

A G E N D A
JAMES CITY COUNTY PLANNING COMMISSION
MARCH 3, 2010 - 7:00 p.m.

1. ROLL CALL
2. PERSONAL PRIVILEGE – MR. JACK FRALEY
3. PUBLIC COMMENT
4. MINUTES
 - A. February 3, 2010 Regular Meeting
5. COMMITTEE AND COMMISSION REPORTS
 - A. Development Review Committee (DRC)
 - B. Policy Committee
 - C. Other Committee/Commission Reports
6. ZONING ORDINANCE PROCESS
7. PUBLIC HEARINGS
 - A. Z-0011-2007 / SUP-0022-2007 / MP-0007-2007: Monticello @ Powhatan North Phase 3 - Withdrawn by applicant
 - B. SUP-0011-2009: 7708 / 7710 Cedar Drive Contractor's Warehouse – Withdrawn by applicant
 - C. SUP-0003-2010: Gilley property two-family dwelling
 - D. SUP-0002-2010: CVS and Food Market at Soap and Candle Factory Site – Deferral recommended
 - E. SUP-0026-2009: Constance Avenue WCF Tower
 - F. FY 2011-2016 Capital Improvements Program
8. PLANNING DIRECTOR'S REPORT
9. COMMISSION DISCUSSIONS AND REQUESTS
10. ADJOURNMENT

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE THIRD DAY OF FEBRUARY, TWO-THOUSAND AND TEN, AT 6:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Planning Commissioners

Present:

Rich Krapf
Chris Henderson
Joe Poole III
Jack Fraley
Reese Peck
Mike Maddocks

Staff Present:

Allen Murphy, Director of Planning/Assistant
Development Manager
Adam Kinsman, Deputy County Attorney
Luke Vinciguerra, Planner
Melissa Brown, Zoning Administrator
Chris Johnson, Principal Planner
Bill Cain, Chief Civil Engineer
Terry Costello, Development Management Assistant

Absent:

Al Woods

Mr. Rich Krapf called the meeting to order at 6:05 p.m.

2. CLOSED SESSION

Mr. Krapf welcomed new commissioners Al Woods and Mike Maddocks. He stated that Mr. Woods was not able to attend due to a previous engagement.

Mr. Krapf moved that the Planning Commission enter into a closed meeting pursuant to Virginia Code Section 2.2-3711(A)(1) discussion of respective candidates for appointment so that Planning Commissioners may consider appointments of Chair and Vice-Chair.

In a unanimous voice vote the motion was approved. (6-0, Absent – Woods)

The Planning Commission reconvened at 6:40 p.m. Mr. Krapf read the resolution stating that the Planning Commission conducted its meeting in conformity with the Virginia Freedom of Information Act.

Mr. Chris Henderson moved to approve the resolution.

In a roll call vote the resolution was approved. (6-0, AYE: Maddocks, Poole, Fraley, Krapf, Henderson, Peck; Absent: Woods.)

The Planning Commission recessed at 6:43 p.m and reconvened at 7:00 p.m..

3. ANNUAL ORGANIZATIONAL MEETING

A. Election of Officers

Mr. Adam Kinsman asked if there were nominations for the Chair of the Planning Commission for 2010.

Mr. Jack Fraley nominated Mr. Reese Peck for Chair. There being no further nominations, Mr. Fraley moved to close the nominations.

The Planning Commission elected Mr. Peck as Chair with a roll call vote. (6-0, AYE: Henderson, Maddocks, Peck, Poole, Krapf, Fraley; Absent: Woods.)

Mr. Peck asked for nominations for Vice-Chair.

Mr. Fraley nominated Mr. Henderson as Vice-Chair.

The Planning Commission elected Mr. Henderson as Vice-Chair with a roll call vote. (5-1, AYE: Henderson, Maddocks, Peck, Krapf, Fraley; NAY: Poole; Absent: Woods.)

B. Committee Appointments

Mr. Peck stated the he will be appointing members to the Development Review Committee (DRC) and Policy Committee by the end of the week. Mr. Krapf will serve as Chair of the DRC, and Mr. Fraley will serve as Chair of the Policy Committee.

4. PUBLIC COMMENT

Mr. Roy Schneider, 514 Spring Trace, spoke on the Autumn West application. He stated that he no longer is a member of the Seasons Trace Homeowners Association Board. He was speaking tonight as an individual homeowner. Mr. Schneider thanked the Commission for their careful attention to this development. He asked how the homeowners on the western side of the property will have access to their own backyards. He felt that the developer has never made clear how this access will be created. He felt that this was a serious design issue. Mr. Schneider stated that staff should determine whether the solution would meet code requirements. He felt that it was unfair to potential buyers if the County did not address this important problem.

Mr. Robert Richardson of James City Citizens for Ethical Government spoke. He expressed his concerns over the discussion at the last Planning Commission meeting on corruption within County Government. He expressed his thoughts on how campaigns are financed, who contributes, and how individuals are appointed to the various boards and commissions. Mr. Richardson felt that it was important to continue having public comment periods. He then spoke on the Autumn West development and the materials that he has provided to the DRC and to the Planning Commission. Mr. Richardson asked that this application be deferred another month so that the two new Commissioners have time to review the plans and that his previous comments be given to the two new Commissioners.

Ms. Beverly McGraw, 116 Puffin, spoke on Autumn West and stated that she felt that if this development were to be built, it would result in downstream flooding due to the increased

water runoff. She felt that these effects would be evident in three to five years, at which point the County would have to incur the expense of its correction. She expressed her concerns over other issues such as clear cutting and the effects on birds and other wildlife.

Ms. Sarah Kadec, 3504 Hunters Ridge, spoke on behalf of herself as a concerned citizen. She expressed her appreciation to Ms. Deborah Kratter and Mr. George Billups for their service on the Planning Commission. She felt that both of them always listened to the citizens and voted with their conscience. Ms. Kadec asked the Commission to not approve the DRC's report concerning Autumn West. She felt that that property was worth saving and not having it developed. She felt that this would be most beneficial to the citizens of the County.

Mr. John Morbits of Season's Trace stated he has been a resident there since 1982. He spoke on Autumn West and stated that he felt there were many reasons to oppose this development. He stated that he felt that the proposed development was not consistent with the topography in the area. He felt that there were numerous violations of the Zoning Ordinance. Mr. Morbits felt that there was too much emphasis on clear cutting and not tree preservation. He felt the best alternative was not to build at all, with the next best alternative being to reduce the number of units.

Mr. Gerald Johnson, 4513 Wimbledon Way, spoke on Autumn West stating that clear cutting was proposed due to the fact that the development was not being built consistent with the topography. He felt that there were other alternatives that would not require massive clear cutting. Mr. Johnson felt that some of the information provided by the developer concerning environmental issues was incorrect. He expressed his concerns over erosion and sedimentation that might occur over the next several years. He felt that the developer had not researched alternative designs. Mr. Johnson stated he would be more than willing to show the developer what he has come up with.

Mr. Jack Fowler, 109 Wilderness Lane, stated that he felt that Autumn West needs to be viewed as part of the entire master plan and not as a separate development. He felt that there were problems with these units not having access to the outside at the back of the property. He also expressed his concerns about the water runoff. Mr. Fowler asked that the Commission consider the entire County when making a decision on this development

Ms. Donna Ware, 14 Buford Rd, stated she was a botanist by profession also spoke on Autumn West. She stated that this area is not undisturbed and that it has been selectively cut in the past. She stated that this particular area is dominated by White Oak and American Beech trees. Ms. Ware estimated that some of the trees on this site are between 75 and 120 years old. She would like to see this area protected.

Mr. Henry Bluhm, 121 Southeast Trace, stated that his residence was directly downstream from Autumn West. He stated that what attracted him to this development was all of the mature trees and the greenspace. He stated that he may not have purchased the property had he known this development may occur.

Mr. Jim Icenhour, 101 Shinnock and a member of the Board of Supervisors, spoke on Autumn West. He stated he was speaking tonight on behalf of his constituents. He felt that the challenge for the County was to minimize the impacts on the current residents and he felt so far this has not be done. Mr. Icenhour felt that the developer may have paid too much for the land and is now trying to recoup the costs by building as much as possible on this site. He reminded the Planning Commission that they are making a land use decision and this does not include assisting a business entity from recovering from making a bad decision. He felt that staff's interpretations of the Zoning Ordinance as it relates to this development have been generous towards the developer. The plan includes a massive amount of clear cutting with intense development and huge retaining walls. Mr. Icenhour stated that this clear cutting will remove a buffer promised to the community in the special use permit for the athletic field lighting at Warhill Sports Complex. He stated that he felt the plan grossly extorts the impervious surface percentage by including undevelopable land. He felt that some changes could be made to make the plan more acceptable to the surrounding neighbors. Mr. Icenhour felt that by changing from four buildings with six units each to three buildings with seven units each would substantially reduce the cut and fill required and would possibly eliminate or reduce the need for retaining walls. He felt that the County has not done enough to protect the citizens' interest in this case. He felt that the County has a moral responsibility for its actions even if sovereign immunity absolves it from legal responsibility. Mr. Icenhour stated that the County should strive to do the minimal harm in this case. He asked that the Planning Commission defer action on this case for one month to allow the new Commissioners time to review the case.

There being no further public comments, Mr. Peck closed the public comment period.

5. MINUTES

A. January 13, 2010 Regular Meeting

Mr. Poole had some clarifications concerning the DRC report for the Zaxby's Chicken case. He stated that the DRC recommended that the applicant consider alternative exterior options, but that the DRC did not conditionally approve the case.

Mr. Krapf had one correction on page 5 concerning the DRC discussions. The paragraph should read that "He requested that staff prepare and deliver a packet on Autumn West to those two members before the February Planning Commission meeting." It was stated in the minutes "DRC meeting."

Mr. Henderson moved for approval of the minutes with the corrections noted.

In a voice vote, the minutes were approved. (6-0, Absent: Woods)

6. COMMITTEE AND COMMISSION REPORTS

A. Development Review Committee (DRC)

Mr. Poole stated that the DRC met on January 27, 2010 to discuss three cases. The first

case is SUP-0002-2010, CVS and Food Market. The DRC reviewed exterior elevations and expressed general approval with additional suggestions to make the food market more acceptable with Norge-like architecture. The DRC encouraged the applicant to make sure to adjust the height and width of the brick piers with the sloped roofs and to consider surface treatments, architectural elements, and step elevations in order to reduce the building's monolithic appearance from public and Community Character rights-of-way. He stated the applicant will bring revised elevations to the DRC before the special use permit application is heard by the Planning Commission. The second case was SP-0082-2009, JCC Police Headquarters, to review final building materials and colors for consistency with the rendering of the special use permit. The DRC reviewed and unanimously approved the plans. The third case was C-0059-2009, Chickahominy Riverfront Park RV Loop Improvements, to review the tree removal plan. The DRC unanimously approved the plan. The applicant was commended for presenting a tree site detail.

Mr. Krapf moved for approval of the DRC report for January 27, 2010.

In a roll call vote the motion was approved. (6-0, AYE: Maddocks, Poole, Fraley, Krapf, Henderson, Peck; Absent: Woods.)

Mr. Poole stated that at the January 13, 2010 Planning Commission meeting, the DRC provided a report for their January 6, 2010 meeting. He stated that in attendance were Mr. Krapf, Mr. Henderson, and himself. He stated that this was the DRC's fourth review of case SP-0064-2008, Autumn West. Mr. Poole stated that the DRC recommended preliminary approval subject to agency comments. He stated that at the January 13th Planning Commission meeting, it was decided to defer granting preliminary approval until the February meeting to allow the new Commissioners time to review the case.

Mr. Chris Johnson, Principal Planner for the Planning Division, gave a brief history of the case up until this point. He stated the Seasons Trace development was approved by the Board of Supervisors under a conditional use permit in 1973. The development was designated R-3 at the time and since then, that designation has been dissolved. The total development area of Seasons Trace is 109 acres and was approved for 534 single family units, which included 105 single family homes and 429 townhomes. In 1994, the Zoning Administrator determined that the remainder of the development which was not yet built would be reviewed under the R-5 Zoning District in the Zoning Ordinance. Mr. Johnson stated that five conceptual plans have been reviewed since 2006, and the site plan known as SP-0064-2008 was submitted in 2008 and called for twenty-four townhomes on an eight acre site. He stated that staff has reviewed four separate submittals for this site, all encompassing twenty-four units. He stated that the plan required DRC review because the square footage of the development was in excess of 30,000 square feet. Mr. Johnson stated that with the first two submittals, staff did not feel comfortable recommending preliminary approval and encouraged the applicant to refine the plans further. In June 2009, a resubmittal was received along with landscaping plans in August 2009. At this point staff felt comfortable recommending preliminary approval to the DRC. Since this point there have been four separate meetings, ultimately resulting in the January 6th meeting that Mr. Poole referred to earlier. The DRC recommended preliminary approval by a vote of 2-1.

Mr. Krapf asked if it was a requirement that when the plan involves the Resource Protection Area (RPA), that the developer post a sign stating that it is a protected area and no vegetation should be removed.

Mr. William Cain answered that it is a requirement to show on the site plan the location of those signs. When a building permit is requested, Code Compliance will process it through Environmental to make sure these signs are placed.

Mr. Krapf asked about citizens' comments about the long term detrimental effects on the treatment of the stormwater. There were several comments made about the long term effects on the Powhatan Creek Watershed, and the long term effects on current site conditions.

Mr. Cain answered that the Powhatan Creek Watershed Management Plan, which this application is subject to, contains several goals and priorities to be considered when designing a site plan. He stated that on this site there is an existing uncontrolled stormwater discharge. When Seasons Trace was originally developed, the regulations were not as stringent as they are today. Essentially, if the site dealt with most of the stormwater, the rest could be discharged and be, to some extent, uncontrolled. Mr. Cain stated that this occurs on the Autumn West parcel with stormwater from the Seasons Trace property which has resulted in a substantial amount of erosion on the Autumn West property. He stated that through the site plan process, the developer and/or applicant has been totally amenable to accepting offsite drainage and controlling it in their stormwater pond. This is provided in addition to the mitigation for the encroachment in the RPA which was required for the BMP outfall pipe. Mr. Cain stated that in order to get the water from the pond to the wetland area, going through the RPA is necessary. With the currently uncontrolled discharge of stormwater being treated in post-development, and with the potential for future erosion being minimized as a result of this development plan, the Environmental Division felt that this was overall a net positive for the Powhatan Creek Watershed and consistent with the intention of Powhatan Creek Watershed Management Plan. He stated that the stormwater pond meets all current regulations and that post-development drainage meets the pre-development drainage and should be able to handle the 100-year event, though not required under any of the current or applicable regulations. Mr. Cain did further indicate that there is some additional capacity in the pond that could handle larger events should they occur, and further stated that there will be an acceptable mode of bypass if this pond should get too full.

With regards to flooding, Mr. Cain stated that this proposal will not generate a flooding hazard to the Seasons Trace development as it does not drain in that direction, but toward and under Longhill Road. The proposed development will not have any effect as far as drainage and stormwater on the remainder of the Seasons Trace development.

Mr. Krapf asked if the stormwater facility being proposed is just for Autumn West or will it handle any other section's drainage.

Mr. Cain answered that the facility as proposed will be treating some uncontrolled drainage from Seasons Trace. He believes that this facility will treat approximately two acres of uncontrolled water. He wanted the Commission to keep in mind that the overall disturbed area for this project is three acres. Mr. Cain stated that from an environmental perspective this project

was seen as an overall positive.

Mr. Henderson asked if there was a current Army Corps of Engineers delineation for wetlands on this property that was made as part of the application.

Mr. Cain stated that there was a letter from the Army Corps of Engineers dated June 13, 2006 that is currently on file.

Mr. Henderson asked how long the delineations were good for.

Mr. Cain answered that he thought it was for a period of five years. Mr. Cain also stated that the site conforms to the regulations set forth in the letter from the Army Corps of Engineers.

Mr. Henderson asked about the issue of the discharge of stormwater and the construction of the outfall within the RPA and the wetlands area. He asked if this was a permitted activity under the National permit.

Mr. Cain stated that no vehicles will be permitted in the wetlands area. This area is not to be disturbed when developing this site. The contractor will typically start at the bottom to construct the pipe system and come out. Once this is completed the area will be heavily seeded with conservation area seed mix. There are no permitted activities in the wetlands and there are none proposed in the application. Mr. Cain stated that the proposed plan states that they will start activity on the edge of the wetlands.

Mr. Henderson asked about citizens' concerns about pressure on staff to approve this application. He asked Mr. Cain if he has been approached by anyone and asked if these recommendations are based on his professional opinions.

Mr. Cain stated that this application is based on good engineering judgment and consistent with all applicable regulations. He stated that everything that he has seen in this application is based on the best available technology.

Mr. Fraley expressed his concerns about stormwater ponds in general but felt this site is going to require it based on the current situation. He stated that in the County currently there are many failing stormwater ponds. He asked the question as to what makes this facility different than those that are currently in the County. He felt that these designs should make sure that it drains at pre-development conditions. Mr. Fraley stated that the length of time for pollutant removal is important. He felt that the linear design was important in this regard. He mentioned other features that could improve the current situation, such as forebays, filter systems, outlet control structures, and controls over emergency spillages. Mr. Fraley asked how the design proposed or incorporated some of these features, and whether or not they would be helpful.

Mr. Cain stated that this facility has been designed to attenuate all of the runoff from the developed area and those areas of Seasons Trace that are currently discharging uncontrolled. The manner in which the application has complied with the regulations negates the time period requirement for twenty-four hour attenuation. With the narrow, linear design as proposed, this

design provides the most distance from the inlet of the water to the outlet of the water. This provides the most time for the water to be suspended. Mr. Cain stated that the design of the pond prevents the water from overtopping the retaining wall associated with the stormwater pond. This is not to say that it will not happen, but the best engineering design is going into this to protect the health, safety, and welfare of the citizens. He stated that this design meets the regulations and in some ways exceeds them.

Mr. Fraley asked about overflow sections and emergency spillways.

Mr. Cain answered that emergency spillways are beneficial in some locations and not beneficial in others. One situation that is not beneficial is water running over large vegetated areas, but in proximity to the tributary into which drains. He stated that the Stormwater Division will do inspections during the construction phase to make sure these features are constructed properly. In addition, the Stormwater Division ensures that maintenance is provided on these facilities and is consistent with the Inspection and Maintenance Agreement associated with these facilities. Mr. Cain stated that he felt that this was designed on the best technology available.

Mr. Fraley expressed his concerns over the current financial constraints of the County. He was concerned that the County will be responsible if this design does not work. Mr. Fraley stated that he had great respect for Mr. Cain as an engineer and that this decision was based on his professional review.

Mr. Henderson asked about the density allowed under the R-5 zoning classification with the plan of development.

Ms. Melissa Brown stated that the plan of development is consistent with that classification, the conditional use permit, and the non-binding master plan.

Mr. Henderson asked if there was a variance in regards to the number of units allowed on the site in relation to the current plan.

Ms. Brown stated that it meets the standard with regards to density in the R-5 designation.

Mr. Henderson asked if the building code required rear access to the property for an individual living unit.

Mr. Luke Vinciguerra stated that a rear exit is not required as long as the rear windows are a certain size.

Mr. Krapf asked about the applicant's willingness to donate the undeveloped portion of the lot as a conservation easement to an organization for a wildlife sanctuary, or to the County, as was stated in a previous meeting. He asked if they were willing to agree to this as a condition of approval of the site plan.

Ms. Joyce Wolf of Autumn West LLC, answered that they would be amenable to this

condition.

Mr. Fraley stated that under Section 24-314(q), of the Zoning Ordinance, maintenance of this facility shall be guaranteed by the developer, project owner, or a property established homeowners' association. He asked who was going to guarantee this and what form that will take.

Ms. Wolf answered that they have drafted covenants and restrictions for the property as it would be with townhouse residential dwellings. Articles and bylaws have been drafted for an association for the development. With that association a budget would be developed, with reserves set up for long term capital projects and long term maintenance costs. Ms. Wolf stated that replacement of retaining walls would be included in these capital projects. She believes that the stormwater pond would be part of an easement that would become the County's responsibility to maintain.

Mr. Kinsman stated that what typically is done is that these types of items are bonded and the bond is held until the stormwater facility is passed on to an entity, which in this case would be the homeowners' association. He stated that the declarations and covenants will be reviewed by the County Attorney's office. He will ensure that stormwater utilities, recreational areas, etc will all be covered.

Mr. Fraley asked about the reference to a bioretention rain guard feature that was mentioned in a letter from the applicant. He did not see this on the site plan.

Ms. Wolf stated that the passage he is referring to is wording that is taken from the Comprehensive Plan. She did not mean to implicate that this feature was included on the plan.

Mr. Fraley asked how the excavation for the retaining walls may affect adjacent property owners and the RPA.

Ms. Wolf stated that detail designs of the retaining walls and foundation walls were submitted to give the County a comfort level to assure that they would not infringe on the RPA as these facilities are installed. These designs included the detail of grading that will be done and assurances that the excavation activities will not be going into the RPA.

Mr. Jason Wilkins of Town Site Engineering spoke concerning disturbance during excavation. After discussions with the Environmental Division, the layout was revised to bring everything away from the RPA, as much as ten feet in some locations. Then the retaining walls were redesigned so that at the bottom where the footing is installed is designed to be completely on the project side. The construction of the retaining wall is done in layers and the top of it is three feet high.

Mr. Fraley expressed his concerns about the letter that was sent to the DRC about what may or may not be included in the plan with regards to LID measures.

Ms. Wolf explained that passage was meant to read that many of the design principles will

be incorporated without going into detail.

Mr. Wilkins added that one design that is included in the plan is that all of the inlets are being designed as bottomless inlets. Instead of the bottom being concrete and draining into a pipe, well-graded stone will be installed, so with the first flush of polluted water there will be groundwater recharge which will help with water quality. He stated that at the point of soil saturation the water will flow. Mr. Wilkins stated that the inlets are specified on the plan.

Mr. Fraley asked about rooftop and downspout drainage control.

Mr. Wilkins answered that the water will be piped into the same inlets.

Mr. Henderson asked if there were any offers to purchase the property.

Ms. Wolf answered that the owner gave the James City County Citizens' Coalition a price, but no offer has been received.

Mr. Henderson asked about the proposal of having a separate homeowners association. He asked what steps were taken, if any, to be able to have this development be part of the existing homeowners association.

Ms. Wolf answered that communication was sent to the owner that indicated that the existing homeowners association did not want this development to be a part of the existing group. She stated that they would like to be part of the existing organization but it was felt that these future residents are not wanted. In the interest of these future residents, it probably would be best to be a separate association.

Mr. Henderson wanted to acknowledge that the applicant did address his concerns about the safety issues with the retaining wall. He felt that the redesign was a far superior design and he realizes that it came at an expense to the applicant. He wanted to commend them for being a willing participant in the process, and consider suggestions that benefit everyone.

Mr. Fraley asked where the recreation area was proposed be located.

Ms. Wolf stated that it is on the final plan and is adjacent to the emergency access area between building one and the emergency turn around.

Mr. Peck asked that the applicant explain retaining walls, their function, and their relationship to other structures.

Mr. Wilkins stated that the topography of the site drops down and the retaining walls are used to go from the extreme high side of Spring Trace and come down to create a flat area for the buildings and the parking lots. On the other side near the RPA, the retaining walls would connect to the buildings.

Mr. Peck asked about the setbacks with the walls attached to the property.

Mr. Wilkins stated that the part of the building with the retaining wall is more than 35 feet away from the property line.

Ms. Wolf stated that the retaining walls closest to Spring Trace are considered accessory structures and are five feet away from the property line.

Mr. Fraley asked for clarification as to whether retaining walls are considered structures.

Ms. Brown stated that these retaining walls are not considered a structure. The retaining walls that are built into the foundation are part of the structure and meet the building setbacks.

Mr. Krapf stated that he felt this case was a conflict between what we would like to see, and what we are legally obligated to approve. His preference would be that this case never came forward. He stated that any perception that the Planning Commission has not taken citizens' comments into consideration is not true. He stated that the DRC met four times to consider this case, and at the DRC's request, the applicant scheduled a public meeting. He stated both the DRC and the applicant have deferred the case. Mr. Krapf asked the Environmental Division to provide detailed comments to address Mr. Johnson's concerns. He felt that overall everyone went to great lengths to make sure citizens comments were received and responded to. Mr. Krapf stated that the way he looks at this case is that it is not a legislative case. The charter that the Planning Commission is given is very narrow. He felt that the determination was to make sure that this preliminary plan conforms to the Seasons Trace Master Plan and to existing ordinances. His opinion is that it does. Mr. Krapf mentioned some points that he felt were important. These are that the original master plan calls for 116 units, this plan is for 24. Another point was that 67% of the site will remain undisturbed. The project is ADA accessible allowing residents the option of aging in place. Mr. Krapf felt that this project was better for this area as far as environmental issues. The applicant has included stormwater mitigation for another section of Seasons Trace other than Autumn West. This plan is consistent with Comprehensive Plan action items under Housing, 1.1.6, promoting infill residential development, and under Land Use 1.1.5, promote infill, redevelopment, revitalization, and rehabilitation within the Primary Service Area (PSA). Mr. Krapf also stated that the applicant is willing to make a legal binding condition providing for a conservation easement.

Mr. Henderson stated that he can find no basis to deny the plan and will support the application.

Mr. Poole wanted to thank members of the public, the applicant, and staff, for what he considers to be a civil discourse. He recognizes that the site will not remain undisturbed and untouched. He felt that progress has been made on the site plan which is within the DRC purview; he is not personally comfortable with recommending approval. The topography is a concern for him. He felt that where the development is proposed to be built, it does not conform to the natural topography that exists. Mr. Poole also does not feel that the proposed plan is in conformance with the master plan. He expects when the project is infill development, and there are mature trees, that there is some detailed plan to make sure that mature trees can be preserved. He is not prepared to support this plan.

Mr. Fraley stated that when he considered the site plan he did so in reference to five ordinances. He reviewed it under the R-5 Zoning District, the Site Plan Ordinance, the Landscaping Ordinance, the nonconformities section of the Zoning Ordinance, and the Chesapeake Bay Preservation Act. He stated that there are things about this plan that are good and beneficial to the rest of the Seasons Trace development. He believes that the stormwater pond is a good design. He felt that the rooftop and drainage control designs were good as well. Mr. Fraley stated that the Comprehensive Plan requires that the design be based on the use of the land, reflecting topographical and other features on the site. It also requires that the design maintain trees and existing vegetation to preserve the character of the site in its natural setting, favoring natural features over artificial or planted features. Mr. Fraley displayed two revisions that he put together that he would like the applicant to consider. He stated that Section 24-313 of the Zoning Ordinance states that features that enhance the residential environment, such as trees, should be preserved. He stated that the Landscaping Ordinance reinforces this theme by placing emphasis on preserving tree canopies. He stated that under the Conditional Use Permit, under condition #4, it is a requirement that the site be selectively cleared. The Chesapeake Bay Preservation Act also states that existing trees with a diameter greater than twelve inches should be preserved. Mr. Fraley is concerned that the proposed plan is to achieve the greatest density for that site. It appears that all of the existing trees and vegetation will be cleared in the developable area and replaced with new plants. He stated that in Section 24-151 of the Zoning Ordinance it states that the Planning Commission shall consider the intensity of land use including developable acreage. Mr. Fraley felt that a plan for 24 townhomes and 61 parking spaces on 2.2 developable acres is too intense for this site. He stated that Section 24-142 of the Zoning Ordinance states that "nothing herein shall require the approval of any development, use or plan, or any feature thereof, which shall be found by the Commission or the Zoning Administrator to constitute a danger to the public health, safety, or general welfare, or which shall be determined to be a violation of Federal, State or County laws or regulations." Mr. Fraley is concerned with the safety risks and the potential problems with the failure of the retaining walls. He expressed his concerns about the flooding issues currently in this development and stated that Seasons Trace is rated by the National Flood Program as high risk. He is concerned with the cut and fill leading to erosion issues. Mr. Fraley stated that he has asked the applicant to provide adequate signs but he has received no reply.

Mr. Fraley displayed two alternative designs for the site. The first alternative eliminates building four and the other buildings pushed forward. It was his determination that of the lost units, two may be able to be regained. He stated that with this design, 20 units could be built with 54 parking spaces. Benefits to this include less impervious cover, more of the mature trees would be saved, no need for retaining walls, less required cut and fill also provides for a larger buffer for the existing residents. The second alternative includes two outer buildings and also eliminates building four. With this plan, the maximum that would be lost would be four units. He stated that with a professional designer it might not be four units. He asked the applicant if they would consider any of these alternatives. Mr. Fraley stated he cannot support this application with the current design.

Mr. Henderson moved for adoption of the minutes of the January 6, 2010 DRC meeting that included the approval of the site plan by the DRC, with the condition that the applicant add

the conservation easement.

In a roll call vote, the motion was not approved due to a lack of majority vote. (3-3, AYE: Henderson, Maddocks, Krapf; NAY: Poole, Fraley, Peck; Absent: Woods.)

Mr. Fraley asked what the next step would be in this case.

Mr. Kinsman stated that an appeal of the denial of a site plan, such as in this case, would go directly to Circuit Court. Mr. Kinsman stated that the Planning Commission does have the option of deferring this case to a later meeting. The other option is that if any Commissioner wishes to change their vote that could be done with a motion to reconsider.

Mr. Fraley asked the applicant if they were willing to consider alternative designs, such as those that he proposed, so that he could support the development.

Ms. Wolf stated that they respectfully decline to redesign at this stage. She stated that five conceptual plans were submitted. She stated that the best design is not necessarily the most dense design, and at one point the plan called for 42 units. She reiterated that after working five years on this plan, they are not willing to change the design at this stage.

Mr. Kinsman stated that some action needs to be taken. If no one wanted to reconsider their vote, he suggested deferring this until the next meeting when all seven members should be present.

Ms. Wolf stated that as the applicant, they do not agree to the deferral.

Mr. Fraley restated that he is willing to reconsider if the applicant is willing to reconsider their design.

Ms. Wolf did not want to commit to anything that would defer this application any longer. She did not know if any redesigning could take place at this stage during the final approval process. She requested preliminary approval and ratification of the DRC preliminary approval that was given on January 6, 2010. Ms. Wolf stated she would pass along Mr. Fraley's suggestions to the engineer to see if any of the designs were feasible.

Mr. Henderson urged the applicant to reconsider some of the redesigns that were presented tonight.

Ms. Wolf answered that with the changes suggested, it would be a completely new design, and much more money spent on a plan that has been under review for the last five years.

Mr. Mike Maddocks asked if the applicant had to make a decision tonight concerning redesign.

Mr. Murphy stated that the applicant has provided definitive answers as to whether they would accept a deferral.

Mr. Henderson asked Mr. Fraley if he was willing to reconsider his vote if the applicant agrees to evaluate the alternatives that he has proposed.

Mr. Fraley clarified that even if the applicant considers the redesigns, his vote is dependent on the rationale for accepting or not accepting the changes.

Mr. Krapf suggested deferring this application until the March meeting when all seven members should be present and offer the suggestion to the applicant to review the redesigns offered during the time before the March meeting to see if they are feasible.

Ms. Wolf stated they are not willing to accept a deferral.

Mr. Poole stated that if a deferral is decided on, then he would like to see some type of tree preservation plan.

Ms. Wolf asked whether a tree preservation plan would be made a condition of approval.

Mr. Poole stated that he felt it could be, but it would need to also include graphics.

Ms. Wolf stated that a tree preservation plan is not a requirement; however, they could commit to this as part of the final approval process. It is the intent to preserve as many trees as possible.

Mr. Fraley stated that whatever is made subject to conditions will not come back before the Planning Commission or the DRC. It would be subject to administrative approval.

Ms. Wolf stated that although it is not a requirement, she is offering it up as part of the process.

Mr. Henderson asked Mr. Peck if there were conditions under which he could grant approval.

Mr. Peck answered that he had no conditions but would like to see issues addressed that were raised by Mr. Fraley and Mr. Poole.

Mr. Henderson moved for deferral of the application until the March 3, 2010 meeting.

In a roll call vote the motion was approved, (6-0, AYE: Poole, Fraley, Henderson, Maddocks, Peck, Krapf; Absent: Woods)

B. Policy Committee

Mr. Henderson stated that the Policy Committee met on January 28, 2010 to review the Capital Improvements Program (CIP) list. He stated the Committee evaluated 55 projects and that they were ranked based on staff recommendations and the new CIP criteria. Mr. Henderson

wanted to recognize Ms. Deborah Kratter's efforts in developing those criteria. The results of this ranking will be presented to the entire Planning Commission at the March 3, 2010 meeting.

Mr. Fraley moved for approval of the Policy Committee report.

In a unanimous voice vote, the report was approved (6-0, Absent: Woods).

C. Other Reports

Mr. Krapf stated that on January 26, 2010, he attended the Regional Issues Committee meeting. This committee meets quarterly and there were many presenters and presentations.

Mr. Poole stated that he felt given the surplus of retail and commercial space within the three jurisdictions, it may prove beneficial to determine, as an area, what is currently out there and determine what is meaningful and prosperous retail establishments as a whole. He would hope that the three jurisdictions could work as a whole and not compete against each other in this area, especially with the current economic conditions.

7. PLANNING COMMISSION CONSIDERATIONS

A. 2009 Planning Commission Annual Report

Mr. Krapf asked for any comments, suggestions or changes to the annual report.

Mr. Peck moved to approve the annual report.

In a voice vote, the motion was approved. (6-0, Absent: Woods)

8. PUBLIC HEARINGS

A. SUP-0028-2009 AT&T Ingram Road, Pegasus Wireless Communication Tower

Mr. Peck stated the applicant has requested deferral until the April 7, 2010 Commission meeting. He stated that staff agrees with the deferral.

Mr. Murphy stated that staff has agreed to the deferral.

Mr. Peck opened the public hearing.

Mr. Steve Romine, counsel to Pegasus Wireless Communication, stated the deferral is requested to investigate some height issues and feedback from staff. Another balloon test will be scheduled in the future.

Mr. Poole stated that he appreciates the applicant's willingness to address some height and aesthetic issues.

Mr. Fraley wanted to encourage the applicant to look for alternative locations and alternative places to mount the antennas if available.

Mr. Romine stated that there are plans to re-engineer the design into a slick stick pole.

Mr. Robert Richardson of 2786 Lake Powell Road stated that Pegasus was a new carrier to this area. He would like to see carriers operate more cooperatively so as to limit the need for new poles.

Mr. Henderson moved for deferral until the April 7, 2010 meeting.

In a roll call vote the motion was approved. (6-0, AYE: Poole, Fraley, Henderson, Maddocks, Peck, Krapf; Absent: Woods.)

Mr. Peck continued the public until the April 7, 2010 meeting.

9. PLANNING DIRECTOR'S REPORT

Mr. Murphy stated that the next date for the Policy Committee to meet is scheduled for February 10, 2010. He wanted to note that the Commission may need to be flexible with this date depending on which members of the Commission are appointed to this committee.

10. COMMISSION DISCUSSIONS AND REQUESTS

Mr. Fraley stated that the Commission does not necessarily have to wait until the next meeting to decide on Autumn West. The Commission can decide to schedule a special meeting.

Mr. Kinsman stated that from a legal standpoint three days notice is required, but that five is requested for a special meeting. However, in this case it was deferred to a specific meeting.

Mr. Poole wanted to thank Mr. Krapf for all his work as Chair, especially through the Comprehensive Plan update. He thanked staff for all their work as well. Mr. Poole thanked Ms. Kratter and Mr. George Billups for their service on the Planning Commission. He also wanted to welcome Mr. Maddocks and Mr. Woods as new Commissioners.

Mr. Henderson asked what options are available to the applicant if a plan is approved by the DRC and denied by the Planning Commission.

Mr. Kinsman answered that one option would be for the applicant to appeal to the Circuit Court.

Mr. Henderson asked who would be responsible for defending the County on that matter.

Mr. Kinsman answered it would be the responsibility of the County Attorney's office.

9. ADJOURNMENT

Mr. Krapf moved for adjournment.

The meeting was adjourned at 9:30 p.m.

Reese Peck, Chairman

Allen J. Murphy, Secretary

Date: March 3, 2010

To: The Planning Commission

From: Allen Murphy, Director of Planning/Assistant Development Manager

Re: Zoning Ordinance Update Process

At the request of County Administration in January, staff prepared draft materials outlining possible Zoning Ordinance update scopes (essentially a “menu” of options) for review by the Board of Supervisors as part of the budget retreat process. This material included three draft scope options, three draft process options, and a cover memo, which are included as Attachments 1, 2 and 3. Due to the financial situation faced by the County for the next several fiscal years, it was important to receive early feedback from the Board on the scale of consultant assistance that could be expected, as that factor would affect the overall scope and process. With the Board’s input now received (generally favoring the scope of Option B as a guideline) staff will develop the methodology for both the Planning Commission’s and then Board of Supervisor’s adoption, as was originally planned. In keeping with past practice, staff envisions preparing a detailed memo as the methodology document.

However, prior to developing the detailed methodology for Planning Commission consideration, staff would welcome feedback that Planning Commissioners may have on the draft scope and process option materials attached to this memo. In particular, any comments about key decision points will help inform the methodology document. These decision points include items such as the update process scope, priorities, degree and timing of public and/or stakeholder input, and degree and timing of Planning Commission/Policy Committee involvement. In preparing the draft documents to this point, staff has been careful to think through how changes in scope, for example, can affect the projected update timeframe or process. All aspects of the update process affect each other, and staff would recommend that the Commission also include these considerations in any feedback.

Going forward, staff will consider the Commission’s feedback in developing revised scope and process documents, as part of the draft methodology document. Staff anticipates that these materials would then be considered by the Policy Committee at its March meeting. Subsequently, these materials and any additional Policy Committee direction can form the basis for a Zoning Ordinance update discussion at the scheduled joint Planning Commission/Board of Supervisors work session on March 23, 2010. Should all key decision points reach resolution at or after these two meetings, staff would revise the final methodology for consideration at the Planning Commission and Board meetings in April and May, respectively.

Staff welcomes feedback by March 16, 2010 in any format convenient to the Planning Commission members. Feedback that is received prior to the March Policy Committee meeting will be compiled by staff for the Policy Committee members’ use in considering the draft methodology.

Allen J. Murphy, Director of Planning

Attachments

1. Scope Options (A, B, and C) and Explanation of Precursor Items
2. Timeframe and Process Options (A, B, and C)
3. Cover Memo Provided to the Board of Supervisors

Attachment 1: Explanation of Pre-Cursor Items

Zoning Ordinance Update Category	Potential Large Pre-cursor Item	Explanation of Pre-Cursor Item
Overall Ordinance	Sustainability Audit	The product would be a report that that identifies provisions of the Zoning Ordinance that may create obstacles to sustainability and an outline of recommended changes to meet specific sustainability goals. The sustainability audit will include specific recommendations on changes that can be made to the Zoning Ordinance, including model language.
	Green Building Standards Investigation	Inclusion of regulations regarding green building standards, such as LEED or EarthCraft, for new construction.
	Density/Intensity Recommendations for Residential and Commercial Districts	Analysis of existing ordinances and policies against Comp Plan and best practice documents – including a review of the Zoning ordinance and policy documents to evaluate current densities and intensities in existing districts, as well as best practices for emerging techniques to better plan for a range of commercial and residential densities and intensities, i.e. how well do our ordinances describe what we want to see in terms of density and design. This also includes the preparation of a Memorandum that summarizes the basic concepts, research findings and identifies opportunities and an outline of options for the County to implement these practices, e.g. references to model ordinances, suggested language
Wireless Communications Ordinance and Performance Standards Policy	Wireless Communications Master Plan	The scope could vary depending on JCC's needs, but typical elements include: an inventory of existing antenna-supporting structures and buildings, upon which wireless antennas are currently mounted; analysis of reasonably anticipated wireless facility growth over the next ten years; engineering analysis of potential coverage based on existing height restrictions and other locations and design criteria; and recommendations for managing the development of wireless structures for the next 10 years.
Residential Districts (R-1, R-2, R-4, R-5, R-6), Cluster Overlay, and Manufactured Home Parks	Affordable Dwelling unit ordinance or affordable housing overlay district investigation	(Discussed in detail in the Comprehensive Plan Housing Section)
	Cluster Overlay update	This was a recommendation that emerged from the Better Site Design process and subsequent implementation committee. At a Board work session on September 25, 2007, the Board provided guidance that this should be looked at during the Zoning Ordinance update process.
	Infill Residential Provisions Investigation	(Discussed in detail in the Comprehensive Plan Housing Section)
Rural Lands Districts (R-8, A-1)	Facilitated Session with BOS to discuss the 2007 draft ordinance (with preparation of an update memo as well)	The staff would prepare and facilitate a BOS work session, and technical assistance (consultant) to get direction on whether to proceed with old narrative or work on something new.
	Transfer of Development Rights Investigation	This would be a detailed review, to include (among many other things) an evaluation of potential challenges and opportunities of a TDR program in James City County, to include a discussion of the current proffer system, existing density incentive programs, and a review of the zoning ordinance to determine the relationship of density to development. It would also explore the idea that higher density development is necessary in order to make density increases in potential “receiving areas” marketable, and whether sufficient market demand for higher density development exists? What are basic characteristics of the residential development market in the county relative to a market for transferring of densities?
Multiple Use Districts (Mixed use, R-4, PUD)	Investigate improvements to the Mixed Use District standards, and creation of Form Based Code	This includes review of the Zoning ordinance and policy documents to evaluate their performance in relation to best practices for emerging Form Based Code zoning and Mixed Use zoning and land use policies. It also includes the preparation of a Memorandum that summarizes the basic concepts, research findings and identifies opportunities and an outline of options for the County to implement these practices, e.g. references to model ordinances, suggested language.
	For Economic Opportunity, investigate possible amended mixed use district or creation of a new district. Also, Urban Development Area (UDA) investigation.	Due to the creation of the new Economic Opportunity designation, this investigation would seek to determine whether the existing Mixed Use district would be appropriate or whether a new or modified district might be advisable.
Commercial Districts (LB, B-1, M-1, M-2)	BCTF items	These items are listed in the Business Climate Task Force recommendations.
Development Standards (Landscaping, Parking, Lighting, Signs, Streets, Sidewalks and Paths, Utilities, Outdoor Operations and Storage, and Timbering) & Overlay Districts	Community Character Overlay Investigation	This item originates from the Community Character section of the Comprehensive Plan, and would include assessing what areas and standards would be appropriate.
	Sidewalk/Trail Inventory, Master Planning, and Text update	Update the existing and outdated Sidewalk Master Plan which is referenced in the zoning ordinance. This item originates from the Transportation and Parks and Recreation sections and would create an up-to-date baseline for where we have sidewalks, multi-use paths, etc in order to make administration of the ordinance more effective.
	Bikeway Standards from Greenway Master Plan	This originates from the Parks and Recreation section. Currently there is no mention of bikeways in the ordinance but the Greenways Master Plan did include some ideas as a baseline for bikeway standards. This item would include reviewing the existing standards in the Greenway Master Plan to make sure they're consistent with current best practices and researching adjacent localities to determine the best way to include the standards into the ordinance.

Attachment 1: Explanation of Pre-Cursor Items

Procedural Descriptions, Submittal Requirements, and Administrative Items (including definitions, fees, SUP and Rezoning submittal requirements and procedure, site plan requirements and procedure, enforcement, nonconformities, and BZA)	Submittal Requirement Guidelines - for Traffic Studies. Scope of work could include Level of Service (LOS) criteria	The first possibility, developing guidelines, would involve setting down a specific list of items that should be included in traffic studies so that studies are comprehensive and consistent - this would build on VDOT's new traffic study regulations, but put in place items that are expected in James City County. The second possibility, level of service (LOS) criteria, would be an investigation of policy options related to establishing LOS standards that are based on the particular road and location in the County. This investigation would look at policy options, but does not include in its scope the analysis necessary to craft the actual policies or ordinances - putting a specific policy or ordinance in place would be a second task that would likely require additional consultant funds.
	Submittal Requirement Guidelines - for Environmental	Preparation of a guidance document that outlines information needed to evaluate the environmental impact of a development.
	Submittal Requirement Guidelines - Fiscal Impact Statement	The first possibility, developing guidelines, would involve setting down a specific list of items that should be included in fiscal impact studies so that studies are comprehensive and consistent. It would focus fiscal impact studies on the fiscal picture of the development once it is built (rather than on revenues associated with the construction phase). The second possibility, developing a software model, would allow for comparison of scenarios, such as the worst case fiscal picture of a development.
	Cumulative Impact Modeling - Database Set-up Investigation (to allow tracking of approved units in relation to public facilities, traffic, etc.)	This item would involve investigating software to model the cumulative impacts of development (tracking approved units in relation to public facilities, traffic, etc.)
Subdivision Ordinance	Alternative Onsite Sewage Systems Investigation	New regulations were put in place during the 2009 General Assembly session that should be investigated by staff.

Attachment 1: Option A Scope

Zoning Ordinance Update Category	Potential Large Pre-cursor Item	Pre-Cursor Consultant Cost / Staff work hours*	Comp Plan Priority & Timeframe	Ordinance Text Drafting Consultant Cost / Staff work hours*	Total Consultant Cost / Staff work hours*
Miscellaneous Items	Sustainability Audit	Approx. \$8,000 / 200 hours	High/0-5 (LU 1.7.1)	(Staff work hours incorporated in time estimates below)	\$20,159 / 1120 hours
	Green Building Standards Investigation	na / 200 hours	High/0-5 (ENV 1.4.3, H 1.1.1)		
	Density/Intensity Recommendations for Residential and Commercial Districts	Approx. \$12,159 / 720 hours	n/a specific		
Wireless Communications Ordinance and Performance Standards Policy	Wireless Communications Master Plan	Approx. \$45,000 / 600 hours	Update Z.O. is High/0-5 (CC 1.7.1), while the Wireless MP is Moderate/6-10 (CC 1.7.2)	(The approx. \$45,000 cost also covers updating ordinances) / 1200 hours	\$45,000 / 1800 hours
Residential Districts (R-1, R-2, R-4, R-5, R-6), Cluster Overlay, and Manufactured Home Parks	Affordable Dwelling unit ordinance or affordable housing overlay district investigation	na / 450 hours	High/0-5 (H 1.3.7)	na / 1200 hours	na / 2700 hours
	Cluster Overlay update	na / 600 hours	n/a specific (Better Site Design)		
	Infill Residential Provisions Investigation	na / 450 hours	High/0-5 (H 1.1.6)		
Rural Lands Districts (R-8, A-1)	Staff/BOS meetings to discuss the 2007 draft ordinance (with preparation of an update memo as well as consultant assistance)	Approx. \$5,812 / 100 hours	High/0-5 (LU 1.6.2)	To take the narrative ordinance to final ordinance = Approx. \$12,368 / 1200 hours	\$57,000 / 1900 hours
	Transfer of Development Rights Investigation	Approx. \$38,822 / 600 hours	Moderate/0-5 (LU 1.6.1.2(d))		
Multiple Use Districts (Mixed use, R-4, PUD)	Investigate improvements to the Mixed Use District standards, and creation of Form Based Code	Approx. \$14,584 / 450 hours	For Form Based Code - Moderate/0-5 (LU 1.4.5.3)	na / 1000	\$14,584 / 2170 hours
	For Economic Opportunity, investigate possible amended mixed use district or creation of a new district. Also, Urban Development Area (UDA) investigation.	na / 720 hours	n/a specific		
Commercial Districts (LB, B-1, M-1, M-2)	BCTF items	na / 450 hours	High/0-5(ECON 1.1.6), High/On-going (ECON 1.1.5)	na / 1000	na / 1450 hours
Development Standards (Landscaping, Parking, Lighting, Signs, Streets, Sidewalks and Paths, Utilities, Outdoor Operations and Storage, and Timbering) & Overlay Districts (Cluster, Floodplain, Airport)	Community Character Overlay Investigation	na / 320 hours	Moderate/0-5 (CC 1.1.3)	na / 1200 hours	na / 2290 hours
	Sidewalk/Trail Inventory, Master Planning, and Text update	na / 450 hours	Moderate/0-5 (P&R 1.5.5), plus overall Sidewalk MP update not in Comp Plan		
	Bikeway Standards from Greenway Master Plan	na / 320 hours	Moderate/0-5 (P&R 1.2.2)		
Procedural Descriptions, Submittal Requirements, and Administrative Items (including definitions, fees, SUP and Rezoning submittal requirements and procedure, site plan requirements and procedure, enforcement, nonconformities, and BZA)	Submittal Requirement Guidelines for Traffic Studies. Scope of work could include LOS criteria.	If this includes LOS criteria, would need consultant work - first step of the LOS review and analysis task (options for JCC) = \$11,716 / 450 hours	Moderate/0-5 (LU 1.5.2.1)	na / 1200 hours	Up to \$111,716 / 3020 hours
	Submittal Requirement Guidelines for Environmental	na / 320 hours	Moderate/0-5 (LU 1.5.2.1)		
	Submittal Requirement Guidelines Fiscal Impact Statement (Two scenarios - guidance or software model.)	Development of a model to allow comparison of scenarios/worst case fiscal picture - approx \$60,000. Development of impact statement data guidelines - approx \$2000 - \$5,000. / Staff hours - 450.	Moderate/0-5 (LU 1.5.2.1)		
	Cumulative Impact Modeling - Database Set-up Investigation (to allow tracking of approved units in relation to public facilities, traffic, etc.)	\$30,000 - 40,000 / 600 hours	High/0-5 (LU 1.5.1.1)		
Subdivision Ordinance	Alternative Onsite Sewage Systems Investigation	na / 200 hours	n/a specific (very recent state code issue)	na / 1000 hours	na / 1200 hours
* Staff work hours is an estimate only. The estimate includes Planning/Zoning staff, front desk staff support and supervisory review. The estimate does not include time spent by other divisions or agencies, such as the County Attorney's office, Environmental Division, etc.. These estimates may not be reflective of the total number of hours if an item proves to be controversial, has heavy public interest, or has a higher amount of time spent on it by the Planning Commission or Board. The staff work hours for the Zoning Ordinance review represent the following percentages of total staff hours: 34% for Option A, 36% for Option B, and 30% for Option C.					Up to \$248,459 / 17,650 hours

Attachment 1: Option B Scope

Zoning Ordinance Update Category	Potential Large Pre-cursor Item	Pre-Cursor Consultant Cost / Staff work hours*	Comp Plan Priority/Timeframe	Ordinance Text Drafting Consultant Cost / Staff work hours*	Total Consultant Cost / Staff Work Hours*
Miscellaneous Items	Sustainability Audit	Approx. \$8,000 / 200 hours	High/0-5 (LU 1.7.1)	(Staff work hours incorporated in time estimates below)	\$8,000 / 400 hours
	Green Building Standards Investigation	na / 200 hours	High/0-5 (ENV 1.4.3, H 1.1.1)		
Wireless Communications Ordinance and Performance Standards Policy	Determine options for the ordinance to be adjusted to accommodate new technologies	Approx.\$6,000 / 600 hours	High/0-5 (CC 1.7.1)	na / 1200 hours	\$6,000 / 1800 hours
Residential Districts (R-1, R-2, R-4, R-5, R-6), Cluster Overlay, and Manufactured Home Parks	Affordable Dwelling unit ordinance or affordable housing overlay district investigation	na / 450 hours	High/0-5 (H 1.3.7)	na / 1200 hours	na / 2,700 hours
	Cluster Overlay update	na / 600 hours	n/a specific (Better Site Design)		
	Infill Residential Provisions Investigation	na / 450 hours	High/0-5 (H 1.1.6)		
Rural Lands Districts (R-8, A-1)	Staff/BOS meetings to discuss the 2007 draft ordinance (with preparation of an update memo as well as consultant assistance)	\$5,812 / 100 hours	High/0-5 (LU 1.6.2)	To take the narrative ordinance to final ordinance= \$12,368 / 1200 hours	\$57,000 / 1900 hours
	Transfer of Development Rights Investigation	Approx. \$38,822 / 600 hours	Moderate/0-5 (LU 1.6.1.2(d))		
Multiple Use Districts (Mixed use, R-4, PUD)	Investigate Form Based Code for Toano	na / 600 hours	Moderate/0-5 (LU 1.4.5.3)	na / 1200 hours	na / 2520 hours
	For Economic Opportunity, investigate possible amended mixed use district or creation of a new district. Also, Urban Development Area (UDA) investigation.	na / 720 hours	n/a specific		
Commercial Districts (LB, B-1, M-1, M-2)	BCTF items	na / 450 hours	High/0-5(ECON 1.1.6), High/On-going (ECON 1.1.5)	na/ 1000 hours	na / 1450 hours
Development Standards (Landscaping, Parking, Lighting, Signs, Streets, Sidewalks and Paths, Utilities, Outdoor Operations and Storage, and Timbering) & Overlay Districts (Cluster, Floodplain, Airport)	Sidewalk/Trail Inventory, Master Planning, and Text update	na / 450 hours	Moderate/0-5 (P&R 1.5.5), overall Sidewalk MP update not in Comp Plan	na/ 1200 hours	na / 1650 hours
Procedural Descriptions, Submittal Requirements, and Administrative Items (including definitions, fees, SUP and Rezoning submittal requirements and procedure, site plan requirements and procedure, enforcement, nonconformities, and BZA)	Submittal Requirement Guidelines - for Traffic Studies (LOS criteria not included in the scope of work)	na / 320 hours	Moderate/0-5 (LU 1.5.2.1)	na / 1200 hours	Up to approx. \$45,000 / 2890 hours
	Submittal Requirement Guidelines - for Environmental	na / 320 hours	Moderate/0-5 (LU 1.5.2.1)		
	Submittal Requirement Guidelines - Fiscal Impact Statement	Development of impact statement data guidelines - approx \$2,000 - \$5,000 / 450 hours	Moderate/0-5 (LU 1.5.2.1)		
	Cumulative Impact Modeling - Database Set-up Investigation (to allow tracking of approved units in relation to public facilities, traffic, etc.)	\$30,000 - \$40,000 / 600 hours	High/0-5 (LU 1.5.1.1)		
Subdivision Ordinance	Alternative Onsite Sewage Systems Investigation	na / 200 hours	n/a specific (very recent state code issue)	na / 1000 hours	na / 1200 hours
* Staff work hours is an estimate only. The estimate includes Planning/Zoning staff, front desk staff support and supervisory review. The estimate does not include time spent by other divisions or agencies, such as the County Attorney's office, Environmental Division, etc.. These estimates may not be reflective of the total number of hours if an item proves to be controversial, has heavy public interest, or has a higher amount of time spent on it by the Planning Commission or Board. The staff work hours for the Zoning Ordinance review represent the following percentages of total staff hours: 34% for Option A, 36% for Option B, and 30% for Option C.					Up to \$116,000 / 16,510 hours

Attachment 1: Option C Scope

Zoning Ordinance Update Category	Potential Large Pre-cursor Item	Pre-Cursor Staff work hours*	Comp Plan Priority/Timeframe	Ordinance Text Drafting Consultant Cost / Staff work hours*	Total Consultant Cost / Staff Work hours*
Miscellaneous Items	Green Buildings Standards Investigation	200 hours	High/0-5 (ENV 1.4.3, H 1.1.1)	Staff work hours incorporated in estimates below)	na / 200 hours
Residential Districts (R-1, R-2, R-4, R-5, R-6), Cluster Overlay, and Manufactured Home Parks	Affordable Dwelling unit ordinance or affordable housing overlay district investigation	450 hours	High/0-5 (H 1.3.7)	na / 1200 hours	na / 2700 hours
	Cluster Overlay update	600 hours	n/a specific (Better Site Design)		
	Infill Residential Provisions Investigation	450 hours	High/0-5 (H 1.1.6)		
Multiple Use Districts (Mixed use, R-4, PUD)	Investigate Form Based Code for Toano	600 hours	Moderate/0-5 (LU 1.4.5.3)	\$40,000 contingency / 1200 hours	\$40,000 contingency / 2520 hours
	For Economic Opportunity, investigate possible amended mixed use district or creation of a new district. Also, Urban Development Area (UDA) investigation.	720 hours	n/a specific		
Commercial Districts (LB, B-1, M-1, M-2)	BCTF items	450 hours	High/0-5(ECON 1.1.6), High/On-going (ECON 1.1.5)	na / 1000 hours	na / 1450 hours
Procedure Descriptions, Submittal Requirements, and Administrative Items	Submittal Requirement Guidelines - for Traffic Studies (LOS criteria not included in the scope of work)	320 hours	Moderate/0-5 (LU 1.5.2.1)	na / 1200 hours	na / 1840 hours
	Submittal Requirement Guidelines - for Environmental	320 hours	Moderate/0-5 (LU 1.5.2.1)		
Subdivision Ordinance	Alternative Onsite Sewage Systems Investigation	200 hours	n/a specific (very recent state code issue)	na / 1000 hours	na / 1200 hours
* Staff work hours is an estimate only. The estimate includes Planning/Zoning staff, front desk staff support and supervisory review. The estimate does not include time spent by other divisions or agencies, such as the County Attorney's office, Environmental Division, etc.. These estimates may not be reflective of the total number of hours if an item proves to be controversial, has heavy public interest, or has a higher amount of time spent on it by the Planning Commission or Board. The staff work hours for the Zoning Ordinance review represent the following percentages of total staff hours: 34% for Option A, 36% for Option B, and 30% for Option C.					\$40,000 Contingency / 9,910 hours

Attachment 2: Option A Timeframe and Process

Option A		Month																			
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	15	17	18	19	20
	Joint Planning Commission/Board of Supervisors Work session**																				
Preparation	Staff review of the ordinance sections and ID of problems																				
	Staff work on reports and options for non-consultant items																				
	Work to get consultants under contract for pre-cursor items																				
	Consultant work on pre-cursor items, preparation of reports and options																				
Committee Work	Appointment of Committees																				
	Committee work - 1. Residential, Rural Lands - res, Sub. Ordinance (5 members)																				
	Committee work - 2. Commercial, Rural Lands - res, MU (5 members)																				
	1 Public workshop (Committees 1 and 2)																				
	1 joint meeting with representatives of all four committees																				
	Committee work - 3. Development Standards (5 members)																				
	Committee work - 4. Submittal Requirements, and process regs (5 members)																				
1 Public workshop (Committees 3 and 4)																					
Ord. Prep. &	Staff preparation of the technical ordinances based on committee work																				
	Committee Final Meetings																				
	Ordinance Finalization & Vetting of technical ordinances through zoning administrator and attorney's office																				
Adoption	Advertisements & Written Notice - Prep and publication or mailing																				
	Planning Commission consideration																				
	BOS consideration																				

** This process timeline begins after the methodology is adopted

Attachment 2: Option B Timeframe and Process

Option B		Month																	
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Preparation	Joint Planning Commission/Board of Supervisors Work Session**																		
	Staff review of the ordinance sections and ID of problems																		
	Staff work on options for non-consultant items																		
	Work to get consultants under contract for pre-cursor items																		
	Consultant work on pre-cursor items, preparation of reports and options																		
	2 Public Workshops																		
	1 Planning Commission Work Session																		
Ord. Prep & R	Preparation of the draft ordinances																		
	3 Planning Commission Work Sessions																		
	Ordinance Finalization & Vetting of draft ordinances through zoning administrator and attorney's office																		
Adoption	Advertisements & Written Notice - Prep and publication or mailing																		
	Planning Commission consideration																		
	BOS consideration																		

** This process timeline begins after the methodology is adopted

Attachment 2: Option C Timeframe and Process

Option C		Month													
		1	2	3	4	5	6	7	8	9	10	11	12	13	14
Preparation	Joint Planning Commission & Board of Supervisors Work Session**														
	Staff review of the ordinance sections and ID of issues														
	Staff works on options														
	1 Planning Commission Work Session														
Ord. Prep. &															
	Preparation of the draft ordinances														
	3 Planning Commission Work Sessions														
	Ordinance Finalization & Vetting of technical ordinances through zoning administrator and attorney's office														
Adoption															
	Advertisements & Written Notice - Prep and publication or mailing														
	Planning Commission consideration														
	BOS consideration														

** This process timeline begins after the methodology is adopted



DRAFT M E M O R A N D U M

Date: January 5, 2010
To: Sanford B. Wanner, County Administrator
From: Steven W. Hicks, Development Manager
Subject: Zoning Ordinance Process Options

Since the adoption of the Comprehensive Plan, staff has been preparing for the process of updating all or portions of the Zoning Ordinance. Due to the multitude of Comprehensive Plan, fiscal, and other considerations, it has become critical for the Board of Supervisors to provide guidance on expectations and priorities prior to staff's developing a more detailed methodology. You will find attached a set of three options (spreadsheets) for administrative and Board consideration. Each of these options pairs a possible update scope with a process, which is further explained below. Any particular option could be modified and customized to fit the specific expectations and priorities of the Board; recognizing, those modifications could affect projected timeframes or costs. Please note that these options were developed based on current staffing levels. Should these levels change, or should additional items be added to the Department's work program beyond expected projects, scope and timeframes could be affected.

The options spreadsheets contain a number of possible "pre-cursor items" (drawn primarily from Comprehensive Plan actions) that would occur prior to drafting of certain ordinance revisions. This includes only major projects that would result in significant change to the ordinances. More routine items would be evaluated during the process, but are not specifically listed on the attached sheets. Also considered are consultant assistance which included costs for those items. These figures are preliminary estimates and would need to be finalized should the task move forward.

At this time we identified a set of five goals for enhancing the updated ordinance, which are as follows:

1. Reflect the Comprehensive Plan and community input (for example, address actions listed in the Plan's goals, strategies and actions);
2. Well organized (for example, consider consolidating all process language in one section, rather than in each district);
3. Clear standards (for example, adding graphics if possible);
4. Using best practices (for example, looking at a form based code for Toano); and
5. Linkage with other relevant codes and ordinances (for example, referencing the building permit process where relevant).

Explanation of Options A, B and C

Option A (Estimated Cost – \$248,459)

Scope

Option A is the most comprehensive updating of the Zoning Ordinance to achieve a variety of high and moderate Comprehensive Plan actions. This option includes the most consultant assistance, allowing for the widest range of topics to be investigated and incorporated, but still remains a mixture of staff and consultant work. A brief explanation of each of the pre-cursor items is included as Attachment 1.

Process

Option A is the process that includes the most stakeholder and public input. It includes the formation of four five-member stakeholder committees that would meet and formulate recommendations on the ordinance. The stakeholder committees are envisioned to include up to two Planning Commission members, and up to four members of the community. It also includes two public workshops during the Committee work portion of the process to discuss possible options prior to drafting of the technical ordinances. This option, along with Options B and C, would include some tie-in communications efforts on the internet, and there would also be advertisements and potentially notification via mailings. (Funds for legal advertisement and notification would be necessary, but have not been included in the spreadsheets; these funds could cost up to \$20,000) Given this scope and process, this option is projected to take a minimum of twenty months.

Option B (Estimated Cost – \$116,000)

Scope

Option B includes updating most of the same categories of the ordinance as Option A, but scales down the degree of consultant assistance, and consequently also scales down the range of topics to be investigated and incorporated. Specifically, Option B accomplishes and eliminates the following major items (see Attachment 1 for explanations of each item):

Accomplishes: review of sustainability and green building best practices for overall ordinance; accommodation of new wireless technologies/section update; affordable housing provisions; cluster overlay update; infill housing provisions; review of rural lands narrative ordinance and update; investigation of transfer of development rights; form-based code analysis for Toano; amendment of mixed use district or creation of new district for Economic Opportunity designation; Business Climate Task Force items; sidewalk/trail inventory/ master plan/text update; development of new submittal requirements for traffic, environmental, and fiscal impact analyses; initial database work for cumulative impact modeling; and review of subdivision ordinance amendments required for alternative onsite sewage systems.

Eliminates: residential and commercial density and intensity recommendations; the Wireless Communications Facility Master Plan (while retaining an update of the ordinance to accommodate new technologies); investigation of general improvements to the Mixed Use district standards (while retaining an investigation of form based code for Toano); Community Character Corridor overlay investigation; bikeway standards update; level of service standard review and analysis with regard to transportation (while retaining development of a more basic set of traffic study guidelines); and the development of a model to allow comparison of fiscal impact scenarios for new development (while retaining development of a more basic set of fiscal impact study guidelines).

Process

The Option B process does not include stakeholder committees, instead relying primarily on staff and consultant work, with Board/Planning Commission input at an initial work session, and two additional sets of Planning Commission work sessions throughout the process. This option does include public input in the form of two public workshops during the update preparation stage. Given this scope and process, this option is projected to take a minimum of eighteen months.

Option C (Estimated Cost – \$40,000)

Scope

Option C includes the smallest range of topics to be investigated and incorporated. Consultant assistance would be limited to a small contingency role. Specifically, Option C accomplishes and eliminates the following major items (see Attachment 1 for explanations of each item):

Accomplishes: review of green building standards for overall ordinance; affordable housing provisions; cluster overlay update; infill housing provisions; investigation of transfer of development rights; form-based code analysis for Toano; amendment of mixed use district or creation of new district for Economic Opportunity designation; Business Climate Task Force items; sidewalk/trail inventory/ master plan/text update; development of new submittal requirements for traffic and environmental analyses; and review of subdivision ordinance amendments required for alternative onsite sewage systems.

Eliminates: sustainability audit for best practices in overall ordinance; accommodation of new wireless technologies/section update; review of rural lands narrative ordinance and update; development of new submittal requirements for fiscal impact analyses; initial database set-up for cumulative impact model; plus those items eliminated under Option B - residential and commercial density and intensity recommendations, the Wireless Communications Facility Master Plan; investigation of general improvements to the Mixed Use district standards (while retaining an investigation of form based code for Toano); Community Character Corridor overlay investigation; bikeway standards update; level of service standard review and analysis with regard to transportation (while retaining development of a more basic set of traffic study guidelines); and the development of a model to allow comparison of fiscal impact scenarios for new development.

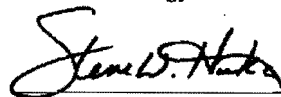
Process

As in Option B, the Option C process does not include stakeholder committees, instead relying primarily on staff work, with Board/Planning Commission input at an initial work session, and two additional sets of Planning Commission work sessions throughout the process. This option does not include public input other than at the adoption stage through the public hearing process. Given this scope and process, this option is projected to take a minimum of fourteen months.

Recommendation

Given fiscal and other considerations, we recommend that the County Administrator and the Board **consider Option B**, which still addresses a number of key topics of the Comprehensive Plan actions while acknowledging the fiscal constraints that face the County over the next few years.

As noted above, we request the Board provide guidance to staff at this stage, prior to staff preparing a detailed methodology for Planning Commission and Board of Supervisors consideration. Should the Board be interested in additional information before providing this guidance, we are available for a work session with the Board and/or Planning Commission. Please note that the process spreadsheets for all of the options list a joint Board of Supervisors/Planning Commission work session as a “kick-off” meeting to start the update process. This is envisioned as separate from this guidance process, and would occur *after* the methodology has been adopted.


Steven W. Hicks

Attachments

1. Explanation of Pre-cursor Items
2. Options A, B and C

REZONING-0011-2007 / SPECIAL USE PERMIT-0022-2007 / MASTER PLAN-0007-2007: Monticello at Powhatan North (Ph. 3)

Staff Report for the March 3, 2010 Planning Commission Public Hearing

This staff report was 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 Complex		
Planning Commission:	December 3, 2008	7:00 p.m.	(deferred)
	January 7, 2009	7:00 p.m.	(deferred)
	February 4, 2009	7:00 p.m.	(deferred)
	March 4, 2009	7:00 p.m.	(6 month deferral)
	September 9, 2009	7:00 p.m.	(6 month deferral)
	March 3, 2010	7:00 p.m.	(withdrawn)

Board of Supervisors:	April 13, 2010	(tentative)
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SUMMARY FACTS

Applicant:	Mr. Timothy Trant, Kaufman and Canoles
Land Owner:	Powhatan Land Enterprises, LLC
Proposal:	Construct 70 single family attached condominium units.
Location:	4450 Powhatan Parkway
Tax Map/Parcel No.:	3830100001
Parcel Size:	36.5 Acres
Existing Zoning:	R-8, Rural Residential
Proposed Zoning:	R-2, General Residential, with Proffers and Cluster Overlay
Comprehensive Plan:	Low Density Residential; with Conservation Area along the parcel's northern boundary.
Primary Service Area:	Inside

STAFF RECOMMENDATION

The applicant has withdrawn the above-referenced rezoning, master plan, and special use permit. The Commission needs to open and close the public hearing.

Staff Contact: Leanne Reidenbach

Phone: 253-6685



Leanne Reidenbach, Senior Planner

SPECIAL USE PERMIT-0011-2009: 7708/7710 Cedar Drive**Staff Report for the March 3, 2010 Planning Commission Public Hearing**

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

PUBLIC HEARINGS

Planning Commission:	Building F Board Room; County Government Complex		
	June 3, 2009	7:00 p.m.	(deferred)
	July 1, 2009	7:00 p.m.	(deferred)
	August 5, 2009	7:00 p.m.	(8 month deferral)
	March 3, 2010	7:00 p.m.	(withdrawn)
Board of Supervisors	April 13, 2010	(tentative)	

SUMMARY FACTS

Applicant:	Mr. Mark Kin of Electric Eagle, Ltd
Land Owner:	Mr. Mark Kin
Proposed Use:	The applicant has applied for a special use permit to allow for the construction of a 3,000 square-foot contractor's warehouse
Location:	7708 and 7710 Cedar Drive
Tax Map and Parcel No.:	0930900010 and 0930900011
Parcel Size:	0.94 acre (0.47 acre each parcel)
Existing Zoning:	A-1, General Agricultural District
Comprehensive Plan:	Rural Lands
Primary Service Area:	Outside

STAFF RECOMMENDATION:

The applicant has withdrawn the above-referenced special use permit. The commission needs to open and close the public hearing.

Staff Contact: Jose Ribeiro, Planner

Phone: 253-6685



Jose Ribeiro, Senior Planner

SPECIAL USE PERMIT-0003-2010. Gilley Properties two-family dwelling
Staff Report for the March 3, 2010, 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:	March 3, 2010	7:00 p.m.
Board of Supervisors:	April 13, 2010 (tentative)	7:00 p.m.

Building F Board Room; County Government Complex

SUMMARY FACTS

Applicant:	Mr. Gregory Davis of Kaufman and Canoles, on behalf of Gilley Properties, LLC
Land Owner:	Gilley Properties, LLC
Proposal:	To allow for the construction of a duplex on the subject property. Two-family dwellings are specially permitted uses in the R-2, General Residential zoning district.
Location:	248 Neck-O-Land Road
Tax Map Parcel Number:	4740100040C
Parcel Size:	4.74 acres
Zoning:	R-2, General Residential
Comprehensive Plan:	Low Density Residential, with a small area of Conservation Area
Primary Service Area:	Inside

STAFF RECOMMENDATION

Staff finds that this proposal is consistent with the Comprehensive Plan Land Use Map designation for the subject parcel. Staff believes that with the proposed Special Use Permit conditions, the project will result in increased public benefit and will complement the existing SUP that allowed for 4 other duplex units. Staff recommends that the Planning Commission recommend approval of this application to the James City County Board of Supervisors with the Special Use Permit conditions listed at the end of this report.

Staff Contact: Jason Purse

Phone: 253-6685

PROJECT DESCRIPTION

Mr. Gregory Davis of Kaufman & Canoles has applied, on behalf of Gilley Properties, LLC, for a Special Use Permit (SUP) to allow for the construction of a two-family dwelling on the property located at 248 Neck-O-Land Road. The subject property is zoned R-2 (General Residential), and is designated Low Density Residential on the James City County 2003 Comprehensive Plan Map. The owner is seeking to replace an existing single-family residential structure with a newly constructed duplex. In the R-2 zoning district, duplexes may only be constructed with an approved Special Use Permit.

The owner/developer previously applied for, and received approval of, a Special Use Permit (SUP-0020-2008) that allowed 3 new duplexes to be constructed and subdivided onto five total lots, with the remaining lots containing an existing single-family residence and an existing duplex. The owner hoped to renovate the existing single-family residence, but given the existing condition of the building and the extensive amount of work that would be required the renovation is no longer practical. The conditions for this new SUP mirror the previous case, except for the removal of previous condition three, “Junk Removal”, because the “junk” has already been removed from the site, and condition four, “RPA Building Setback”, because there is no RPA on this site.

A shared driveway would be constructed that would serve the five lots being created, and all of the dwelling units (both existing and new), on the parcel.

Environmental

- **Watershed:** Mill Creek Watershed

Staff Comments: The Environmental Division staff has reviewed the application and concurs with the layout proposed on the Master Plan at this time. The owner/developer has agreed to install rain barrels for each of the residential units (new and existing) on the parcel, and has also agreed to add and observe a 25’ building setback line from the RPA boundary on the property.

Public Utilities

- The subject parcel lies within the Primary Service Area (PSA) of James City County.
- All parcels created (or existing) with this proposal would be served by public water and public sewer facilities provided by the James City Service Authority (JCSA).

Staff Comments: JCSA has reviewed the application and has no objection to the proposal. The owner/developer will be responsible for creating and enforcing water conservation standards, which will be subject to JCSA’s approval.

Housing

- The owner/developer has indicated that the duplex will be rental units, and that each unit will be two-bedrooms with 1½ bathrooms.

Staff Comments: The owner/developer has indicated an intention to rent the individual duplex units for approximately \$900 per month each. Duplex rental properties in James City County are typically being marketed for \$750 to \$1,200 per month, with luxury models commanding even higher amounts. Mr. Rick Hanson of the James City County Office of Housing and Community Development offered that affordable two-bedroom rentals of this housing type would typically be in the \$800 to \$900 range. While no guarantee of affordability was made by the owner/developer, Staff believes that this proposal will help to diversify the housing stock of the County, and that it may offer a lower-cost alternative to renters seeking a place to live.

Transportation

- **Traffic Generation and Road Improvements:** The proposed project did not trigger a requirement for a traffic study, nor did it require specific road improvements, beyond the construction of a paved entrance for the proposed shared driveway.
- **VDOT Comments:** VDOT staff has reviewed the application and has no objection to the proposed project.

Staff Comments: Staff believes the proposal will have minimal traffic impacts, due to the low number of trips-per-day that this use will potentially generate. Utilizing a shared driveway for the five lots of the proposal will minimize the number of entry points (and corresponding traffic movements) on Neck-O-Land Road.

COMPREHENSIVE PLAN

(Note: Page References are made to the James City County 2009 Comprehensive Plan.)

Land Use Map

Designation	<p><i>Low Density Residential (Page 153):</i> Low density areas are Located in the PSA where public services and utilities exist or are expected to be expanded to serve the sites over the next twenty years with recommended densities from one unit per acre up to four units per acre, if particular public benefits are provided. Examples of such public benefits include mixed-cost housing, affordable and workforce housing, enhanced environmental protection, or development that adheres to the principles of open space design. Recommended uses include single-family homes, duplexes, accessory units, cluster housing, recreation areas.</p> <p>Staff Comments: The proposed duplex development is compatible with other properties in the immediate area, both in terms of land use and density. Nearby residential properties typically range in density from 0.5 units per acre to 2.5 units per acre. The density of the original application was 1.9 dwelling units an acre. The new proposal would increase the overall density to 2.1 du/ac. The surrounding area features a mix of single-family detached homes and duplexes on lots of various sizes. There are formal subdivisions that feature smaller lots (such as neighboring Gatehouse Farms), as well as larger acreage lots with minimal development on them. The entire surrounding area is designated as Low Density Residential (which matches the subject site), and features a mixture of R-1, (Limited Residential), R-2, (General Residential), and R-8, (Rural Residential) zoning.</p>
Residential Development Standards	<p><i>4. Use and Character Compatibility “a” (Page 153):</i> Permit new development only where such developments are compatible with the character of adjoining uses and where the impacts of such new developments can be adequately addressed. Particular attention should be given to addressing such impacts as incompatible development intensity and design, building height and scale, land uses, smoke, noise, dust, odor, vibration, light, and traffic.</p> <p>Staff Comments: Staff finds the proposed use to be compatible with neighboring uses in both use and intensity of development. The proposal is not likely to generate undue noise, vibration, smoke, dust, or odor, and will not block light from reaching adjacent properties or uses. The proposal would generate a negligible traffic impact, and is located inside the PSA where public utilities and services would be available to serve it.</p>
Goals, Strategies and Actions	<p><i>Strategy 1.1 (Page 163):</i> Promote the use of land in a manner harmonious with other land use and the environment.</p> <p><i>Strategy 1.4 (Page 164):</i> Direct growth into designated growth areas in an efficient and low-impact manner.</p> <p><i>Action 1.4.5 (Page 165):</i> Promote infill, redevelopment, revitalization, and rehabilitation within the PSA.</p> <p>Staff Comments: The application proposes to put growth into the Primary Service Area where it may be more efficiently served by public utilities and services. It combines sprawl-reducing duplex density with larger lots that allow for outside recreation and activity. As noted previously, the proposal would be compatible</p>

	and harmonious both in terms of use and intensity with the surrounding area. By cleaning up the property, razing the existing dilapidated structures, this application represents a positive and beneficial infill project for James City County that would result in a better use of the subject property.
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RECOMMENDATION

Staff finds that this proposal is consistent with the Comprehensive Plan Land Use Map designation for the subject parcel. Staff believes that with the proposed Special Use Permit conditions, the project will result in increased public benefit and will complement the existing SUP that allowed for 4 other duplex units. Staff recommends that the Planning Commission recommend approval of this application to the James City County Board of Supervisors with the Special Use Permit conditions listed below:

1. This SUP shall be valid for the construction of one duplex dwelling structure (“the Project”) as shown on the Master Plan titled “Master Plan for Gilley Duplex on Lot 3-E of Neck-O-Land Road Subdivision” dated December 14, 2009 (the “Master Plan”). The duplex shall be located at 248 Neck-O-Land Road, further identified as JCC Real Estate Tax Map No. 4740100040C (“Property”). Development of the site shall be generally in accordance with the Master Plan as determined by the Director of Planning. Minor changes may be permitted by the Development Review Committee (DRC), as long as they do not change the basic concept or character of the development. This includes the removal of existing structures, and removal of nonessential gravel, as shown on the Master Plan.
2. Construction shall commence on the Project within 36 months from the date of approval of this SUP by the Board of Supervisors, or the SUP shall become void. For purposes of this SUP condition, “construction” shall be defined as the owner/developer having obtained building permits for, and passed inspection of, footings and/or foundation for the proposed duplex.
3. The owner/developer shall provide and install rain barrels for all residences on the parcel prior to issuance of a certificate of occupancy for the duplex.
4. The owner/developer shall install a single shared driveway to be used to provide access to the five lots (Lots 3-A, 3-B, 3-C, 3-D, and 3-E), as well the existing duplex on Lot 4. This shared driveway shall be paved, constructed to a minimum standard of 3 inches of asphalt over 6 inches of compacted #21 A or B stone and no less than 12 feet in width, to be verified and approved by the Director of the Environmental Division. The owner/developer shall prepare and record documents in a form approved by the County Attorney that set forth: 1) the provisions made for the permanent care and maintenance of the shared driveway and its associated easement, including bonds where required by the County, and 2) the method of assessing each individual property for its share of the cost of adequately administering, maintaining, and replacing such shared driveway in the event the lots of the subdivision ever come under separate ownership. The driveway shall be located as generally depicted on the Master Plan, as determined by the Director of Planning and subject to the approval of the Virginia Department of Transportation (VDOT).
5. The owner/developer shall be responsible for developing and enforcing water conservation standards, which shall be submitted to and approved by the James City Service Authority (JSCA) prior to the issuance of a building permit for the duplex. The standards shall include, but 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-resistant native and other adopted low-water-use landscaping materials and warm-season turf where appropriate and the use of water-conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.

6. The SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Jason Purse, Senior Planner

ATTACHMENTS

- 1) Location Map
- 2) Master Plan (under separate cover)

SUP-0003-2010

Gilley property two-family dwelling



SPECIAL USE PERMIT CASE NO. SUP-0002-2010, CVS and Food Market, Soap and Candle Factory Site, Staff Report for the March 3, 2010 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 Building F Board Room; County Government Complex

Planning Commission:	March 3, 2010	7:00 p.m.
Board of Supervisors:	April 13, 2010	7:00 p.m. (tentative)

SUMMARY FACTS

Applicant: Mr. David Todd of The Rebkee Company

Land Owner: KTP Development, LLC

Proposal: To construct a drive-thru pharmacy/retail store building of approximately 13,600 square feet and a grocery store of approximately 34,928 square feet. A Special Use Permit (SUP) is required in accordance with Section 24-11 of the Zoning Ordinance.

Location: 7521 Richmond Road

Tax Map/Parcel: 2321100001C

Parcel Size: 14.36 acres. The parcel will be subdivided to accommodate the proposed pharmacy/retail store on an area of approximately 1.80 acres and the Food Lion on an area of approximately 4.54 acres.

Existing Zoning: M-1, Limited Business/Industrial District

Comprehensive Plan: Mixed Use

Primary Service Area: Inside

STAFF RECOMMENDATION

Given that traffic considerations represent a significant component of this application and VDOT has not completed its review of the associated traffic impact analysis, staff recommends deferral of this application until the April 3 Planning Commission meeting. Construction timing and responsibility for road improvements necessitated by the proposed development need to be coordinated with the proposed Candle Factory mixed use development on adjacent property and reflected on the associated master plan and in the recommended conditions.

Staff Contact:	Sarah Propst, Planner Phone: 253-6685
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PROJECT DESCRIPTION

Mr. David Todd of The Rebkee Company has applied on behalf of KTP Development, LLC for a special use permit to allow the construction of a drive-thru pharmacy/retail store ("CVS") and a grocery store ("Food Lion") on the property located at 7521 Richmond Road. The 14.36-acre property, formerly known as the site for the Williamsburg Soap and Candle Factory, will be subdivided to accommodate the proposed pharmacy/retail store in a 1.80 acre-area and the grocery store on a 4.54 acre-area.

PROJECT HISTORY

The Williamsburg Soap and Candle Factory was founded in 1964 by John Barnett. The commercial complex consisted of a restaurant, a manufacturing plant, and many smaller shops. In 2005, the plant closed its doors. Currently, only a small portion of the commercial complex is operating.

In 2006, KTP Development LLC and Candle Development, LLC applied for a combined special use permit and rezoning application (Z-0010-2006/MP-0012-2006/SUP-0037-2006) to allow the development of a master planned community spread out in three contiguous parcels located at 7521, 7551 and 7567 Richmond Road.

In 2008, a special use permit application for a Walgreen's drive through pharmacy/retail building (SUP-0016-2008) was approved by the Planning Commission in but the project was withdrawn per the applicant's request prior to being considered by the Board of Supervisors.

A special use permit (SUP-0008-2009) was approved in July 2009 for the property at 7521 Richmond Road. This SUP allows for the construction of a 13,225 square foot drive-through pharmacy/retail building (the CVS store) on a 2.09 acre area of the 14.36 acre parcel.

The SUP application proposes the construction of a 13,600 square foot drive-through pharmacy/retail building (CVS) on a 1.80 acre parcel and a 34,928 square foot grocery store (Food Lion) with a future expansion of 7,000 square feet on a 4.54 acre parcel and would replace SUP-0008-2009. Once subdivided from the 14.36 acre-parent parcel, the property will be bounded on the east by the remaining Soap and Candle Factory parcel, to the north by Richmond Road and directly across Richmond Road by areas zoned General Business. Property to the west is zoned Mixed Use (i.e. the Cross Walk Community Church parcel) and areas to the south are currently zoned A-1, General Agriculture. The property is located within the Norge Community Character Area and fronts on Richmond Road, which is designated by the 2009 Comprehensive Plan as a Community Character Corridor.

Currently, the Soap and Candle Factory commercial complex occupies a building area of approximately 183,300 square feet. The proposed development will demolish approximately 27,581 square feet of existing retail space and vacant storefronts. The existing uses along the west end of the commercial complex to be redeveloped include: one vacant shop, one restaurant (Candle Light Kitchen), one antique store (Dovetail Antiques), one hair salon (Cindy's Classic Cuts), and one public restroom. The owner of the property has informed the applicant that he intends to relocate all of those existing businesses within the remaining portion of the Soap and Candle Factory development.

Access to the proposed CVS and Food Lion will be via two proposed right-in/right-out entrances (one on Richmond Road and one on Croaker Road Extended) and one full-movement entrance on Croaker Road Extended. The existing Candle Factory parking lot area will be modified to accommodate a 50 foot landscape buffer along Richmond Road and a 30 foot landscape buffer along Croaker Road Extended. An existing 5-foot wide sidewalk along the entire northern property line and parallel to Richmond Road will be preserved. This proposal includes the construction of an 8-foot wide shared use path along the eastern side of Croaker Road Extended, which will connect with the existing sidewalk along Richmond Road. A bike lane will be constructed along Richmond Road, from the intersection of Richmond Road and Croaker Road to the right-in/right-out entrance.

PUBLIC IMPACTS

1. Archaeology:

Staff Comment: This project will be located on a previously disturbed site and is not located within an area identified as a highly sensitive area in the James City County archaeological assessment "Preserving Our Hidden Heritage: An Archaeological Assessment of James City County, Virginia."

2. Environmental:

Watershed: Within Subwatershed 103 of the Yarmouth Creek Watershed

Environmental Staff Comments: According to information provided by the applicant, the 1.80 acre area being delineated as the proposed CVS site currently has 87% impervious coverage. However, this area will be redeveloped

to an impervious area of 61%. The 4.54 acre Food Lion site currently has an impervious area of 5% and this will be increased to 64%, upon development. To mitigate the proposed impacts the site design will include measures to improve stormwater quality and attenuate runoff rates leaving the site such as manufactured filtration systems, sumped or bottomless inlets, dry detention, grass swales, an underground sand filter, and/or multiple bioretention areas.

The Environmental Division has indicated that a receiving drainage system may be required; connection to an offsite system may require the need for offsite drainage easements.

Planning Division Comments: Staff has designed a special use condition (please refer to Condition No. # 9) requiring the applicant to demonstrate compliance with Section 23-9 (b)(1)(b) of the County's Chesapeake Bay Preservation Ordinance-Impervious Coverage, prior to site plan approval. A special use condition has also been written (please refer to condition No. #7) to ensure that all necessary drainage easements for the site are secured.

3. Public Utilities

The site is located within the Primary Service Area (PSA) and will be served by public water and sewer.

4. JCSA comments: Staff has provided the applicant with preliminary comments to consider during the site plan process and guidelines for developing the water conservation standards. Water Conservation and Irrigation standards are part of the SUP conditions for this proposal (Conditions Nos. 5 & 6).

5. Traffic

Access:

This site will primarily be accessed through the signalized intersection of Richmond and Croaker Roads. An off-site right-in and right-out driveway from Richmond Road to the Candle Factory Commercial Complex Parcel located approximately 430 feet east of the Richmond and Croaker Roads intersection will serve as a secondary access to the site (Condition No. 13). One existing access point on Croaker Road Extended will be closed as part of this development. The site will be accessed via one full movement access point located approximately 480 feet south of the Richmond Road and Croaker Road intersection and a right-in and right-out access approximately 270 feet south of the Richmond Road and Croaker Road intersection. The full movement access will be aligned across from the church entrance which is being moved by the CVS and Food Lion development (Condition No. 14).

Traffic Counts:

2007 Traffic Counts: On Richmond Road (Route 60) from Rochambeau Drive to Croaker Road (Route 607), there were 17,201 average daily trips. On Richmond Road from Croaker Road (Route 607) to Norge Elementary, there were 21,892 average daily trips. On Croaker Road from Rochambeau Drive to Richmond Road, there were 9,275 average daily trips.

2035 Volume Projected: On Richmond Road from Rochambeau Drive to Croaker Road 29,293 average daily trips are projected. On Richmond Road from Croaker Road to Norge Elementary 39,110 average daily trips are projected. On Croaker Road from Rochambeau Drive to Richmond Road 28,584 average daily trips are projected. The segment of Richmond Road between Croaker Road and Norge Elementary is listed on the "watch" category and the section of Croaker Road is "recommended for improvements" in the Comprehensive Plan.

Traffic Impact Assessment:

A Traffic Impact Assessment prepared for the proposed CVS and Food Lion stores was submitted as part of this special use permit application and reviewed by Planning Staff and VDOT (Attachment No. 4). The scope of this study encompassed (i) the existing conditions for (a) the signalized intersection at Croaker Road and Richmond Road (Route 60), (b) the signalized intersection at Richmond Road and Norge Lane, (c) the signalized intersection at Richmond Road and Norge Elementary, (d) The signalized intersection at Croaker Road and Rochambeau Drive, (e) the proposed Richmond Road right-in/right-out entrance, (f) the proposed right-in/right-out entrance on Croaker Road extended, (g) the proposed full-movement entrance on Croaker Road extended, (ii) trip generation for existing development, (iii) traffic volumes for the 2011 and 2017 Build and No-Build scenarios, (iv) Level of Service (LOS) analysis for Richmond Road and Croaker Road Intersection and for the Richmond and Croaker Road entrance, (v) turn lane analysis, and (vi) queuing analysis.

According to the TIA, this development is expected to generate, on average, a total of 5,256 daily vehicular trips.

Level of Service at Intersections:

According to the TIA, the Level of Service for Richmond Road at the intersection with Croaker Road is currently at level C for a.m. peak hours and C for p.m. peak hours. At the same intersection, assuming the road improvements shown on the master plan, the Level of Service is projected to remain at Level C for p.m. peak hours and Level C for a.m. peak hours for the 2017 “No-Build” scenario. Under the 2017 “Build” scenario, with the road improvements show on the masterplan, the Level of Service is projected to decline to Level D for p.m. peak hours and remain at Level C for a.m. peak hours.

Study Recommendations:

Below are the recommendations for road improvements as identified by the Traffic Impact Analysis for CVS and Food Lion, not including any approved but unbuilt or planned developments:

At the intersection of Richmond Road (U.S. Route 60) and Croaker Road (State Route 607):

- (i) The northbound approach shall include one exclusive left-turn lane with 200 feet of storage and a 100 foot taper;
- (ii) An eastbound right-turn lane 200 foot taper must be provided;
- (iii) The eastbound left-turn lane shall be lengthened to 200 feet of storage and a 200 foot taper;
- (iv) The westbound left-turn lane shall be lengthened to 400 feet of storage and a 200 foot taper;

At the right-in and right-out entrance to the development from Richmond Road (U.S Route 60):

- (i) A right-turn lane shall be provided, with 100 feet of storage and a 200 foot taper on eastbound Richmond Road shall be provided at this entrance; and
- (ii) These road improvements shall be depicted on the site plan for the Property and shall be completed or bonded prior to final plat or site plan approval.

VDOT comments:

VDOT comments were not available at the time this report was prepared

Planning Division Comments

Vehicular and Pedestrian Connectivity with Adjacent Properties:

Pedestrian access to and from the site will be facilitated by the construction of an eight foot wide, shared use path along the entire length of the northwestern property line (Condition No. 16). Once constructed, the path will provide pedestrian connectivity with the proposed mixed-use development to the south of the property (The Candle Factory development) by connecting to an eight foot wide shared use path proffered by the developers of the Candle Factory Mixed Use project. Further, 5 foot wide concrete sidewalks will connect the north-south shared use path along the eastern boundary of the properties with the both retail stores.

COMPREHENSIVE PLAN

Land Use Map

General	<i>Mixed Use-page 124:</i> Mixed Use areas are centers within the PSA where higher density development, redevelopment, and/or a broader spectrum of land uses are encouraged. Mixed Use areas located at or near interstate interchanges and the intersections of major thoroughfares are intended to maximize the economic development potential of these areas by providing areas primarily for more intensive commercial, office, and limited industrial purposes.
	Staff Comment: Staff finds the proposed commercial development to be in keeping with the intent and land use recommendations for mixed use areas located at or near major transportation corridors, as indicated by the Land Use Section of the 2009 Comprehensive Plan.

Environment:

Yarmouth Creek Watershed Management Plan Area	<p><i>Description-Page 47:</i> Yarmouth Creek is a predominantly forested watershed of about 12 square miles located in the lower James River Basin in James City County. The Creek drains into the Chickahominy River, which in turn discharges into James River.</p> <p>Staff Comment: Because of its location, this property is subject to Special Stormwater Criteria (SSC) established for developments located within the Yarmouth Creek Watershed Area.</p>
Goals, Strategies and Actions	<p><i>Action 1.1.2. Page 77:</i> Promote the use of Better Site Design, Low Impact Development, and Best Management Practices (BMPs).</p> <p>Staff Comment: According to information provided by the applicant, the following methods will be considered for implementation and compliance with the requirements set forth by Special Stormwater Criteria (SSC) for the Yarmouth Creek Watershed Management Plan Area: (i) manufactured filtration systems, (ii) sumped or bottomless inlets, (iii) dry detention, (iv) grass swales, (v) an underground sand filter, (vi) and/or multiple bioretention areas. Staff is encouraged by the proposed use of such Low Impact Designs (LIDs) methods on the property.</p>

Transportation:

Richmond Road	<p><i>Description-Page 181:</i> Although future volumes indicate the potential need for widening Richmond Road between Centerville Road and the City of Williamsburg/Rochambeau Road to Croaker Road, it is recommended that Richmond Road remain four lanes. Widening in these sections, which includes Norge, should be avoided or limited due to the physical limitations and the negative impacts on existing uses and the character of this historic community.</p> <p>Future commercial and residential development proposals along Richmond Road should concentrate in planned areas and will require careful analysis to determine the impacts such development would have on the surrounding road network. Minimizing the number of new signals and entrances and ensuring efficient signal placement and coordination is crucial.</p> <p>Staff Comment: According to the Traffic Engineer's traffic analysis conclusions, the traffic generated by this proposal alone will not negatively affect the current Level of Service for this segment of Richmond Road. The combination of proposed uses may lower the LOS to D during p.m. peak hours.</p> <p>This proposal will not require additional signals or entrances onto Richmond Road. One existing Candle Factory entrance will be closed on Richmond Road and a new entrance will be built approximately 125 feet west of that location on Richmond Road.</p> <p>VDOT has not returned comments on this application.</p>
Goals, Strategies and Actions	<p><i>Action 1.3.4.-Page 188:</i> Encourage pedestrian circulation by providing safe, well-lit, and clearly marked crosswalks and unobstructed sidewalks.</p> <p><i>Action 1.3.9. -Page 189:</i> Include bikeways and/or pedestrians facilities within major developments and elsewhere in the County, especially connecting residential and non-residential areas.</p>

	<p>Staff Comment: According to the James City County, Williamsburg, and York County Regional Bikeway Map this Section of Route 60 includes a shoulder bike lane. The applicant has agreed to provide accommodations for a bicycle lane to meet VDOT standards along the frontage of the property adjacent to Route 60 (please refer to SUP condition No. 15). In order to facilitate internal pedestrian access and connectivity with adjacent parcels, the applicant will provide an eight-foot shared use path along the entire northwestern side of the property (please refer to sup condition No. 16). Further, crosswalks located within the parking lot area are provided in order to encourage a safe interaction between pedestrians and motor vehicles at the site.</p>
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Community Character Corridor (CCC):

Suburban and Urban CCC	<p><i>Description-Page 84:</i> a suburban or urban CCC is characterized as an area that has moderate to high traffic volumes, moderate to high levels of existing or planned commercial or moderate-density residential uses, and may contain some natural screening buffers along roads. The predominant visual character of these CCCs should be the built environment and natural landscaping, with parking and other auto-related areas clearly a secondary component of the streetscape.</p> <p>Development in urban and suburban CCCs should not replicate standardized designs commonly found in other communities, but rather reflect nearby historic structures, a sensitivity to the history of the County in general, and an emphasis on innovative design solutions.</p>
	<p>Staff Comment: Staff notes that the applicant proposes to increase the width of the existing landscape buffer along Richmond Road from the existing 15 feet to 50 feet and the parking lot for the Food Lion will be screened from Croaker Road Extended by a 40+ foot setback (please refer to SUP condition No. 8).</p>

Community Character Area (CCA):

Norge Area	<p><i>Description-Page 86:</i> Norge has been significantly impacted by recent commercial development along Richmond Road. While Norge continues to have a unique, very identifiable residential component located off Richmond Road and some pedestrian-oriented storefronts, the early 20th century ‘village’ character of its business and residential areas along Richmond Road has been significantly impacted by infill automobile-oriented development.</p>
	<p>Staff Comment: Staff notes that enhanced and increased landscaping along Richmond and Croaker Road Extended are proposed. The applicant has provided architectural elevations (please refer to attachment No. 6) for the proposed buildings. Staff has written a condition ensuring the final architecture of the building to be similar to the architectural elevations presented during the SUP request (please refer to SUP condition No. 2). Architectural elevations of the proposed building are discussed further, in a later section of this report.</p>

Staff Comment:

Staff finds that this proposal is consistent with Comprehensive Plan recommendations for this area in Norge. Staff also finds that the proposed development promotes a balance between two important elements concerning land development in Norge, the economic benefits for the area (i.e. generation of employment and revenues, expansion of services and amenities, etc) and the desire to preserve the “village style” character of Norge.

The Comprehensive Plan (page 86) outlines design standards intended to guide future development and redevelopment in the Norge area. Staff finds that the applicant has addressed some of the Norge design standards primarily by providing measures to (i) share parking (see condition 17); (ii) design new landscape areas which complement and enhance the proposed buildings and site design, and (iii) provide pedestrian and bicycle circulation through the provision of crosswalks, sidewalks, a shared use path, and a bike lane.

Staff further notes that, the Norge design standards call for design elements such as the architecture, scale, materials, spacing, and colors for buildings to complement the historic character of the area. Staff has evaluated the architectural elevation for the proposed buildings and finds the following architectural features noteworthy of positive feedback:

- The materials used for the construction of the building (i.e. bricks, hardieplank siding, and standing seam roofs);
- Piers, gables, and windows which break up the mass of the buildings;
- Decorative brackets and accents to fit in with the village feel of Norge.

On January 27, 2010, the Development Review Committee reviewed the architectural elevations proposed for the CVS and Food Lion buildings. The Committee offered the following comments to be considered by the applicant for the Food Lion:

- The massing of the brick piers should be changed,
- Add details along the roofline,
- The architecture of the Food Lion should fit with the character of surrounding development.

Request for Landscape Modification:

Section 24-99 (c)(1) of the Zoning Ordinance states that “A landscape area adjoining all side and rear property lines shall be provided which is at least 15 feet in width.” Staff notes that the two parcels to be subdivided from the parent parcel will establish new property lines adjacent to the portion of the existing Candle Factory building not slated for demolition and between the CVS and Food Lion parcels. To minimize the impervious pavement necessary to serve all three parcels the applicant proposes to share access drives between the newly created parcels. In order to do this the landscaping normally required along the lot lines of the adjoining parcels will need to be relocated to other areas of the site. The applicant has submitted a request to modify the landscape requirements for the eastern side yard of the Property and the southern side of the CVS parcel, by transferring landscape materials from those areas to the two street frontage buffers along Richmond Road and Croaker Road Extended (please refer to attachment No. 5 and The Candle Factory Conceptual Planting Plan).

Section 24-88 of the Zoning Ordinance states that “the commission or planning director may modify, permit substitution for any requirement of this section, or permit transfer of required landscaping on a site upon finding that:”

- (1) Such requirement would not promote the intent of Section 24-88 of the Zoning Ordinance;
- (2) The proposed site and landscape plan will satisfy the intent of this section and its landscape area requirements to at least an equivalent degree as compared to a plan that strictly complies with the minimum requirements of this section;
- (3) The proposed site and landscape plan will not reduce the total amount of landscape area or will not reduce the overall landscape effects of the requirements of this section as compared to a plan that strictly complies with the minimum requirements of this section;
- (4) Such modification, substitution or transfer shall have no additional adverse impact on adjacent properties or public areas; and
- (5) The proposed site and landscape plan, as compared to a plan that strictly complies with the minimum requirements of this section, shall have no additional detrimental impacts on the orderly development of character of the area, adjacent properties, the

environment, sound engineering or planning practice, Comprehensive Plan, or on achievement of the purposes of Section 24-88 of the ordinance.

The Planning Director has reviewed the requests for landscape modification for this project and found them to meet the criteria listed above. Staff recommends that the Planning Commission approve the request for landscape modification concurrent with their recommendation for the overall project.

RECOMMENDATION:

Given that traffic considerations represent a significant component of this application and VDOT has not completed its review of the associated traffic impact analysis, staff recommends deferral of this application until the April 3 Planning Commission meeting. Construction timing and responsibility for road improvements necessitated by the proposed development need to be coordinated with the proposed Candle Factory mixed use development on adjacent property and reflected on the associated master plan and in the recommended conditions.

1. Master Plan: This Special Use Permit (the “SUP”) shall be valid for the construction of an approximately 13,600 square foot, 1-story high drive-through pharmacy/retail store building (the “CVS” store) and an approximately 34,928 square foot grocery store building (the “Food Lion” store), with a possible future expansion of approximately 7,000 square feet, on the property located at 7521 Richmond Road and further identified as JCC Tax Parcel Number 2321100001C (the “Property”). Development and use of the Property shall be generally in accordance with and bound by the Master Plan entitled “CVS and Food Lion Master Plan”, prepared by Kimley-Horn and Associates date stamped February 23, 2010 (the “Master Plan”) with such minor changes as the Development Review Committee determines does not change the basic concept or character of the development.

2. Architectural Review: Prior to final site plan approval, the Planning Director, or his designee, shall review and approve the final building elevations and architectural design for the CVS and the Food Lion. Such buildings shall be reasonably consistent, as determined by the Planning Director or his designee, with the CVS architectural elevations titled “CVS #75584 James City County, VA” and dated January 13, 2010 and the Food Lion architectural elevations titled “Food Lion-Intersection of Rt. 60 and Croaker Road” dated February 2, 2010 submitted with this special use permit application and prepared by The Rebkee Company.

3. Free-standing Sign: Prior to final site plan approval, the Planning Director, or his designee, shall review and approve the design and location of the ground-mounted signs for the Property for consistency with the Norge Community Character Area, as described in the James City County Comprehensive Plan. The sign base shall be made of brick and the colors and materials shall be similar to the CVS and Food Lion buildings.

4. Dumpsters/HVAC Units: All heating and cooling units visible from any public street or adjoining property shall be screened from view with landscaping or fencing. Dumpsters shall be screened from view by a brick enclosure (exclusive of doors). All screening devices must be approved by the Planning Director, or his designee, prior to final site plan approval.

5. Water Conservation: The Owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority (the “JCSA”) 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 irrigations systems and irrigations wells, the use of approved landscaping materials including the use of drought tolerant plants, warm season grasses, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.

6. Irrigation: In the design phase, the developer and designing engineer shall take into consideration the design of stormwater systems that can be used to collect stormwater for outdoor water use for the entire development. Only surface water collected from surface water impoundments (the “Impoundments”) may be used for irrigating common areas on the Property (the “Irrigation”). In no circumstances shall the JCSA public water supply be used for Irrigation, except as otherwise provided by this condition. If the Owner demonstrates to the satisfaction and approval of the General Manager of the JCSA through drainage area studies and irrigation water budgets that the impoundments cannot provide sufficient water for all Irrigation, the General Manager of the JCSA may, in writing, approve a shallow (less than 100 feet) irrigation well to supplement the water provided by the Impoundments.

7. BMP Discharge: Overflows from any proposed BMP(s) shall discharge to an adequate channel in accordance with State Minimum Standard #19 and shall not be conveyed through any of the adjacent parcels without an offsite drainage easement. All associated easements shall be of an appropriate width to permit access for maintenance of the channel and any associated appurtenances such as outlet protection, flow control devices, channel linings, etc. Said easement shall be in place prior to the issuance of a Land Disturbing Permit.

8. Landscape Plan: Prior to final site plan approval, the Planning Director, or his designee, shall review and approve a landscape plan for this development. The landscape plan shall meet all applicable zoning ordinance requirements and shall include at a minimum: (i) enhanced landscaping within the northern fifty-foot landscape buffer along Richmond Road, (ii) enhanced landscaping within the western thirty-foot landscape buffer along Croaker Road, and (iii) enhanced landscaping along the southern property line. Enhanced landscaping is hereby defined as 125 percent of the size requirements of the James City County Landscape Ordinance.

9. Impervious Coverage: Prior to final site plan approval, the applicant must demonstrate compliance with the provisions of Section 23-9(b)(1)(b) of the County's Chesapeake Bay Preservation Ordinance. Demonstration of equivalent water quality will be through compliance with guidelines established by the Environmental Director.

10. Exterior Lighting: All new exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to and approved by the Planning Director or his designee, which indicates no glare outside the property lines. All light poles shall not exceed 20 feet in height unless otherwise approved by the Planning Director, or his designee, prior to final site plan approval. "Glare" shall be defined as more than 0.1 foot-candle at the property line or any direct view of the lighting source from the adjoining properties.

11. Internal Traffic Signage Plan: The applicant shall include along with the materials submitted as part of the site plan review process for this development, an internal signage plan indicating the location of internal traffic signs and the orientation of vehicular flow within the Property. The internal signage plan shall be reviewed and approved by the Planning Director, or his designee, concurrently with the site plan submission for this project.

12. Roadway Improvements: Prior to issuance of a Certificate of Occupancy for the Food Lion, the road improvements listed below shall be provided at the following intersections:

- a. At the intersection of Richmond Road (U.S. Route 60) and Croaker Road (State Route 607):
 - (v) The northbound approach shall include one exclusive left-turn lane with 200 feet of storage and a 100 foot taper;
 - (vi) An eastbound right-turn lane 200 foot taper must be provided;
 - (vii) The eastbound left-turn lane shall be lengthened to 200 feet of storage and a 200 foot taper;
 - (viii) The westbound left-turn lane shall be lengthened to 400 feet of storage and a 200 foot taper;

Prior to issuance of a Certificate of Occupancy for the CVS, the road improvements listed below shall be provided at the following intersections:

- b. At the right-in and right-out entrance to the development from Richmond Road (U.S Route 60):
 - (ii) A right-turn lane shall be provided, with 100 feet of storage and a 200 foot taper on eastbound Richmond Road shall be provided at this entrance; and
 - (ii) These road improvements shall be depicted on the site plan for the Property and shall be completed or bonded prior to final plat or site plan approval.

13. Shared Access Easement: Prior to issuance of a Certificate of Occupancy for either the CVS or the Food Lion, the applicant shall demonstrate to the satisfaction of the County Attorney that shared access easements have been obtained and recorded, as applicable, allowing vehicular access to the Property. This includes the entrance being constructed 430 feet east of the intersection of Croaker Road (Route 607) and Richmond Road (U.S. Route 60), off of Richmond Road, and the existing entrance located across from Croaker Road.

14. Church Entrance Realignment: Prior to the issuance of a Certificate of Occupancy for the Food Lion the entrance to the Crosswalk Community Church must be realigned with the proposed entrance to the Food Lion as shown on the Master Plan. The realignment must not prevent access to the Church and should not pose any safety risk to visitors to the Church.

15. Bike Lane: Prior to issuance of a Certificate of Occupancy for the CVS, a VDOT standard shoulder bike lane along the front of the Property adjacent to Richmond Road (U.S. Route 60) shall be provided. This bike lane shall be depicted in the site plan for the Property.

16. Sidewalk: Should the construction of the proposed CVS or Food Lion building start on the Property prior to construction of any building at adjacent parcels located at 7551 and 7567 Richmond Road, The Rebkee Company shall provide and construct along the length of the northwestern property line a portion of the eight-foot-wide, concrete or asphalt shared use path referenced by the Master Plan titled “Master Plan for Rezoning of Candle Factory Property for Candle Development, LLC.” Construction shall be hereby defined as obtaining permits for building construction and installation of footings and foundations.

17. Shared Parking Agreement: Prior to the issuance of a Certificate of Occupancy for the Food Lion, a shared parking agreement shall demonstrate to the satisfaction of the County Attorney that both the CVS and the Food Lion will have access to adequate parking. Proffer 6, from case Z-0003-1997, requiring shared parking for parcel 2321100001B on the Property, must be satisfied.

18. Commencement of Use: Use of the Property as described in this SUP shall commence within (36) months from the date of approval of this SUP or this permit shall be void. Use shall be defined as obtaining business license(s) for permitted uses, opening for business with regular business hours and/or obtaining permits for building construction and installation of footings and foundations.

19. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Sarah Propst, Planner

ATTACHMENTS:

1. Location Map
2. Master Plan (non-binding)
5. Landscape Modification Request
6. The Candle Factory Conceptual Planting Plan
7. Architectural Elevations

**SPECIAL USE PERMIT-0026-2009. Constance Avenue Wireless Communications Facility
Staff Report for the March 3, 2010, 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

Building F Board Room; County Government Complex

Planning Commission: March 3, 2010 7:00 p.m.

Board of Supervisors: April 13, 2010 (tentative) 7:00 p.m.

SUMMARY FACTS

Applicant: Lisa Murphy of LeClairRyan

Land Owner: Bryan and Barbara Burris

Proposal: To allow for the construction of a 114' tall (110' tower with 4' lightning rod) "slick stick" wireless communications facility "WCF" on the subject property. Wireless communications facilities are specially permitted uses in the R-8, Rural Residential zoning district.

Location: 115 Constance Avenue

Tax Map Parcel Number: 4732500002

Parcel Size: 26.83 acres

Zoning: R-8, Rural Residential

Comprehensive Plan: Low Density Residential

Primary Service Area: Inside

STAFF RECOMMENDATION

Staff finds the proposal, with the attached conditions, to be consistent with surrounding land uses, the Land Use policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation. The tower will have a limited visual impact on both the Colonial Parkway and Constance Avenue. The tower will be located within an existing stand of trees, and the applicant has proposed a 100 foot tree preservation buffer on the north, south, and east sides of the 50 by 50 foot facility and a 17 foot buffer on the western side of the facility. This tower will provide service to the Colonial Parkway and surrounding neighborhoods. Staff recommends the Planning Commission recommend approval of the special use permit application with the attached conditions to the Board of Supervisors.

Staff Contact: Sarah Propst, Planner

Phone: 253-6685

PROJECT DESCRIPTION

Ms. Lisa Murphy has applied for a Special Use Permit to allow for the construction of a 114' (110' tall with a 4' lightning rod) wireless communications facility on the subject property. The site is a 26.83 acre parcel and is zoned R8, Rural Residential.

Three WCFs are currently located within a 3 mile radius of the proposed tower but do not provide adequate coverage along the Colonial Parkway or the surrounding residential areas to the north and east.

PUBLIC IMPACTS

Environmental

Watershed: The proposed WCF is in Mill Creek, the majority of the driveway is in Powhatan Creek.

Staff Comments: The Environmental Division has no comments on the SUP application at this time. Any site development issues will be dealt with at the site plan level.

Public Utilities and Transportation

The proposed WCF would not generate additional needs for the use of public utilities or significant additional vehicular trips in the area.

Visual Impacts

Based on a publicly advertised balloon test that took place on February 3, 2010, the applicant has provided photo simulations of the proposed tower location from several different vantage points around the vicinity of the site. Simulation photos have been provided for your reference.

The proposed tower would be located within a stand of mature trees. The trees surrounding the site are in the 80 to 90 foot range and a 200 foot scenic easement buffers the tower site from the Colonial Parkway. The proposed tower is more than 500 feet from the Colonial Parkway and over 400 feet from the closest residence on the adjacent property. The tree cover between the tower site and the Colonial Parkway makes the proposed tower barely visible from a limited section of the Colonial Parkway.

The proposed tower has limited visibility along Constance Avenue from Neck-O-Land Road to just before Discovery Lane. The tower will not be visible from any other vantage point within the Powhatan Shores subdivision. The tower has limited visibility from several points along Neck-O-Land Road between Captain John Smith Road and 628 Neck-O-Land Road. Though there is limited visibility, as described it does not appear intrusive.

Wetlands on the property preclude development near the tower site and the applicant has proposed a 250 foot by 157 foot tree preservation buffer to surround the site. This tree preservation buffer would extend 100 feet toward the Colonial Parkway, 100 feet toward Constance Avenue, and 100 feet toward the adjacent horse farm. The buffer would extend only 17 feet beyond the complex on the west facing side, towards the interior of the property, at the request of the property owner who wishes to build outbuildings on this property that would fall within 100 feet of the western side of the WCF. To mitigate any off-site visual impacts due to the decreased buffer on the western side of the facility the applicant has agreed to an easement along a swath of wetlands bordering the western property line (refer to condition 10). The applicant has also offered to install a board on board fence to enclose the facility and plant additional trees to screen the fence.

Federal Aviation Administration (FAA) requirements

Per Federal requirements, all structures greater than 200' above ground level (AGL) must be marked and/or lighted. Owners/developers of all structures greater than 200' AGL are required to provide notice to the FAA, which will then conduct an aeronautical study for the specific project. Structure marking may consist of alternating bands of orange and white paint (for daytime visibility) and red obstruction lights (for night visibility). As an alternative to this combination, the FAA may allow a dual lighting system featuring red lighting at night and medium intensity white strobe lighting during the day. Because this extension would be less than 200 feet, a marking system would not be required by the FAA.

COMPREHENSIVE PLAN

Land Use Map

Designation	Low Density Residential: Land uses in this designation are single family homes, duplexes, accessory units, cluster housing, and recreational areas. This land designation is located within the PSA where public
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	<p>services exist or are expected.</p> <p>Staff Comment: The owner of the property intends to build a residence on this parcel. The inclusion of a WCF on the site will be a secondary use. The limited development associated with the WCF will not have an adverse impact on the surrounding residential neighborhoods and fits in with the goals of the Comprehensive Plan.</p>
Development Standards	<p><i>General Land Use Standard #4:</i> Permit new development only where such developments are compatible with the character of adjoining uses and where the impacts of such new developments can be adequately addressed. Particular attention should be given to addressing such impacts as incompatible development intensity and design, building height and scale, land uses, smoke, noise, dust, odor, vibration, light, and traffic.</p> <p>iv. Provide adequate screening and buffering to protect the character of nearby residential areas.</p> <p>Staff Comment: The proposed tower location has limited visibility to some of the surrounding residences along Neck-O-Land Road and Constance Avenue but is not intrusive. The mature trees adequately buffer the tower from the majority of Powhatan Shores.</p>
Goals, strategies and actions	<p><i>Strategy 1.1.1:</i> Craft regulations and policies such that development is compatible in size, scale, and location to surrounding existing and planned development. Protect uses of different intensities through buffers, access controls, and other methods.</p> <p>Staff Comment: The 50 foot by 50 foot facility site will be buffered on the north, south, and east sides by a 100 foot tree preservation buffer and on the west by a 17 foot tree preservation buffer, these buffers will help to ensure that no additional trees will be cleared in the general area of the tower. The western side of the property contains a swath of approximately 150 to 200 feet of wetlands. The property owner has agreed to place an easement on this portion of the property to ensure protection from any development or timber cutting for the duration of the WCF lease period (refer to condition 10). Additionally, a 200 foot scenic easement exists between the tower site and the Colonial Parkway and wetlands prevent development near the tower site. The existing forest surrounding the site, will prevent views of the tower from most vantage points and will limit the view of the tower from all locations.</p>

Community Character

General	<p><i>Wireless Communications Facilities-Page 94:</i> In 1998, the increasing need for new wireless communications facilities prompted the County to establish Performance Standards for Wireless Communication Facilities and add a new Division in the Zoning Ordinance to address them. The decision to regulate WCFs stemmed from the intent of the County to:</p> <ul style="list-style-type: none"> - Protect health, safety, and general welfare of the community - Preserve the aesthetic quality of the community and its landscape - Protect property values - Protect the historic, scenic, rural, and natural character of the community - Minimize the presence of structures that depart from existing and future patterns of development, especially in terms of scale, height, site design, character, and lighting. - Provide for adequate public safety communications - Allow the providers of WCFs to implement their facilities in a manner that will fulfill these purposes, encourage their co-location, and allow them to fulfill their Federal Communications Commission licenses. <p>Staff Comment: Co-location options are encouraged in order to mitigate impacts created by clustered, single use towers. This WCF will only provide co-location opportunities for one other server, to accommodate a total of two wireless carriers. The applicant is not providing 2 additional spaces, which is most favorable, because the height of the tower has been lowered and a third carrier would be located within the trees. The tower will have a limited visual impact along a portion of Constance Avenue and part of Neck-O-Land Road. It is well camouflaged from the Colonial Parkway by the surrounding trees and will provide wireless service in an area that is currently underserved.</p> <p>The 100 foot surrounding tree buffer, which is encouraged by the Performance Standards, has been decreased on one side at the request of the property owner. The property owner wishes to build outbuildings on the property which would require the buffer to be decreased. The proposed decrease would be located on the western side of the WCF, which would face the interior of the property. The</p>
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	applicant has agreed to an easement on a swath of wetlands, along the western property line, in order to ensure little visibility of the tower from the surrounding neighborhoods.

Comprehensive Plan

This application, as proposed, is in general compliance with the 2009 Comprehensive Plan. While the tower will have a visual impact on the surrounding area, the impact is minimized by the location and the design of the tower. Given the existing tree buffer between the surrounding residential areas and the Colonial Parkway, staff concurs that the applicant has selected an appropriate location for this tower, to provide wireless service to an underserved area.

PERFORMANCE STANDARDS

On May 26, 1998, the James City County Board of Supervisors adopted several performance criteria for WCFs (see attachment #1).

Section 24-124 of the Zoning Ordinance states that “In considering an application for a special use permit for a WCF, the planning director shall prepare a report identifying the extent to which the application takes into account the ‘Performance Standards for Wireless Communications Facilities’. In general, it is expected that all facilities should substantially meet the provisions of these performance standards.”

These performance criteria note that tower mounted WCFs should be located and designed in a manner that minimizes their impacts to the maximum extent possible and minimizes their presence in areas where they would depart from existing and future patterns of development. While all standards support the goals outlined in the Comprehensive Plan, some may be more critical to the County’s ability to achieve these goals on a case-by-case basis. Therefore, some standards may be weighed more heavily in any recommendation or decision on a special use permit and a case that meets a majority of the standards may or may not be recommended for approval. To date, towers granted the required special use permit have substantially met these standards, including those pertaining to visibility.

A. Co-location and Alternative Analysis

Standard A1 encourages co-location. This tower has will be designed to accommodate two service providers. While providing for three servers would be preferable, due to lowering the height of the tower from the more typical 120 feet to 110 feet, a third carrier would have an antenna within the tree line.

Standard A2 pertains to the demonstration of a need for the proposal and the examination of alternatives, including increases in transmission power and other options. With regards to demonstrating the necessity for the tower, the applicant submitted propagation maps showing coverage of the area as unreliable. Alternative locations have been adequately explored and a new 114’ tower is the most viable option.

Standard A3 recommends that the site be able to contain at least two towers on site to minimize the need for additional towers elsewhere. The applicant is proposing a tower which can accommodate two servers. Locating a second tower on the site would make the WCF more noticeable from the Colonial Parkway.

Standard A4 regarding allowance of future service providers to co-locate on the tower extension is addressed at the site plan stage through requirements in Section 24-128(3) of the Zoning Ordinance.

B. Location and Design

Performance Standard B1(1) states that towers and tower sites should be consistent with existing and future surrounding development and the Comprehensive Plan. More specifically, towers should be compatible with the use, scale, height, size, design and character of surrounding existing and future

uses. The proposed tower is appropriate because the tower will be located within an existing stand of mature trees, a tree preservation buffer of 100 feet will be maintained on the north, south, and east side of the 50 by 50 foot facility and a 17 foot buffer on the western side of the facility. To mitigate the impacts of the decreased buffer to the west of the facility, the applicant has agreed to an easement on a swath of wetlands averaging over 100 feet in width, along the western property line, for the duration of the WCF lease (refer to condition 10). The tower will be shielded from the Colonial Parkway by an additional 200 foot scenic easement.

Performance Standard B1(2) states that towers should be located in a manner to protect the character of scenic resource corridors, historic and scenic resource areas, and viewsheds. The proposed tower will be partially visible from several locations: along a portion of Constance Avenue, along a section of Neck-O-Land Road, the very beginning of Captain John Smith Road, and barely visible along a short stretch of the Colonial Parkway. This location was selected with the input from the National Park Service to ensure a minimal visual disruption to travelers along the Colonial Parkway.

Performance Standard B2 states that for areas designated within a historic or scenic resource area or within a scenic resource, the design should be camouflaged or have minimal intrusion on residential areas, historic and scenic resource or roads in such areas, or scenic resource corridors. The upper part of this tower will be visible through the trees from the Colonial Parkway, a Community Character Corridor. Because of the existing tree buffer, the impact of the tower will be minimal.

Performance Standard B3 states that towers should be less than 200 feet to avoid lighting. This application meets this standard.

Performance Standard B4 states that towers should be freestanding and not supported by guy wires. This application meets this standard.

C. Buffering

The Performance Standards state that towers should be placed on a site in a manner that maximizes buffering from existing trees, including a recommended 100-foot wide wooded buffer around the base of the tower and that the access drive should be designed in a manner that provides no off-site view of the tower base or related facilities.

The proposed location of the tower is within a 100 foot tree preservation buffer along the north, south, and east sides and a 17 foot tree preservation buffer along the west side of the facility, this has been included as condition number nine for this SUP. An easement along the western property line has been included as condition number ten for this SUP. The existing tree stand does not camouflage the tower fully, as a portion of the top of the tower is visible along the tree line. Staff believes that the applicant has chosen the most appropriate location for the placement of a tower on this site. The mature tree stands help to mitigate the tower's visual impact from the Colonial Parkway and from Constance Avenue.

RECOMMENDATION

Staff finds the proposal, with the conditions listed below, to be consistent with surrounding land uses, the Land Use policies of the Comprehensive Plan, the Comprehensive Plan Land Use Map designation, and the Wireless Communications Facility Performance Standards. The tower will have a limited visual impact on surrounding areas. The existing trees, the 100 foot tree preservation buffers on the north, south, and east sides of the facility and the 17 foot buffer along the west side of the facility, in addition to the conservation easement which will run along the length of the western property line, and the existing 200 foot easement will help to camouflage the tower. Staff recommends the Planning Commission recommend approval of the special use permit application for the AT&T tower at Constance Avenue, with the following conditions to the Board of Supervisors.

CONDITIONS

- 1.) **Terms of Validity:** This SUP shall be valid for a total of one (1) wireless communications facility at a total height of 114' above existing grade, including all appurtenances on the property as depicted on the plans entitled, "AT&T, Site Name: Back River Lane, Site Number: NF430C, Site Address: 115 Constance Avenue, Williamsburg, Virginia 23185", prepared by GPD Associates, last revised on January 15, 2010.
- 2.) **Time Limit:** A final Certificate of Occupancy shall be obtained from the James City County Codes Compliance Division within two (2) years of approval of this special use permit, or the permit shall become void.
- 3.) **Structural and Safety Requirements:** Within 30 days of the issuance of a final Certificate of Occupancy by the County Codes Compliance Division, certification by the manufacturer, or an engineering report by a structural engineer licensed to practice in the Commonwealth of Virginia, shall be filed by the applicant indicating the tower height, design, structure, installation and total anticipated capacity of the tower, including the total number and type of antennas which may be accommodated on the tower, demonstrating to the satisfaction of the County Building Official that all structural requirements and other safety considerations set forth in the 2000 International Building Code, or any amendment thereof, have been met.
- 4.) **Tower Color:** The tower shall be a gray galvanized finish unless approved otherwise by Director of Planning, or his designee, prior to final site plan approval.
- 5.) **Advertisements:** No advertising material or signs shall be placed on the tower.
- 6.) **Additional User Accommodations:** The tower shall be designed and constructed for at least two (2) users and shall be certified to that effect by an engineering report prior to the site plan approval.
- 7.) **Guy Wires:** The tower shall be freestanding and shall not use guy wires for support.
- 8.) **Enclosure:** The fencing used to enclose the area shall be a board on board wood fence or shall be another fencing material of similar or superior aesthetic quality as approved by the Planning Director. Any fencing shall be reviewed and approved by the Director of Planning prior to final site plan approval.
- 9.) **Tree Buffer:** A minimum buffer of 100 feet in width of existing mature trees shall be maintained on the north, south, and east sides. A minimum buffer of 17 feet in width of existing mature trees shall be maintained on the west side. This buffer shall remain undisturbed except for the access drive, required landscaping and necessary utilities for the tower as depicted on Sheet C-1 of the plans entitled, "AT&T, Site Name: Back River Lane, Site Number: NF430C, Site Address: 115 Constance Avenue, Williamsburg, Virginia 23185", prepared by GPD Associates, last revised on January 15, 2010.
- 10.) **Vegetation Protection Easement:** Prior to final site plan approval the applicant must provide evidence of an easement of approximately 100 feet in width, along the western property line within the delineated wetlands, which protects against vegetation removal, for the duration of the wireless communications facility lease, as approved by the County Attorney.
- 11.) **Severance Clause:** This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

ATTACHMENTS:

1. Performance Standards for WCFs Policy
2. Binder including: Preliminary Site Plan, Tower Specification Guidelines, Architectural Resource Map, Site Map, Coverage Maps, Narrative of Proposed Use, Letter from the National Park Service, Letter from the Jamestown-Yorktown Foundation, AT&T Collocation Policy, Collocation Study, Site Map and Photo Simulation from Balloon Test
3. Planning Division Photographs from Balloon Test
4. Location map

MEMORANDUM

DATE: March 3, 2010

TO: Members of the Planning Commission

FROM: Leanne Reidenbach, Senior Planner
Kate Sipes, Senior Planner

SUBJECT: FY 2011-16 Capital Improvements Program (CIP)

After a series of meetings to discuss and rank Capital Improvements Program (CIP) requests, the Policy Committee, in conjunction with Planning staff, is forwarding its recommendations for the Fiscal Year 2011-16 Capital Improvements Program to the Planning Commission.

The Policy Committee has spent the past year revising the CIP process and developing a standardized set of ranking criteria to use to prioritize projects. As a result of the new ranking criteria, staff did not provide scores for each project as has been done in previous CIPs. The Policy Committee created seven criteria (quality of life, infrastructure, economic development, health/public safety, impact on operational budget, regulatory compliance, and timing/location) which are given scores from 1-10, weighted based on level of importance, and totaled to produce a numerical score between 10 and 100. The scores generated by individual Policy Committee members were then averaged to produce the Committee's final score and priority. The higher the generated score, the higher priority the project. The Committee also included a special consideration category where if a project fell under one or more of the three outlined scenarios, it would be moved to the top of the priority list. A sample ranking criteria sheet is attached for your reference (see attachment 3). Spreadsheet A contains a summary of CIP project scores, rankings, and descriptions for all non-maintenance items.

Last year the Committee decided that all projects that were repair, maintenance, refurbishment, or replacement items would not be evaluated by the Policy Committee, and this parameter was carried through into this year. These projects have been separated into a different spreadsheet (see spreadsheet B), which has also been provided for reference.

Williamsburg-James City County (WJCC) Public Schools projects were broken up by the School Board into four tiers which categorize the projects as *Health and Safety Issues* (Tier I), *Growth and Maintenance* (Tier II), *Projects that support and/or enhance the learning process* (Tier III), or *Other projects important to the mission of the schools* (Tier IV). Many of the School Board projects received maintenance designations, as they called for refurbishments, repairs, or other maintenance or safety expenditures; but many projects were also evaluated by the Policy Committee and appear on spreadsheet A. A copy of the WJCC Schools capital improvement program showing the full range of projects is also attached.

James City Service Authority (JCSA) CIP project priorities have also been included in this packet to present a more complete view of the entire CIP. As these projects are self-funded, the Policy Committee did not review or rank JCSA projects. Likewise, the Committee has requested that the Virginia Department of Transportation's Six-Year Improvement Program (SYIP) also be included in this packet, but they would not be ranked by the Policy Committee. The information for the FY10-15 SYIP was revised in December 2009 and this project listing can be found in attachment 5. The FY11 update is not anticipated to be approved until June 2010.

RECOMMENDATION:

The Policy Committee and Planning staff recommends that the Planning Commission approve the following FY11 Capital Improvements Program priorities to serve as a recommendation to the James City County Board of Supervisors. The following list only represents projects requesting FY11 funds. The attached spreadsheet A includes rankings for projects requesting funds in outlying years.

1. New Horizons Contribution*
2. Water Quality
3. D.J. Montague HVAC
4. School Security Card Access System
5. School Classroom Technology
6. Greenways
7. Jamestown Multi-Purpose Space
8. James Blair/ Academy of Life and Learning Refurbishment
9. Grading New School Operations Property
10. Greenspace/Purchase of Development Rights
11. School Storage Sheds

**Project was determined by the Policy Committee to meet Special Consideration Criteria A – “an immediate legislative, regulatory, or judicial mandate...”*

Leanne Reidenbach, Senior Planner

Kate Sipes, Senior Planner

Attachments:

- 1.) Policy Committee Capital Improvement Program rankings (spreadsheet A)
- 2.) Capital maintenance items (spreadsheet B)
- 3.) Policy Committee ranking criteria
- 4.) James City Service Authority CIP summary
- 5.) VDOT SYIP projects (Revised December 2009)
- 6.) Summaries of FY11-FY16 WJCC School Board CIP Projects (under separate cover)
- 7.) January 28, 2010 Policy Committee meeting minutes

FY11 - CAPITAL IMPROVEMENT PROGRAM RANKING SPREADSHEET

Non-maintenance items

ID#:	Applying Agency:	Project Name:	FY11 Requested \$	FY12 Requested \$	FY13 Requested \$	FY14 Requested \$	FY15 Requested \$	Total Requested \$	Agency Ranking	Current PC Score (FY11):	Current PC Rank (FY11)
Group I: New Projects with FY11 Funds Requested											
VV	Schools	DJ Montague HVAC	\$2,600,000	\$0	\$0	\$0	\$0	\$2,600,000	T2**	57.5	3
		Included as a capital maintenance item in previous fiscal years. Replace HVAC system with geothermal and is part of division replacement cycle.									
UU	Schools	Blair/Academy of Life and Learning Refurbishment	\$2,215,680	\$0	\$0	\$0	\$0	\$2,215,680	T2	52.75	8
		Improvements to Blair Middle School to accommodate relocation of the Academy of Life and Learning, including the potential for a geothermal system.									
A	Schools	Grading New School Operations Property	\$262,150	\$0	\$0	\$0	\$0	\$262,150	T2	49	9
		Expansion/grading of property adjacent to School Operations Center on Jolly Pond Road to expand parking lot and store mobile classrooms.									
	TOTALS		\$5,077,830	\$0	\$0	\$0	\$0	\$5,077,830			
Group II: Projects Already Approved for FY11 Funding in FY10 Adopted Budget											
G	Schools	New Horizons Contribution*	\$82,331	\$82,331	\$82,331	\$0	\$0	\$246,993	T3	100	1
		Assessment for WJCC's portion of facility improvements for regional vocational/technical education facility.									
C	General Svcs	Water Quality	\$2,365,000	\$2,310,000	\$2,271,500	\$2,354,000	\$2,290,000	\$11,590,500	1 of 2	80	2
		Supports 4 types of projects: new/retrofit BMPs, drainage system improvements, channel stabilization/stream restoration, and flood mitigation.									
D	Schools	Security Card Access System	\$70,000	\$70,000	\$120,000	\$70,000	\$70,000	\$400,000	T1**	56.4	4
		Card access system at all major entry points for all schools done in conjunction with scheduled refurbishments.									
E	Schools	School Classroom Technology	\$1,339,790	\$192,000	\$705,000	\$767,000	\$647,000	\$3,650,790	T3	54.4	5
		Technology component includes installation of ITS (Instructional Technology Standard) such as projectors, wireless equipment, servers, digital media systems, background items, and student computing (laptops/desktops) in all classrooms.									
B	Parks & Rec	Greenways	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$250,000	11 of 21	52.8	6
		Planning, development, and improvement of trails and greenways consistent with Greenways Master Plan.									
R	Schools	Jamestown Multi-Purpose Space	\$2,489,000	\$0	\$0	\$0	\$0	\$2,489,000	T2	52.8	7
		Add gym and storage space to the school to enhance both the physical education ans sports programs.									
H	Other	Greenspace/PDR	\$7,000,000	\$0	\$7,000,000	\$0	\$0	\$14,000,000	NO APP	47.8	10
		Funding for greenspace acquisition and the Purchase of Development Rights program.									
F	Schools	Storage Sheds	\$50,000	\$50,000	\$0	\$0	\$0	\$100,000	T4	40.4	11
		Provides needed custodial and maintenance storage space at identified schools.									
	TOTALS		\$13,446,121	\$2,754,331	\$10,228,831	\$3,241,000	\$3,057,000	\$32,727,283			
Group III: Projects Only Requesting Funding in Outlying Fiscal Years (these have been reviewed by PC previously)											
K	Parks & Rec	JCWCC Park - Parking Expansion/Closing of Asbury Road	\$0	\$0	\$629,167	\$0	\$0	\$629,167	1 of 21	58.8	

FY11 - CAPITAL IMPROVEMENT PROGRAM RANKING SPREADSHEET

Non-maintenance items

ID#:	Applying Agency:	Project Name:	FY11 Requested \$	FY12 Requested \$	FY13 Requested \$	FY14 Requested \$	FY15 Requested \$	Total Requested \$	Agency Ranking	Current PC Score (FY11):	Current PC Rank (FY11)
		Additional parking and lighting for facilities on Community Center park property.									
U	Schools	Lafayette Walkway to Warhill	\$0	\$0	\$0	\$0	\$75,000	\$75,000	T2	50.8	
		Provide link between Lafayette and Warhill Sports Complex to connect to existing walking trail and allow students access to sports fields.									
J	Parks & Rec	Freedom Park Trail	\$0	\$0	\$768,212	\$0	\$0	\$768,212	2 of 21	49.6	
		Hard surface trail (about 5550 linear feet) to connect Freedom Park to new schools on Jolly Pond Road.									
T	Schools	Jamestown Field Lights	\$0	\$0	\$0	\$556,540	\$0	\$556,540	T4	46.4	
		Provide lighting for 4 existing sports fields to extend field usage for both the schools and community.									
I	Parks & Rec	Little Creek Boat Storage and Ramp	\$0	\$0	\$0	\$66,250	\$250,000	\$316,250	19 of 21	46	
		New concrete boat ramp to allow multiple boaters to access ramp concurrently and facility for rental boats to provide protection.									
S	Schools	Jamestown Enclose Cafeteria Courtyard	\$0	\$0	\$0	\$0	\$1,800,000	\$1,800,000	T3	45	
		Add 7,500 square feet of usable space and bring school more in line with available cafeteria/commons space at Lafayette and Warhill.									
Q	Schools	Toano Field Lighting	\$0	\$0	\$0	\$350,000	\$0	\$350,000	T4	44.4	
		Provide lighting for 3 existing sports fields to extend field usage for both the schools and community.									
O	Schools	Stonehouse Sports Field Lighting	\$0	\$0	\$0	\$350,000	\$0	\$350,000	T4	44.2	
		Provide lighting for existing sports fields to extend field usage for both schools and the community.									
N	Schools	Stonehouse Bus Canopy	\$0	\$0	\$0	\$0	\$369,275	\$369,275	T2	43.8	
		Canopy requested by school staff to offer weather protection for students getting on and off buses.									
P	Schools	Cooley Turf/Field	\$0	\$0	\$0	\$0	\$800,000	\$800,000	T4	43.8	
		Purchase and install artificial turf field to extend playing time and make the field available to more teams and sports.									
V	Schools	Lafayette Science Pavilions	\$0	\$193,200	\$0	\$0	\$0	\$193,200	T4	43.6	
		Provides 2 science pavillions at rear marshy area between Lafayette and Warhill Sports Complex at the Powhatan Creek headwaters for use with science curriculum.									
M	Schools	DJ Montague Additional Parking	\$0	\$0	\$0	\$126,000	\$0	\$126,000	T3	41.2	
		Expand parking to accommodate visitors and parents.									
L	Schools	Baker Parking	\$0	\$0	\$0	\$280,700	\$0	\$280,700	T3	40.8	
		Expand parking to accommodate visitors and parents.									
	TOTALS		\$0	\$193,200	\$1,397,379	\$1,729,490	\$3,294,275	\$6,614,344			
Group IV: New Projects Only Requesting Funding in Outlying Fiscal Years (not previously reviewed by PC)											
JJ	Parks & Rec	JCWCC Park -Restroom, Safety Netting, & Concession Pad	\$0	\$0	\$266,500	\$331,250		\$597,750	4 of 21	57.8	
		Restrooms to serve increasing number of participants and families using athletic fields and playgrounds. Safety netting to prevent balls from hitting Community Center or surrounding walking path.									
Z	Fire	Fire Station 4 Renovations and Expansion	\$0	\$3,300,000	\$0	\$0	\$0	\$3,300,000	1 of 3	57.6	

REVISED 2/5/10

Non-maintenance items

ID#:	Applying Agency:	Project Name:	FY11 Requested \$	FY12 Requested \$	FY13 Requested \$	FY14 Requested \$	FY15 Requested \$	Total Requested \$	Agency Ranking	Current PC Score (FY11):	Current PC Rank (FY11)
		Proposal to construct new apparatus room next to existing facility and convert the existing facility to dormitories, dayroom, offices, and other support functions.									
X	General Svcs	General Services Headquarters Building	\$0	\$0	\$5,007,640	\$0	\$0	\$5,007,640	1 of 1	54.4	
		New facility to replace existing old and energy ineffecient shops and garages on Tewning Road (see feasiblity study for more information).									
RR	Parks & Rec	Warhill Sports Complex - Basketball Courts	\$0	\$0	\$188,750	\$0	\$0	\$188,750	3 of 21	50.2	
		Complete basketball court project with acrylic surfacing, lights, and picnic shelters.									
TT	Schools	Lafayette Multi-Purpose Space	\$0	\$0	\$0	\$0	\$2,738,000	\$2,738,000	T2	50.2	
		Add gym and storage space to the school to enhance phsyical education and sports programs.									
Y	Fire/Police	Mobile Command and Communications Vehicle	\$0	\$0	\$600,000	\$0	\$0	\$600,000	1 of 2	48.8	
		Coordinted Fire and Police command center that can be taken to incident scenes to manage operations and to community events to supplement educational outreach.									
NN	Parks & Rec	Warhill Sports Complex - Phase 5	\$0	\$0	\$327,167	\$1,344,875	\$0	\$1,672,042	6 of 21	48.8	
		Completion of baseball area with 1 field, 2 picnic areas with shelters, restrooms, and parking.									
CC	Parks & Rec	Shaping Our Shores - Pre-design Planning at JBC/CRP	\$0	\$0	\$245,000	\$0	\$0	\$245,000	10 of 21	47.8	
		Boundary and topo surveys, traffic analysis, rezoning/SUP preparations, and intensive archaeological investigations (Ph. II and III) to prepare for development of the JBC and CRP.									
KK	Parks & Rec	JCWCC Park - Phase 2 Improvements	\$0	\$0	\$0	\$530,000	\$486,111	\$1,016,111	8 of 21	46.2	
		Former water tower site improvements including picnic shelters, sidewalk, playground, restroom/concessions/storage facility, and expansion of current skatepark to include fencing and lighting.									
DD	Parks & Rec	Shaping Our Shores - Phase 2 Improvements	\$0	\$0	\$0	\$1,469,000	\$2,650,000	\$4,119,000	21 of 21	45.4	
		Infrastructure, demolition, boat storage, rowing facility, floating dock & canoe/kayak launch, boat launch parking, picnic pavilions, Vermillion house renovation, and event tents and parking.									
OO	Parks & Rec	Warhill Sports Complex - Operations Facility	\$0	\$0	\$0	\$198,750	\$1,875,000	\$2,073,750	12 of 21	45.4	
		6,000 square foot visitor center/office/storage facility for park operations staff.									
LL	Parks & Rec	Warhill Sports Complex - Multi-Use Walking Paths	\$0	\$0	\$0	\$0	\$1,388,889	\$1,388,889	18 of 21	44.4	
		Create level and even surface paths for recreational walkers, runners, strollers, etc in high use areas to increase safety and after-dark opportunities using spill over field lighting.									
MM	Parks & Rec	Warhill Sports Complex - Softball Complex	\$0	\$0	\$0	\$0	\$4,055,555	\$4,055,555	15 of 21	43.6	
		Development of 4 softball fields, restrooms, and infrastructure.									
EE	Parks & Rec	Freedom Park - Phase 3	\$0	\$0	\$1,510,000	\$4,240,000	\$0	\$5,750,000	5 of 21	42.8	
		Development of passive recreation facilities including amphitheater, 3 picnic areas, playground, open meadow, trails, earthen dam, loop road, and picnic loop parking.									
PP	Parks & Rec	Warhill Complex - Multipurpose Field Practice Complex	\$0	\$0	\$0	\$0	\$7,777,778	\$7,777,778	20 of 21	41	
		Multi-use lighted field area to accommodate 8 soccer/football-sized fields, restroom/concession facility, parking, roadway, and other infrastructure requirements.									
QQ	Parks & Rec	Warhill Complex - Field Hockey/Lacrosse Complex	\$0	\$0	\$0	\$0	\$2,541,667	\$2,541,667	13 of 21	40.8	
		Development of fields and infrastructure per approved master plan.									
HH	Parks & Rec	Freedom Park - 17th / 18th Century Historic Sites	\$0	\$0	\$188,750	\$1,987,500	\$0	\$2,176,250	7 of 21	40.2	
		Reconstruction of 1 large and 2 small structures, landscaping, and fencing that are representative of 1680-1730 in area where fencing and memorial is located to right of entrance road.									

FY11 - CAPITAL IMPROVEMENT PROGRAM RANKING SPREADSHEET

Non-maintenance items

ID#:	Applying Agency:	Project Name:	FY11 Requested \$	FY12 Requested \$	FY13 Requested \$	FY14 Requested \$	FY15 Requested \$	Total Requested \$	Agency Ranking	Current PC Score (FY11):	Current PC Rank (FY11)
FF	Parks & Rec	Freedom Park - Phase 4	\$0	\$0	\$0	\$2,120,000	\$2,500,000	\$4,620,000	14 of 21	39.8	
		Development of active recreation facilities with support facilities including basketball/tennis courts, water playground/pool, parking infrastructure, storage, shelter, and restrooms.									
SS	Schools	Cooley Lighting	\$0	\$163,000	\$0	\$0	\$0	\$163,000	T2	39	
		Provide funds to purchase and install new field lighting for Cooley.									
GG	Parks & Rec	Freedom Park - Phase 5	\$0	\$0	\$0	\$0	\$2,944,444	\$2,944,444	16 of 21	38.6	
		Water based facilities with suport facilities, sand beach, fishing pier, playground, lakehouse/meeting room, parking, and boat rental facility.									
BB	Parks & Rec	Upper County Park - Master Plan Improvements	\$0	\$0	\$0	\$0	\$500,000	\$500,000	17 of 21	37.6	
		General improvements associated with yet-to-be established master plan.									
II	Parks & Rec	Freedom Park - Environmental Education Center	\$0	\$0	\$0	\$2,650,000	\$0	\$2,650,000	9 of 21	36.4	
		Development of learning center for County and schools for science and environmental-based programming.									
AA	Police	Firearms Range Classroom	\$0	\$0	\$375,000	\$0	\$0	\$375,000	2 of 2	36.2	
		To allow personnel to have quality classroom instruction on-site at the firing range which can be used in conjunction with practical shooting exercises and qualifications.									
TOTALS			\$0	\$3,463,000	\$8,708,807	\$14,871,375	\$29,457,444	\$56,500,626			

*Project was determined to meet Special Consideration Criteria A so was moved to the top priority

**Summary of Schools "Tier" Rankings:	
Tier 1 (T1)	Health and safety issues
Tier 2 (T2)	Growth and maintenance
Tier 3 (T3)	Projects that support and/or enhance the learning process
Tier 4 (T4)	Other projects important to the mission of our schools

Spreadsheet B FY11 - CAPITAL IMPROVEMENT PROGRAM RANKING SPREADSHEET

Maintenance/Replacement Items

ID#:	Applying Agency:	Project Name:	FY11 Requested \$	FY12 Requested \$	FY13 Requested \$	FY14 Requested \$	FY15 Requested \$	Total Requested \$
1	Gen. Svcs.	JCWCC Renovations	\$127,000	\$347,000	\$107,000	\$197,000	\$120,000	\$898,000
2	Gen. Svcs.	Government Center Building Exteriors	\$66,250	\$66,250				\$132,500
3	Public Safety	Fire Pumper Replacement	\$350,000	\$600,000	\$600,000	\$600,000	\$600,000	\$2,750,000
4	Gen. Svcs.	Building F HVAC/Controls	\$140,000					\$140,000
5	Gen. Svcs.	Building D Conceptual Design	\$50,000					\$50,000
6	Gen. Svcs.	Energy Upgrades	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$250,000
7	Gen. Svcs.	Demolish Building C		\$150,000				\$150,000
8	Public Safety	Ambulance Replacement		\$204,000	\$241,200		\$214,200	\$659,400
9	Parks and Rec	Mid County Park - Kidsburg/Building/Fences		\$1,771,278				\$1,771,278
10	Public Safety	Fire/Police C&C Vehicle			\$600,000			\$600,000
11	Gen. Svcs.	Building D Renovation			\$1,060,000			\$1,060,000
12	Gen. Svcs.	CRFP Well Replacement			\$500,000			\$500,000
13	Gen. Svcs.	Video Center HVAC			\$130,000			\$130,000
14	Gen. Svcs.	Overlay Parking Lots			\$160,000	\$280,000	\$250,000	\$690,000
15	Gen. Svcs.	Fleet Maintenance Center and EOC Roofs				\$150,000		\$150,000
16	Gen. Svcs.	Electrical - EOC HSC					\$100,000	\$100,000
17	Gen. Svcs.	EOC Generator Replacement					\$135,000	\$135,000
COUNTY TOTALS			\$783,250	\$3,188,528	\$3,448,200	\$1,277,000	\$1,469,200	\$10,166,178
18	Schools	Berkeley HVAC	\$400,000					\$400,000
19	Schools	Division Resurface Parking Lots	\$139,000	\$93,000	\$90,000	\$90,000	\$90,000	\$502,000
20	Schools	James Blair HVAC	\$2,920,845					\$2,920,845
21	Schools	James River Sprinkler	\$585,000					\$585,000
22	Schools	Toano Roof Replacement		\$722,500				\$722,500
23	Schools	Lafayette Exterior Painting		\$175,000				\$175,000
24	Schools	DJ Montague Refurbishment		\$1,292,864				\$1,292,864
25	Schools	James River HVAC		\$3,089,900				\$3,089,900
26	Schools	Telephone System Upgrade		\$360,000				\$360,000
27	Schools	Operations HVAC		\$875,600				\$875,600
28	Schools	Clara Byrd Baker Masonry Repairs		\$300,000				\$300,000
29	Schools	Berkeley Field Improvements		\$182,400				\$182,400
30	Schools	Cooley Renovations		\$606,000				\$606,000
31	Schools	Toano HVAC		\$2,876,500				\$2,876,500
32	Schools	Jamestown Bleachers		\$272,000				\$272,000
33	Schools	Lafayette Refurbishment		\$1,571,458	\$1,546,224			\$3,117,682
34	Schools	James River Roof			\$651,700			\$651,700

Spreadsheet B **FY11 - CAPITAL IMPROVEMENT PROGRAM RANKING SPREADSHEET**

Maintenance/Replacement Items

ID#:	Applying Agency:	Project Name:	FY11 Requested \$	FY12 Requested \$	FY13 Requested \$	FY14 Requested \$	FY15 Requested \$	Total Requested \$
35	Schools	James Blair Kitchen Renovation			\$560,000			\$560,000
36	Schools	Lafayette Field Refurbishment			\$400,800			\$400,800
37	Schools	Lafayette HVAC			\$2,566,600			\$2,566,600
38	Schools	Toano Pkg/Outfall			\$322,000			\$322,000
39	Schools	Jamestown Refurbishment			\$1,644,908	\$1,644,908		\$3,289,816
40	Schools	Clara Byrd Baker Roof			\$74,000			\$74,000
41	Schools	James River Refurbishment				\$1,752,800		\$1,752,800
42	Schools	Clara Byrd Baker Parking				\$280,700		\$280,700
43	Schools	Stonehouse Refurbishment				\$1,556,006		\$1,556,006
44	Schools	Jamestown Locker Rooms				\$258,870		\$258,870
45	Schools	DJ Montague Parking				\$126,000		\$126,000
46	Schools	Blair Field Irrigation					\$175,500	\$175,500
47	Schools	Cooley Fence/Gates					\$70,000	\$70,000
48	Schools	Toano Refurbishment					\$1,882,567	\$1,882,567
49	Schools	Clara Byrd Baker Refurbishment					\$1,292,864	\$1,292,864
50	Schools	Fuel Pumps					\$70,000	\$70,000
SCHOOLS TOTALS			\$4,044,845	\$12,417,222	\$7,856,232	\$5,709,284	\$3,580,931	\$33,608,514
OVERALL TOTALS			\$4,828,095	\$15,605,750	\$11,304,432	\$6,986,284	\$5,050,131	\$43,774,692

CAPITAL IMPROVEMENT PROGRAM RANKING CRITERIA

James City County Planning Commission

SUMMARY

The Capital Improvement Program (“CIP”) is the process for evaluating, planning, scheduling, and implementing capital projects. The CIP supports the objectives of the Comprehensive Plan through the sizing, timing, and location of public facilities such as buildings, roads, schools, park and recreation facilities, water, and sewer facilities. While each capital project may meet a specific need identified in the Comprehensive Plan or other department or agency plan, all capital plans must compete with other projects for limited resources, receive funding in accordance with a priority rating system and be formally adopted as an integral part of the bi-annual budget. Set forth below are the steps related to the evaluation, ranking, and prioritization of capital projects.

A. DEFINITION

The CIP is a multi-year flexible plan outlining the goals and objectives regarding public capital improvements for James City County (“JCC” or the “County”). This plan includes the development, modernization, or replacement of physical infrastructure facilities, including those related to new technology. Generally a capital project such as roads, utilities, technology improvements, and county facilities is nonrecurring (though it may be paid for or implemented in stages over a period of years), provides long term benefit and is an addition to the County’s fixed assets. Only those capital projects with a total project cost of \$50,000 or more will be ranked. Capital maintenance and repair projects will be evaluated by departments and will not be ranked by the Policy Committee.

B. PURPOSE

The purpose of the CIP ranking system is to establish priorities for the 5-year CIP plan (“CIP plan”), which outlines the projected capital project needs. This CIP plan will include a summary of the projects, estimated costs, schedule and recommended source of funding for each project where appropriate. The CIP plan will prioritize the ranked projects in each year of the CIP plan. However, because the County’s goals and resources are constantly changing, this CIP plan is designed to be re-assessed in full bi-annually, with only new projects evaluated in exception years, and to reprioritize the CIP plan annually.

C. RANKINGS

Capital projects, as defined in paragraph A, will be evaluated according the CIP Ranking Criteria. A project’s overall score will be determined by calculating its score against each criterion. The scores of all projects will then be compared in order to provide recommendations to the Board of Supervisors. The components of the criteria and scoring scale will be included with the recommendation.

D. FUNDING LIMITS

On an annual basis, funds for capital projects will be limited based on the County’s financial resources including tax and other revenues, grants and debt limitations, and other principles set forth in the Board of Supervisors’ Statement of Fiscal Goals:

- general obligation debt and lease revenue debt may not exceed 3% of the assessed valuation of property,

- debt service costs are not to exceed 10-12% of total operation revenues, including school revenue, and
- debt per capita income is not to exceed \$2,000 and debt as a percentage of income is not to exceed 7.5%.

Such limits are subject to restatement by the Board of Supervisors at their discretion. Projects identified in the CIP plan will be evaluated for the source or sources of funding available, and to protect the County's credit rating to minimize the cost of borrowing.

E. SCHEDULING OF PROJECTS

The CIP plan schedules will be developed based on the available funding and project ranking and will determine where each project fits in the 5 year plan.

CIP RANKING CRITERIA

Project Ranking By Areas of Emphasis

1. Quality of Life (20%) - Quality of life is a characteristic that makes the County a desirable place to live and work. For example, public parks, water amenities, multi-use trails, open space, and preservation of community character enhance the quality of life for citizens. A County maintenance building is an example of a project that may not directly affect the citizen's quality of life. The score will be based on the considerations, such as:

- A. Is the project in conformance with and supportive of the goals, strategies and actions set forth in the Comprehensive Plan?
- B. Does the project support objectives addressed in a County sponsored service plans, master plans, or studies?
- C. Does the project relate to the results of the citizen survey, Board of Supervisors policy, or appointed committee or board?
- D. Does the project increase or enhance educational opportunities?
- E. Does the project increase or enhance recreational opportunities and/or green space?
- F. Will the project mitigate blight?
- G. Does the project target the quality of life of all citizens or does it target one demographic? Is one population affected positively and another negatively?
- H. Does the project preserve or improve the historical, archeological and/or natural heritage of the County? Is it consistent with established Community Character?
- I. Does the project affect traffic positively or negatively?
- J. Does the project improve, mitigate, and / or prevent degradation of environmental quality (e.g. water quality, protect endangered species, improve or reduce pollution including noise and/or light pollution)?

Scoring Scale:

1	2	3	4	5	6	7	8	9	10
The project does not affect or has a negative affect on the quality of life in JCC.				The project will have some positive impact on quality of life.					The project will have a large positive impact on the quality of life in JCC.

2. Infrastructure (20%) – This element relates to infrastructure needs such as schools, waterlines, sewer lines, waste water or storm water treatment, street and other transportation facilities, and County service facilities. High speed, broadband or wireless communication capabilities would also be included in this element. Constructing a facility in excess of facility or service standards would score low in this category. The score will be based on considerations such as:

- A. Is the project in conformance with and supportive of the goals, strategies and actions set forth in the Comprehensive Plan?
- B. Does the project support objectives addressed in a County sponsored service plan, master plan, or study?
- C. Does the project relate to the results of a citizen survey, Board of Supervisors policy, or appointed committee or board?
- D. Is there a facility being replaced that has exceeded its useful life and to what extent?
- E. Do resources spent on maintenance of an existing facility justify replacement?
- F. Does this replace an outdated system?

- G. Does the facility/system represent new technology that will provide enhance service?
- H. Does the project extend service for desired economic growth?

Scoring Scale:

1	2	3	4	5	6	7	8	9	10
The level of need is low				There is a moderate level of need					The level of need is high, existing facility is no longer functional, or there is no facility to serve the need

3. Economic Development (15%) – Economic development considerations relate to projects that foster the development, re-development, or expansion of a diversified business/industrial base that will provide quality jobs and generate a positive financial contribution to the County. Providing the needed infrastructure to encourage redevelopment of a shopping center would score high in this category. Reconstructing a storm drain line through a residential neighborhood would likely score low in the economic development category. The score will be based on considerations such as:

- A. Is the project in conformance with and supportive of the goals, strategies and actions set forth in the Comprehensive Plan?
- B. Does the project support objectives addressed in a County sponsored service plan, master plan, or study?
- C. Does the project relate to the results of a citizen survey, Board of Supervisors policy, or appointed committee or board?
- D. Does the project have the potential to promote economic development in areas where growth is desired?
- E. Will the project continue to promote economic development in an already developed area?
- F. Is the net impact of the project positive? (total projected tax revenues of economic development less costs of providing services)
- G. Will the project produce desirable jobs in the County?
- H. Will the project rejuvenate an area that needs assistance?

Scoring Scale:

1	2	3	4	5	6	7	8	9	10
Project will not aid economic development				Neutral or will have some aid to economic development					Project will have a positive impact on economic development

4. Health/Public Safety (15%) - Health/public safety includes fire service, police service, safe roads, safe drinking water, fire flow demand, sanitary sewer systems and flood control. A health clinic, fire station or police station would directly impact the health and safety of citizens, scoring high in this category. Adding concession stands to an existing facility would score low in this category. The score will be based on considerations such as:

- A. Is the project in conformance with and supportive of the goals, strategies and actions set forth in the Comprehensive Plan?
- B. Does the project support objectives addressed in a County sponsored service plan, master plan, or study?

- C. Does the project relate to the results of a citizen survey, Board of Supervisors policy, or appointed committee or board?
- D. Does the project directly reduce risks to people or property (i.e. flood control)?
- E. Does the project directly promote improved health or safety?
- F. Does the project mitigate an immediate risk?

Scoring Scale:

1	2	3	4	5	6	7	8	9	10
Project has no or minimal impact on health/safety				Project has some positive impact on health/safety					Project has a significant positive impact on health/safety

5. Impact on Operational Budget (10%) – Some projects may affect the operating budget for the next few years or for the life of the facility. A fire station must be staffed and supplied; therefore it has an impact on the operational budget for the life of the facility. Replacing a waterline will not require any additional resources from the operational budget. The score will be based on considerations such as:

- A. Is the project in conformance with and supportive of the goals, strategies and actions set forth in the Comprehensive Plan?
- B. Does the project support objectives addressed in a County sponsored service plan, master plan, or study?
- C. Does the project relate to the results of a citizen survey, Board of Supervisors policy, or appointed committee or board?
- D. Will the new facility require additional personnel to operate?
- E. Will the project lead to a reduction in personnel or maintenance costs or increased productivity?
- F. Will the new facility require significant annual maintenance?
- G. Will the new facility require additional equipment not included in the project budget?
- H. Will the new facility reduce time and resources of city staff maintaining current outdated systems? This would free up staff and resources, having a positive effect on the operational budget.
- I. Will the efficiency of the project save money?
- J. Is there a revenue generating opportunity (e.g. user fees)?
- K. Does the project minimize life-cycle costs?

Scoring Scale:

1	2	3	4	5	6	7	8	9	10
Project will have a negative impact on budget				Project will have neutral impact on budget					Project will have positive impact on budget or life-cycle costs minimized

6. Regulatory Compliance (10%) – This criterion includes regulatory mandates such as sewer line capacity, fire flow/pressure demands, storm water/creek flooding problems, schools or prisons. The score will be based on considerations such as:

- A. Does the project addresses a legislative, regulatory or court-ordered mandate? (0- 5 years)
- B. Will the future project impact foreseeable regulatory issues? (5-10years)

- C. Does the project promote long-term regulatory compliance (>10 years)
- D. Will there be a serious negative impact on the county if compliance is not achieved?
- E. Are there other ways to mitigate the regulatory concern?

Scoring Scale:

1	2	3	4	5	6	7	8	9	10
Project serves no regulatory need				Project serves some regulatory need or serves a long-term need					Project serves an immediate regulatory need

7. Timing/Location (10%) - Timing and location are important aspects of a project. If the project is not needed for many years it would score low in this category. If the project is close in proximity to many other projects and/or if a project may need to be completed before another one can be started it would score high in this category. The score will should be based on considerations such as:

- A. Is the project in conformance with and supportive of the goals, strategies and actions set forth in the Comprehensive Plan?
- B. Does the project support objectives addressed in a County sponsored service plan, master plan, or study?
- C. Does the project relate to the results of a citizen survey, Board of Supervisors policy, or appointed committee or board?
- D. When is the project needed?
- E. Do other projects require this one to be completed first?
- F. Does this project require others to be completed first? If so, what is magnitude of potential delays (acquisition of land, funding, and regulatory approvals)?
- G. Can this project be done in conjunction with other projects? (E.g. waterline/sanitary sewer/paving improvements all within one street)
- H. Will it be more economical to build multiple projects together (reduced construction costs)?
- I. Will it help in reducing repeated neighborhood disruptions?
- J. Will there be a negative impact of the construction and if so, can this be mitigated?
- K. Will any populations be positively/negatively impacted, either by construction or the location (e.g. placement of garbage dump, jail)?
- L. Are there inter-jurisdictional considerations?
- M. Does the project conform to Primary Service Area policies?
- N. Does the project use an existing County-owned or controlled site or facility?
- O. Does the project preserve the only potentially available/most appropriate, non-County owned site or facility for project's future use?
- P. Does the project use external funding or is a partnership where funds will be lost if not constructed.

Scoring Scale:

1	2	3	4	5	6	7	8	9	10
No critical timing or location issues				Project timing OR location is important					Both project timing AND location are important

8. Special Consideration (*no weighting- if one of the below categories applies, project should be given special funding priority*) – Some projects will have features that may require that the County undertake the project immediately or in the very near future. Special considerations may include the following (check all applicable statement(s)):

A.	Is there an immediate legislative, regulatory, or judicial mandate which, if unmet, will result in serious detriment to the County, and there is no alternative to the project?	
B.	Is the project required to protect against an immediate health, safety, or general welfare hazard/threat to the County?	
C.	Is there a significant external source of funding that can only be used for this project and/or which will be lost if not used immediately (examples are developer funding, grants through various federal or state initiatives, and private donations)?	

JAMES CITY SERVICE AUTHORITY
FY 2011 - 2015 Capital Improvements Program

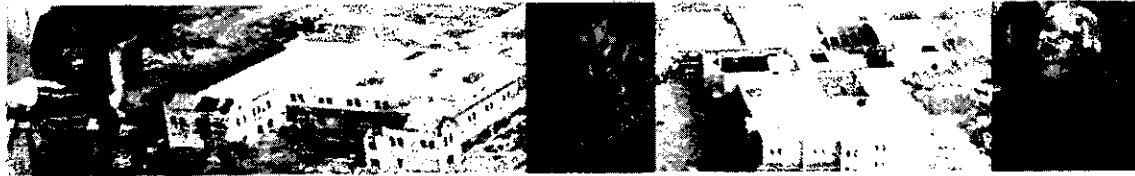
BUDGET CODE	DESCRIPTION	Balance FY10	Projected FY11	Projected FY12	Projected FY13	Projected FY14	Projected FY15	Total FY11-15	Priority
105-100	WATER SUPPLY								
2003	Water Supply Debt Service	1,648,000	1,646,000	1,645,000	1,648,000	1,645,000	1,646,000	8,230,000	1
XXXX	Desalination Plant Membrane Replacement	0			215,000	215,000		430,000	6
	Water Supply Subtotal	<u>1,648,000</u>	<u>1,646,000</u>	<u>1,645,000</u>	<u>1,863,000</u>	<u>1,860,000</u>	<u>1,646,000</u>	<u>8,660,000</u>	
105-150	SEWER IMPROVEMENTS								
2300	Sewer Systems Overflow Report Preparation	537,785	800,000	545,000	45,000			1,390,000	2
2475	DEQ Consent Order Sewer System Improvements	1,359,812	32,600	778,600	1,060,600	1,108,600	1,322,600	4,303,000	3
	Sewer Improvements Subtotal	<u>1,897,597</u>	<u>832,600</u>	<u>1,323,600</u>	<u>1,105,600</u>	<u>1,108,600</u>	<u>1,322,600</u>	<u>5,693,000</u>	
105-160	OTHER PROJECTS								
3005	Tewning Road Expansion	2,303,460	200,000					200,000	4
3085	Heavy Equipment/Other	99,161	290,000					290,000	5
	Other Projects Subtotal	<u>2,402,621</u>	<u>490,000</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>490,000</u>	
	GRAND TOTAL	<u><u>5,948,218</u></u>	<u><u>2,968,600</u></u>	<u><u>2,968,600</u></u>	<u><u>2,968,600</u></u>	<u><u>2,968,600</u></u>	<u><u>2,968,600</u></u>	<u><u>14,843,000</u></u>	

VDOT Six-Year Improvement Program (revised Dec. 2009)

UPC#:	Project Name:	Previous Allocations	FY10 Allocated \$	FY11 Allocated \$	FY12 Allocated \$	FY13 Allocated \$	FY14 Allocated \$	FY15 Allocated \$	Total \$
55051	Rte 5- Virginia Capital Trail - Eastern Section	\$5,051,000	\$0	\$0	\$0	\$0	\$0	\$0	\$5,051,000
67637	Rte 5- Install Pedestrian X-ing and Curbcut Ramps	\$5,000	\$0	\$0	\$0	\$0	\$0	\$0	\$5,000
71883	Rte 5- Bridge Replacement	\$3,478,000	\$0	\$0	\$0	\$0	\$0	\$0	\$3,478,000
77065	Rte 5- Install Right Turn Lane from NB Rte 615 onto EB Rte 5	\$500,000	\$300,000	\$0	\$0	\$0	\$0	\$0	\$800,000
13496	Rte 60- Relocation and Upgrading	\$18,732,000	\$1,000,000	\$0	\$0	\$0	\$0	\$0	\$19,732,000
65191	Rte 199- Jamestown Corridor- Parallel Lane Segment 1	\$16,412,000	\$0	\$0	\$0	\$0	\$0	\$0	\$16,412,000
65273	Rte 199- Parallel Lane Segment 2	\$10,221,000	\$0	\$0	\$0	\$0	\$0	\$0	\$10,221,000
65275	Rte 199- Intersection Improvement (Segment 3)	\$3,789,000	\$0	\$0	\$0	\$0	\$0	\$0	\$3,789,000
82961	Add Left and Right Turn Lanes on Monticello Ave, Ironbound Rd.	\$200,000	\$660,000	\$0	\$0	\$0	\$0	\$0	\$860,000
17633	Bikeway/Pedestrian Rte 60 and Croaker Rd.	\$278,000	\$930,000	\$0	\$0	\$0	\$0	\$0	\$1,208,000
87944	Mooretown Rd. Bikeway (Airport Rd to Raintree Way)	\$0	\$512,000	\$0	\$0	\$0	\$0	\$0	\$512,000
13719	Rte 612/Longhill Rd Trail (Centerville Rd. to Rte 199)	\$960,000	\$0	\$0	\$0	\$0	\$0	\$0	\$960,000
71617	Rte 612- Paved Shoulder along Longhill Rd.	\$226,000	\$0	\$0	\$0	\$0	\$0	\$0	\$226,000
50057	Rte 615- Reconstruct Ironbound Rd to 4 Lanes	\$13,768,000	\$444,000	\$1,795,000	\$214,000	\$214,000	\$214,000	\$214,000	\$16,863,000
71616	Rte 615- Paved Shoulder along Ironbound Rd and Rte 681	\$3,114,000	\$0	\$0	\$0	\$0	\$0	\$0	\$3,114,000
83462	Construct Shoulder Bikeway along Airport Rd. (Richmond Rd. to Mooretown Rd.)	\$30,000	\$0	\$0	\$0	\$0	\$0	\$0	\$30,000
16463	Signage for Bikeway Network (with York Co)	\$34,000							\$34,000
T193	JCC Transit Shopping Circulator	\$277,000	\$0	\$0	\$0	\$0	\$0	\$0	\$277,000
T4224	Increase Service Frequency and Add Sunday Service, Ph 1 (JCC, York, and Newport News)	\$2,836,000	\$0	\$0	\$0	\$0	\$0	\$0	\$2,836,000
T4222	Newport News/JCC Employee Connection, Ph 1	\$184,000	\$0	\$0	\$0	\$0	\$0	\$0	\$184,000
T4223	Newport News/JCC Employee Connection, Ph 2	\$98,000	\$0	\$0	\$0	\$0	\$0	\$0	\$98,000
85554	Jamestown 2007 Transportation System	\$1,334,000	\$0	\$0	\$0	\$0	\$0	\$0	\$1,334,000
77399	Purchase Land for Ferry Security Station & Traffic Queue	\$672,000	\$0	\$0	\$0	\$0	\$0	\$0	\$672,000
93059	Transportation Improvements to Historic Jamestown 2007	\$5,553,000	\$294,000	\$0	\$0	\$0	\$0	\$0	\$5,847,000
93060	Infrastructure Improvements for Jamestown 2007	\$438,000	\$23,000	\$0	\$0	\$0	\$0	\$0	\$461,000



**WILLIAMSBURG-
JAMES CITY COUNTY
PUBLIC SCHOOLS
FY 2010-2011**



CAPITAL IMPROVEMENT PLAN

Fiscal Year 2011 - 2016



Williamsburg-James City County Public Schools
CIP Proposed: February 16, 2010

WJCC Public Schools: 6-Year Capital Improvement Plan (CIP) Budget

Fiscal Year 2010-2011 through Fiscal Year 2015-2016

Location	Description	WJCC Tier	WJCC Rank	FY11	FY12	FY13	FY14	FY15	FY16	TOTAL Proposed CIP (FY11-FY16)
<u>Elementary</u>										
✓ Baker	Parking	III		-	-	-	280,700	-	-	280,700
Baker	Replace new addition roof	II	28	-	-	74,000	-	-	-	74,000
Baker	Refurbishment	II	26	-	-	-	-	-	1,292,864	1,292,864
Baker	Exterior Masonry Repairs	II	29	-	300,000	-	-	-	-	300,000
✓ DJM	HVAC	II	3	2,600,000	-	-	-	-	-	2,600,000
DJM	Refurbishment	II	22	-	1,292,864	-	-	-	-	1,292,864
✓ DJM	Additional Parking	III		-	-	-	126,000	-	-	126,000
JR	HVAC	II	15	-	-	3,089,900	-	-	-	3,089,900
JR	Roof Replacement	II	19	-	-	651,700	-	-	-	651,700
JR	Refurbishment	II	23	-	-	-	1,752,800	-	-	1,752,800
JR	Sprinkler System Replacement	I	1	585,000	-	-	-	-	-	585,000
✓ Stonehouse	Bus Loop Canopy	II	16	-	-	-	-	369,275	-	369,275
Stonehouse	Refurbishment	II	21	-	-	-	1,556,006	-	-	1,556,006
✓ Stonehouse	Sports Field Lights	IV		-	-	-	350,000	-	-	350,000
<i>Elementary School Total</i>				\$ 3,185,000	\$ 1,592,864	\$ 3,815,600	\$ 4,065,506	\$ 369,275	\$ 1,292,864	\$ 14,321,109

WJCC Public Schools: 6-Year Capital Improvement Plan (CIP) Budget

Fiscal Year 2010-2011 through Fiscal Year 2015-2016

Location	Description	WJCC Tier	WJCC Rank	FY11	FY12	FY13	FY14	FY15	FY16	TOTAL Proposed CIP (FY11-FY16)
<u>Middle</u>										
Berkeley	HVAC	II	4	400,000	-	-	-	-	-	400,000
Berkeley	Softball Field Improvements	II	10	-	182,400	-	-	-	-	182,400
Blair	Kitchen Renovation	II	32	-	-	-	-	-	560,000	560,000
Blair	Reconversion	III		-	-	-	-	-	650,000	650,000
Blair	Hockey/Soccer Field/Irrig	II	33	-	-	-	-	-	175,500	175,500
✓ Blair/All	Repurposing	II	5	2,215,680	-	-	-	-	-	2,215,680
✓ Cooley	Lighting	II	11	-	163,000	-	-	-	-	163,000
Cooley	Renovations	II	12	-	606,000	-	-	-	-	606,000
✓ Cooley	Turf/field	IV		-	-	-	-	800,000	-	800,000
Cooley	Fence and Gates	II	27	-	-	-	-	70,000	-	70,000
Toano	HVAC	II	6	-	2,876,500	-	-	-	-	2,876,500
Toano	Roof Replacement	II	6	-	722,500	-	-	-	-	722,500
Toano	Parking Lot/Outfall Repair	II	17	-	-	322,000	-	-	-	322,000
Toano	Refurbishment	II	25	-	-	-	-	1,882,567	-	1,882,567
✓ Toano	Field Lighting	IV		-	-	-	350,000	-	-	350,000
<i>Middle School Total</i>				\$ 2,615,680	\$ 4,550,400	\$ 322,000	\$ 350,000	\$ 2,752,567	\$ 1,385,500	\$ 11,976,147

WJCC Public Schools: 6-Year Capital Improvement Plan (CIP) Budget

Fiscal Year 2010-2011 through Fiscal Year 2015-2016

Location	Description	WJCC Tier	WJCC Rank	FY11	FY12	FY13	FY14	FY15	FY16	TOTAL Proposed CIP (FY11-FY16)
High										
✓ Jamestown	Multi Purpose Space	II	2	2,489,000	-	-	-	-	-	2,489,000
Jamestown	Refurbishment	II	14	-	-	1,644,908	1,644,908	-	-	3,289,816
✓ Jamestown	Enclose Cafeteria Courtyard	III		-	-	-	-	1,800,000	-	1,800,000
Jamestown	Refurbish locker rooms	III		-	-	-	258,870	-	-	258,870
✓ Jamestown	Field Lights	IV		-	-	-	556,540	-	-	556,540
Jamestown	Food Court	IV		-	-	345,560	-	-	-	345,560
✓ Lafayette	Walkway to Warhill	II	30	-	-	-	-	75,000	-	75,000
✓ Lafayette	Multi Purpose Space	II	24	-	-	-	-	2,738,000	-	2,738,000
Lafayette	Exterior Painting	II	7	-	175,000	-	-	-	-	175,000
Lafayette	Refurbish Practice Field	II	9	-	-	400,800	-	-	-	400,800
Lafayette	Refurbishment	II	8	-	1,571,458	1,546,224	-	-	-	3,117,682
Lafayette	HVAC	II	18	-	-	2,566,600	-	-	-	2,566,600
Lafayette	Food Court	IV		-	276,000	-	-	-	-	276,000
✓ Lafayette	Science Pavilions	IV		-	193,200	-	-	-	-	193,200
<i>High School Total</i>				\$ 2,489,000	\$ 2,215,658	\$ 6,504,092	\$ 2,460,318	\$ 4,613,000	\$ -	\$ 18,282,068

WJCC Public Schools: 6-Year Capital Improvement Plan (CIP) Budget

Fiscal Year 2010-2011 through Fiscal Year 2015-2016

Location	Description	WJCC Tier	WJCC Rank	FY11	FY12	FY13	FY14	FY15	FY16	TOTAL Proposed CIP (FY11-FY16)
Other										
✓ Division	Security Card Access System	I	2	70,000	70,000	120,000	70,000	70,000	70,000	470,000
Division	HVAC for Operations	II	20	-	875,600	-	-	-	-	875,600
✓ Division	Technology*	III		1,339,790	192,000	705,000	767,000	647,000	416,000	4,066,790
Division	Resurface Parking Lots	III		139,000	93,000	90,000	90,000	90,000	-	502,000
✓ Division	Storage Sheds	IV		50,000	50,000	-	-	-	-	100,000
Division	Ops Fuel Pumps & Canopy	II	13	-	-	-	-	70,000	-	70,000
✓ Division	New Horizons Contribution	III		82,331	82,331	82,331	-	-	-	246,993
✓ Division	Grading New Ops Property	II	1	262,150	-	-	-	-	-	262,150
Division	Telephone Systems Upgrade	II	31	-	-	-	-	-	360,000	360,000
Other Total				\$ 1,943,271	\$ 1,362,931	\$ 997,331	\$ 927,000	\$ 877,000	\$ 846,000	\$ 6,953,533
Existing Facilities Sub-Total				\$ 10,232,951	\$ 9,721,853	\$ 11,639,023	\$ 7,802,824	\$ 8,611,842	\$ 3,524,364	\$ 51,532,857
Division	CO/SS/ALL Facility	III		-	-	-	-	-	5,400,000	5,400,000
Division	Aquatic Center	III		-	-	-	-	-	8,000,000	8,000,000
				\$ -	\$ -	\$ -	\$ -	\$ -	\$ 13,400,000	\$ 13,400,000
TOTAL ~ Existing and New Facilities				\$ 10,232,951	\$ 9,721,853	\$ 11,639,023	\$ 7,802,824	\$ 8,611,842	\$ 16,924,364	\$ 64,932,857

Tier I Health & Safety Issues
Tier II Growth & Maintenance
Tier III Projects that Support and/or Enhance the Learning Process
Tier IV Other Projects Important to the Mission of our Schools

*** Existing school system funds may be used for the FY11 technology amount of \$1,339,790

WJCC Public Schools: 6-Year Capital Improvement Plan (CIP) Budget
Fiscal Year 2010-2011 through Fiscal Year 2015-2016

Tier I
Health and Safety Issues

<u>Location</u>	<u>Project</u>	<u>Year</u>	<u>Amount</u>	<u>Rank</u>
James River	Sprinkler System Replacement	FY11	\$ 585,000	1
Division	Security Card Access System- Phase II	FY11	70,000	2
	Security Card Access System- Phase III	FY12	70,000	
	Security Card Access System- Phase IV	FY13	120,000	
	Security Card Access System- Phase V	FY14	70,000	
	Security Card Access System- Phase VI	FY15	70,000	
	Security Card Access System- Phase VII	FY16	70,000	
		Total	\$ 1,055,000	

WJCC Public Schools: 6-Year Capital Improvement Plan (CIP) Budget

Fiscal Year 2010-2011 through Fiscal Year 2015-2016

Tier II

Growth and Maintenance

<u>Location</u>	<u>Project</u>	<u>Year</u>	<u>Amount</u>	<u>Rank</u>
Division	Grading New Ops Property	FY11	\$ 262,150	1
Jamestown	Multi Purpose Space	FY11	2,489,000	2
DJM	HVAC	FY11	2,600,000	3
Berkeley	HVAC	FY11	400,000	4
Blair/All	Repurposing	FY11	2,215,680	5
Blair	HVAC	FY11/12	2,886,000	5
Toano	HVAC	FY12	2,876,500	6
Toano	Roof Replacement	FY12	722,500	6
Lafayette	Exterior Painting	FY12	175,000	7
Lafayette	Refurbishment	FY12/13	3,117,682	8
Lafayette	Refurbish Practice Field	FY13	400,800	9
Berkeley	Softball Field Improvements	FY12	182,400	10
Cooley	Lighting	FY12	163,000	11
Cooley	Renovations	FY12	606,000	12
Division	Ops Fuel Pumps & Canopy	FY15	70,000	13
Jamestown	Refurbishment	FY13/14	3,289,816	14
JR	HVAC	FY12	3,089,900	15
Stonehouse	Bus Loop Canopy	FY15	369,275	16
Toano	Parking Lot/Outfall Repair	FY13	322,000	17
Lafayette	HVAC	FY13	2,566,600	18
JR	Roof Replacement	FY13	651,700	19
Division	HVAC for Operations	FY12	875,600	20
Stonehouse	Refurbishment	FY14	1,556,006	21
DJM	Refurbishment	FY12	1,292,864	22
JR	Refurbishment	FY14	1,752,800	23
Lafayette	Multi Purpose Space	FY15	2,738,000	24
Toano	Refurbishment	FY15	1,882,567	25
Baker	Refurbishment	FY16	1,292,864	26

WJCC Public Schools: 6-Year Capital Improvement Plan (CIP) Budget
Fiscal Year 2010-2011 through Fiscal Year 2015-2016

Tier II

Growth and Maintenance

Cooley	Fence and Gates	FY15	70,000	27
Baker	Replace portion of roof	FY13	74,000	28
Baker	Exterior Masonry Repairs	FY12	300,000	29
Lafayette	Walkway to Warhill	FY15	75,000	30
Division	Telephone Systems Upgrade	FY16	360,000	31
Blair	Kitchen Renovation	FY16	560,000	32
Blair	Hockey/Soccer Field/Irrig	FY16	175,500	33

Total \$ 42,461,204

WJCC Public Schools: 6-Year Capital Improvement Plan (CIP) Budget

Fiscal Year 2010-2011 through Fiscal Year 2015-2016

Tier III**Projects that Support and/or Enhance the Learning Process (unranked)**

<u>Location</u>	<u>Project</u>	<u>Year</u>	<u>Amount</u>
Division	Technology Refresh	FY11	\$ 1,339,790
Division	Resurface Parking Lots	FY11	139,000
Division	New Horizons Contribution (3 of 5)	FY11	82,331
Division	Technology Refresh	FY12	192,000
Division	Resurface Parking Lots	FY12	93,000
Division	New Horizons Contrution (4 of 5)	FY12	82,331
Division	Technology Refresh	FY13	705,000
Division	Resurface Parking Lots	FY13	90,000
Division	New Horizons contibution (5 of 5)	FY13	82,331
Baker	Parking	FY14	280,700
DJM	Additional Parking	FY14	126,000
Jamestown	Refurbish locker rooms	FY14	258,870
Division	Technology Refresh	FY14	767,000
Division	Resurface Parking Lots	FY14	90,000
Jamestown	Enclose Cafeteria Courtyard	FY15	1,800,000
Division	Technology Refresh	FY15	647,000
Division	Resurface Parking Lots	FY15	90,000
Division	Technology Refresh	FY16	416,000
Division	ALL/St. Svcs/Central Office	FY16	5,400,000
Division	Aquatic Center	FY16	8,000,000
Blair	Reconversion	FY16	650,000
	Total		\$21,331,353

WJCC Public Schools: 6-Year Capital Improvement Plan (CIP) Budget
Fiscal Year 2010-2011 through Fiscal Year 2015-2016

Tier IV
Other Projects Important to the Mission of our Schools (unranked)

<u>Location</u>	<u>Project</u>	<u>Year</u>	<u>Amount</u>
Stonehouse	Sports Field Lights	FY14	\$ 350,000
Toano	Field Lighting	FY14	350,000
Cooley	Turf Field	FY15	800,000
Jamestown	Field Lights	FY14	556,540
Jamestown	Food Court	FY13	345,560
Lafayette	Food Court	FY12	276,000
Lafayette	Science Pavilions	FY12	193,200
Division	Storage Sheds (Year 1)	FY11	50,000
Division	Storage Sheds (Year 2)	FY12	50,000
	Total		\$ 2,971,300

WJCC Public Schools: 6-Year Capital Improvement Plan (CIP) Budget
Fiscal Year 2010-2011 through Fiscal Year 2015-2016

TECHNOLOGY REFRESH SCHEDULE

<u>Year</u>	<u>School</u>
2011	High School teacher laptop refresh
2012	Middle School refresh
2013	Elementary schools refresh
2014	High School student computer refresh and classroom upgrade
2015	High School teacher laptop refresh and middle school refresh
2016	Elementary school classroom hardware upgrade and middle school refresh
2017	Elementary schools refresh and server updates

**UNAPPROVED MINUTES OF THE JANUARY 28, 2010
POLICY COMMITTEE MEETING**

Capital Improvements Program (CIP) Proposals

Mr. Alan Robertson stated that while many WJCC Schools capital maintenance projects are scheduled, they have taken under consideration which FY11 projects could be most easily delayed and the final list of projects has not yet been adopted by the School Board. He stated he wanted to call attention to the priority capital maintenance items that would probably go unfunded in FY11. Mr. Robertson also noted that there was the possibility of an older HVAC not mentioned in the project list requiring expensive emergency maintenance in the next year. Finally he said it is difficult to install geothermal systems once traditional HVAC infrastructure is in place, and vice versa, so they were considering geothermal for as many projects as possible.

Mr. Fraley stated that the following Schools projects received the highest composite scores: DJ Montague HVAC, followed by technology upgrades, the Blair Middle School refurbishment, the Lafayette High School walkway, and the Jamestown multi-purpose space. He asked whether this was consistent with the Schools' priorities.

Mr. Robertson stated that while the Policy Committee's and Schools' lists were close, replacing James River sprinklers is a top Tier II health and safety project for Schools. He also mentioned he was surprised by the high score for the Lafayette walkway.

Ms. Leanne Reidenbach stated that the Committee decided not to review capital maintenance items and the only maintenance project reviewed by the Committee was the DJ Montague HVAC since it involved significant investment in geothermal and was specifically requested to be reviewed by the Committee at its December meeting.

Mr. Robertson stated that while the Montague HVAC is a top priority, the difficulty in raising its \$2.6 million cost persuades Schools to pursue relatively inexpensive projects. He stated that the security cards' high ranking is due to few health and safety projects. The cards control access at the building level and are already used at the four newest schools.

Mr. Chris Henderson arrived at the meeting and inquired about the need for the School Operations Center grading project.

Mr. Robertson stated that the driving force behind the Operations Center grading project is the need to store seven school-owned temporary classroom trailers. He stated that most of the money for the project was raised through savings from the Matthew Whaley refurbishment.

Mr. Henderson stated that if the Operations Center submission was a private proposal, it would be considered incomplete. He stated that County proposals should be held to the same standard as applicants.

Mr. Robertson stated that acquiring the land beside the Operations Center was an unexpected opportunity. Schools decided to purchase the property and determined that it would be a good location to store the trailers when the special use permits for their placement expire in July, 2010. Storage at James Blair would not be feasible due to its conversion to office and the Academy of Life and

Learning and potential restrictions from the City of Williamsburg. There is no planned future use for the trailers.

Mr. Henderson stated that in the economic climate, Schools may be able to find inexpensive private storage. The Committee moved on to discuss Parks and Recreation projects.

Ms. Nancy Ellis stated that due to the budget, Parks and Recreation is not requesting any capital funding until FY13, with the exception of greenways projects. Funding requests will focus on completing existing projects, addressing citizen complaints, creating revenue generating opportunities, and minimizing operational costs. Committee composite rankings match Parks and Recreation's internal rankings, with the exception of Shaping Our Shores-related projects. Low internal rankings for the Shaping Our Shores plan is due to the increased operating costs that initiative would create.

Mr. John Carnifax stated that Parks was looking into privatization opportunities, including private vendors building infrastructure and operating concessions and camping. Boat rentals at Little Creek Reservoir will be operated privately in 2011. Little Creek is a trial to see how vendors may be used in the future.

Ms. Ellis stated that many of the newly submitted projects are to implement Board-approved master plans and that the projects requested are the full listing of projects they expect to need over the next five years but noted that priorities may change depending on the community's wants.

Mr. Carnifax confirmed and stated that master plans are long term and give staff direction. Even lacking funding, Parks and Recreation wants to increase awareness of projects approved by master plan. Mr. Carnifax also stated that Parks may be able to raise program fees without affecting enrollment.

Mr. Fraley stated the Committee should discuss each member's ranking thresholds and methodology.

Ms. Reidenbach stated the CIP rankings should focus on projects requesting funding in FY11. The other scores will provide a baseline to begin discussions in future years.

Mr. Henderson suggested that the Committee look at the average scores as generated on the spreadsheet and then discuss individual projects or scores if the resulting ranking looks off.

The Committee discussed the rankings for specific projects.

Ms. Reidenbach stated that the priority order of Group 1 FY11 projects were the DJ Montague HVAC, James Blair refurbishment, and Operations Center re-grading. Within Group 2, Water Quality, New Horizons, classroom technology, and greenways ranked as priorities.

Mr. John McDonald stated the Board made a five-year commitment to New Horizons improvements/contributions. He stated the appropriation comes from the capital, not operating, budget.

Mr. Fraley stated that since the County is committed to pay for the New Horizons project, the Committee should not be ranking it or it should be considered as a must-do contribution.

Ms. Kate Sipes stated that the New Horizons project counted as a mandate, which would allow to the Committee to rank it under the 'special consideration' evaluation category. This would raise it to the top of the priority list. The Committee agreed to score the New Horizons project under a special consideration.

Mr. Rich Krapf stated that he ranked stormwater water quality projects with a special consideration due to the health and safety effects on the County.

Mr. McDonald stated that water quality improvements can involve lengthy access, easement, and right-of-way negotiations. He stated these challenges render some projects difficult or impossible.

Mr. Henderson asked about the use of police power in cases of public safety.

Mr. McDonald stated the Board was willing to condemn properties, but not willing to use that power often. He stated flood-abatement is very difficult in some of the more low-lying areas of the County. Few CIP projects relate to flood-abatement. Stormwater management is the largest component of water quality projects.

Mr. Reese Peck stated that most of the future water quality improvements will be driven by State and federal regulation.

The Committee discussed and revised their individual rankings.

Ms. Reidenbach stated the Committee had previously ranked greenways projects lower due to difficulties in right-of-way acquisition.

Mr. Henderson stated he was happy with the new ranking system's operation.

Mr. McDonald mentioned that he had the DJ Montague HVAC as a capital maintenance item. Ms. Reidenbach clarified that the Committee had asked to score this project due to the large cost and inclusion of geothermal.

Mr. McDonald stated that Schools does not want to upgrade classroom technology during layoffs. He stated that there is no funding for the Operations Center re-grading. Schools has been offered landfill space for trailer storage. The James Blair refit is already funded. Alternative funding for HVAC and sprinkler systems will be sought. Refurbishments for Fire Station 4, Mid-County Park, and County Complex Building D are requested in FY12.

The Committee reviewed the project ranking for FY11 requests and agreed on the following prioritized list: New Horizons Contribution, Water Quality, D.J. Montague HVAC, School Security Card Access System, School Classroom Technology, Greenways, Jamestown Multi-Purpose Space, James Blair/Academy of Life and Learning Refurbishment, Grading New School Operations Property, Greenspace/Purchase of Development Rights, and School Storage Sheds.

PLANNING DIRECTOR'S REPORT
March 2010

This report summarizes the status of selected Planning Division activities during the past month.

- **New Town.** The Design Review Board approved building materials for the TPMG building via e-mail and then held a meeting on February 18. At this meeting, the DRB approved a sign request and a subdivision plat in Block 11. The DRB was also presented with information about and gave feedback on the proposal for a shopping center at the corner of Ironbound Road and Monticello Avenue (adjacent to the post office). This proposal has been submitted to the County as a special use permit (SUP-0004-2010). Finally, the New Town has been coordinating with the County to schedule a meeting in March to discuss sign regulations with the New Town Commercial Association.
- **Policy Committee Meetings.** The Policy Committee held a meeting on January 28 to finalize the rankings for FY11 Capital Improvement Program requests, which are included in this month's Planning Commission package for consideration. The Policy Committee scheduled another meeting on February 25 at 6 p.m. in Building A to discuss a communications policy, revisions to meeting minute format, comprehensive plan 'score card,' and a regular meeting schedule.
- **Comprehensive Plan.** The 2009 Comprehensive Plan Text and Land Use Map adopted by the Board of Supervisors can now be downloaded by visiting www.jccplans.org or <http://www.jccgov.com/government/administration/comp-plan.html>. Staff is currently working on the graphic design of the Plan, which is scheduled to be available online in Spring 2010..
- **Training.** Staff is taking advantage of webinars that are available from the American Planning Association. March's topics include sign regulations, redevelopment and revitalization issues, and the implications for government planners in reference to the Disabilities and Fair Housing Act.
- **Monthly Case Report.** For a list of all cases received in the last month, please see the attached document.
- **Board Action Results** – February 9th and 23rd
SUP-0024-2009 Hospice House WCF Tower – Deferred until March 9, 2010
ZO-0004-2009. Zoning Ordinance Amendment-SUP Use List Amendments - B-1 adopted 5-0, LB Adopted 3-2 (McGlennon, Icenhour – No)
Z-0004-2009/SUP-0027-2009. School Operations Center Parking – Adopted 5-0

Allen J. Murphy, Jr.

New Case Report for February 2010

Case Type	Case Number	Case Title	Address	Description	Planner	District
Conceptual Plans	C-0004-2010	Branscome and USA Waste of VA Landfills Borrow Pit Progress Report	700 BLOW FLATS ROAD	Annual Progress Reports - Required by SUPs (SUP-19-2005 & SUP-20-0005)	Christy Parrish	Roberts
	C-0005-2010	Kingsmill Road Culvert Repair	1000 KINGSMILL ROAD	Repair a triple culvert crossing on Kingsmill Road adjacent to Green #4 and Tee #5 of the Kingsmill River Course.	Sarah Propst	Roberts
	C-0006-2010	Freedom Park Intrepretive Center	5537 CENTERVILLE RD	Interpretive Center building and expansion of parking lot and roadway in accordance with park master plan.	Leanne Reidenbach	Powhatan
	C-0007-2010	Kingsmill Marriott New Cingular Wireless Tower	50 KINGSMILL ROAD	Install telecommunications antennas and equipment on the roof of the Kingsmill Marriott building.	Ellen Cook	Roberts
	C-0008-2010	Forest Heights & Neighbors Drive Redevelopment		Conceptual design to improve infrastructure (roads, water, sewer, amenities) and housing on Neighbors Drive and Forest Heights Road.	Kathryn Sipes	Powhatan

Site Plan	SP-0007-2010	Villas at Five Forks Buildings 5B & 6A SP Amend.	248 INGRAM ROAD	Amendment to modify building configurations 5B and 6A. Revised grading to accomodate the building changes.	Luke Vinciguerra	Berkeley
	SP-0008-2010	Retaining Wall SP Amend, Ironbound Office	4071 IRONBOUND ROAD	Site plan amendment for grading and retaining wall revision.	Jason Purse	Berkeley
	SP-0009-2010	Chickahominy Riverfront Park RV Loop Expansion	1350 JOHN TYLER HGWY	Renovation of camp sites a Chickahominy Park. A new access road will be built along with new water, sewer, and electrical hookups for RV spaces.	Leanne Reidenbach	Berkeley
	SP-0010-2010	Scott's Pond Community Assoc Stream Restoration		This plan is designed to restore natural stream function and habitat and is based on natural stream channel design principles.	Jason Purse	Powhatan
	SP-0011-2010	Jamestown HS - Auxiliary Gymnasium Addition	3751 JOHN TYLER HGWY	This project consists of the construction of an auxiliary gymnasium addition at Jamestown High School. The gymnasium addition is approximately 6500 square feet.	Sarah Propst	Berkeley
	SP-0012-2010	Steel Manufacturer, James River Commerce Center, Parcel 9	1733 ENDEAVOR DRIVE	Construction of a 20,000 square foot building for steel manufacturing business with exterior storage yard	Jason Purse	Roberts

Special Use Permit	SUP-0005-2010	Jolly Pond Road Hogge Family Subdivision	2679 JOLLY POND ROAD	Subdividing a 1 acre lot from a 2.77 acre lot	Jose Ribeiro	Powhatan
Subdivision	S-0006-2010	McDonalds Subdivision, Sycamore Landing	9659 SYCAMORE LANDING RD	Plat correction	Jose Ribeiro	Stonehouse