531.60	25.44%	Labor and material increases
Mat. Driveway	\$ 648.00	\$ 480.91	\$ 167.09	25.79%	Cement price increases
Sub. Driveway	\$ 550.00	\$ 420.00	\$ 130.00	23.64%	Labor Price Increases
Total	\$ 81,986.98	\$60,188.50	\$21,798.48		

**Ironbound Village Townhouses (Price adjusted for Sq. Ft. reduction to 1200 Sq.Ft.
Lot Cost Increase To \$30,000 and all units have 1 and a Half bathrooms)**

	Jordan	Jacob	Jacob	Jordan
	Building # 1			
Architect fee	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
Loan Interest 143-0200	\$ 1,815.00	\$ 1,815.00	\$ 1,815.00	\$ 1,815.00
Building Permits	\$ 4,524.00	\$ 4,524.00	\$ 4,524.00	\$ 4,524.00
Temporary Utilities	\$ 145.20	\$ 145.20	\$ 145.20	\$ 145.20
Dump Fees/Hauling	\$ 726.00	\$ 726.00	\$ 726.00	\$ 726.00
Temporary Toilet	\$ 17.23	\$ 17.23	\$ 17.23	\$ 17.23
Sub. Survey Work	\$ 1,089.00	\$ 1,089.00	\$ 1,089.00	\$ 1,089.00
Mat. Clearing	\$ 23.14	\$ 23.12	\$ 23.12	\$ 23.12
Sub. Clearing	\$ -	\$ -	\$ -	\$ -
Mat. Footings	\$ 1,012.87	\$ 1,012.85	\$ 1,012.85	\$ 1,012.87
Sub. Footings	\$ 511.23	\$ 511.23	\$ 511.23	\$ 511.23
Mat. Foundation (block)	\$ 1,979.50	\$ 1,979.50	\$ 1,979.50	\$ 1,979.50
Sub. Foundation (block)	\$ 2,622.68	\$ 2,622.68	\$ 2,622.68	\$ 2,622.68
Mat. Backfill	\$ 381.67	\$ 381.67	\$ 381.67	\$ 381.67
Sub. Backfill	\$ 484.00	\$ 484.00	\$ 484.00	\$ 484.00
Mat-concrete slab	\$ 1,469.50	\$ 1,469.50	\$ 1,469.50	\$ 1,469.50
Sub-concrete slab	\$ 1,089.00	\$ 1,089.00	\$ 1,016.40	\$ 1,016.40
Sub. Termite Protection	\$ 242.00	\$ 242.00	\$ 242.00	\$ 242.00
Mat. Framing	\$ 7,184.50	\$ 7,461.16	\$ 7,086.57	\$ 7,086.00
Sub. Framing	\$ 4,397.44	\$ 4,087.68	\$ 4,087.68	\$ 4,397.44
Mat. Trusses and Joist	\$ 3,093.15	\$ 3,093.15	\$ 3,093.15	\$ 3,093.15
Mat. Windows & Ext. Doors	\$ 2,683.40	\$ 2,683.39	\$ 2,683.40	\$ 2,683.40
Sub. Roofing	\$ 1,420.24	\$ 1,420.24	\$ 1,420.24	\$ 1,420.24
Sub. Siding	\$ 3,751.00	\$ 3,751.00	\$ 3,751.00	\$ 3,751.00
Sub. Wall Insulation	\$ 1,383.03	\$ 1,383.03	\$ 1,383.03	\$ 1,383.03
Sub. Drywall	\$ 5,270.76	\$ 5,270.76	\$ 5,270.76	\$ 5,270.76
Sub. Cabinets	\$ 3,872.00	\$ 3,872.00	\$ 3,872.00	\$ 3,872.00
Mat. Interior Trim	\$ 2,716.45	\$ 2,716.45	\$ 2,716.45	\$ 2,716.45
Sub. Interior Trim	\$ 1,633.50	\$ 1,633.50	\$ 1,633.50	\$ 1,633.50
Sub. Plumbing	\$ 5,556.26	\$ 5,556.26	\$ 5,556.26	\$ 5,556.26
Sub. HVAC	\$ 4,222.90	\$ 4,162.40	\$ 4,162.40	\$ 4,222.90
Sub. Electrical	\$ 1,690.13	\$ 1,690.13	\$ 1,690.13	\$ 1,690.13
Mat. Elec. Fixtures	\$ 326.70	\$ 326.70	\$ 326.70	\$ 326.70
Sub. Paint	\$ 1,694.00	\$ 1,694.00	\$ 1,694.00	\$ 1,694.00
Sub. Carpet	\$ 1,557.27	\$ 1,557.27	\$ 1,557.27	\$ 1,556.06
Sub. Vinyl Flooring	\$ 511.83	\$ 511.83	\$ 511.83	\$ 511.83
Mat. Appliances	\$ 907.50	\$ 907.50	\$ 907.50	\$ 907.50
Misc. Expense	\$ 605.00	\$ 605.00	\$ 605.00	\$ 605.00
Hardware & Locks	\$ 231.11	\$ 231.11	\$ 231.11	\$ 231.11
Mat. Mirrors & Tub	\$ 462.22	\$ 462.22	\$ 462.22	\$ 462.22
Sub. Decks, Ext. Porch	\$ 847.00	\$ 847.00	\$ 847.00	\$ 847.00
Sub. Gutters & Downspouts	\$ 360.58	\$ 360.58	\$ 360.58	\$ 360.58
Mat. Landscaping/sidewalks	\$ 907.50	\$ 907.50	\$ 907.50	\$ 907.50
Sub. Landscaping/sidewalks	\$ 1,815.00	\$ 1,815.00	\$ 1,815.00	\$ 1,815.00
Sub. Interior Clean-up	\$ 266.20	\$ 266.20	\$ 266.20	\$ 266.20
PUNCH LIST	\$ 968.00	\$ 968.00	\$ 968.00	\$ 968.00
Property Insurance	\$ 145.20	\$ 145.20	\$ 145.20	\$ 145.20
Property Tax	\$ -	\$ -	\$ -	\$ -
Maintenance Expense, Rental	\$ 21.59	\$ 21.59	\$ 21.59	\$ 21.59
Warranty Work	\$ 800.00	\$ 800.00	\$ 800.00	\$ 800.00
Total Cost of Construction	\$ 80,433.45	\$ 80,339.82	\$ 79,892.64	\$ 80,261.14
Total Contract Price	\$ 110,000.00	\$ 110,000.00	\$ 110,000.00	\$ 110,000.00
Total Cash Options	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00
Profit	\$ (433.45)	\$ (339.82)	\$ 107.36	\$ (261.14)

Forgivable Second Deed of Trust

Model 1200 @ Pocahontas Square

Appraisal

\$ 143,000.00

First Closing same day

Sold to nonprofit(501)(3)C based on appraised value	\$ 143,000.00
Builder Receives note in the amount of	\$ 108,000.00
Builder gives a donation to the nonprofit with appraiser, builder and nonprofit signing off on IRS form 8283	\$ 35,000.00

Second Closing same day

Sale to homeowner by non profit	\$ 143,000.00
James city receives a second deed of trust at time of sale from homeowner and non profit	\$ 33,000.00
Fee paid to nonprofit from closing proceeds	\$ 2,000.00
Payoff to builder from closing proceeds to payoff note	\$ 108,000.00

Time Line**September 29th 2005**

Presale of home to buyer through James City Housing	
Contract for sale signed by seller(non-profit)and purchaser and builder(Health-E-Community)	\$ 143,000.00
Contingent upon the following	
Health-E-Community contracts to sale town home to nonprofit for	\$ 143,000.00
Health-E-Community gifting nonprofit based on appraised value	\$ 35,000.00
Health-E-Community receives a note payable from non profit in the amount of the difference	\$ 108,000.00
Soft Second forgivable over 15 years held by James City	\$ 35,000.00
First deed of Trust secured by Purchaser	\$ 110,000.00
Nonprofit has kick out clause from contract if it does not close on property from Health-E-Community	

October thru December 28th 2005

Health-E-Community building home and receives c/o for closing

December 29th 2005**Closing date for homebuyer**

Property with improvements is transferred to nonprofit	\$ 143,000.00
Donation is signed off by nonprofit under IRS form 8283 along with appraiser	\$ 35,000.00
Nonprofit sales home to homebuyer in the amount of	\$ 143,000.00
Soft Second forgivable over 15 years held by James City	\$ 33,000.00
First Deed of Trust secured by Purchaser	\$ 110,000.00
Balance of proceeds distributed as follows	
At time of closing Health-E-Community is paid for note held in the amount of	\$ 108,000.00
Nonprofit receives net proceeds from sale in the amount of	\$ 2,000.00
less recording fees paid by non profit	\$ 250.00
Net proceeds to Nonprofit	\$ 1,750.00

Soft Second

The soft second is a non recourse deed of trust held by James City County for 15 years in the form of a zero interest forgivable loan Beginning one year after closing based on the balance owed. One fifteenth or \$2333.33, of loan will be forgiven annually. If sale of home is purchased by eligible person approved by James City based on income and credit worthiness then soft second is assumable otherwise soft second is payable upon sale of home.

Benefits**To Homebuyer**

No mortgage insurance requirements for homebuyer (Sales price \$143,000 with a soft second at \$33,000 represents 23% of Sales Price)
Savings of 1 1/2% of sales price and 1/2 % escrow of loan amount About \$40 a month

To County

Keeps purchaser from selling home with the intent to turn a quick profit

To Builder

Builder receives tax write-off as an incentive to build affordable housing only if property has been held for at least one year

To Nonprofit

A source of income for the nonprofit to keeps funds in the community for community needs

Nonprofit has no liability on property since the nonprofit closes on the property with Health-E-Community on the same day that the homeowner purchases the town home

Health E Community Concept

Create a home that ensures a healthy environment for its occupant thereby promoting health for future generations.

Construct a home that has a high level of comfort and a low total energy consumption during its lifetime

Construct a home that is durable thereby reducing future waste and depletion of natural resources

Design projects with approaches that the building team can readily understand and adopt without substantially increasing the cost of construction.

Achieve goals while keeping construction costs not greater than 1% of the same model built to the Model Energy Code.

Enhanced Indoor Air Quality & Sustainable Building practices

- Fresh air intake into the air handler to bring fresh air into the house
- Low VOC Wood Kitchen and Bath Cabinets
- Low VOC Paints
- "Green label" carpets certified by the Rug Institute to be free of Formaldehyde
- Avantech's Low VOC sub-flooring
- Dehumidifier installed in the home to help control relative humidity in the house
- Oven exhaust hood vented to the outside to exhaust fumes from cooking
- Controlling moisture within the walls to prevent mold and mildew

Energy Efficient / Green Building Techniques

- Engineered HVAC system to reduce the size of the unit
- Transfer grills for balanced heating and cooling
- Mastic seal on the HVAC duct work to limit leakage of air
- Round Main HVAC supply line vs. rectangular supply lines for better airflow
- All HVAC individual supply lines at a 45-degree angle to improve air flow
- All HVAC ductwork and air handler in conditioned areas of the house
- Low -E Windows to increase energy efficiency
- Cellulose Insulation treated with boric acid reduces pest infestation and is recyclable
- Value engineered framing practices to save lumber for future generations
(California corner, open web floor joists,)

**Representation of Members of the Planning Commission
at the meetings of the Board of Supervisors**

February 2005 through February 2006

2005

February	Don Hunt
March	Jack Fraley
April	George Billups
May	Wilford Kale
June	Jim Kennedy
July	Ingrid Blanton
August	Mary Jones
September	Don Hunt
October	Jack Fraley
November	George Billups
December	Wilford Kale

2006

January	Jim Kennedy
February	Ingrid Blanton

RESOLUTION

INITIATION OF CONSIDERATION OF AMENDMENTS TO THE ZONING
ORDINANCE

WHEREAS, the Planning Commission of James City County, Virginia, is charged by Virginia Code §15.2-2286 to prepare and recommend to the Board of Supervisors various land development plans and ordinances, specifically including a zoning ordinance and necessary revisions thereto as seem to the Commission to be prudent; and

WHEREAS, in order to make the Zoning Ordinance more conducive to proper development, public review and comment of draft amendments are required, pursuant to Virginia Code §15.2- 2204; and

WHEREAS, the Planning Commission is of the opinion that the public necessity, convenience, general welfare, or good zoning practice warrant the consideration of amendments.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia, does hereby request staff to initiate review of Section 24-19 of the Zoning Ordinance for the consideration of the process for appealing a decision of the zoning administrator in regards to administering and enforcing conditions attached to a rezoning or amendment to a zoning map. The Planning Commission shall hold at least one public hearing on the consideration of amendments of said Ordinance and shall forward its recommendation thereon to the Board of Supervisors in accordance with law.

Donald C. Hunt
Chair, Planning Commission

ATTEST:

O. Marvin Sowers, Jr.
Secretary

Adopted by the Planning Commission of James City County, Virginia, this 7th Day of March, 2005.

PLANNING DIRECTOR'S REPORT

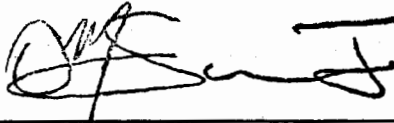
March 2005

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

1. Annual Organizational Meeting. The Commission held its annual organizational meeting on February 7, 2005. Don Hunt was elected chair and Jack Fraley was elected vice-chair.
2. Cash Proffers and Rural Lands. At its work session on February 22, the Board of Supervisors decided to continue pursuing a cash proffer policy. A committee will be appointed which will make recommendations to the Board. Because of potential impacts of such a policy on Rural Lands, the Board also decided to consider amendments to the ordinances and policies pertaining to Rural Lands. Another committee may be created to make recommendations. Staff is in the process of developing a methodological approach which will allow for quickly assessing challenges to rural lands and specifically rural residential clusters and minimum lot sizes outside the County's Primary Service Area (PSA).
3. Virginia Capital Trail and Green Springs Trail Projects. Staff continued to work with VDOT and adjacent property owners on the design and location of the trail. The locations of both trails have been staked and can be viewed from Route 5 and Greensprings Road. Construction is scheduled for 2005.
4. 2007 Community Activities Task Force. The Task Force continued to meet in February to plan and coordinate community activities and beautification efforts.
5. Corridor Steering Committee. The Committee continued to meet in February on the Jamestown Road demonstration project. Detailed landscape plans have been completed for two areas by Planning Division staff and planting has been completed in one of the areas. The Committee also approved a grant incentive program to encourage property owners to enhance their buildings and grounds.
6. Secondary Roads Program. The Board of Supervisors adopted its Secondary Roads Improvement Program on February 22. The top two priority projects continue to be Ironbound Road and Croaker Road.
7. Policy Committee. With staff participation, the Policy Committee held four meetings throughout the month of February to review the County's, JCSA's, and WJCC Schools Capital Improvements Program. The results of that review, the rankings of the projects into high, medium, and low priorities, is included as an agenda item in the March PC Report.
8. Water Tank Christian Life Center Tower Balloon Test. Balloon tests will be conducted on Tuesday, March 8, 2005; to simulate the height a 160-foot tall tower. The balloons will be in the air from approximately 9:00 a.m. - 12:00 p.m. The test will take place at 4451 Longhill Road (Christian Life Center).
9. Division Office Relocation. On February 11, 2005 the James City County Planning Division moved from its' home for more than a decade in Building E at the County Complex to its new/refurbished home over in Building A. The Planning Division shares its new office space with the Development Manager, the County Engineer and their Development Management Assistant. We are very excited about our new, roomy office space. We hope to have more furniture soon after the beginning of the new fiscal year and, shortly thereafter, we hope to hold an open house for our citizens and others.

10. New Town Cases. The New Town Design Review Board considered the following cases at its January meetings:

- First Advantage Credit Union – Request for change in metal roof was withdrawn.
- H & M Mixed Use Building – Office Retail Block 8 Plans – After discussions the applicant will submit a revised concept plan later
- Section 9 Hospital Foundation Land – Conceptual Drawing – DRB will make a recommendation to the Planning Commission after the applicant works through remaining issues with County staff
- New Town Associates and Developers Realty Corporation Main Street Retail to but Excluding the Civic Green Area – Board gave conceptual approval to Main Street and the storefronts



O. Marvin Sowers, Jr.