

BOARD OF SUPERVISORS  
COUNTY OF YORK  
YORKTOWN, VIRGINIA

**Agenda**

Regular Meeting  
February 18, 2014

Board Room  
York Hall  
6:00 p.m.

**Call to Order.**

**Invocation.**

Pastor Delores Borum, Faith for Living Outreach Center

**Pledge of Allegiance to the Flag of the United States of America.**

**Roll Call.**

**PRESENTATIONS.**

- A VDOT Quarterly Transportation Update. Receive update from Rossie Carroll, Williamsburg Residency Administrator.

**CITIZENS' COMMENT PERIOD.**

**COUNTY ATTORNEY REPORTS AND REQUESTS.**

**COUNTY ADMINISTRATOR REPORTS AND REQUESTS.**

**MATTERS PRESENTED BY THE BOARD.**

6:55 p.m.

**RECESS**

7:00 p.m.

**PUBLIC HEARINGS.**

\*CAPITAL LETTERS INDICATE NO WRITTEN MATERIAL.

- 1 Application No. UP-837-14, Timothy J. and Tammy R. Gelles. Consider adoption of proposed Resolution R14-15 to approve a Special Use Permit, pursuant to Section 24.1-407(b)2 of the York County Zoning Ordinance, to authorize the establishment of an accessory apartment with approximately 400 square feet of habitable space on the second story of an existing detached garage in conjunction with a single-family detached home located at 612 and 612-A York Point Road (Route 712).
  - a. Memorandum from County Administrator.
  - b. Excerpts from Planning Commission minutes dated 1/8/14.
  - c. Zoning map.
  - d. Survey plat (2 sheets).
  - e. Floor plan.
  - f. Proposed Resolution R14-15.
  
- 2 Application No. YVA-33-14, Glenn Helseth, The Carrot Tree. Consider adoption of proposed Resolution R14-24 to request Yorktown Village Activity approval, pursuant to Section 24.1- 327(c) of the York County Zoning Ordinance, to authorize a sit-down restaurant to be located in an existing building (Watermen’s Museum Carriage House) and a fast-food restaurant (hot dog stand) on property located at 301, 309, 313, and 315 Water Street.
  - a. Memorandum from County Administrator.
  - b. Excerpts from Planning Commission minutes dated 1/8/14.
  - c. Zoning map.
  - d. Applicant’s justification statement.
  - e. Sketch plans.
  - f. Floor plans.
  - g. Proposed Resolution R14-24.
  
- UNFINISHED BUSINESS.** None.
  
- CONSENT CALENDAR.**
  
- 3 CDBG Application Request for Carver Gardens Rehabilitation Project – Phase 1. Consider adoption of proposed Resolution R14-12 to adopt policies and authorize the County Administrator to submit the necessary documents for funding from the Virginia Department of Housing and Community Development, and to request and accept these funds for the Carver Garden Rehabilitation Project – Phase 1.
  - a. Memorandum from County Administrator.
  - b. Policies Plans Certifications.
  - c. Proposed Resolution R14-12.
  
- 4 Commendation of Retired Employee. Consider adoption of proposed Resolution R14-28 to commend and congratulate Thomas J. Gallagher, Division Chief for Mosquito Control, of the Department of Environmental and Development Services, on the occasion of his retirement from County service.

\*CAPITAL LETTERS INDICATE NO WRITTEN MATERIAL.

- a. Memorandum from County Administrator.
  - b. Proposed Resolution R14-28.
- 5 Commendation of Retired Employee. Consider adoption of proposed Resolution R14-26 to commend and congratulate Deborah A. Mirick, Senior Accounting Supervisor, of the Department of Financial and Development Services, on the occasion of her retirement from County service.
- a. Memorandum from County Administrator.
  - b. Proposed Resolution R14-26.
- 6 Employees of the Quarter. Consider adoption of proposed Resolution R14-17 to commend Laurel A. Halperin, Penny A. Chuba, Cora M. Saunders, and Robin L. Thurnes, Division of Waste Management, Department of Environmental and Development Services, as Employees of the Quarter.
- a. Memorandum from County Administrator.
  - b. Proposed Resolution R14-17.
- 7 Sponsor Zoning Ordinance Text Amendment Applications – Signage Allowances for Regional Shopping Centers with Interstate Frontage. Consider adoption of proposed Resolution R14-29 to amend Section 24.1-705(f), Zoning, York County Code, to provide an opportunity for a 600-square foot freestanding sign to be located on more than one perimeter public highway frontage of a regional shopping center.
- a. Memorandum from County Administrator.
  - b. Proposed sign – conceptual rendering.
  - c. Proposed Resolution R14-29.
- NEW BUSINESS.**
- 8 Application No. UP-840-14, Marquis Williamsburg RE Holding LLC. Consider adoption of proposed Resolution R14-16 to approve an application for a Special Use Permit Amendment to authorize the establishment of a 100-Room hotel as a minor expansion of a previously approved retail center.
- a. Memorandum from County Administrator.
  - b. Zoning map.
  - c. Narrative.
  - d. Overall master plan.
  - e. Master plan – hotel site detail
  - f. Traffic impact analysis.
  - g. Proposed Resolution R14-16.

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9

HRSD Regionalization. Consider adoption of proposed Resolution R14-27 to approve the Hampton Roads Sanitation District Hybrid Plan and authorize the County Administrator to execute the Memorandum of Agreement between the member localities.

- a. Memorandum from County Administration.
- b. Proposed Resolution R14-27.

**CLOSED MEETING.**

**FUTURE BUSINESS.**

Adjournment.

Regular Meetings and Work Sessions of the Board of Supervisors air live on Cable Channel 46, WYCG-TV.

The next Regular Meeting of the York County Board of Supervisors will be held at 6:00 p.m., Tuesday, March 4, 2014, in the East Room, York Hall.

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# COUNTY OF YORK

## MEMORANDUM

**DATE:** January 17, 2014 (BOS Mtg. 2/18/14)

**TO:** York County Board of Supervisors

**FROM:** James O. McReynolds, County Administrator 

**SUBJECT:** Application No. UP-837-14, Timothy J. and Tammy R. Gelles

### ISSUE

This application requests a Special Use Permit, pursuant to Section 24.1-407(b)2 of the York County Zoning Ordinance, to authorize the establishment of an accessory apartment with approximately 400 square feet of habitable space in an existing detached garage in conjunction with a single-family detached home located on two parcels of land with a combined area of 1.7 acres at 612 and 612-A York Point Road (Route 712) and further identified as Assessor's Parcel Nos. 26F-4-B-6 and 26F-4-B-5A. The properties are zoned RC (Resource Conservation) and designated Conservation in the Comprehensive Plan.

### DESCRIPTION

- Property Owners: Timothy J. and Tammy R. Gelles
- Location: 612 and 612-A York Point Road (Route 712)
- Area: Approximately 1.7 acres total (1.4 acres and 0.3 acre respectively)
- Frontage: Approximately 172 feet on York Point Road total (126 feet and 46 feet respectively)
- Utilities: Public water and sewer
- Topography: Relatively flat
- 2035 Land Use Map Designation: Conservation
- Zoning Classification: RC – Resource Conservation
- Existing Development: Single-family detached home with a detached garage
- Surrounding Development:

North: Vacant 0.75-acre parcel owned by the applicants  
East: Vacant 94.8-acre parcel across York Point Road

South: Single-family detached home

West: Cabin Creek

- Proposed Development: Accessory apartment in an existing detached garage

### **CONSIDERATIONS/CONCLUSIONS**

1. The applicants own three adjoining waterfront lots with a combined area of approximately 2.4 acres along the west side of York Point Road in the York Point area of Seaford. The northernmost lot is undeveloped while the other two lots are occupied by a single-family detached home and a detached garage that straddles the border between the two parcels. The applicants live in the home and wish to convert the space on the second story of the garage into an accessory apartment (with a bathroom on the first floor) that will be occupied by them temporarily while the principal home is being renovated. They have indicated that ultimately the accessory apartment would be occupied by family members or guests, or possibly by a medical/health caretaker or domestic employee.
2. The subject parcels are zoned RC (Resource Conservation) and designated Conservation in the Comprehensive Plan, as is the entire York Point area, much of which consists of salt marshes and other environmentally fragile areas (wetlands, high water table, Chesapeake Bay Preservation areas) that cannot support intensive development. In addition, this low-lying area is located in the 100-year flood plain and the storm surge area for a Category 1 storm and has only one means of ingress and egress (Seaford Road). The RC zoning district provides opportunities for single-family detached homes with a minimum lot size of five (5) acres; however, there are many smaller lots in York Point – including the subject parcels and most of the parcels on the west side of York Point Road – that were subdivided before the RC zoning was in place and thus are nonconforming (i.e., “grandfathered”). Consequently, most of the surrounding development consists of single-family detached homes with an average lot size of approximately 36,000 square feet (0.83 acre). The area on the east side of York Point Road, in contrast, is almost entirely undeveloped, with four parcels totaling 216 acres and one single-family detached home. Like most of the undeveloped land in York Point, these parcels have an elevation of four feet (4’) or less above mean sea level in most places and cannot be further subdivided, pursuant to Section 24.1-203 of the Zoning Ordinance.
3. Detached accessory apartments are permitted as a matter of right in the RR (Rural Residential) and RC districts provided that the subject property meets the minimum lot size requirements (1 acre and 5 acres respectively) and the apartment is no larger than 600 square feet or 25% of the principal structure floor area, whichever is less. Otherwise – as in this case, where the property is zoned RC but is less than five acres – a Special Use Permit is required, and the maximum allowable floor area is the lesser of 800 square feet or 35% of the floor area of the principal structure. In this case, the area of the principal structure, including the attached 559-square foot garage, is 2,424 square feet, and 35% of 2,424 is 848, so the ap-

plicable threshold is 800 square feet. Section 24.1-407(d) of the Zoning Ordinance specifies that for the purposes of determining allowable floor area for an accessory apartment, the calculation should include only “habitable space” as defined by the Virginia Uniform Statewide Building Code, which excludes bathrooms, closets, utility rooms, stairs, etc. According to the floor plan submitted by the applicant, the proposed apartment would have approximately 400 square feet of habitable space, which is 16.5% of the principal structure floor area.

4. The performance standards for accessory apartments are set forth in Section 24.1-407 of the Zoning Ordinance. These standards specify that the apartment can be occupied only by family members, guests, or bona fide health caretakers or domestic employees of the occupant of the principal dwelling and cannot be offered for rent to the general public. In addition, there can be no more than one bedroom, and there must be adequate provisions for off-street parking. In this case, the applicant has indicated that the apartment will be designed as an efficiency unit with living, sleeping, and kitchen facilities in a single room and a bathroom downstairs. No exterior modifications to the detached garage are planned, and the property has more than enough space to accommodate parking for both the accessory apartment and the principal dwelling. In addition to the detached three-car garage, the house has an attached garage as well as two large gravel driveway/parking areas that together can accommodate at least eight (8) vehicles. Lastly, as noted previously, the applicants have indicated that the accessory apartment would ultimately be occupied by family members or guests, or possibly by a medical/health caretaker or domestic employee.

#### **PLANNING COMMISSION RECOMMENDATION**

The Planning Commission considered this application at its January 8 meeting and, subsequent to conducting a public hearing at which only the applicant spoke, voted 6:0 to recommend approval.

#### **COUNTY ADMINISTRATOR RECOMMENDATION**

With a combined area of 1.7 acres, the subject parcels constitute one of the larger home sites in the area, and, in my opinion, can easily accommodate the proposed accessory apartment with no adverse impacts on nearby properties and the low-density residential character of the surrounding area. Therefore, based on the considerations and conclusions as noted, I recommend that the Board approve this application subject to the conditions set forth in proposed Resolution R14-15.

Carter/3337.tcc

Attachments:

- Planning Commission minutes excerpts, January 8, 2014
- Zoning Map
- Survey Plat (2 sheets)
- Floor Plan

- Proposed Resolution R14-15

**Application No. UP-837-14, Timothy J. and Tammy R. Gelles:** Request for a Special Use Permit, pursuant to Section 24.1-407(b)2 of the York County Zoning Ordinance, to authorize the establishment of an accessory apartment with approximately 400 square feet of habitable space on the second story of an existing detached garage in conjunction with a single-family detached home located on two parcels of land with a combined area of 1.7 acres at 612 and 612-A York Point Road (Route 712) and further identified as Assessor's Parcel Nos. 26F-4-B-6 and 26F-4-B-5A. The properties are zoned RC (Resource Conservation) and designated Conservation in the Comprehensive Plan.

**Timothy C. Cross, Principal Planner** summarized the staff report to the Commission dated December 26, 2013, in which staff recommends that the Commission forward this application to the Board of Supervisors with a recommendation of approval subject to the conditions set forth in proposed Resolution No. PC14-2.

**Mr. Brazelton** asked if the construction of the garage has been completed allowing it to be used as an accessory apartment.

**Mr. Cross** said it is the house that is being renovated and that the garage is completed.

**Mr. Brazelton** asked if the purpose of the use permit is simply to allow the existing garage to be occupied.

**Mr. Cross** responded in the affirmative.

**Chair Suiter** opened the public hearing.

**Timothy Gelles**, 612 York Point Road, Yorktown, spoke as the applicant. He thanked the staff for its help and time given to this application.

**Mr. Myer** asked the applicant if he understands the limitation on who would be allowed to live in the accessory apartment.

**Mr. Gelles** responded that he does.

**Chair Suiter** closed the public hearing.

**Mr. Mathes** moved adoption of PC14-2.

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT APPLICATION TO AUTHORIZE THE ESTABLISHMENT OF AN ACCESSORY APARTMENT IN AN EXISTING DETACHED GARAGE LOCATED AT 612 AND 612-A YORK POINT ROAD (ROUTE 712)

WHEREAS, Timothy J. and Tammy R. Gelles have submitted Application No. UP-837-14, which requests a Special Use Permit, pursuant to Section 24.1-407(b)2 of the York County Zoning Ordinance, to authorize the establishment of an accessory apartment with approximately 400 square feet of habitable space in an existing detached garage in conjunction with a single-family detached home located on two parcels of land at 612 and 612-A York Point Road (Route 712) and further identified as Assessor's Parcel Nos. 26F-4-B-6 (GPIN W08c-0337-1646) and 26F-4-B-5A (GPIN W08c-0446-1598); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 8th day of January, 2014, that Application No. UP-837-14 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval of a Special Use Permit, pursuant to Section 24.1-407(b)2 of the York County Zoning Ordinance, to authorize the establishment of an accessory apartment with approximately 400 square feet of habitable space in an existing detached garage in conjunction with a single-family detached home located on two parcels of land at 612 and 612-A York Point Road (Route 712), further identified as Assessor's Parcel Nos. 26F-4-B-6 (GPIN W08c-0337-1646) and 26F-4-B-5A (GPIN W08c-0446-1598), subject to the following conditions:

1. This Special Use Permit shall authorize a Special Use Permit, pursuant to Section 24.1-407(b)2 of the York County Zoning Ordinance for the establishment of an accessory apartment in an existing detached garage in conjunction with a single-family detached home located on two parcels of land at 612 and 612-A York Point Road (Route 712), further identified as Assessor's Parcel Nos. 26F-4-B-6 (GPIN W08c-0337-1646) and 26F-4-B-5A (GPIN W08c-0446-1598).
2. Construction and occupancy of the accessory apartment shall be in compliance with the performance standards set forth in Section 24.1-407, *Standards for accessory apartments in conjunction with single-family detached dwellings*.
3. The habitable floor area of the accessory apartment unit shall not exceed approximately 400 square feet.
4. The accessory apartment shall not be rented separate from the principal dwelling and shall be occupied only by family members or guests of the occupant of the principal dwelling or by a bona fide medical/health caretaker or domestic employee of the occupant of the principal dwelling.
5. Prior to issuance of a Building Permit for the accessory apartment, the applicant shall record a copy of the resolution authorizing this use permit with the Clerk of the Circuit Court. A court-certified copy of the document shall be submitted to the County at the time of Building Permit application.

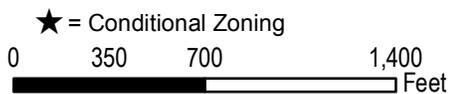
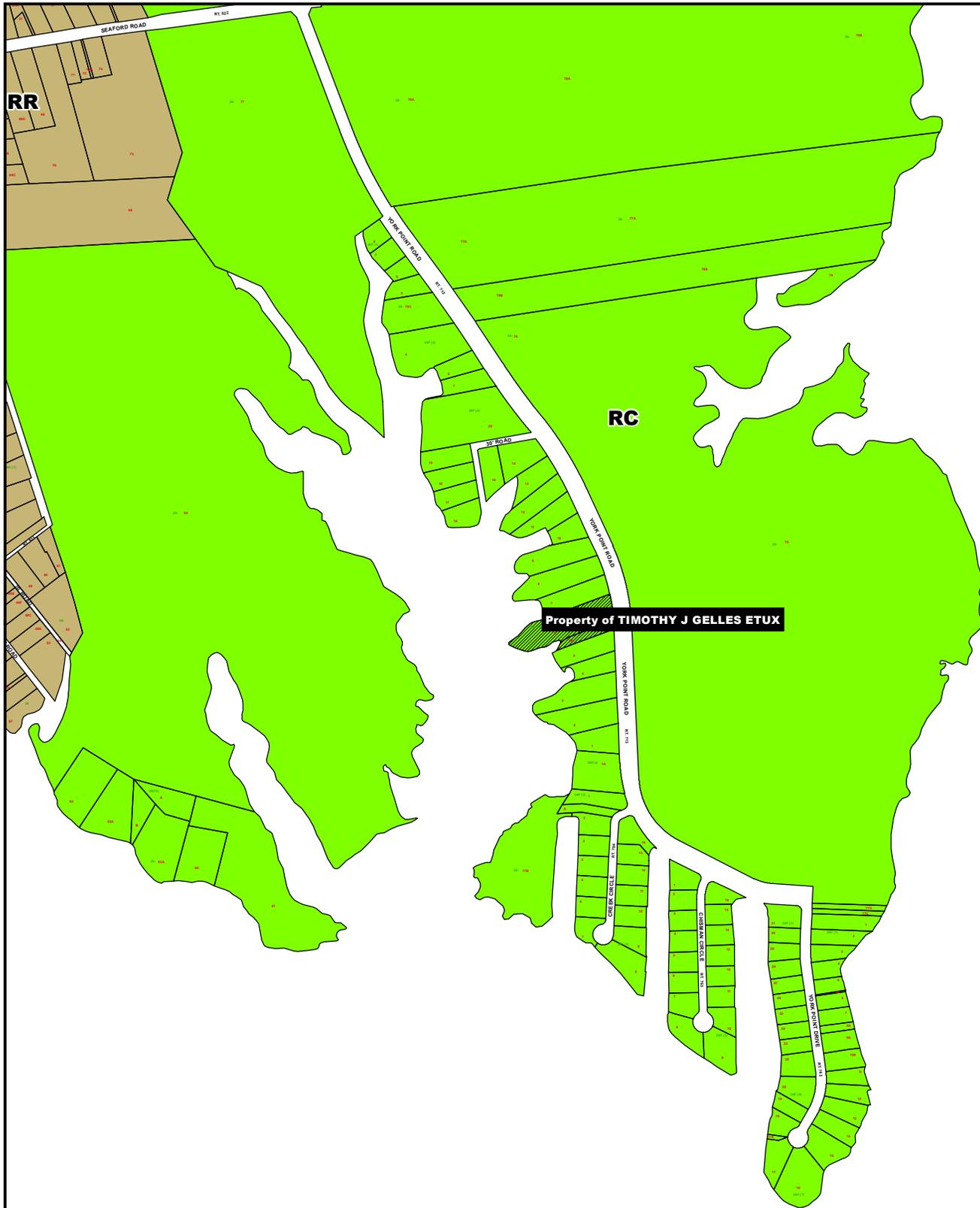
BE IT FURTHER RESOLVED that this Special Use Permit is not severable and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Yea: (6) Suiter, Magowan, McCulloch, Mathes, Myer, Brazelton  
Nay: (0)

**APPLICANT**  
**Timothy J. and Tammy R. Gelles**  
Accessory apartment above existing detached garage  
W08c-0446-1598, W08c-0337-1646

# ZONING MAP

APPLICATION NUMBER: UP-837-14

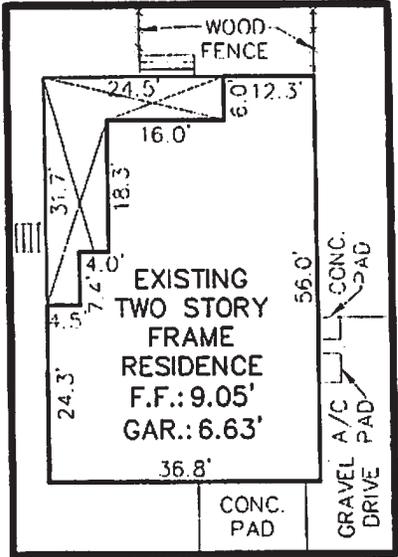


SOURCE: YORK COUNTY  
GIS PARCEL DATA and  
ZONING COVERAGE

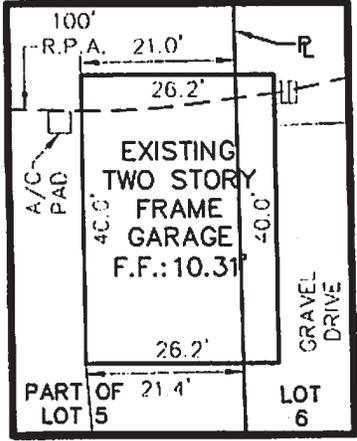
THIS IS NOT A LEGAL PLAT.  
This map should be used for  
information purposes only. It is  
not suitable for detailed site planning.

Printed on December 05, 2013

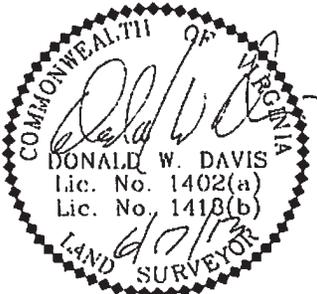
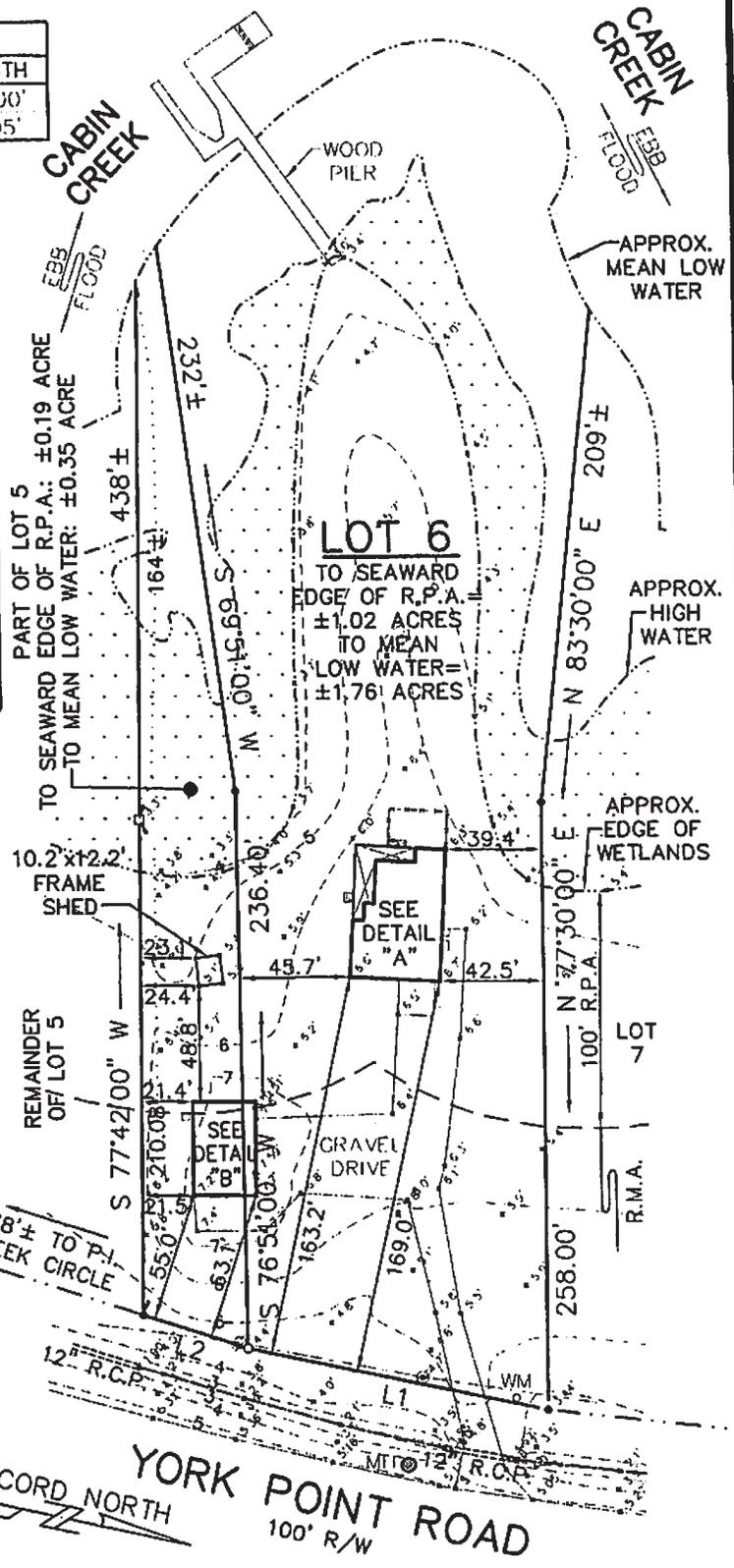
LINE TABLE		
LINE	BEARING	LENGTH
L1	S 00°24'00" E	126.00'
L2	S 05°23'00" W	46.05'



DETAIL "A" 1" = 20'



DETAIL "B" 1" = 20'

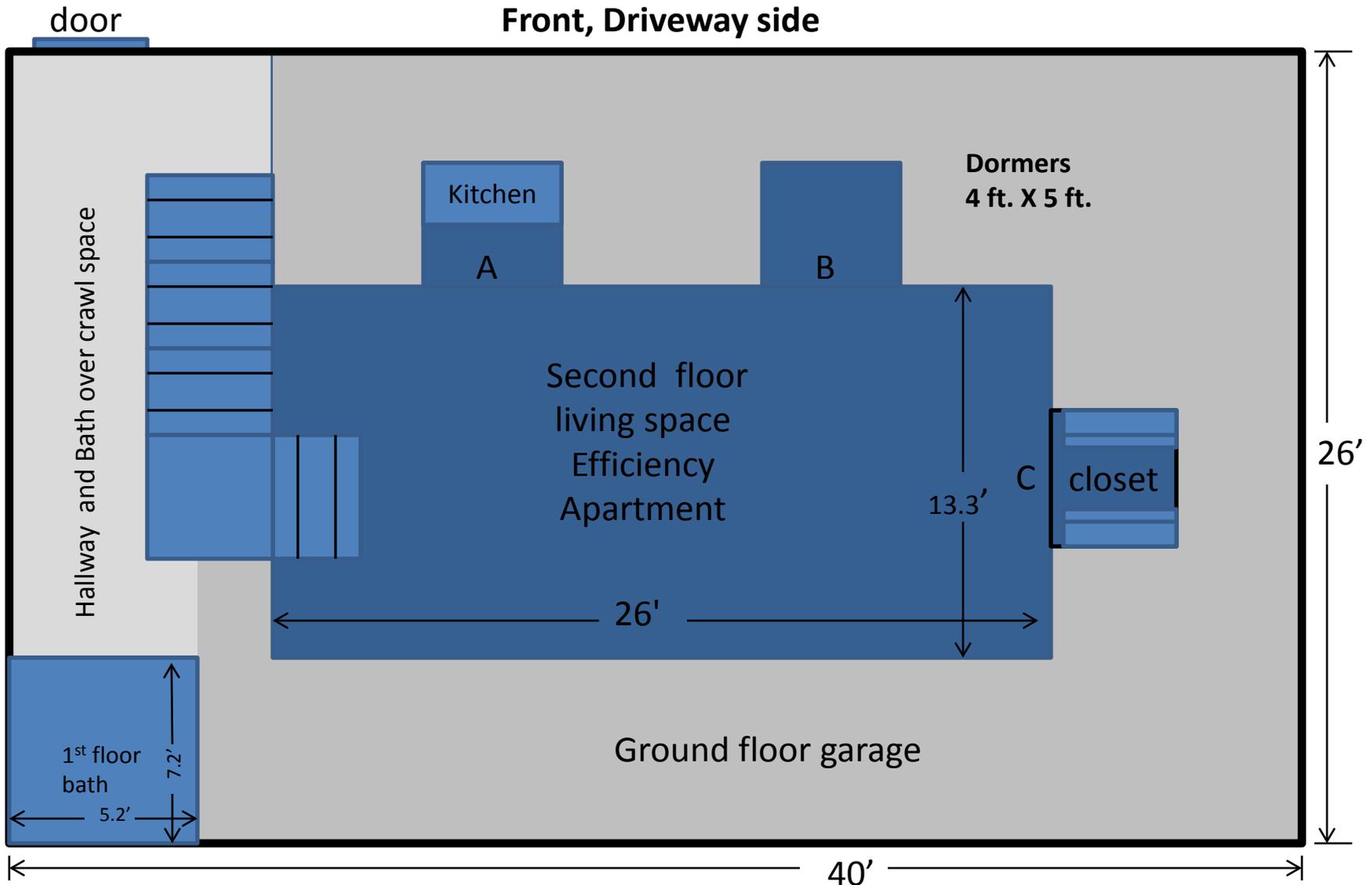


(CE) DENOTES CONSTRUCTION ENTRANCE.  
 (SF) - DENOTES SILT FENCE.

DAVIS & ASSOCIATES, P.C.  
 SURVEYORS - PLANNERS  
 YORK COUNTY, VIRGINIA

EXISTING CONDITIONS JOB LOCATION: #612 YORK POINT ROAD  
**LOT 6 & PART OF LOT 5**  
 PLAT OF SECTION B OF  
**YORK POINT**  
 COUNTY OF YORK, VIRGINIA  
 PLAT BOOK 4, PAGE 71





**2nd Floor Apartment**

Main Floor area = 345.8 sq. ft.

Dormer s (A,B & C) = 20 sq. ft.( X 3) = 60 sq. ft.

Stairs (subtract ) = 7.5 sq. ft.

**TOTAL SQ. FT = 398.3**

BOARD OF SUPERVISORS  
COUNTY OF YORK  
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in York Hall, Yorktown, Virginia, on the \_\_\_\_ day of \_\_\_\_\_, 2014:

Present

Vote

Donald E. Wiggins, Chairman  
Thomas G. Shepperd, Jr., Vice Chairman  
Walter C. Zaremba  
Sheila S. Noll  
George S. Hrichak

On motion of \_\_\_\_\_, which carried \_\_\_\_, the following resolution was adopted:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT APPLICATION TO AUTHORIZE THE ESTABLISHMENT OF AN ACCESSORY APARTMENT IN AN EXISTING DETACHED GARAGE LOCATED AT 612 AND 612-A YORK POINT ROAD (ROUTE 712)

WHEREAS, Timothy J. and Tammy R. Gelles have submitted Application No. UP-837-14, which requests a Special Use Permit, pursuant to Section 24.1-407(b)2 of the York County Zoning Ordinance, to authorize the establishment of an accessory apartment with approximately 400 square feet of habitable space in an existing detached garage in conjunction with a single-family detached home located on two parcels of land at 612 and 612-A York Point Road (Route 712) and further identified as Assessor’s Parcel Nos. 26F-4-B-6 (GPIN W08c-0337-1646) and 26F-4-B-5A (GPIN W08c-0446-1598); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the \_\_\_ day of \_\_\_\_\_, 2014, that Application No. UP-837-14 be, and it is hereby, approve to authorize a Special Use Permit, pursuant to Section 24.1-407(b)2 of the York County Zoning Ordinance, to authorize the establishment of an accessory apartment, subject to the following conditions:

1. This Special Use Permit shall authorize a Special Use Permit, pursuant to Section 24.1-407(b)2 of the York County Zoning Ordinance for the establishment of an accessory apartment in an existing detached garage in conjunction with a single-family detached home located on two parcels of land at 612 and 612-A York Point Road (Route 712), further identified as Assessor's Parcel Nos. 26F-4-B-6 (GPIN W08c-0337-1646) and 26F-4-B-5A (GPIN W08c-0446-1598).
2. Construction and occupancy of the accessory apartment shall be in compliance with the performance standards set forth in Section 24.1-407, *Standards for accessory apartments in conjunction with single-family detached dwellings*.
3. The habitable floor area of the accessory apartment unit shall not exceed approximately 400 square feet.
4. The accessory apartment shall not be rented separate from the principal dwelling and shall be occupied only by family members or guests of the occupant of the principal dwelling or by a bona fide medical/health caretaker or domestic employee of the occupant of the principal dwelling.
5. Prior to issuance of a Certificate of Occupancy for the accessory apartment, the applicant shall record a copy of this resolution with the Clerk of the Circuit Court. A court-certified copy of the document shall be submitted to the County at the time of application for a Certificate of Occupancy.

BE IT FURTHER RESOLVED that this Special Use Permit is not severable and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

# COUNTY OF YORK

## MEMORANDUM

**DATE:** January 30, 2014 (BOS Mtg. 2/18/14)

**TO:** York County Board of Supervisors

**FROM:** James O. McReynolds, County Administrator 

**SUBJECT:** Application No. YVA-33-14, Glenn Helseth, The Carrot Tree

### ISSUE

This application requests Yorktown Village Activity approval, pursuant to Section 24.1-327(c) of the York County Zoning Ordinance, to authorize a sit-down restaurant to be located in an existing building (Watermen's Museum Carriage House) and a fast-food restaurant (hot dog stand) in a separate and smaller existing building on property located at 301, 309, 313, and 315 Water Street in Yorktown and further identified as Assessor's Parcel Nos. 18A-1-12F, 18A-1-12E, 18A-1-12D, and 18A-1-12C. The properties are located on the north side of Water Street (Route 1020) approximately 800 feet east of its intersection with Mathews Street (Route 1001) and, in combination, comprise the grounds of the Watermen's Museum. The properties are zoned YVA (Yorktown Village Activity) and are designated as Yorktown Historical Village in the Comprehensive Plan.

### DESCRIPTION

- Property Owner: The Watermen's Museum; applicant would be property owner's lessee
- Location: 301, 309, 313, and 315 Water Street (Route 1020)
- Area: 2.6 total acres
- Frontage: Approximately 450 feet on Water Street
- Utilities: Public water and sewer
- Topography: Flat
- 2035 Land Use Map Designation: Yorktown Historical Village
- Zoning Classification: YVA – Yorktown Village Activity  
Yorktown Historic District overlay  
Historic Resources Management overlay  
Floodplain Management Area overlay
- Existing Development: Museum buildings with associated parking area and pier

- Surrounding Development:

North: York River  
East: George P. Coleman Bridge, Riverwalk Landing retail complex  
South: Public parking area across Water Street, Windmill Point residential development common area beyond  
West: Undeveloped National Park Service property

- Proposed Development: Sit-down and fast food restaurants in existing buildings

### CONSIDERATIONS/CONCLUSIONS

1. The subject parcel is zoned YVA (Yorktown Village Activity) and the Comprehensive Plan designates Yorktown as an historical village without reference to specific land uses. Section 24.1-327(b)(4) of the Zoning Ordinance stipulates that any proposed new use, other than single-family detached dwellings, shall be subject to review and approval by the Board of Supervisors in accordance with the same procedures as Special Use Permits.

Section 24.1-327(c) of the Zoning Ordinance specifies those uses that may be permitted within the YVA district subject to a determination – in this case by the Board of Supervisors following a recommendation from the Planning Commission – that the use in the location proposed is substantially in conformance with the Yorktown Master Plan. The subject properties are designated for commercial/institutional development in the Yorktown Master Plan. The referenced section of the Zoning Ordinance specifically permits “Retail trade and business uses consistent with the character of the district and the surrounding area,” which would include sit-down restaurants and carry-out food stands.

2. The applicant proposes to utilize existing buildings on the Watermen’s Museum property for the proposed restaurant uses. The sit-down restaurant would be located on the first floor of the Carriage House, and the fast food restaurant (hot dog stand) would be located in the Minnows and Mates building located at the eastern side of the property. Proposed sit-down restaurant hours of operation would be from 11:00 AM until 3:00 PM daily, and the hot dog stand would operate seasonally during the spring, summer, and early autumn. The applicant has also indicated that the restaurant would be available for on-site catering services. The Watermen’s Museum regularly hosts special events that include catered food service, and location of a catering service on-site would be advantageous with respect to decreased traffic and parking as well as more convenient food delivery.
3. According to the applicant’s floor plan sketches, the sit-down restaurant area would include use of the attached deck for outdoor seating. If located in a standard commercial district (e.g., GB, EO, etc.), a sit-down restaurant of the size proposed would be required by the terms of Zoning Ordinance Section 24.1-24.1-606(k) to provide a minimum of 15 on-site parking spaces, and the hot dog stand

would require 4 spaces. However, the YVA district regulations allow applicants to propose the use of on- and/or off-site parking spaces, including public parking areas, and do not require the use of the standard parking ratios. For this particular combination of uses, the applicant anticipates that the majority of patrons for the hot dog stand would be pedestrians walking along the Riverwalk and already parked elsewhere off-site. For the sit-down restaurant proposed for the Carriage House, the applicant proposes to depend on demand being met by a combination of the 13 spaces directly in front of the Carriage House building, the Museum's parking area between the main building and the bridge, the public parking area across Water Street, and the public parking terrace serving Riverwalk Landing.

4. In accordance with applicable state building codes, handicap access will be required for the sit-down restaurant. The applicant's sketch plan indicates a proposed handicap ramp accessing the western side of the Carriage House building. Additional code requirements (restrooms, kitchen facilities, food service, etc) will be addressed during the site plan and building permit review process. Licensure from the Virginia Department of Health will also be required for both restaurant uses. A proposed approval condition addresses these issues.
5. The subject properties are located in the Yorktown Historic District and Historic Resources Management overlay districts. As set forth in Sections 24.1-374 and 24.1-377 of the Zoning Ordinance, the intent of these districts is to protect and promote landmarks, structures, buildings and areas of historical significance within the Yorktown village. As there would be minimal exterior alterations made to any existing structures (other than the required handicap ramp for the Carriage House building) or parking areas, no impacts on historical resources are anticipated. The proposed handicap ramp will require review by the Historic Yorktown Design Committee prior to issuance of building permits for the facility.
6. The subject properties are located in the Floodplain Management Area overlay district and the Carriage House has been elevated to comply with flood hazard regulations. However, conversion of the Mates and Minnows building to habitable space accommodating the snack bar use may necessitate modifications to comply with flood hazard requirements. A proposed approval condition addresses this issue.

#### **PLANNING COMMISSION RECOMMENDATION**

The Planning Commission considered this application at its January 8 meeting and, subsequent to conducting a public hearing at which only the applicant spoke, voted 6:0 to recommend approval.

#### **COUNTY ADMINISTRATOR RECOMMENDATION**

I am of the opinion that the proposed business would be consistent and compatible with the existing museum use and facilities and the surrounding retail and tourist-oriented

businesses. The business operation would utilize existing facilities, and the only changes to the site would be the addition of new signage for both restaurant buildings and a handicap ramp for the sit-down restaurant building. The proposed uses are consistent with the commercial development policy guidance established by the Yorktown Master Plan, which promotes new businesses such as restaurants that would serve both local and tourist patrons. In my opinion, there are no anticipated adverse impacts on neighboring properties or historic resources of the Yorktown historic village. Ample parking is available either on site or in off-site public parking areas, both for patrons of the museum and the restaurants. Therefore, based on the considerations and conclusions as noted, I recommend that the Board approve this application subject to the conditions set forth in proposed Resolution R14-24.

Carter/3337.amp

Attachments:

- Planning Commission minutes excerpts, January 8, 2014
- Zoning Map
- Applicant's justification statement
- Applicant's sketch plans
- Applicant's floor plans
- Proposed Resolution R14-24

**Application No. YVA-33-14, Glenn Helseth, The Carrot Tree:** Request for Yorktown Village Activity approval, pursuant to Section 24.1- 327(c) of the York County Zoning Ordinance, to authorize a sit-down restaurant to be located in an existing building (Watermen's Museum Carriage House) and a fast-food restaurant (hot dog stand) located at 301, 309, 313, and 315 Water Street in Yorktown and further identified as Assessor's Parcel Nos. 18A-1-12F, 18A-1-12E, 18A-1-12D, and 18A-1-12C. The properties are located on the north side of Water Street (Route 1020) approximately 800 feet east of its intersection with Mathews Street (Route 1001). The properties are zoned YVA (Yorktown Village Activity) and are designated as Yorktown Historical Village in the Comprehensive Plan.

**Amy Parker, Senior Planner** summarized the staff report to the Commission dated December 30, 2013, in which staff recommends that the Commission forward the application to the Board of Supervisors with a recommendation of approval subject to the conditions set forth in proposed Resolution No. PC14-3.

**Mr. Mathes** asked about the lift/elevator located at the carriage house.

**Ms. Parker** said the lift is not operable.

**Mr. Mathes** asked who set the hours of operations.

**Ms. Parker** said the hours were suggested by the applicant.

**Ms. Magowan** asked if the signage would be in accordance with the Yorktown Historic District provisions.

**Ms. Parker** responded that the Historic Yorktown Design Committee would review any signage.

**Mr. Brazelton** asked who manages the use of the tent.

**Ms. Parker** said the Watermen's Museum manages the tent and the use of the tent is not part of the application.

**Chair Suiter** opened the public hearing.

**Glenn Helseth**, 1782 Jamestown Road, Williamsburg, spoke as the applicant. He said the Watermen's Museum was looking for an outlet to serve food and he was looking for a place to serve food. He said that during the process of planning the business there have been some complications, such as the handicap ramp, but that those issues are being addressed. He said he is looking into the insuring/licenses/regulations of using the lift/elevator as an alternative to the handicap ramp.

**Mr. Myer** asked about the general operation of the restaurant and the food preparation.

**Mr. Helseth** responded there would be no complex cooking on-site.

**Mr. Myer** said he could not envision how the hot dog stand would be utilized.

**Mr. Helseth** said it would be more a snack bar serving prepackaged food with a walk-up window for service. He said it would be a seasonal hot dog/snack bar servicing foot traffic from the beach.

**Chair Suiter** closed the public hearing.

**Mr. Mathes** asked if the resolution would need to be changed in the event that the lift proves to be a viable option.

**Ms. Parker** said it would not need to be revised and could be handled through the site plan review process.

**Mr. Myer** moved adoption of Resolution No. PC14-3.

A RESOLUTION TO RECOMMEND APPROVAL OF A YORKTOWN VILLAGE ACTIVITY REQUEST TO AUTHORIZE A SIT-DOWN RESTAURANT AND A FAST-FOOD RESTAURANT TO BE LOCATED IN SEPARATE EXISTING BUILDINGS ON THE SITE OF THE WATERMEN'S MUSEUM LOCATED AT 301, 309, 313, AND 315 WATER STREET IN THE YORKTOWN VILLAGE

WHEREAS, Glenn Helseth has submitted Application No. YVA-33-14, pursuant to Section 24.1-327(c) of the Zoning Ordinance, to authorize establishment of a sit-down restaurant and a fast-food restaurant (hot dog stand) to be located in separate existing buildings on the site of the Watermen's Museum located at 301, 309, 313, and 315 Water Street in Yorktown and further identified as Assessor's Parcel Nos. 18A-1-12F (GPIN P12c-1839-1866), 18A-1-12E (GPIN P12c-1983-1838), 18A-1-12D (GPIN P12c-2114-1803), and 18A-1-12C (GPIN P12c-2220-1814); and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 8th day of January, 2014 that Application No. YVA-33-14 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval subject to the following conditions:

1. This approval shall authorize the establishment of a sit-down restaurant to be located in an existing building (Watermen's Museum Carriage House) and a fast-food restaurant (hot dog stand) to be located in a smaller outbuilding, both being on the premises of the Watermen's Museum on property located at 301, 309, 313, and 315 Water Street in Yorktown and further identified as Assessor's Parcel Nos. 18A-1-12F (GPIN P12c-1839-1866), 18A-1-12E (GPIN P12c-1983-1838), 18A-1-12D (GPIN P12c-2114-1803), and 18A-1-12C (GPIN P12c-2220-1814).
2. A site plan prepared in accordance with the provisions of Article V of the Zoning Ordinance shall be approved by the York County Department of Environmental and Development Services, Division of Development and Compliance, prior to commencement of any building redevelopment or construction activities on the site. Except as modified herein, said site plan shall be in substantial conformance with the plans received by the Planning Division on December 2, 2013, copies of which shall remain on file in the office of the Planning Division. Floor plans shall be in

substantial conformance with plans received by the Planning Division on December 9, 2013. Substantial deviation, as determined by the Zoning Administrator, from the general design and layout as depicted on the referenced plans or amended herein shall require resubmission and approval in accordance with all applicable provisions as established by the York County Zoning Ordinance.

3. Any signage associated with the uses shall be installed in compliance with all applicable requirements of the Zoning Ordinance, including review and approval by the Historic Yorktown Design Committee.
4. The Museum's existing gravel parking lot shall be available for restaurant patrons on a first-come, first-served basis and the Museum may also make available its paved parking area between the main Museum building and the Coleman Bridge. Any additional demand for restaurant-related parking may be accommodated through the use of available public parking lot spaces.
5. Operation of restaurants on the subject property shall be in compliance with performance standards set forth in Zoning Ordinance Sections 24.1-327, *Yorktown Village Activity district*; 24.1-373, *Floodplain Management Area overlay district*; 24.1-374, *Historic Resources Management overlay district*, 24.1-377, *Yorktown Historic District overlay district*; and 24.1-470, *Standards for all Business and Professional Service Uses*. Operation of restaurants on the subject property shall be in conformance with all applicable regulations of the Virginia Uniform Statewide Building Code, the Virginia Statewide Fire Prevention Code, and the International Fire Prevention Code.
6. The applicant shall obtain any required Virginia Department of Health licenses prior to commencement of restaurant uses. Verification of such licensure shall be submitted to the Department of Environmental and Development Services, Development and Compliance Chief prior to issuance of Certificates of Occupancy for the restaurant buildings.
7. In accordance with Section 24.1-115(b)(6) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Yorktown Village Activity approval shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to application for site plan approval.

BE IT FURTHER RESOLVED that this approval is not severable and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Yea: (6) Brazelton, Suiter, McCulloch, Magowan, Mathes, Myer  
Nay: (0)

\*\*\*

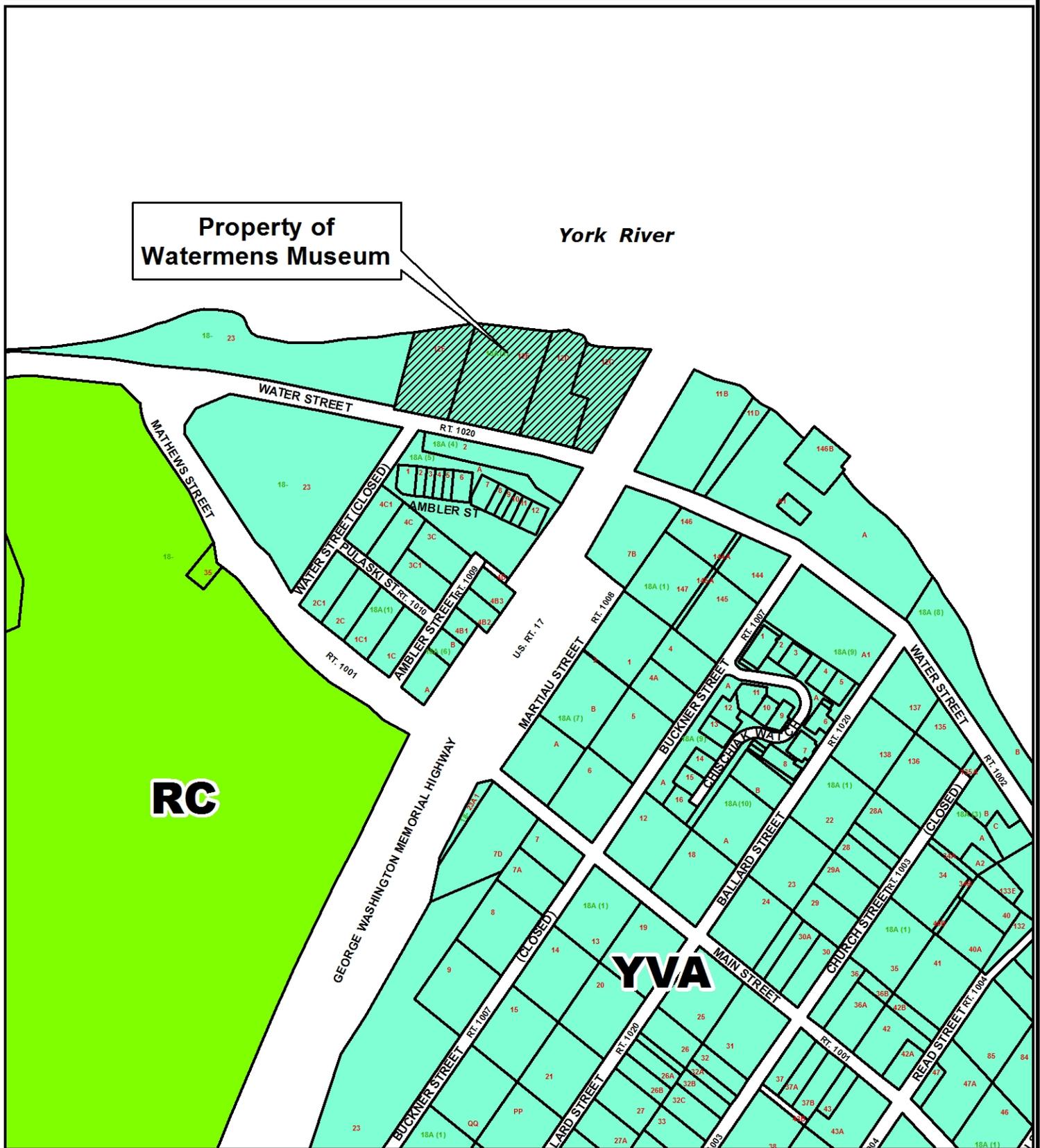
**APPLICANT: Glenn Helseth, The Carrot Tree**

*Yorktown Village Activity Permit for sit down and fast food restaurants*

P12c-1983-1838, P12c-1839-1866, P12c-2114-1803, P12c-2220-1814

# ZONING MAP

APPLICATION # YVA-33-14



0 150 300 600 Feet



SOURCE: YORK COUNTY GIS PARCEL DATA and ZONING COVERAGE

THIS IS NOT A LEGAL PLAT. This map should be used for information purposes only. It is not suitable for detailed site planning.

## Tavern on the York

### Narrative

Carrot Tree Kitchens has contracted with The Watermen's Museum to develop a low impact kitchen concept in the Carriage House for daily operation and special event hosting

#### Intended hours of Operation

Lunch Service Daily 11am-3pm

Catering/Special Events as scheduled

As well as the modification of the Carriage House, Carrot Tree is contracted to reopen Minnows & Mates as Toby's Dog House, a seasonal snack bar.

Commencement of restaurant operation does not require large scale installation or industrial equipment. Food service operation will utilize countertop equipment (soup wells, reach-in sandwich stations) that is compliant with existing electrical outlets and ratings. There will be no new plumbing required only the replacement of existing fixtures with VA Health Dept compliant sinks. Menu and service are developed within our existing commissary model-food will be prepared in the kitchen facility in Williamsburg and transported to the Carriage House location for service.

#### ADA Compliance

Facilities within the Carriage House are ADA compliant. Compliant access will be achieved with the installation of a handicap ramp on the North side of the building.

#### Signage Plan

Minimal signage will be incorporated into existing Watermen's Museum materials (shingle), final design dependent on Watermen's Museum.

#### Parking Plan

Sufficient parking is available on site as well as public parking available along Water St.

#### Floor Plan

(See attached)

#### Menu

(See attached)

<p>YVA-33-14 Received 12-2-13 York County Planning Division Revised 12-9-13</p>
---

Tavern on the York  
Menu Development

Appetizers

Ham Biscuits (Plain, Ham, Ham & Cheese, etc)

Shrimp Cocktail

Spinach Artichoke Dip

Hummus & Veggies

House-made Dips

Cocktail Weenies

Etc.

Soups

Clam Chowder of the Week

Seafood Chowder of the Week

Vegetarian of the Week

Platters

Charcuterie (Surry sausage, local cheeses)

PB & J

Crudite

Seafood

Fondue Pots

Crab Rarebit

Welsh Rarebit

Beanie Weenies

Flatbread Pizzas

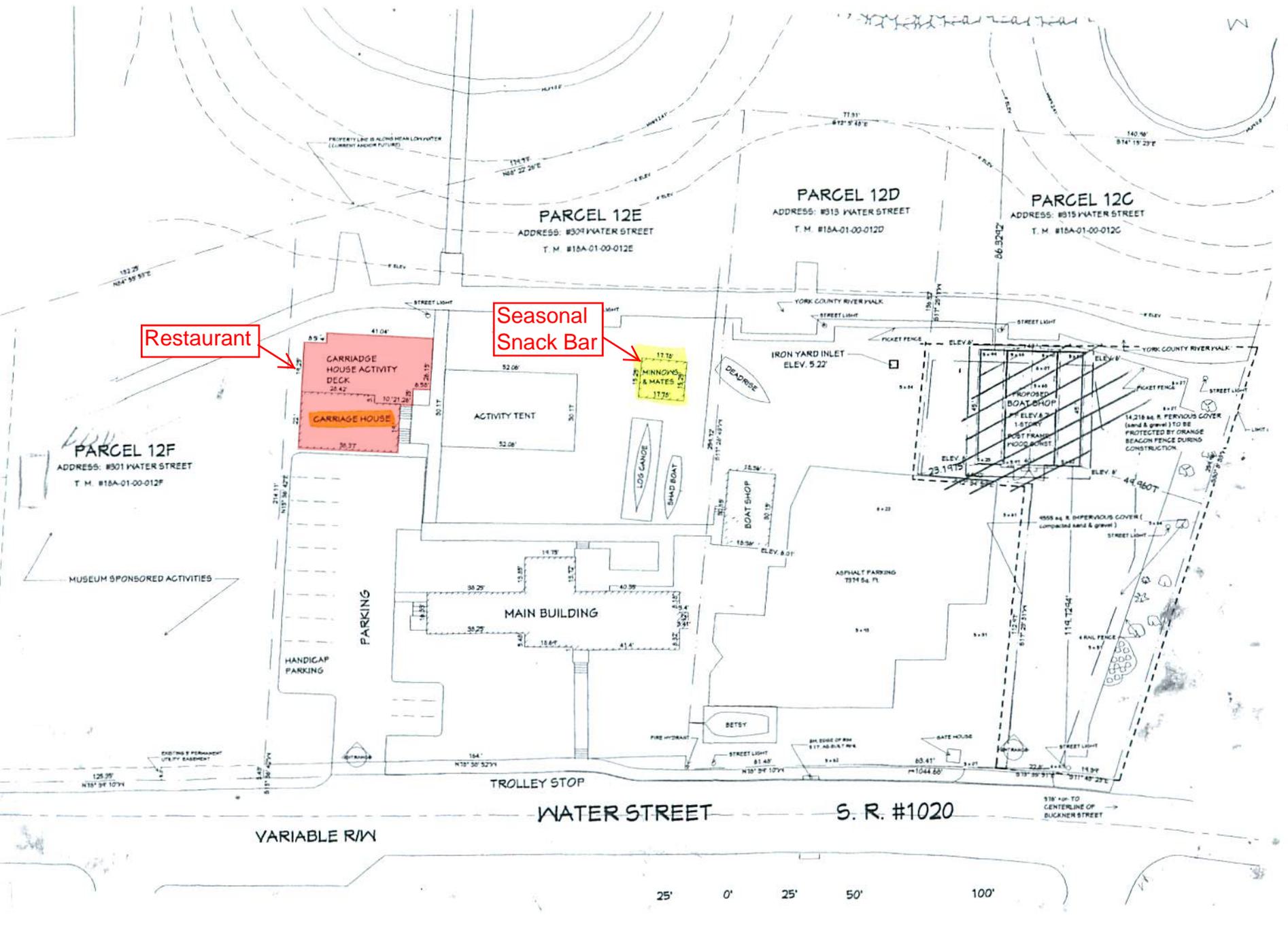
House Varieties

Create-Your-Own

Assorted Desserts

Specialty Beers

Fine Wines



Restaurant

Seasonal  
Snack Bar

PARCEL 12E  
ADDRESS: #304 WATER STREET  
T. M. #18A-01-00-012E

PARCEL 12D  
ADDRESS: #313 WATER STREET  
T. M. #18A-01-00-012D

PARCEL 12C  
ADDRESS: #315 WATER STREET  
T. M. #18A-01-00-012C

PARCEL 12F  
ADDRESS: #301 WATER STREET  
T. M. #18A-01-00-012F

MAIN BUILDING

IRON YARD INLET  
ELEV. 5.22'

PROPOSED  
BOAT SHOP  
1-STORY  
POST FRAME  
WOODWORK

14,218 sq. ft. PERVIOUS COVER  
(sand & gravel) TO BE  
PROTECTED BY ORANGE  
BEACON FENCE DURING  
CONSTRUCTION

WATER STREET

S. R. #1020

VARIABLE R/W

25' 0' 25' 50' 100'

YVA-33-14  
Received 12-2-13  
York County Planning Division

PROPERTY LINE IS ALONG MEAN LOW WATER (CURRENT AND/OR FUTURE)

### PARCEL 12E

ADDRESS: #309 WATER STREET

T. M. #18A-01-00-012E

### PARCEL 12F

ADDRESS: #301 WATER STREET

T. M. #18A-01-00-012F

Handicap Ramp

MUSEUM SPONSORED ACTIVITIES

CARRIAGE HOUSE ACTIVITY DECK  
22.42'

CARRIAGE HOUSE

ACTIVITY TENT

MINNOWS & MATES  
15.25' x 15.25' x 17.75'

LOG CANOE  
SHAD BOAT

MAIN BUILDING

PARKING

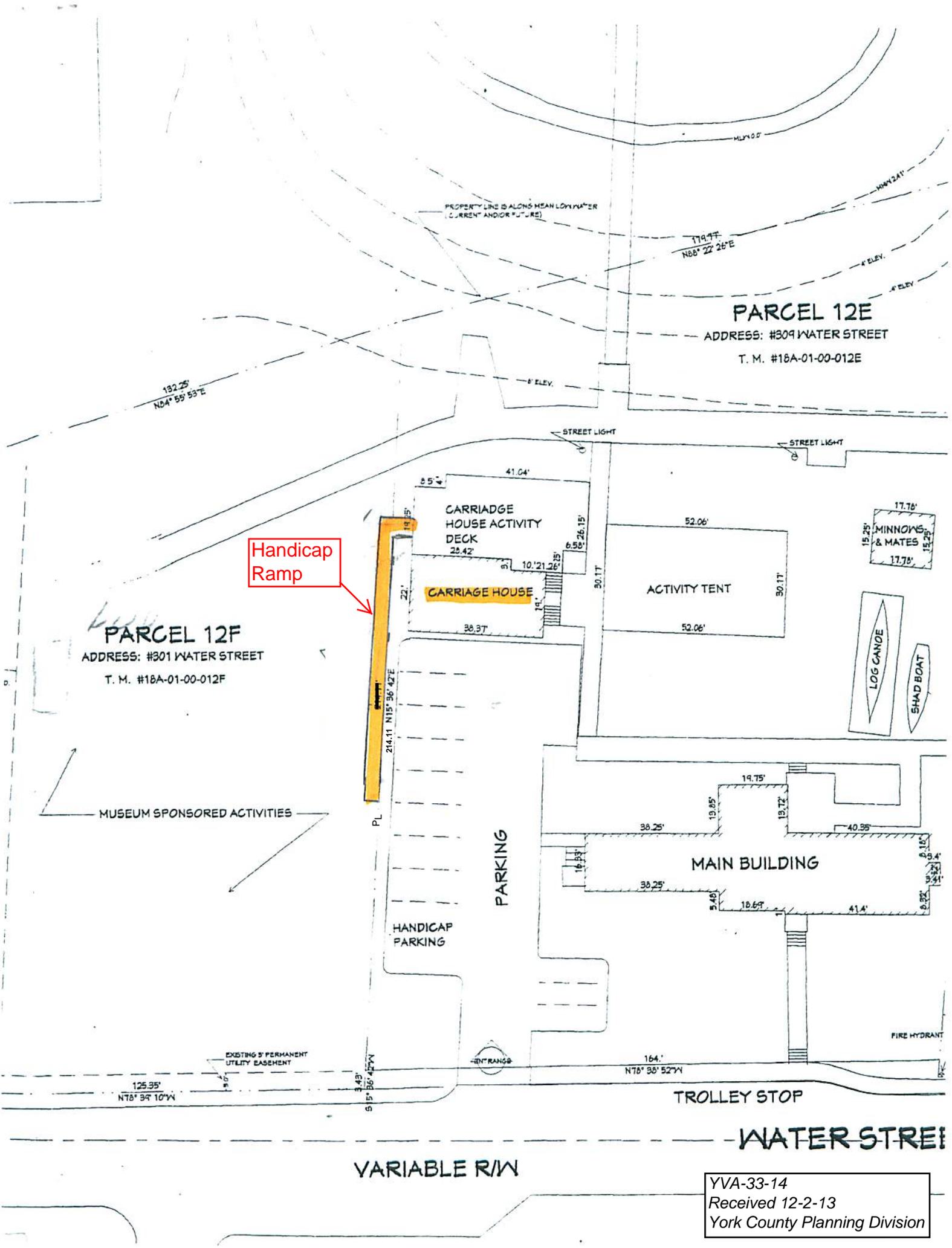
HANDICAP PARKING

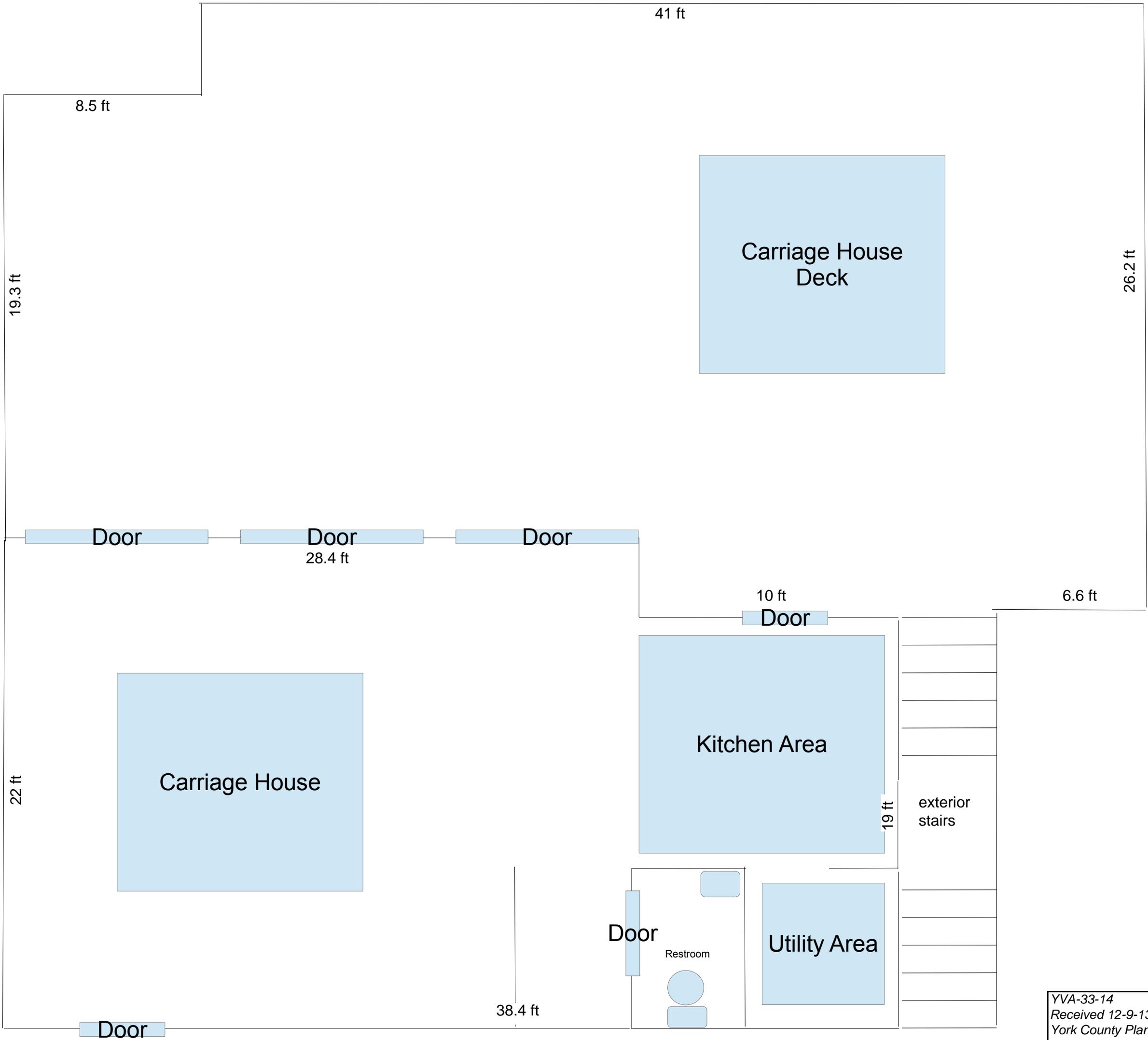
TROLLEY STOP

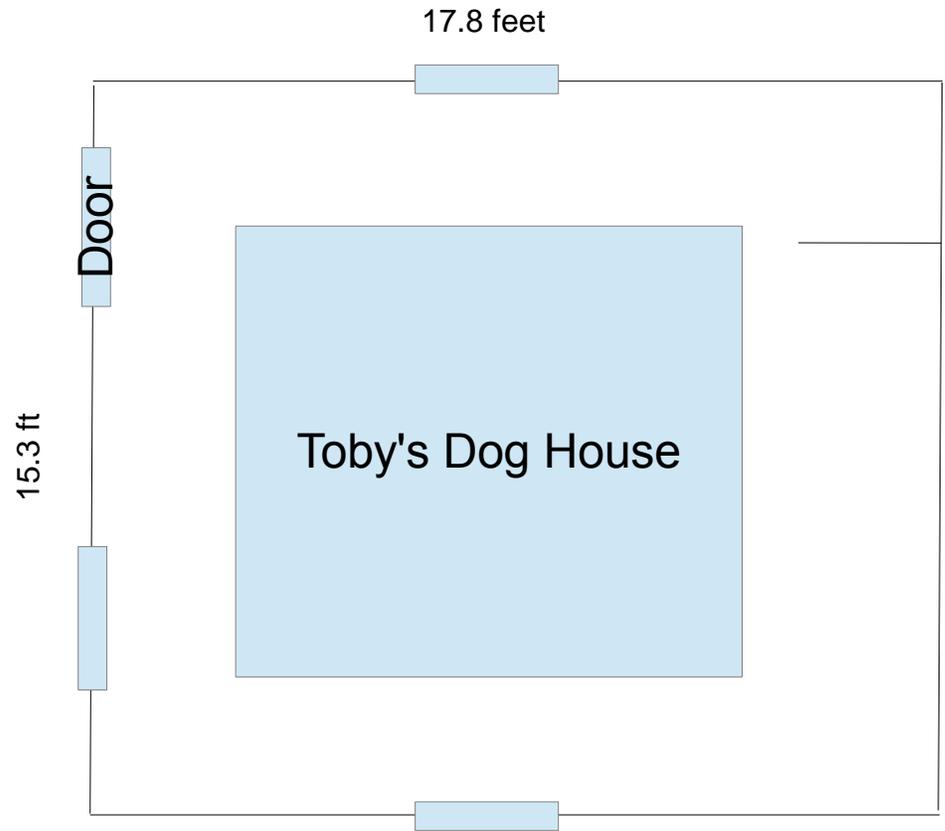
WATER STREET

VARIABLE R/W

YVA-33-14  
Received 12-2-13  
York County Planning Division







BOARD OF SUPERVISORS  
COUNTY OF YORK  
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in York Hall, Yorktown, Virginia, on the \_\_\_\_ day of \_\_\_\_\_, 2014:

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Present

Vote

Donald E. Wiggins, Chairman  
Thomas G. Shepperd, Jr., Vice Chairman  
Walter C. Zaremba  
Sheila S. Noll  
George S. Hrichak

---

On motion of \_\_\_\_\_, which carried \_\_\_\_, the following resolution was adopted:

**A RESOLUTION TO APPROVE A YORKTOWN VILLAGE ACTIVITY REQUEST TO AUTHORIZE A SIT-DOWN RESTAURANT AND A FAST-FOOD RESTAURANT TO BE LOCATED IN SEPARATE EXISTING BUILDINGS ON THE SITE OF THE WATERMEN’S MUSEUM LOCATED AT 301, 309, 313, AND 315 WATER STREET**

WHEREAS, Glenn Helseth has submitted Application No. YVA-33-14, pursuant to Section 24.1-327(c) of the Zoning Ordinance, to authorize establishment of a sit-down restaurant and a fast-food restaurant (hot dog stand) to be located in separate existing buildings on the site of the Watermen’s Museum located at 301, 309, 313, and 315 Water Street in Yorktown and further identified as Assessor’s Parcel Nos. 18A-1-12F (GPIN P12c-1839-1866), 18A-1-12E (GPIN P12c-1983-1838), 18A-1-12D (GPIN P12c-2114-1803), and 18A-1-12C (GPIN P12c-2220-1814); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of the application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the \_\_\_\_ day of \_\_\_\_\_, 2014, that Application No. YVA-33-14 be, and it is hereby, approved to authorize the establishment of a sit-down restaurant to be located in an existing building (Watermen's Museum Carriage House) and a fast-food restaurant (hot dog stand) to be located in a smaller outbuilding, both being on the premises of the Watermen's Museum on property located at 301, 309, 313, and 315 Water Street in the Yorktown Village Activity district, pursuant to Section 24.1-327(c) of the York County Zoning Ordinance subject to the following conditions:

1. This approval shall authorize the establishment of a sit-down restaurant to be located in an existing building (Watermen's Museum Carriage House) and a fast-food restaurant (hot dog stand) to be located in a smaller outbuilding, both being on the premises of the Watermen's Museum on property located at 301, 309, 313, and 315 Water Street in Yorktown and further identified as Assessor's Parcel Nos. 18A-1-12F (GPIN P12c-1839-1866), 18A-1-12E (GPIN P12c-1983-1838), 18A-1-12D (GPIN P12c-2114-1803), and 18A-1-12C (GPIN P12c-2220-1814).
2. A site plan prepared in accordance with the provisions of Article V of the Zoning Ordinance shall be approved by the York County Department of Environmental and Development Services, Division of Development and Compliance, prior to commencement of any building redevelopment or construction activities on the site. Except as modified herein, said site plan shall be in substantial conformance with the plans received by the Planning Division on December 2, 2013, copies of which shall remain on file in the office of the Planning Division. Floor plans shall be in substantial conformance with plans received by the Planning Division on December 9, 2013. Substantial deviation, as determined by the Zoning Administrator, from the general design and layout as depicted on the referenced plans or amended herein shall require resubmission and approval in accordance with all applicable provisions as established by the York County Zoning Ordinance.
3. Any signage associated with the uses shall be installed in compliance with all applicable requirements of the Zoning Ordinance, including review and approval by the Historic Yorktown Design Committee.
4. The Museum's existing gravel parking lot shall be available for restaurant patrons on a first-come, first-served basis and the Museum may also make available its paved parking area between the main Museum building and the Coleman Bridge. Any additional demand for restaurant-related parking may be accommodated through the use of available public parking lot spaces.

5. Operation of restaurants on the subject property shall be in compliance with performance standards set forth in Zoning Ordinance Sections 24.1-327, *Yorktown Village Activity district*; 24.1-373, *Floodplain Management Area overlay district*; 24.1-374, *Historic Resources Management overlay district*, 24.1-377, *Yorktown Historic District overlay district*; and 24.1-470, *Standards for all Business and Professional Service Uses*. Operation of restaurants on the subject property shall be in conformance with all applicable regulations of the Virginia Uniform Statewide Building Code, the Virginia Statewide Fire Prevention Code, and the International Fire Prevention Code.
6. The applicant shall obtain any required Virginia Department of Health licenses prior to commencement of restaurant uses. Verification of such licensure shall be submitted to the Department of Environmental and Development Services, Division of Development and Compliance, prior to issuance of Certificates of Occupancy for the restaurant buildings.
7. In accordance with Section 24.1-115(b)(6) of the York County Zoning Ordinance, a certified copy of this resolution shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to application for site plan approval.

BE IT FURTHER RESOLVED that this approval is not severable, and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

# COUNTY OF YORK

## MEMORANDUM

**DATE:** February 4, 2014 (BOS Mtg. 2/18/14)

**TO:** York County Board of Supervisors

**FROM:** James O. McReynolds, County Administrator 

**SUBJECT:** CDBG Application Request for Carver Gardens Rehabilitation Project - Phase 1

The Housing Division of Community Services has worked with Housing Partnerships, Incorporated (HPI), and the community of Carver Gardens since November of 2013 in pursuit of broader funding for the housing issues residents of Carver Gardens are confronting. The magnitude of the home rehabilitation need of the Carver Gardens' community was discovered when York County Housing Division and Housing Partnerships, Inc., noticed the large number of emergency repairs and accessibility improvements in the neighborhood. The Carver Gardens neighborhood has had over 65 emergency repairs and accessibility improvements within the last ten years.

Carver Gardens is a large development with over 175 single family homes. Development of the neighborhood was done in several stages. Because of the large size of this neighborhood, the rehabilitation of these homes will have to be approached as a multi-phase project. The oldest homes will be addressed first for the initial phase. The cost to rehabilitate the Carver Gardens neighborhood and bring the homes to Housing Quality Standards exceeds our limited local resources. Staff seeks funding to bring the homes in this community to Housing Quality Standard and still maintain adequate resources to handle emergency repairs for low to moderate income residents throughout York County.

The 2014 Virginia CDBG guidelines require two public hearings be held during the grant proposal development period "at times and locations convenient to potential or actual beneficiaries." The first public hearing was held at Griffin-Yeates by York Housing and HPI staff in November 2013, and the second public hearing is scheduled for February 10th at Griffin-Yeates. There is not now, nor has there ever been, a requirement to hold a CDBG proposal public hearing at a Board of Supervisors meeting. Both HPI and the CS/Housing Division have worked closely with residents of this community. The first public hearing and a December 2013 community meeting were well attended and the residents were able to voice their concerns about living conditions in their community. Their primary concerns were:

- Housing Conditions
- Water
- Roads
- Street Lighting

An application for CDBG funds in this community allows us to approach the housing needs in a more comprehensive manner. Many of the homes in the neighborhood show signs of unmitigated wear, primarily due to the age of the housing stock. A CDBG project will allow households to use the funding to bring each participating residence up to the Department of Housing and Community Development (DHCD) Housing Quality Standards (HQS).

The funds in this application will be used to rehabilitate 20 substandard single family homes in the Carver Gardens neighborhood. All of the selected homes will be brought into conformance with Housing Quality Standards. Initial inspections show that at present two homes will have to be replaced with new structures.

The following project budget has been established based on cost estimates from past work and inspections of the houses the County proposes to assist.

<b>Budget</b>	<b>CDBG</b>	<b>Local Match</b>	<b>Total Grant</b>
<b>Cost Estimates: January 17, 2014</b>			
<b>Admin</b>	\$80,000		\$80,000
<b>Housing Rehabilitation</b>			
Substantial Rehab	\$137,500	\$20,000	\$157,500
Substantial Rehab Demolition	\$30,000		\$30,000
Rehabilitation	\$673,190		\$673,190
<b>Asbestos Inspection</b>	\$13,000		\$13,000
<b>York County Match</b>		\$50,000	\$50,000
<b>Total Cost:</b>	<b>\$933,690</b>	<b>\$70,000</b>	<b>\$1,003,690</b>

The application will be for CDBG funds in the amount of \$933,690 to meet the needs of the community. The total project budget is calculated to be \$1,003,690.

Matching funds will make the County more competitive in consideration for the grant and will be accomplished through the programs and resources currently budgeted or administered by the County. The CS/Housing Division will apply \$50,000 of the approved Rehabilitation budget in the project area. The remaining Grant Match will come from either direct program expenditures or in-kind donations from HPI volunteers and material donations.

Participation in the Rehabilitation program is completely voluntary. Coordination with the neighborhood shows that there will be at least 20 households participating in Phase 1 of this project. Though voluntary, the work performed in the project area will be secured against each property with a lien held in the name of Housing Partnerships, Incorporated. Repayment amounts cannot consist of more than 30 percent of the household's adjusted

gross income. These payments will be made to HPI in monthly installments with zero percent interest. Household income for all participants is verified annually by HPI to determine if the household's income has increased enough to effect a payment or declined to a point where a payment is no longer feasible. CDBG guidelines state that the Ability-to-Pay (ATP) minimum monthly payment will be \$25. This will be enforced for all beneficiaries.

The activities of the grant are scheduled to be carried out over 24 months.

State and Federal grant regulations require the submission of various forms and assurances in order for York County to proceed with requesting and receiving funds. The County shall provide proof of plans or policies to address the following:

- Local Business and Employment Plan
- Non-Discrimination in Employment Policy under the Americans with Disabilities Act of 1990
- Section 504 Grievance Procedure
- Anti-Displacement and Relocation Assistance Plan
- Fair Housing and Equal Opportunity Certification
- Statutory Checklist

Submission of these documents does not guarantee the grant application will be funded. The State is requesting the submission ahead of notification in an effort to expedite the grant activities should the County be funded.

These are standard forms for plans and policies and have been submitted by County staff on previous occasions when the County successfully competed for CDBG funds. Attached proposed Resolution R14-12 if adopted would authorize the County Administrator to file the required understandings and assurances, and to provide such additional information as may be required by DHCD. The resolution would also accept and appropriate any subsequent funding offer, and authorize the County Administrator to take all actions necessary to implement a grant.

#### Recommendation

I recommend approval of proposed Resolution R14-12 authorizing the County Administrator to submit a Community Development Block Grant Application and all necessary documents to request and accept funds in the amount of \$933,690.

Coleman/4111

#### Attachments:

- Policies Plans Certifications
- Proposed Resolution R14-12

## LOCAL BUSINESS AND EMPLOYMENT PLAN

1. The County of York designates as its Local Business and Employment Project Area the boundaries of the County of York.
2. The County of York, its contractors, and designated third parties shall in utilizing Community Improvement Grant funds utilize businesses and lower income residents of the Project Area in carrying out all activities, to the greatest extent feasible and to the extent allowed by applicable state and local law.
3. In awarding contracts for work and for procurement of materials, equipment or services of the County of York , its contractors, and designated third parties shall take the following steps to utilize businesses which are located in or owned in substantial part by persons residing in the Project Area are:
  - (a) The County of York shall ascertain what work and procurements are likely to take place through the Community Improvement Grant Funds.
  - (b) The County of York shall ascertain through various and appropriate sources including:
    - Daily Press
    - Project Area Newspaper of General Circulation
    - Yorktown Crier
  - (c) The identified business concerns within the Project Area which are likely to provide materials, equipment and services which will be utilized in the activities funded through the Community Improvement Grant.
  - (d) The identified business and any other project area business concerns shall be appraised of opportunities to submit bids, quotes or proposals for work or procurement contracts which utilize CIG funds.
  - (e) To the greatest extent feasible and to the extent allowed by applicable state and local law the identified business and any other project area business concerns shall be utilized in activities which are funded with CIGs.
4. In the utilization of trainees or employees for activities funded through CIG's the County of York, its contractors and designate third parties shall take the following steps to utilize lower income persons residing in the Project Area.
  - (a) The County of York in consultation with its contractors (including design professionals) shall ascertain the types and number of positions for both

trainees and employees which are likely to be utilized during the project funded by CIGs.

- (b) The County of York shall advertise through the following sources:

Daily Press

Project Area Newspaper of General Circulation

Yorktown Crier

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the availability of such positions with the information on how to apply.

- (c) The County of York, its contractors, and designated third parties shall be required to maintain a record of inquiries and applications by project area residents who respond to advertisements, and shall maintain a record of the status of such inquires and applications.
- (d) To the greatest extent feasible and to the extent allowed by applicable state and local law, the County of York, its contractors, and designated third parties shall utilize lower income project area residents in filling training and employment positions necessary for implementing activities funded by CIGs.
5. In order to ascertain substantial compliance with the above affirmative actions and Section 3 of the Housing and Community Development Act of 1974, the County of York shall keep, and obtain from its contractors and subcontractors, Registers of Contractors, Subcontractors and Suppliers and Registers of Assigned Employees for all activities funded by the CDBG. Such listings shall be completed and shall be verified by site visits and employee interviews, crosschecking of payroll reports and invoices, and through audits if necessary.

## LOCAL BUSINESS AND EMPLOYMENT NOTICE

The County of York is preparing to carry out the Carver Gardens Rehabilitation Project through the use of Virginia Community Improvement Grant Funds. In the implementation of this project the following job types may be available:

Class A and B Contractors  
Well drilling, abandonment and repairs  
Septic repairs and drainfield installation  
Site grading and excavation, tree clearing and trimming  
Carpenters, Electricians, Masons, Roofers, and Asbestos Removal

In carrying out this project the County of York, its contractors and subcontractors will, to the greatest extent feasible and to the extent allowed by applicable state and local law, utilize qualified persons who permanently reside within the County of York for employment and training positions.

All job openings will be listed with the local office of the Virginia Employment Commission. Persons qualified for the jobs listed should register at the following location:

*Virginia Employment Commission  
5235 John Tyler Highway  
Williamsburg VA 23185*

Additionally, the following contracts and procurements will/may be made:  
*Upgrading and repair of Single Family Dwellings.*

York County will, to the greatest extent feasible and to the extent allowed by applicable state and local law, use businesses located in or owned by persons residing in the County of York.

Any person residing or firm located in the above localities may request to participate in procurement opportunities associated with this project by contacting the following person within ten (10) days of this notice:

Tom Sawyer – Purchasing Agent  
120 Alexander Hamilton Blvd.  
Yorktown, VA 23690  
757-890-3681  
Virginia Relay: 711  
Fax Number 757-890-4019

Written requests should include the name, address, product or service and phone number.

All above-referenced procurements will be made on a competitive basis. The names of businesses who respond to this notice will be included on procurement lists for this project. Names of job seekers will be given to contractors.

**NON-DISCRIMINATION POLICY**

The County of York or any employee thereof will not discriminate against an employee or applicant for employment because of race, age, handicap, creed, religion, color, sex, or national origin. Administrative and Personnel officials will take affirmative action to insure that this policy shall include, but not be limited, to the following: employment, upgrading, demotion or transfer; rates of pay or other forms of compensation; and selection for training.

Duly adopted at the regular meeting of the York County Board of Supervisors on \_\_\_\_\_, 201\_\_\_\_.

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Donald E. Wiggins, Chairman, Board of Supervisors

**PUBLIC NOTICE**  
**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT HANDICAPPED**  
**REGULATIONS**

This notice is published pursuant to the requirements of 24 CFR Part 8, Nondiscrimination Based on Handicap in Federally Assisted Programs and Activities of the Department of Housing and Urban Development, as published in the Federal Register on June 2, 1988. 24 CFR Part 8 prohibits discrimination against qualified individuals because of their handicapped status.

The County of York advises the public, employees, and job applicants that it does not discriminate on the basis of handicapped status in admission or treatment or employment in, its programs and activities.

The County of York has designated the following as the contact to coordinate efforts to comply with this requirement.

Inquiries should be directed to:

Mark Bellamy, Director of General Services  
County of York  
102 County Drive  
Yorktown, Virginia 23692  
(757) 890-3800 Voice  
(757) 890-3801 FAX  
8:15 a.m. - 5:00 p.m.

## SECTION 504 REQUIREMENTS

The U. S. Department of Housing and Urban Development (HUD) has adopted policies and procedures to assure nondiscrimination based on handicap in programs and activities receiving Federal financial assistance. These requirements, contained in 24 CFR Part 8, implement Section 504 of the *Rehabilitation Act of 1973* as amended. All local government recipients of CDBG Grant funds awarded by the DHCD must take certain actions to insure compliance with these requirements. These actions include:

1. Non-discrimination Notices: All local government grant recipients must take appropriate steps to notify participants, beneficiaries, applicants, and employees, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining agreements that it does not discriminate on the basis of handicap.

Methods of notification include publication of advertisements in newspapers, posting of notices, and distribution of memoranda or other written materials.

If a local government publishes or uses recruitment materials or publications containing general information that is made available to participants, beneficiaries, applicants, or employees, the policy of nondiscrimination based on handicap must be included.

The local government must ensure that members of the population eligible to be served or likely to be affected who have visual or hearing impairments are provided with the information necessary to understand and participate in the program. Means for ensuring participation include qualified sign language and oral interpreters, readers, or the use of taped and Braille materials.

2. 504 Coordinator: Only local government grant recipients that employ fifteen or more persons must designate at least one person to coordinate compliance. All notification regarding nondiscrimination shall identify the coordinator by name and title. It is recommended that this person not be the Grants Administrator.
3. Effective Program Outreach and Communication: All local government grant recipients must take appropriate steps to ensure effective communication with applicants, beneficiaries, and members of the public. Telecommunication devices for deaf persons (TDDS) or equally effective communication systems shall be used for telephone communications with applicants and beneficiaries. The Virginia Relay Service may also be utilized at no charge. For more information about this service, call Virginia Relay Customer Care at 800-552-9717 (voice/TTY) or e-mail [Frontdsk@vddhh.virginia.gov](mailto:Frontdsk@vddhh.virginia.gov). Or, visit their web site at

[www.varelay.org](http://www.varelay.org). All published notices related to the CDBG program must include a TDD number.

4. Grievance Procedures: Only local government grant recipients that employ fifteen or more persons must adopt grievance procedures that incorporate appropriate standards for due process and provide for the prompt and equitable resolution of complaints.
5. Conduct a Self-Evaluation: All local government grant recipients must conduct a self-evaluation to evaluate current policies and practices to determine whether in whole or in part they meet Section 504 requirements regarding nondiscrimination. Individuals with disabilities, organizations representing such individuals or other interested persons should be consulted as part of the self-evaluation process. Modifications to existing policies and practices and corrective actions to remedy any discrimination found may be necessary. Areas to be evaluated include:
  - Completion of the Site Accessibility Checklist for 504 Requirements. This review for physical accessibility need only be done on those buildings used for CDBG program activities, including the location of public meetings and where applications for benefits will be taken;
  - Development of a narrative that reviews the following areas:
    - Identification of 504 Coordinator;
    - Program outreach and communication, including the need to list the TDD number on all notices and advertisements required by DHCD;
    - Eligibility and admission criteria and practice;
    - Employment practices, including EEO and 504 grievance procedures; and
    - Complaint and appeals procedures.

Local governments are not necessarily required to make each facility accessible to individuals with handicaps, and need not take any action which can be demonstrated to impose an undue financial and administrative burden.

Methods of achieving program accessibility may include the following actions:

- Locate programs or services in accessible facilities;
- Assign aides to assist beneficiaries;
- Conduct home visits;
- Add or redesign equipment or furnishings;
- Change management policies or procedures;
- Acquire or build new facilities; and
- Selectively alter existing facilities.

The written self-evaluation must be kept on file for three (3) years following completion and made available for review by the members of public, DHCD, and/or HUD.

The locality must also document any actions taken to correct past or current discrimination based on handicap.

Resource Material on Accessible/Adaptable Housing and Facilities

Adaptable Housing: Marketable Accessible Housing for Everyone

U.S. Department of Housing and Urban Development (1987)

Uniform Federal Accessibility Standards (UFAS)

U.S. Architectural and Transportation Barriers Compliance Board (1984)

American National Standard for Buildings and Facilities – Providing Accessibility and Usability for Physically Handicapped People

American National Standards Institute, Inc. (1986)

Handicapped Requirements Handbook

Federal Programs Advisory Service (1987)

**YORK COUNTY SELF-EVALUATION FOR THE  
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
NON-DISCRIMINATION ON BASIS OF HANDICAP REGULATIONS  
(CARVER GARDENS REHABILITATION PROJECT)**

Prepared by: Wanda Fralick, Project Manager

Prepared for: Mark Bellamy, 504 Coordinator  
102 County Drive  
Yorktown, Virginia 23690

1. Physical Accessibility of Buildings and Facilities Used for CDBG Program Activities

- a) Griffin-Yeates Child Development Center (location for all project community meetings)

The Griffin-Yeates Child Development Center, located at 1490 Government Road, is a one-story building that houses a Head Start program near the Carver Gardens community. The entrance to the school is at grade and meets ADA requirements. All parking is immediately adjacent to the building and there are designated handicap spaces. There are sidewalks with curb cuts that lead from the parking lot to the main entrance of the building. The parking area is paved which presents no mobility problems for those using a cane, walker or wheelchair. All meetings are held in the cafeteria which is easily accessible for those using a cane, walker or wheelchair. The restrooms are located near the cafeteria entrance and all restrooms are handicap accessible.

- b) York Hall (location for Board of Supervisors meetings)

York Hall located at 301 Main Street, Yorktown, is a two-story structure with a basement. Within York Hall there is a welcome center for visitors and an Art Gallery, which features artwork for show and sell year-round. In 1955, York Hall was constructed as a larger representation of the 1733 courthouse of the Siege of Yorktown. York Hall is now an official meeting place for the York County boards and commissions. The Board of Supervisors meets at 6:00 p.m. on the first Tuesday of each month in the East Room on the first-floor. The Board also meets on the third Tuesdays of each month at 6:00 p.m. in the Board Room on the second floor which can be accessed by an elevator. The main parking lot is to the rear of the building. The public must enter through the front entrance; however, there are sidewalks with curb cuts that lead from the parking lot in the rear to the front entrance. There are four designated handicap parking spaces. There is a

public restroom with one handicap accessible stall on the first-floor that can be accessed by a ramp.

c) County Administration Building (location of County Administrator's Office and Project Management Team Meetings)

The County Administration building is located at 224 Ballard Street (Yorktown). This building is one-story with a basement and houses the offices of the County Administrator, the Assistant County Administrator, and Community Services. The Project Management Team meetings are held in the Community Services' conference room located on the first-floor. Other offices located in this complex include Planning, Economic Development, Public Information, and Voter Registrar. There is a public restroom with one handicap accessible stall on the first-floor as well as another restroom that serves only persons with disabilities. Parking is immediately adjacent to the building; two handicap-designated parking spaces are in close proximity to the front entrance. The entrance is at ground level with no physical barriers.

2. Program Accessibility

All Board of Supervisor meetings and public hearings are open to the public. The Board of Supervisors meet in York Hall and public hearings are held in the fellowship hall of Mt. Pilgrim Baptist Church. All Project Management Team meetings are held in the County's Administration Building in the Community Services' conference room on the first-floor. Persons with visual or hearing disabilities who need assistance accessing these meetings will be accommodated if at least one-week advanced notice is given. The 504 Coordinator will arrange assistance for all applicants with disabilities who require help in filling out application forms. The availability of this assistance will be noted on the application form and all published notices or flyers announcing the program. In addition, all published notices related to the program will include a TDD number, which is 711 (Virginia Relay). All appropriate steps will be taken to ensure effective communication will program applicants, beneficiaries and members of the public.

3. Eligibility and Admission Criteria and Practice

Eligibility of applicants will be based on the criteria outlined in the Housing Rehab Program Design. Persons with disabilities will not be denied the right to participate in the project solely on the basis of their disabilities.

4. Employment

The Housing and Urban Development regulations require that recipients of Community Development Block Grant funds shall provide equal opportunity to disabled citizens in the areas of employment and services. The County has personnel policies in place stating that it does not discriminate on the basis of handicap, which are posted near where job applicants and employees can read them.

5. Complaints

On \_\_\_\_\_, 2014, the Board of Supervisors formally adopted a 504 Complaint Procedure as required by the Virginia Department of Housing and Community Development and designated Mark Bellamy, the 504 Coordinator, for the purpose of this and future CDBG-funded activities.

6. Attachments

- a) Grievance Procedures
- b) Self-Evaluation Site Accessibility Checklist

Prepared by: \_\_\_\_\_  
Wanda Fralick, Project Manager

Prepared for: \_\_\_\_\_  
James O. McReynolds, County Administrator

## **SECTION 504 GRIEVANCE PROCEDURE**

### **PROCEDURE FOR FILING COMPLAINTS ALLEGING DISCRIMINATION ON THE BASIS OF DISABILITY IN THE PROVISION OF COUNTY SERVICES**

1. Mark Bellamy, the County's Director of General Services, is hereby designated as the County's Americans with Disabilities Act Coordinator (ADA Coordinator). His office address is 102 County Drive, Yorktown, Virginia 23692, and his telephone number is (757) 890-3800. The ADA Coordinator shall be responsible for coordinating the County's efforts to comply with 28 C.F.R. Part 35, Nondiscrimination on the Basis of Disability in State and Local Government Services.

2. It is the policy of the County to comply fully with the requirements of the ADA applicable to local governments and that no qualified individual with a disability as defined in the ADA shall, on the basis of such disability, be excluded from participation in or be denied the benefits of the services, programs or activities of the County, or be subjected to discrimination by the County.

3. This procedure is adopted pursuant to the requirements of 28 C.F.R. Section 35.107(b), and is intended to provide for prompt and equitable resolution of complaints alleging any action by the County that is prohibited by the ADA.

4. Persons who wish to complain of a perceived violation of any provision of the ADA are encouraged to contact the ADA Coordinator. The ADA Coordinator shall promptly investigate the complaint, and attempt to resolve it to the satisfaction of the complainant if determined to be well founded.

5. If the ADA Coordinator is not able to resolve a complaint to the satisfaction of the complainant, the complainant may submit to the County Administrator a signed written complaint, containing the complainant's name and address and a description of the alleged discriminatory action in sufficient detail to describe the date and nature of the alleged violation.

6. The County Administrator shall promptly investigate any written complaint, and, if unable to resolve the complaint to the complainant's satisfaction, shall schedule a meeting with the complainant within fifteen (15) days of receiving the complaint, at which meeting the complainant shall be accorded the opportunity to present evidence as to the nature of the complaint. A record of such meeting shall be maintained, and the

County Administrator shall provide the complainant with a written response to the complaint within seven (7) days of the meeting. This response shall be final, but shall not impair the complainant's right to pursue other remedies, State or Federal.

## **RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN CERTIFICATION**

The County of York will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than as low/moderate income dwelling unit as a direct result of activities assisted with funds provided under the *Housing and Community Development Act of 1974*, as amended. All replacement housing will be provided within three (3) years of the commencement of the demolition or rehabilitation relating to conversion.

Before obligating or expending funds that will directly result in such demolition or conversion, the County of York will make public and advise the state that it is undertaking such an activity and will submit to the state, in writing, information that identifies:

1. A description of the proposed assisted activity;
2. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate-income dwelling units as a direct result of the assisted activity;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;
5. The source of funding and a time schedule for the provision of replacement dwelling units;
6. The basis for concluding that each replacement dwelling unit will remain a low/moderate-income dwelling unit for at least 10 years from the date of initial occupancy; and
7. Information demonstrating that any proposed replacement of dwelling units with smaller dwelling units is consistent with the housing needs of low- and moderate-income households in the jurisdiction.

The County of York will provide relocation assistance to each low/moderate – income household displace by the demolition of housing or by the direct result of assisted activities. Such assistance shall be that provided under Section 104 (d) of the *Housing*

*and Community Development Act of 1974, as amended, or the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.*

The County of York FY 2015-16 project includes the following activities:

CDBG Funds will be used to rehab twenty homes to meet the Federal Housing and Urban Development (HUD) Housing Quality Standards (HQS). Activities include upgrading structures, upgrading handicap accessibility, asbestos removal.

The activities as planned will not cause any displacement from or conversion of occupiable structures. As planned, the project calls for the use of existing right-of-way or easements to be purchased or the acquisition of tracts of land that do not contain housing. The County of York will work with the grant management staff, engineers, project area residents, and the Department of Housing and Community Development to insure that any changes in project activities do not cause any displacement from or conversion of occupiable structures.

In all cases, an occupiable structure will be defined as a dwelling that meets local building codes or a dwelling that can be rehabilitated to meet code for \$25,000 or less.

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Donald E. Wiggins, Chairman, Board of Supervisors

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Date

**FAIR HOUSING CERTIFICATION  
COMPLIANCE WITH TITLE VIII OF THE CIVIL RIGHTS ACT OF 1968**

Whereas, the County of York has been offered and intends to accept federal funds authorized under the Housing and Community Development Act of 1974, as amended, and

Whereas, recipients of funding under the Act are required to take action to affirmatively further fair housing;

Therefore, the County of York agrees to take at least one action to affirmatively further fair housing each grant year, during the life of its project funded with Community Development Block Grant funds. The action taken will be selected from a list provided by the Virginia Department of Housing and Community Development.

\_\_\_\_\_  
Donald E. Wiggins, Chairman, Board of Supervisors

\_\_\_\_\_  
Date

**ENVIRONMENTAL REVIEW RECORD CHECKLIST**

COMPONENTS	YES	NO	N/A	COMMENTS
1. Brief Project Description				
2. Explanation of Exemption or Categorical Exclusion Determinations (as relevant)				
3. Statutory Checklist*: Environmental Requirements Other Than NEPA. (For all Cat. Excl. Projects, including Cat. Excl. Projects determined to be exempt pursuant to 58.34(a)12, and projects requiring EA or EIS)/Other Requirements Checklist**				
4. Environmental Assessment Document (Depending on level of clearance req.)				
5. Environmental Assessment Checklist (Optional)				
6. Notice of Finding of No Significant Impact as posted/published (as relevant)				
7. Notice of Intent to Request a Release of Funds as posted/published (as relevant)				
8. Combined FONSI/RROF as posted/published (as relevant).				
9. a) Distribution List of FONSI (as relevant) b) Distribution List of RROF (as relevant) c) Distribution List of FONSI/RROF (as relevant)				
10. Any comments received and recipient responses.				
11. Certification of Environmental Review, Request for Release of Funds submitted (as relevant)				
12. Notice of Removal of Grant Condition/Release of Funds (as relevant)				
13. Post-Review Revisions and Changes, Written Decisions, Amendments, and Supplements (as relevant)				
14. Continuing Project (58.47) Determination (as relevant)				
15. EIS documentation required by 58.55-60 (as relevant)				

\* Section 58.5 Requirements

\*\* Section 58.6 Other Requirements

## STATUTORY CHECKLIST

- A. Are all activities of this project 58.34(a)(1)-(11) Exempt and/or 58.35(b) Categorically Excluded (CE) from NEPA procedures? \_\_\_\_Yes\_\_\_\_ No. If "Yes" attach supporting documentation including citations to applicable subsection of 58.34(a)(1)-(11) and/or 58.35(b) and complete Other Requirements Checklist (58.6). Sign and date below and keep this form in the project ERR. Remaining portions of the checklist need not be filled out. Do not initiate RROF procedures. Funds may be obligated for this Exempt project. If "No," proceed to question B.
- B. 1. Is this a 58.35(a) CE Project? \_\_\_\_ Yes \_\_\_\_ No. If "Yes", then document by specific reference(s) to Section 58.35(a) why this project qualifies as a 58.35(a) CE project and respond to question B2. If "No" then go to question C.
2. Does the project trigger a 58.5 Compliance Threshold?\_\_Yes\_\_No. If "Yes" perform all actions as per relevant compliance requirements, complete columns B & C, sign and date form; complete, sign and date Other Requirements Checklist; then initiate RROF procedures, beginning with publication/posting of RROF Notice. If "No"; complete columns A & C; project is exempt under 58.34(a)(12), do not initiate RROF procedures, and funds may be obligated after signing and dating this form and completing Other Requirements Checklist.
- C. Does this project require an Environmental Assessment (EA)?\_\_Yes \_\_No. If "Yes" fill out the Checklist, documenting all determinations and compliance with any 58.5 laws and authorities as necessary, then sign and date it; complete, sign and date Other Requirements Checklist.; make both checklists part of the project ERR; and complete Part II of the ERR format. Even if an EA has already been completed, 24 CFR Part 58, Subpart H procedures, beginning with publication/posting of FONSI/RROF Notice, cannot be initiated until all 58.5 and 58.6 determinations and compliance processes have been completed. Some theoretically CE projects may be deemed by the grantee, because of their environmental effect, to warrant either an EA or Environmental Impact Statement.

Project Name and Identification No. \_\_\_\_\_

AREA OF STATUTORY OR REGULATORY COMPLIANCE	A NO CIRCUMSTANCE REQUIRING COMPLIANCE	B DATE COMPLIANCE ACHIEVED	C REFERENCES TO NOTES PROVIDING DOCUMENTATION, SOURCES, AND EXPLANATION OF CHECKED BOXES
Air Quality			
Historic Properties			
Floodplain Management			
Wetlands Protection			
Coastal Zone			
Sole Source Aquifers			
Endangered Species			
Wild & Scenic Rivers			
Farmland Protection			
Noise (24 CFR Part 51B)			
Hazardous Facilities (24 CFR Part 51C)			
Airport [except for Clear Zone Notification of [24 CFR Part 51D 303 (a)(3)]			
Site Contamination			
Environmental Justice (Executive Order 12898)			

Prepared By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

## **STATUTORY CHECKLIST COMPLIANCE THRESHOLD**

Historic Properties (includes archeology): The "circumstances requiring compliance" threshold is considered to be a determination by the RE, made in consultation with the SHPO/THPO (and ACHP if it has decided to participate in 36 CFR Part 800 required consultations), that the undertaking will have either No Adverse Effect or an Adverse Effect on properties/archaeological resources on or eligible for listing on the National Register of Historic Properties (NR) in the Area of Potential Effect for the proposed undertaking. Compliance is achieved by documenting implementation of procedures set forth at 36 CFR 800 et. seq. The phrase "no circumstances which require compliance" [as used in §58.34(a)(12)] shall apply only when the RE has: reached an adequately documented finding of "No Historic Properties Affected," in accordance with 36 CFR §800.4(d)(1); AND, received no objections within thirty (30) days from the SHPO's/THPO's (and the ACHP's if it has decided to participate in Part 800 required consultations) date of receipt of a formal consultation letter from the Responsible Entity transmitting that finding. For the definition of an "adequately documented finding," see 36 CFR §800.11(b) & (d). Determinations are based on a review of the NR, field observation, a check with other individuals or groups having the requisite expertise, and consultations with the SHPO required by 36 CFR Part 800.

Floodplain Management: The project is within or will impact on the 100-year floodplain identified by the FEMA Flood Hazard Boundary or Flood Insurance Rate Map. If no such maps have been published, the same finding is necessary by the grantee's Engineer or local Flood Control Agency. If the Project involves a critical action (e.g. a fire station, a hospital, etc), the 500-year flood plain applies. Initiate and complete reviews required by the HUD Procedures for the Implementation of Executive Order 11988", as set forth in 24 CFR Part 55 (Project may be approved if there is no practicable alternative outside the floodplain).

Wetlands Protection: The project is within, or will affect a wetland. This finding is based on review of Federal National Wetlands Inventory Maps unless more current information is available. Initiate and complete the Water Resources Council 8-step procedure (Project may be approved if there is no practicable alternative outside the wetland area).

Coastal Zone Management (CZM): The project is within the area covered by a Federally-approved CZM Program. A consistency determination/permit from the State CZM agency or other relevant jurisdictional authority is required to document consistency.

Sole Source Aquifers and Safe Drinking Water: The project will occur in an area designated by EPA as a sole source aquifer. Contact US EPA Regional Office to confirm whether project meets the threshold for a formal EPA review. If it does, then a circumstance requiring compliance exists. Compliance is achieved by obtaining EPA's formal review and approval of the project.

Farmland Protection Policy Act of 1981: The project involves the conversion of farmland to non-agricultural use. Recipients can obtain assistance from the USDA Soil Conservation Service, in determining whether a proposed location or site meets the Act's definition of farmland. If the site meets the Act's definition, then the recipient must complete the review process as set forth in 7 CFR Part 658, "Farmland Protection Policy: Final Rule."

Endangered Species: The project will affect an endangered species of plants or animals, or an critical habitat. This finding is based on a review of the "Federally-Listed Endangered and Threatened Species" for the area in which the project is situated. Initiate and complete consultation with the U.S. Fish and Wildlife Service (FWS) as required under Section 7 of the Endangered Species Act.

Wild and Scenic Rivers: The project will have an effect on a river which is a component of the National Wild and Scenic Rivers System or is under consideration for inclusion in the System. This finding is based on information from and consultation with the Department of the Interior (DOI). Consult DOI Park Service for resolution assistance.

Air Quality: The project is within a non-attainment area for which EPA has approved the State Implementation Plan (SIP), and there are SIP controls for such a project. Consider compliance issues in the project decision. If issues are transportation-related, priority must be given to implementing those portions of the SIP to achieve and maintain national primary air quality standards. The Department of Environmental Protection responsible for SIP implementation should be consulted. Permits should be obtained as relevant.

Noise Abatement and Control (24 CFR Part 51B): The project involves noise sensitive uses [24 CFR Part 51.101(a)(3)], and the ambient noise level at the Project site is above 65 dB. This finding is based on the HUD Noise Assessment Guidelines (NAG) or other acoustical data. Require appropriate mitigation measures or justify deviation from the HUD standards.

Hazardous Operations Explosive or Flammable in Nature (24 CFR Part 51C): The project is in the vicinity of hazardous operation involving explosive or flammable fuels or chemicals which exceed the standards and application of HUD Guidebook, "Siting of HUD-Assisted Projects Near Hazardous Facilities". Require appropriate mitigation measures as per the above-cited regulations. NOTE: 24 CFR Part 51C does not apply to projects involving the renovation only of existing commercial, industrial, institutional, or open space–recreational facilities.

Runway Clear Zones at Designated Commercial Service Airports and Clear Zones and Accident Potential Zones at Military Airfields (24 CFR Part 51D): The project is located in such zones and consists of activities as cited in 24 CFR Part 51D, Section 51.302. Comply with appropriate procedures and policies set forth in the above cited regulations.

Site Contamination\* [24 CFR part 58.5(i)(2)]: Based upon an evaluation of previous uses of the project site/structures involved and area in proximity\*\* to the site, a site inspection, and other current techniques by qualified professionals determined necessary by the RE, site contamination issues have been identified. Particular attention should be given to any proposed site on or in the general proximity to such areas as dumps, landfills, industrial sites or other locations that are

creating problems, or are suspected of creating problems related to hazardous materials, contamination, toxic chemicals and gases, and radioactive substances. Since it is HUD policy that properties being proposed for use in HUD programs be free of contamination problems that could affect the health and safety of occupants, or conflict with the intended utilization of a project property, the RE must either require appropriate mitigation measures to assure a safe site, or require evidence from the project sponsor that appropriate mitigation measures have been implemented by qualified professionals, consistent with relevant Federal, State, and local laws and regulations, ensuring that the occupants of proposed sites will not be adversely affected by the type of hazards listed above.

Environmental Justice (Executive Order 12898): The project has been determined to have adverse health or environmental effects, which disproportionately impact a minority or low-income population relative to the community at large. The potential for new or continued adverse effects must then be evaluated. If susceptible populations are impacted: mitigation or avoidance must be considered to the extent practicable; and public participation processes must involve the affected population in the decision making process. Steps taken to identify, and as appropriate, to avoid or mitigate such impacts, and to involve the affected population, should be documented in the ERR.\*\*\*

\* Excerpted from point III, page 56120, in the Supplementary Information section of amendment to 24 CFR Part 58, as published in the Federal Register, 9/29/03 (Volume 68, Number 188): "The policy set forth in Sec. 58.5(i)(2) requires due diligence in accordance with the language in that section, but is not intended to suggest any liability for damages caused by unknown or undiscovered hazards where an appropriate review has been performed. In addition, the policy that sites be free from hazardous materials, etc., does not require a complete absence of such materials, but only that the property be free of hazards where the hazard could affect the health and safety of occupants or conflict with the intended use of the property. The policy also does not prescribe any specific form of remediation, which may vary depending upon the nature of the hazard."

\*\* HUD has left the definition of the term "proximity" as used in Sec. 58.5(i)(2), up to the Responsible Entity. As concerns certain Programs under which HUD is to perform environmental reviews (i.e. the HOPWA, SHOP, and Youthbuild Programs), proximity is discussed as the area within 3,000 feet of the project site.

\*\*\* The Executive Order calls on Federal agencies, and in the case of HUD, units of general purpose government acting under an assumption of HUD's environmental review responsibility, to identify and address, to the extent practicable, disproportionately high adverse human health or environmental effects of their programs, policies and activities on minority and low income populations.

Docname: stat.checklist.3.25.04  
Revised 3/04

**STATUTORY CHECKLIST  
LIST OF APPLICABLE STATUTES AND REGULATIONS  
24 CFR PART 58.5 FEDERAL LAWS AND AUTHORITIES.**

(a) *Historic properties.*

(1) The National Historic Preservation Act of 1966 (16 U.S.C. 470f *et seq.*): as amended: particularly section 106 (16 U.S.C. 470f): except as provided in ' 58.17 of this part for section 17 projects.

(2) Executive Order 11593. Protection and Enhancement of the Cultural Environment, May 13, 1971 (36 FR 8921 *et seq.*): particularly section 2(c).

(3) The Reservoir Salvage Act of 1960 (16 U.S.C. 469 *et seq.*) particularly section 3 (16 U.S.C. 469a-1): as amended b) the Archeological Historic Preservation Act of 1974.

(b) *Floodplain management and wetland protection.*

(1) Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 *et seq.*) as amended: particularly sections 102(a) (42 U.S.C. 4012a (a) and 4106 (a).

(2) Executive Order 11988. Floodplain Management, May 24, 1977 (42 FR28931 *et seq.*): particularly section 2(a).

(3) Executive Order 11990. Protection of Wetlands. May 24, 1977 (42 FR 28951 *et seq.*): particularly section 2 and 5.

(c) *Coastal areas protection and management.*

(1) The Coastal zone Management Act of 1972 (16 U.S.C. 1451 *et seq.*) as amended: particularly section 307 (c) and (d) (16 U.S.C. 1456 (c) and (d)).

(2) The Coastal Barrier Resources Act of 1982 (16 U.S.C. 3501 *et seq.* particularly sections 5 and 6 (16 U.S.C. 3504 and 3505).

(d) *Sole source aquifers.* The Safe Drinking Water Act of 1974 (42 U.S.C. 201.300 (f) *et seq.* and 21 U.S.C. 349) as amended: particularly section 1424(e) (42 U.S.C.300b-303(e).

(e) *Endangered species.* the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.* as amended: particularly Section 7 (b) and (c) (16 U.S.C. 1278 (b) and (c)).

(f) *Wild and scenic rivers.* The Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271 *et seq.*) as amended: particularly section 7 (b) and (c) (16 U.S.C. 1278 (c) and (d)).

(g) *Air quality*. The Clean Air Act (42 U.S.C. 7401 *et seq.*) as amended: particularly section 176 (c) and (d) (42 U.S.C. 7308 (c) and (d)).

(h) *Farmlands protection*. Farmland Protection Policy Act of 1961 (7 U.S.C. 4201 *et seq.*) particularly section 1540(b) and 1541 (7U.S.C. 4201 and 4242).

(i) *HUD environmental standards*. Environmental Criteria and Standards (24 CFR Part 51) and Site Contamination.

(j) *Environmental justice*: Executive Order 12898 Federal Actions to address environmental justice in minority populations and low-income populations.







## OTHER REQUIREMENTS (SECTION 58.6) CHECKLIST

PROJECT NAME: \_\_\_\_\_

GRANT NUMBER: \_\_\_\_\_

In addition to the duties under the laws and authorities specified in 58.5 for assumption by Responsible Entities (RE) under the laws cited in 58.1(b), RE must comply with the following requirements. Applicability of the following requirements does not trigger the certification and release of funds procedure under this Part or preclude exemption of an activity under 58.34 (a) (12) and/or the applicability of 58.35(b). However, the RE remains responsible for addressing the following requirements in its ERR and meeting these requirements, where applicable, regardless of whether the activity is exempt under 58.34 or Categorically Excluded under 58.35 (a) or (b).

(a) Federal Flood Insurance Purchase Requirements (do not apply to funds from Federal formula grants made to a State).

- (1) Does the project involve acquisition or construction (including rehabilitation) in a community identified by the Federal Emergency Management Agency (FEMA) as having special flood hazard areas (100 year and 500 year floodplains)? Yes \_\_\_ No \_\_\_ If “Yes,” go to (a)(2). If “No,” go to Question (b).
- (2) Is the project located in 100 year flood plain (500 year floodplain for “critical” actions\*)? Yes \_\_\_ No \_\_\_ If “Yes,” go to (a) (3). If “No,” go to Question (b).
- (3) Is the community in which the project is located ( ) participating in the National Flood Insurance Program or, ( ) has less than a year passed since FEMA notified the community concerning such hazards. (Please check one of the above depending on the situation) Yes \_\_\_ No \_\_\_. If “Yes,” attach a statement concerning how you will assure that flood insurance will be maintained in accordance with the “Flood Insurance Protection” guidance sheet attached to this Checklist and go to Question (b). The implementation of this project consistent with your statement must be made a condition on the environmental findings and recommendations for the project. If “No,” project cannot be funded.

\*As defined in the U.S. Water Resources Council’s Floodplain Management Guidelines for Implementing Executive Order 11988.

\* Go to <http://www.fema.gov/business/nfip/manual.shtm> for an updated Flood Insurance Manual for more guidance on insurance requirements.

(b) Coastal Barriers Resources

Is the project to be undertaken located in the coastal Barrier Resources System, as amended by the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3501)?

Yes \_\_\_ No \_\_\_\_\_. If “Yes,” Federal financial assistance may not be provided. If “No,” then go to Question (c).

(c) Projects located in Close Proximity to Airports Contained on the HUD list of 24 CFR Part 51D Covered Airports.

Does the project involve assistance, subsidy, or insurance for the purchase or sale of an existing property in a Runway Clear Zone or Clear Zone as defined in 24 CFR Part 51D? Yes \_\_\_ No \_\_\_ If “Yes,” the buyer must be advised that the property is in a runway Clear Zone or Clear Zone, what the implications of such a location are, and then there is a possibility that the property may, at a later date, be acquired by the airport operator. The buyer must sign a statement acknowledging receipt of this information. The implementation of this requirement must be made a condition in the environmental review findings and recommendations for this project.

Prepared by: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

## FLOOD INSURANCE PROTECTION

Duration of Flood Insurance Coverage. The statutory period for flood insurance coverage may extend beyond project completion. For loans, loan insurance or guaranty, flood insurance coverage must be continued for the term of the loan. For grants and other non-loan forms of assistance, coverage must be continued for the life of the property, regardless of transfer of ownership of such property. Section 582(c) of the Community Development and Regulatory Improvement Act of 1994 mandates that "...The requirement of maintaining flood insurance shall apply during the life of the property, regardless of transfer of ownership of such property." (42 U.S.C. 5154a)

Dollar Amount of Flood Insurance Coverage. For loans, loan insurance or guaranty, the amount of flood insurance coverage need not exceed the outstanding principal balance of the loan. For grants and other forms of financial assistance, the amount of flood insurance coverage must be at least equal to the development or project cost (less estimated land cost) or to the maximum limit of coverage made available by the Act with respect to the particular type of building involved (SF-Single Family, OR-Other Residential, NR-Non Residential, or SB-Small Business), whichever is less. The development or project cost is the total cost for acquiring, constructing, reconstructing, repairing or improving the building. This cost covers both the Federally assisted and the non-Federally assisted portion of the cost, including any machinery, equipment, fixtures, and furnishings. If the Federal assistance includes any portion of the cost of any machinery, equipment, fixtures or furnishings, the total cost of such items must also be covered by flood insurance.

Proof of Purchase. The standard documentation for compliance with Section 102 (a) is the Policy Declarations form issued by the National Flood Insurance Program or issued by any property insurance company offering coverage under the National Flood Insurance Program. The insured has its insurer automatically forward to the grantee in the same manner as to the insured, information copies of the Policy Declarations form for verification of compliance with the Act. Any financially assisted SFHA building lacking a current Policy Declarations form is in Noncompliance.

Grantee's Evidence of Compliance under the Certification. The grantee must maintain a complete and up-to-date listing of its on-file and current Policy Declarations for all financially assisted SFHA buildings. As a part of the listing, the grantee should identify any such assisted building for which a current Policy Declarations form is lacking and attach a copy of the written request made by the grantee to the owner to obtain a current Policy Declarations form.

**NOTICE TO PROSPECTIVE BUYERS OF PROPERTIES LOCATED IN  
RUNWAY CLEAR ZONES AND CLEAR ZONES/ACCIDENT POTENTIAL ZONES**

*(In accordance with 24 CFR Part 51, Section 51.303(a)(3), this notice must be given to anyone interested either in buying an existing HUD property, or using HUD assistance to buy an existing property, which is located in either a Runway Clear Zone at a civil airport or a Clear Zone/Accident Potential Zone at a military installation.)*

The property which you are interested in purchasing at \_\_\_\_\_ is located in the Runway Clear Zone/Clear Zone/Accident Potential Zone for \_\_\_\_\_.

Studies have shown that if an accident were to occur it is more likely to occur within the Runway Clear Zone/Clear Zone/Accident Potential Zone than in other areas around the airport/airfield. Please note that we are not discussing the chances that an accident will occur, only where one is most likely to occur.

You should also be aware that the airport/airfield operator may wish to purchase the property at some point in the future as part of a Runway Clear Zone/Clear Zone/Accident Potential Zone acquisition program. Such programs have been underway for many years at airports and airfields across the country. We cannot predict if or when this might happen since it is a function of many factors, particularly the availability of funds, but it is a possibility.

We wanted to bring this information to your attention. Your signature on the space below indicates that you are now aware that the property you are interested in is located in a Runway Clear Zone/Clear Zone/Accident Potential Zone.

\_\_\_\_\_  
Signature of prospective buyer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Type or print name of prospective buyer

(This notice must be maintained as part of the file on this action.)

**ENVIRONMENTAL ASSESSMENT**  
**ENVIRONMENTAL ASSESSMENT CHECKLIST**

Project Name and Identification No. \_\_\_\_\_

Impact Categories	IMPACT ANTICIPATED			REQUIRES MITIGATION OR MODIFICATION	NOTE CONDITIONS AND/OR SOURCE DOCUMENTATION THAT SUPPORTS FINDING  REFERENCE NOTES
	NONE	MINOR	MAJOR		
<b>Land Development</b>					
Conformance with Comprehensive Plans and Zoning					
Compatibility and Urban Impact					
Slope					
Erosion					
Soil Suitability					
Hazards and Nuisances Including Site Safety					
Energy Consumption					
<b>Noise</b>					
Effects of Ambient Noise on Project and Contribution to Community Noise Levels					

**A = Adverse    B = Beneficial**

**ENVIRONMENTAL  
ASSESSMENT CHECKLIST**

Impact Categories	IMPACT ANTICIPATED			REQUIRES MITIGATION OR MODIFICATION	NOTE CONDITIONS AND/OR SOURCE DOCUMENTATION THAT SUPPORTS FINDING  REFERENCE NOTES
	NONE	MINOR	MAJOR		
<b>Air Quality</b>					
Effects of Ambient Air Quality on Project and Contribution to Community Pollution Levels					
<b>Environmental Design and Historic Values Urban Impact</b>					
Visual QualityB Coherence, Diversity, Compatible Use and Scale					
Historic, Cultural and Archaeological Resources					
<b>Socioeconomic</b>					
Demographic Character Changes					
Displacement					
Employment and Income Patterns					
<b>Community Facilities and Services</b>					
Educational Facilities					
Commercial Facilities					
Health Care					
Social Services					

**A =Adverse      B = Beneficial**

## ENVIRONMENTAL ASSESSMENT CHECKLIST

Impact Categories	IMPACT ANTICIPATED			REQUIRES MITIGATION OR MODIFICATION	NOTE CONDITIONS AND/OR SOURCE DOCUMENTATION THAT SUPPORTS FINDING  REFERENCE NOTES
	NONE	MINOR	MAJOR		
<b>Community Facilities and Services Continued</b>					
<b>Solid Waste</b>					
<b>Waste Water</b>					
<b>Storm Water</b>					
<b>Water Supply</b>					
<b>Public Safety</b>	<b>Police</b>				
	<b>Fire</b>				
	<b>Emergency Medical</b>				
<b>Open Space and Recreation</b>	<b>Open Space</b>				
	<b>Recreation</b>				
	<b>Cultural Facilities</b>				
<b>Transportation</b>					

**A = Adverse      B = Beneficial**

## ENVIRONMENTAL ASSESSMENT CHECKLIST

IMPACT CATEGORIES	IMPACT ANTICIPATED			REQUIRES MITIGATION OR MODIFICATION	NOTE CONDITIONS AND/OR SOURCE DOCUMENTATION THAT SUPPORTS FINDING  REFERENCE NOTES
	NONE	MINOR	MAJOR		
<b>Natural Features</b>					
<b>Water Resources</b>					
<b>Surface Water</b>					
<b>Floodplains</b>					
<b>Wetlands</b>					
<b>Coastal Zone</b>					
<b>Unique Natural Features and Agricultural Lands</b>					
<b>Vegetation and Wildlife</b>					

**A = Adverse      B = Beneficial**







BOARD OF SUPERVISORS  
COUNTY OF YORK  
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in York Hall, Yorktown, Virginia, on the \_\_\_\_ day of \_\_\_\_, 2014:

Present

Vote

Donald E. Wiggins, Chairman  
Thomas G. Shepperd, Jr., Vice Chairman  
Walter C. Zaremba  
Sheila S. Noll  
George S. Hrichak

On motion of \_\_\_\_\_, which carried \_\_\_\_, the following resolution was adopted:

A RESOLUTION TO ADOPT POLICIES AND AUTHORIZE THE COUNTY ADMINISTRATOR TO SUBMIT THE NECESSARY DOCUMENTS FOR FUNDING FROM THE VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, AND TO REQUEST AND ACCEPT THESE FUNDS FOR THE CARVER GARDEN REHABILITATION PROJECT (PHASE 1)

WHEREAS, pursuant to two public hearings, the County of York wishes to apply for \$933,690 of Virginia Community Development Block Grant funds with a local match of \$70,000 for the rehabilitation of 20 Low or Moderate Income (LMI) houses in Magisterial District 1, in the Carver Garden community; and

WHEREAS, the rehabilitation activities will include repairs to occupied homes necessary to meet the Federal Department of Housing and Urban Development and Housing Quality Standards; and

WHEREAS, the proposed project area will include houses in Phase 1 along Douglas Drive, Bethune Drive, Bunche Drive, and sections of Banneker Drive and Drew Road in the County, and relief totaling \$933,690 is requested from the State; and

WHEREAS, the local and private matching funds are available; and

WHEREAS, the Virginia Department of Housing and Community Development requires a resolution whereby the Board of Supervisors authorizes the County Adminis-

trator to sign and submit all appropriate policies, assurances, and certifications necessary to request and receive, funding; and

WHEREAS, the County must provide proof of plans or policies to address the following:

- Local Business and Employment Plan
- Non-Discrimination in Employment Policy under the Americans with Disabilities Act of 1990
- Section 504 Grievance Procedure
- Anti-Displacement and Relocation Assistance Plan
- Fair Housing and Equal Opportunity Certification
- Statutory Checklist;

each of which has been prepared and presented for approval by the Board of Supervisors;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this \_\_\_\_\_ day of \_\_\_\_\_, 2014, that the County Administrator is hereby directed and authorized to implement these policies, and to execute any necessary grant agreements, related contracts, or other documents, subject to approval as to form by the County Attorney, to provide such additional information as may be required by the terms of the grant agreement, and to take all necessary actions to accept and implement the grant.

BE IT FURTHER RESOLVED that the County Administrator is hereby authorized to accept any subsequent offer of funding that would not exceed available resources for any matching funds and to increase amounts appropriated in the budget if and when funds become available and to advise the Board of all such actions in writing.

BE IT STILL FURTHER RESOLVED that the County Administrator be and is hereby authorized on behalf of the County to assume the status of a responsible official under the National Environmental Policy Act of 1969, and the regulations which implement such Act.

# COUNTY OF YORK

## MEMORANDUM

**DATE:** February 3, 2014 (BOS Mtg. 2/18/14)

**TO:** York County Board of Supervisors

**FROM:** James O. McReynolds, County Administrator 

**SUBJECT:** Resolution for Retirement

In accordance with Section 5-5: Service Recognition, of the Personnel Policies and Procedures Manual, employees who leave in good standing are recognized for their long and valuable service to the County. The nature and extent of their recognition varies with their length of service.

Thomas J. Gallagher is retiring from the County after 28 years of dedicated and faithful service. According to County policy, recognition for this length of service requires a mounted resolution from the Board of Supervisors.

Therefore, I recommend approval of proposed Resolution R14-28 recognizing Thomas J. Gallagher for his 28 years of service with the County.

Hudgins/3755

Attachment

- Resolution R14-28

BOARD OF SUPERVISORS  
COUNTY OF YORK  
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in York Hall, Yorktown, Virginia, on the \_\_\_\_ day of \_\_\_\_\_, 2014:

Present

Vote

Donald E. Wiggins, Chairman  
Thomas G. Shepperd, Jr., Vice Chairman  
Walter C. Zaremba  
Sheila S. Noll  
George S. Hrichak

On motion of \_\_\_\_\_, which carried \_\_\_\_, the following resolution was adopted:

A RESOLUTION TO COMMEND AND CONGRATULATE THOMAS J. GALLAGHER, DIVISION CHIEF FOR MOSQUITO CONTROL, OF THE DEPARTMENT OF ENVIRONMENTAL AND DEVELOPMENT, ON THE OCCASION OF HIS RETIREMENT FROM COUNTY SERVICE

WHEREAS, Thomas J. Gallagher entered into employment with York County on September 3, 1985, after retiring from the Air Force and with his experience in the military communications field, established the County’s first enhanced 9-1-1 system; and

WHEREAS, Mr. Gallagher, who has a degree in Biology coupled with a background and past experience in leadership, was selected to his current position in 1988 as manager of the Drainage and Mosquito Control program in York County; and

WHEREAS, Mr. Gallagher, in being creative and innovative, made public outreach and public education an integral part of his mosquito control mission and environmentally friendly programs such as mosquito fish as part of his weapons to control mosquitoes; and

WHEREAS, Mr. Gallagher, received five prestigious National Association of Counties (NACo) awards over the years, the latest being the 2005 program, “Mosquito Beater: It’s Elementary” which garnered world-wide attention and is being adopted in numerous programs across the nation; and

WHEREAS, Mr. Gallagher in recognizing the importance of the program to the York County citizens, introduced low cost public outreach initiatives to educate the citizens; turned concerned citizens into volunteer surveillance monitors; maintained York County in the Air Force aerial spray activity; and developed contracts with our federal military neighbors in order to better control mosquitoes within the county; and

WHEREAS, Mr. Gallagher was also responsible for the start-up of the existing stormwater maintenance operations program which has proven successful in helping to resolve long standing drainage issues; and

WHEREAS, Mr. Gallagher, revamped ditch maintenance into teams, realigned the County easements into election districts, and posted the schedule where citizens and the Board of Supervisors could review which ditch was cleaned and future expectations when the maintenance teams would return; and

WHEREAS, Mr. Gallagher, has served York County well for 28 years with an above and beyond customer service focus;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the \_\_\_\_ day of \_\_\_\_\_, 2014, that Thomas J. Gallagher be, and he is hereby, commended for his stellar service to the County and congratulated upon his retirement after 28 years of service.

BE IT FURTHER RESOLVED that the Board's heartfelt best wishes be, and they are hereby, extended to Mr. Gallagher and to his family for a long, happy, and pleasurable retirement.

# COUNTY OF YORK

## MEMORANDUM

**DATE:** January 30, 2014 (BOS Mtg. 2/18/14)  
**TO:** York County Board of Supervisors  
**FROM:** James O. McReynolds, County Administrator   
**SUBJECT:** Retirement Recognition for Deborah A. Mirick

Deborah A Mirick, Senior Accounting Supervisor, retired on February 1, 2014, after 32 years of dedicated service to the citizens of the County.

The Personnel Policy and Procedures Manual states that employees with over 15 years of service who leave in good standing shall receive a resolution adopted by the Board of Supervisors. Accordingly, attached for your consideration is proposed Resolution R14-26, commending and congratulating Mrs. Mirick on the occasion of her retirement from County service.

Morris/3261  
Attachment

- Proposed Resolution R14-26

BOARD OF SUPERVISORS  
COUNTY OF YORK  
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in the Board Room, York Hall, Yorktown, Virginia, on the \_\_\_\_ day of \_\_\_\_\_, 2014:

---

<u>Present</u>	<u>Vote</u>
Donald E. Wiggins, Chairman	
Thomas G. Shepperd, Jr., Vice Chairman	
Walter C. Zaremba	
Sheila S. Noll	
George S. Hrichak	

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On motion of \_\_\_\_\_, which carried \_\_\_\_, the following resolution was adopted:

A RESOLUTION TO COMMEND DEBORAH A. MIRICK, SENIOR ACCOUNTING SUPERVISOR, DIVISION OF FISCAL ACCOUNTING SERVICES, DEPARTMENT OF FINANCIAL & MANAGEMENT SERVICES, ON THE OCCASION OF HER RETIREMENT FROM COUNTY SERVICE

WHEREAS, Deborah A. Mirick began employment on October 26, 1981, and retired from her present position as Senior Accounting Supervisor, Division of Fiscal Accounting Services on February 1, 2014, after 32 years of service; and

WHEREAS, during her tenure, Mrs. Mirick was responsible for assisting in implementation of the automated payroll system for both the County and the Schools, and was instrumental in implementing the Kronos automated time and attendance system; and

WHEREAS, she has assumed the lead in resolving the most difficult issues and problems regarding payroll calculations, taxes, withholdings, and reporting, including dealing with the IRS, the Virginia Retirement System, the Virginia Department of Taxation, and other agencies; and

WHEREAS, she has most recently worked with our payroll system programmer to design and establish the myriad tables and general ledger codes required for the new Hybrid Retirement System; and

WHEREAS, she has always performed her duties in an efficient and professional manner, with the highest level of commitment, integrity, loyalty, and good humor; and

WHEREAS, she has earned respect and admiration from management and her co-workers for her dedication, enthusiasm, professionalism, and hard work;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the \_\_\_\_ day of \_\_\_\_\_, 2014, that the Board takes great pleasure in recognizing the significant achievements of Deborah A. Mirick, and herewith expresses its sincere gratitude for the invaluable contributions she has made to the employees and citizens of York County throughout the past 32 years.

BE IT FURTHER RESOLVED that the appreciation of the citizens of York County is hereby extended to Mrs. Mirick for her service to the County, and the heartfelt best wishes of this Board of Supervisors are extended to Mrs. Mirick and her family for a long, well-deserved, and pleasurable retirement with continued success in their future endeavors.

# COUNTY OF YORK

## MEMORANDUM

**DATE:** January 17, 2014 (BOS Mtg. 2/18/14)

**TO:** York County Board of Supervisors

**FROM:** James O. McReynolds, County Administrator 

**SUBJECT:** Employee of the Quarter

In accordance with Section 5-6 of the Personnel Policies & Procedures Manual, nominations for the Employee of the Quarter are accepted every three months. The nominations are reviewed by the Selection Committee. If in the opinion of the Committee there have been achievements which warrant recognition, a resolution recognizing the employee or group of employees is prepared for Board action.

The employee group selected for recognition for the quarter ending December 31, 2013, is Ms. Laurel A. Halperin, Recycling/Beautification Coordinator, Ms. Penny A. Chuba, Solid Waste Assistant, Ms. Cora M. Saunders, Administrative Assistant II, and Ms. Robin L. Thurnes, Administrative Assistant II, Division of Waste Management, Department of Environmental and Development Services. I recommend adoption of proposed Resolution R14-17 recognizing the achievements of these employees.

Gorwitz/3736

Attachment:

- Proposed Resolution R14-17

BOARD OF SUPERVISORS  
COUNTY OF YORK  
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in York Hall, Yorktown, Virginia, on the \_\_\_\_ day of \_\_\_\_\_, 2014:

Present

Vote

Donald E. Wiggins, Chairman  
Thomas G. Shepperd, Jr., Vice Chairman  
Walter C. Zaremba  
Sheila S. Noll  
George S. Hrichak

On motion of \_\_\_\_\_, which carried \_\_\_\_, the following resolution was adopted:

A RESOLUTION TO COMMEND LAUREL A. HALPERIN, PENNY A. CHUBA, CORA M. SAUNDERS, AND ROBIN L. THURNES, DIVISION OF WASTE MANAGEMENT, DEPARTMENT OF ENVIRONMENTAL AND DEVELOPMENT SERVICES, AS EMPLOYEES OF THE QUARTER

WHEREAS, Ms. Laurel A. Halperin, Recycling/Beautification Coordinator, has been employed with the County since August, 1997; and Ms. Penny A. Chuba, Solid Waste Assistant, has been employed with the County since August, 2011; and Ms. Cora M. Saunders, Administrative Assistant II, has been employed with the County since August, 2002; and Ms. Robin L. Thurnes, Administrative Assistant II, has been employed with the County since November 2005; and

WHEREAS, on May 1, 2013, York County shifted its recycling programs to a fee-based enterprise fund, providing new recycling containers to residents, and moving curbside recycling to every other week; and

WHEREAS, Ms. Halperin led a superb effort in organizing and managing program changes that diverted a considerable tonnage of garbage to curbside recycling collection tonnage, her efforts ensuring that over 16,800 96-gallon recycling carts were delivered to all subscriber citizens, or nearly 75 percent of all resident households in the County; and

WHEREAS, Ms. Halperin went above and beyond her duty to manage the curbside recycling changes by ensuring a net increase in subscriptions to this service with much success, in spite of the few citizens that opted out of the County's service; and

WHEREAS, Ms. Halperin was also instrumental in generating a citizen information packet that explained the changes clearly for each subscriber citizen, devising an alternating week color-coded system for recycling collection, and developing a log to record all citizen issues to inform her staff and management of the daily efforts during the actual delivery of carts; and

WHEREAS, Ms. Halperin's exceptional leading efforts in preparatory work and the delivery of carts far exceeded expectations which will create an expected annual savings of over \$100,000 in disposal costs; and

WHEREAS, Ms. Chuba talked with hundreds of citizens and resolved numerous citizen concerns during the program's transition time, her demeanor being very professional as she served as the "face" of the County to the public during this group effort; and

WHEREAS, on many occasions Ms. Chuba was able to change citizen perception of the changes from negative to positive, and with efforts clearly beyond the call of duty, she was instrumental in convincing citizens not to opt out of the program; and

WHEREAS, Ms. Saunders and Ms. Thurnes received thousands of calls from citizens wanting to change their services or lodge complaints as the program shifted from garbage-only to a garbage and recycling fee for service system as prescribed by the Board of Supervisors; and

WHEREAS, in addition to not only changing the citizen requested services, Ms. Saunders and Ms. Thurnes, having developed an administrative system that was quick and efficient, logged complaints and entered data in the computer management system, and resolved many citizen issues by being knowledgeable in the various changes in the curbside collection of recycling; and

WHEREAS, Ms. Halperin, Ms. Chuba, Ms. Saunders, and Ms. Thurnes have always served the County and performed their jobs with a positive attitude and collaborative spirit, and this was an effort that clearly deserves this joint award.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this \_\_\_\_ day of \_\_\_\_\_, 2014, that Laurel A. Halperin, Penny A. Chuba, Cora M. Saunders, and Robin L. Thurnes be, and they are hereby, congratulated upon their selection as Employees of the Quarter for the quarter ending December 31, 2013.

# COUNTY OF YORK

## MEMORANDUM

**DATE:** February 6, 2014 (BOS Mtg. 2/18/14)

**TO:** York County Board of Supervisors

**FROM:** James O. McReynolds, County Administrator 

**SUBJECT:** Sponsor Zoning Ordinance Text Amendment Application – Signage Allowances for Regional Shopping Centers with Interstate Frontage

The developer of the Marquis shopping center has requested that the Board of Supervisors consider amending the Zoning Ordinance to modify and expand the signage opportunities for regional shopping centers with Interstate road frontage. Since December 2010 the Zoning Ordinance has provided an opportunity for regional shopping centers having more than 350,000 square feet of tenant space and at least 1,500 feet of Interstate highway frontage to install, subject to applicable federal and state Interstate signage rules, a freestanding shopping center identification sign as large as 600 square feet in area and 45 feet in height. This opportunity, which greatly exceeds the normal 200 square foot limit for shopping centers, was established by the Board in recognition of the opportunities available to regional centers in neighboring jurisdictions (in Hampton, for example, where signs of similar size and height identify the Peninsula Towne Center and the Power Plant center along I-64).

Even with this opportunity being provided by the York County Zoning Ordinance, the state and federal Interstate signage regulations may preclude an identification sign along I-64. As a result, the developer of the Marquis has requested that the enhanced identification opportunity also be made available on the Route 199 frontage of the property so that a sign such as the one depicted in the attached conceptual rendering could be erected at the Marquis Center Parkway (Rt. 199)/Marquis Parkway intersection entrance to the center to replace the two existing signs. It should be noted that even if this change were to be made this special signage opportunity would remain applicable only to property with at least 1,500 feet of frontage on the Interstate highway and having direct access to a Primary highway intersecting with the Interstate and having a regional shopping center with more than 350,000 square feet of tenant space.

Proposed Resolution R14-29 (attached) contains draft amendment language that would accomplish the adjustments requested by the Marquis developer. Adoption of the resolution would initiate and sponsor a Zoning Ordinance text amendment application to allow the potential amendment to be formally reviewed and considered by the Planning Commission.

Carter/3337

Attachments:

- Proposed Sign – Conceptual Rendering
- Proposed Resolution R14-29



**D/F PYLON SIGN ELEVATION**

SCALE = 1/4" = 1'-0"



**SIDE VIEW**

- A** .063 FAB. SHT. ALUM. CAP (MED. TEXTURE SURFACE, PAINT TO MATCH BUILDING).
- B** FAB. SHEET ALUM. POLE COVER W/ 2X2X3/16" STEEL ANGLE FRAMING (MED. TEXTURE SURFACE, PAINT TO MATCH BUILDING)
- C** FAB. SHEET ALUM. SIGN CABINET W/ 2X2X3/16" STEEL ANGLE FRAMING (PAINT TO MATCH BUILDING). 3/16" #7328 WHITE MED. IMPACT SIGN FACES W/ 1ST. SURFACE VINYL GRAPHICS. INT. ILLUM. W/ T8 FLUORESCENT LIGHTING. SLIDE FACES OUT FOR SERVICE.
- D** CAST CONCRETE BASE CAP.
- E** BRICK BASE TO MATCH BUILDING.
- F** 20'-0" (W) x 3'-0" (L) x 6" DEEP CONCRETE SLAB FOR MASONRY BASE. REINF. W/ #4 REBAR, BOTH WAYS.
- G** 20" DIA. .375 WALL STL. SUPPORT PIPES (2).
- H** 4'-0" DIA. CONC. PIERS (2), 12'-6" DEEP.
- I** 1/4" THICK F/C/O ALUM. LETTERS (PAINT BLACK). MOUNT W/ STUDS & SILICONE.
- J** EXTERIOR QUARTZ LIGHTS FOR BASE.

**REYNOLDS**  
Sign

1336 S. IRVING HEIGHTS DR.  
IRVING, TEXAS 75039  
www.reynoldssign.com

P 972.870.1594  
F 972.870.1598

This Drawing is the exclusive Property of Reynolds Indoor Inc. the Reynolds Sign and is the result of the original work of its Employees. They are submitted to your company for the sole purpose of your consideration of whether to purchase from Reynolds Sign a sign manufacturer according to this Drawing. Distribution or embodiment of this Drawing to anyone other than employees of your company, or use of this Drawing to construct a sign similar to the one embodied herein, is expressly forbidden. In the event that such violation occurs, Reynolds Sign reserves the right to demand 25% of Project Sales Price in compensation for time & effort expended in creating this Drawing.

**UL** MANUFACTURED TO UL. SPECIFICATIONS AND WILL BEAR THE UL. LABEL. INSTALL IN ACCORDANCE WITH NATIONAL ELECTRICAL CODES.

**REVISIONS.** R3 - CHANGE HEIGHT, TEXT, ADD FLOWER BOX, CHANGE SAM'S LOGO.

**Marquis AT WILLIAMSBURG**

**Important**

Approved  
 Approved As Noted  
 Revise & Resubmit  
 Client \_\_\_\_\_  
 Location \_\_\_\_\_

Client: TODD INTERESTS Designer: TD/TC  
 Location: Williamsburg, VA File Name: \_\_\_\_\_  
 Salesperson: T. Reynolds Proposal #: 19012 R3  
 Prj. Mngnr.: A. Queen Job #: 0000  
 Date: 01-28-14

Page: 2 of 2

BOARD OF SUPERVISORS  
COUNTY OF YORK  
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in York Hall, Yorktown, Virginia, on the \_\_\_\_ day of \_\_\_\_\_, 2014:

Present

Vote

Donald E. Wiggins, Chairman  
Thomas G. Shepperd, Jr., Vice Chairman  
Walter C. Zaremba  
Sheila S. Noll  
George S. Hrichak

On motion of \_\_\_\_\_, which carried \_\_\_\_, the following resolution was adopted:

A RESOLUTION TO SPONSOR AN APPLICATION TO AMEND SECTION 24.1-705(f) OF CHAPTER 24.1, ZONING, YORK COUNTY CODE, TO PROVIDE AN OPPORTUNITY FOR A 600-SQUARE FOOT FREESTANDING SIGN TO BE LOCATED ON MORE THAN ONE PERIMETER PUBLIC HIGHWAY FRONTAGE OF A REGIONAL SHOPPING CENTER

WHEREAS, Section 24.1-705(f) of Chapter 24.1, Zoning, of the York County Code establishes special signage opportunities for regional shopping centers having in excess of 350,000 square feet of tenant space and at least 1,500 feet of Interstate System frontage; and

WHEREAS, said regulations provide an opportunity for the installation of a freestanding shopping center sign with a maximum area of 600 square feet and a maximum height of 45 feet along the parcel's Interstate frontage; and

WHEREAS, the developer of a regional shopping center eligible for this type of signage has requested that the requirements be modified to allow this special signage opportunity along both the Interstate and Primary highway system frontages of qualifying properties; and

WHEREAS, the Board of Supervisors has determined that it would be consistent with good zoning practice to enable consideration of such a request by sponsoring a text amendment application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the \_\_\_\_ day of \_\_\_\_\_, 2014, that it does hereby sponsor an application to amend Chapter 24.1, Zoning, of the York County Code as described in the County Administrator's report to the Board dated February 6, 2014, and as set forth in draft form below;

BE IT FURTHER RESOLVED that the proposed amendment be, hereby is, referred to the York County Planning Commission for review, public hearing, and recommendation in accordance with applicable procedures.

Amend Section 24.1-705(f) to read:

\*\*\*

- (f) In addition to the signage opportunities set forth above, a regional shopping center containing in excess of 350,000 square feet of tenant space and which is located on a parcel having at least 1,500 feet of frontage on an Interstate System highway and having direct access to a Primary System highway intersecting the interstate shall be entitled to the following special signage allowance:
- (1) Subject to compliance with the terms of Section 33.1-370 of the Code of Virginia, the shopping center may install one (1) freestanding monument-style sign identifying the name of the center and such tenants as desired along its Interstate System frontage. One (1) such sign may also be installed along the intersecting Primary System frontage.
  - (2) Such signs shall not exceed 600 square feet in area and 45 feet in height and shall be exempt from any sign area or sign height limitations applicable to the regional shopping center pursuant to the TCM – Tourist Corridor Management regulations established in Section 24.1-375 of this chapter.
  - (3) Such signs shall not count against or negate the signage opportunities otherwise available to the center along ~~any~~ other public street/highway frontages of the shopping center parcel.

\*\*\*

# COUNTY OF YORK

## MEMORANDUM

**DATE:** January 23, 2014 (BOS Mtg. 2/18/14)

**TO:** York County Board of Supervisors

**FROM:** James O. McReynolds, County Administrator 

**SUBJECT:** Application No. UP-840-14, Marquis Williamsburg RE Holding LLC

### ISSUE

This application is a request to amend the conditions of approval for a previously approved Special Use Permit, pursuant to Section 24.1-115(d)(2) of the York County Zoning Ordinance, by authorizing a minor expansion of an existing retail center of more than 80,000 square feet of gross floor area (The Marquis) located at the intersection of Marquis Center Parkway (Route 199) and Marquis Parkway (private) and further identified as Assessor's Parcel Nos. 11-4-3 (300 Whittakers Trace), 11-4-4 (100 Marquis Parkway), 11-4-6 (210 Whittakers Trace), 11-4-7 (500 Marquis Parkway), 11-4-10 (100 Terra Cotta Lane), and 11-4-11 (130 Marquis Parkway). The applicant is requesting authorization for the establishment of a 100-room hotel with up to 85,000 square feet of floor area on an approximately 7.0-acre portion of a 113-acre parcel of land located at 900 Marquis Parkway, also known as The Marquis "South Pod" and further identified as Assessor's Parcel No. 11-4-12. The property is zoned EO (Economic Opportunity) and designated Economic Opportunity with a Mixed Use overlay designation in the Comprehensive Plan.

### DESCRIPTION

- Property Owners: Marquis Williamsburg RE Holding LLC, Target Corporation, Cole MT Williamsburg VA LLC, Joseph M. and Margaret Ann Girard Family Trust, and Burlingame Park LLC
- Location: Southeast quadrant of the Interstate 64/Marquis Center Parkway (Route 199) interchange
- Area: Seven (7) acres of an approximately 113-acre parcel
- Frontage: Approximately 1,360 feet on Marquis Center Parkway (Route 199) and approximately 2,280 feet on Interstate 64; the proposed hotel site has no public road frontage but will have approximately 400 feet of frontage on the proposed extension of Marquis Parkway (private road) into the "South Pod" recently approved for residential development.
- Utilities: Public water and sewer
- Topography: Moderate and severe slopes

- 2035 Land Use Map Designation: Economic Opportunity with a Mixed Use overlay designation
- Zoning Classification: EO – Economic Opportunity
- Existing Development: Retail center with a combined total of approximately 398,000 square feet of gross floor area and approved for an additional 242,000 square feet
- Surrounding Development:
  - North: Water Country USA theme park
  - East: Naval Weapons Station Yorktown
  - South: None; Interstate 64 beyond
  - West: I-64/Route 199 interchange; hotel across Route 199
- Proposed Development: 100-room hotel with approximately 85,000 square foot

## **BACKGROUND**

The Marquis center was originally approved on December 20, 2005, when the Board approved Application No. UP-686-05 to authorize a Special Use Permit for the establishment of a retail center of more than 80,000 square feet of gross floor area on approximately 178 acres of land located on Route 199 in the southeastern quadrant of the southern Interstate 64/Route 199 interchange. The conditions set forth in Resolution No. R05-201(R) limited the size of the retail center to a maximum of 800,000 square feet of floor area. Subsequently, several modifications to the allowable floor area and the design and layout of the Marquis center were approved by the Board or through administrative actions with one adjustment being the inclusion of 71,000 square feet of hotel space.

Most recently, on November 19, 2013, the Board approved:

- a Special Use Permit application to amend the conditions of approval for the North Pod by authorizing modifications to the design and layout of the retail center and the establishment of an automobile fuel dispensing establishment on the property, and
- a rezoning application to amend the Zoning Map by reclassifying almost the entire South Pod from Economic Opportunity to PDR (Planned Development Residential) for the purpose of developing 650 dwelling units. The rezoning action specifically excluded a 7.0-acre portion along the western boundary of the property and an additional 4.9-acre portion located along the property's Interstate 64 frontage.

The developer is now seeking approval to build a hotel on the 7.0-acre site. Although hotels are permitted as a matter of right in the EO zoning district, the hotel would be a

component of the overall Marquis development and therefore is considered an expansion of the Special Use.

### **CONSIDERATIONS/CONCLUSIONS**

1. The procedures for amending Special Use Permits are set forth in Section 24.1-115(d) of the Zoning Ordinance, which states that minor enlargements or expansions of an approved and currently valid special use that do not exceed a 5% increase in floor area can be approved administratively. Increases in floor area that are greater than 5% and less than 25% can be authorized by resolution of the Board, without a public hearing or Planning Commission review, provided that:
  - There will be no detrimental impact on any adjacent property caused by significant change in the appearance or the use of the property or any other contributing factor;
  - Nothing in the currently valid special use permit precludes or otherwise limits such expansion or enlargement; and
  - The proposal conforms to the provisions of the Zoning Ordinance and is in keeping with the spirit and intent of the adopted comprehensive plan.

Any proposal to expand a Special Use by 25% or more would be considered a major amendment that would have to be approved in the same manner and under the same procedures as the original Special Use Permit. In this case, the proposed 85,000-square foot hotel would increase the approved floor area for The Marquis center from 640,000 to 725,000 square feet – an increase of 13.3% that requires Board approval but without a public hearing or Planning Commission review.

2. The hotel concept dates back to 2007 when the previous developer applied for, and the Board approved, an amendment of the original Special Use Permit to increase the allowable square footage at The Marquis from 840,000 to 920,000 square feet, including 849,000 square feet of retail/office space and a 71,000-square foot hotel with up to 114 rooms. As shown on the earlier concept plan, the hotel was to be located above retail space in the proposed “town center” (which has since been removed from the plans by the current developer, with the Board’s approval) at the southern edge of the property just north of the ravine. The current proposal is for an 85,000-square foot hotel with 100 rooms, which would be located on a 7.0-acre site at the northern edge of the South Pod and approximately 650 feet from the previous location. As depicted on the sketch plan, the hotel site, including parking, would occupy approximately 1.2 acres of the 7.0-acre property and would be surrounded on three sides by a Chesapeake Bay Resource Protection Area (RPA) buffer that must be preserved in its undeveloped state. While the RPA constrains the site’s development potential, it also ensures that the hotel site will be well buffered from surrounding property. The only proposed housing area on the South Pod that would be in proximity to the hotel is a row of townhouse lots that would be approximately 90 feet from the hotel building and 30 to 50 feet from

the hotel parking lot. The nearest residential lot in the proposed single-family detached housing area of the South Pod would be approximately 300 feet from the hotel and 400 feet from the parking lot.

3. The Zoning Ordinance does not have specific performance standards for hotels and motels, but there are standards for the “Business and Professional Services” land use category that includes hotels and motels. One of these performance standards requires that off-street parking be located no less than 25 feet from any residential property line and effectively screened from view from adjacent residential properties by landscaping, supplemented, as necessary, by appropriate fencing materials. The concept plan, however, shows the parking lot as being within just a few feet of the residential property line associated with the townhouse area so the layout will need to be revised when the site plan is prepared in order to meet the requirement for a 25-foot parking setback. This could potentially result in a reduction in the number of parking spaces given the limited amount of buildable land on this constrained site. The concept plan shows 120 parking spaces, which is 20 more than the minimum required for a 100-room hotel. The Zoning Ordinance requires one parking space for each of the first 100 guest rooms plus one space for 250 square feet of floor area used for meeting rooms and kitchen/dining facilities, which limits the amount of ancillary space to 5,000 square feet, or less if the number of spaces is reduced.

Since the hotel would be located adjacent to a residential area, the performance standards require that its “external appearance and arrangement to be of a form, character, appearance, and arrangement fully compatible with the residential area.” No renderings or details about the appearance of the hotel building have been submitted by the applicant other than to note that it would not exceed 75 feet in height, which is the maximum allowable height in the EO district. Buildings and signage within the Marquis center are subject to a series of design guidelines that were incorporated into the conditions of approval when the original use permit was approved in 2005 and are implemented by the Marquis Design Review Committee (DRC). The role of this seven-member committee – which includes one member of the Planning Commission, one York County staff member, two members selected by the developer, and three members selected by mutual agreement of the developer and the County – is to review and approve all proposed building and signage plans for the project. With the impending resumption of development activity, the DRC has been reconstituted and met recently to review plans for the next phase of development in The Marquis – a national discount club store. The proposed hotel, if approved, will be subject to the design guidelines and review and approval by the DRC and those originally established design guidelines are appropriate to ensure a level of quality in materials and architectural style consistent and compatible with the adjacent residential area.

4. According to the Institute of Transportation Engineers’ (ITE) *Trip Generation* manual (9<sup>th</sup> edition), the proposed hotel can be expected to generate approximately 817 trips per day, including 53 in the AM peak hour and 60 in the PM peak hour. According to the traffic study that was performed in 2007 when The Marquis was

planned to be an entirely commercial project with 920,000 square feet of retail/office/hotel space on the North Pod and another 200,000 square feet of retail space on the South Pod, it was estimated that the entire project could be expected to generate a combined total of 37,461 new average daily vehicles trips, including 1,037 in the AM peak hour and 3,047 in the PM peak hour. The recently approved changes to the North Pod master plan – including the addition of a large retail discount club and three restaurants and the overall reduction in retail space – and rezoning of the South Pod for residential development significantly reduced the total number of trips per day to 28,719, with 1,838 in the AM peak hour and 2,850 in the PM peak hour. The addition of a hotel will have only a marginal effect on traffic, which will still be well below the level that would have been generated by the project as originally approved.

Traffic projections for The Marquis under both the *original* and *current* development scenarios are shown in the table below. It should be noted that the actual traffic generated will likely be lower since not all of the projected traffic would be *new* trips. A percentage of these trips would be *pass-by trips*, which are trips that “are attracted from traffic passing the site on an adjacent street or roadway that offers direct access to the generator [Route 199 in the case of the Marquis center].” This means the peak-hour trip generation will likely be lower than the applicant’s traffic analysis indicates, although it should also be noted that 4.9 acres of EO-zoned property remain on the South Pod (adjacent to I-64) for which uses have yet to be identified and therefore no trip generation has been estimated.

**Marquis North and South Pod Traffic Projections – Approved and Proposed**

Development Scenario	Average Daily Trips	AM Peak Hour Trips	PM Peak Hour Trips
North and South Pods as approved in 2007*	38,746	866	3,524
North and South Pods as amended in November 2013**	28,719	1,838	2,850
100-room hotel (total)	817	53	60
Marquis total as proposed, including 100-room hotel	29,454	1,891	2,904
*Includes 1,049,000 square feet of retail space and a 71,000 square foot hotel (114 rooms)			
**Includes 640,000 square feet of retail space, 650 housing units, and a 700-student elementary school			

Lastly, it should be noted that many of the trips generated by a large multi-use development such as The Marquis will be internal to the project and therefore will have no effect on Route 199 or its intersection with Marquis Parkway. These include trips between the residential and commercial areas, between individual businesses within the commercial area, and between the hotel and the various stores and restaurants. The ITE defines a multi-use development as “a single real-estate project that consists of two or more ITE land use classifications (e.g., shopping center, free-standing discount store, club discount store, and restaurants) between which trips can be made without using the off-site road system.”<sup>1</sup> They range in size between 100,000 and two million square feet. “Because of the nature of these land uses,” according to the ITE, “the trip-making characteristics are interrelated, and some trips are made among the on-site uses. This capture of trips internal to

<sup>1</sup>Institute of Transportation Engineers, *Trip Generation Handbook: An ITE Recommended Practice*, 2001, 79

the site has the net effect of reducing vehicle trip generation between the overall development site and the external street system (compared to the total number of trips generated by comparable, stand-alone sites).<sup>2</sup> Utilizing the ITE's methodology for computing internal capture rates, the applicant's traffic engineer estimates that the number of additional trips at the Route 199 intersection could drop even further to 27,858 per day and 2,780 in the PM peak hour.

5. Marquis Parkway is a private road extending off of Route 199 (Marquis Center Parkway) and is the single point of access to the Marquis center. In previous reviews of this project, VDOT has indicated that its principal interest regarding the development is to preserve the carrying capacity of the adjacent public street, Route 199. Accordingly, the traffic signal on Route 199 and Marquis Parkway has been and will continue to be timed to achieve the purpose of ensuring an overall Level of Service (LOS) C for this intersection.<sup>3</sup> To minimize intersection delays, the 2007 traffic study set forth a series of recommendations that were implemented with the relocation and redesign of the Marquis Parkway/Route 199 intersection. With three left-turn exit lanes onto southbound Route 199, relocation of the intersection further away from I-64 to avoid conflicts with the Route 199 exit ramp, and construction of a third lane between the Route 199/Marquis Parkway intersection and the I-64 westbound on-ramp/deceleration lane, the intersection is designed to accommodate at least 37,000 trips per day – 2,955 in the PM peak hour and 1,027 in the AM peak hour – while maintaining LOS C, with average delays of approximately 33 seconds at all four (ultimate) legs of the intersection.

The approval of Marquis Phase 2 in 2007 included a condition stating that prior to site plan approval, the applicant must demonstrate to the satisfaction of VDOT and the County that the Route 199/Marquis Parkway intersection is capable of accommodating the additional traffic in accordance with the overall intersection LOS C standard established by the Commonwealth Transportation Board and thereafter would be required to take annual traffic counts at the intersection both to confirm that the intersection LOS remains acceptable and to assist VDOT in developing signal timing plans. This condition was reiterated in the November 2013 approval of the adjusted North Pod concept plan and will remain applicable as additional construction occurs in the project.

In summary, staff is of the opinion that the addition of the proposed hotel will have only a negligible effect on traffic. Even with the hotel, The reconfigured Marquis property will generate less traffic than would have been generated if the project were to be developed in accordance with the originally approved plans. Furthermore, previous studies have shown that acceptable levels of service can be maintained at this intersection even with much more traffic than the reconfigured

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<sup>2</sup> ITE *Trip Generation*, 79

<sup>3</sup> The Transportation Research Board's *Highway Capacity Manual*, defines Level of Service (LOS) as a qualitative measure describing operational conditions within a traffic stream in terms of speed, travel time, freedom to maneuver, traffic interruptions, comfort and convenience, and safety. Levels of Service range from A (no congestion) to F (forced flow, severe congestion). Level of Service C is characterized by stable operations, moderate speed, and restricted maneuverability.

project – including the hotel – will generate, and previous approval conditions establish safeguards to preserve the carrying capacity of Route 199.

### **RECOMMENDATION**

Located midway between the Williamsburg and Yorktown historic areas with almost direct access to Interstate 64 and very close proximity to what is poised to be a major regional shopping and dining destination as well as an established tourist attraction, the subject property is an appropriate site for a hotel. The proposed hotel would be compatible with the surrounding area and consistent with the Comprehensive Plan's mixed-use vision for this area. Furthermore, like the year-round housing units approved for the South Pod last November, the proposed hotel will generate additional customers for existing and future businesses in The Marquis, helping the project to reach its full potential as a retail attraction and revenue generator for the County. The hotel will have only a modest impact on traffic, and the Marquis design guidelines and Design Review Committee will ensure that it will be an aesthetically pleasing addition to the project. Therefore, based on the considerations and conclusions as noted, I recommend that the Board approve this application subject to the conditions set forth in proposed Resolution R14-16. Please note that this proposed resolution is structured in the same format as the one approved in November 2013 (R13-123) to incorporate into a single document all of the still applicable provisions and conditions of the various previous approval resolutions so as to avoid the confusing need to refer back to them.

Carter/3337.tcc

#### Attachments:

- Zoning Map
- Narrative
- Overall Master Plan
- Master Plan – Hotel Site Detail
- Traffic Impact Analysis
- Proposed Resolution R14-16

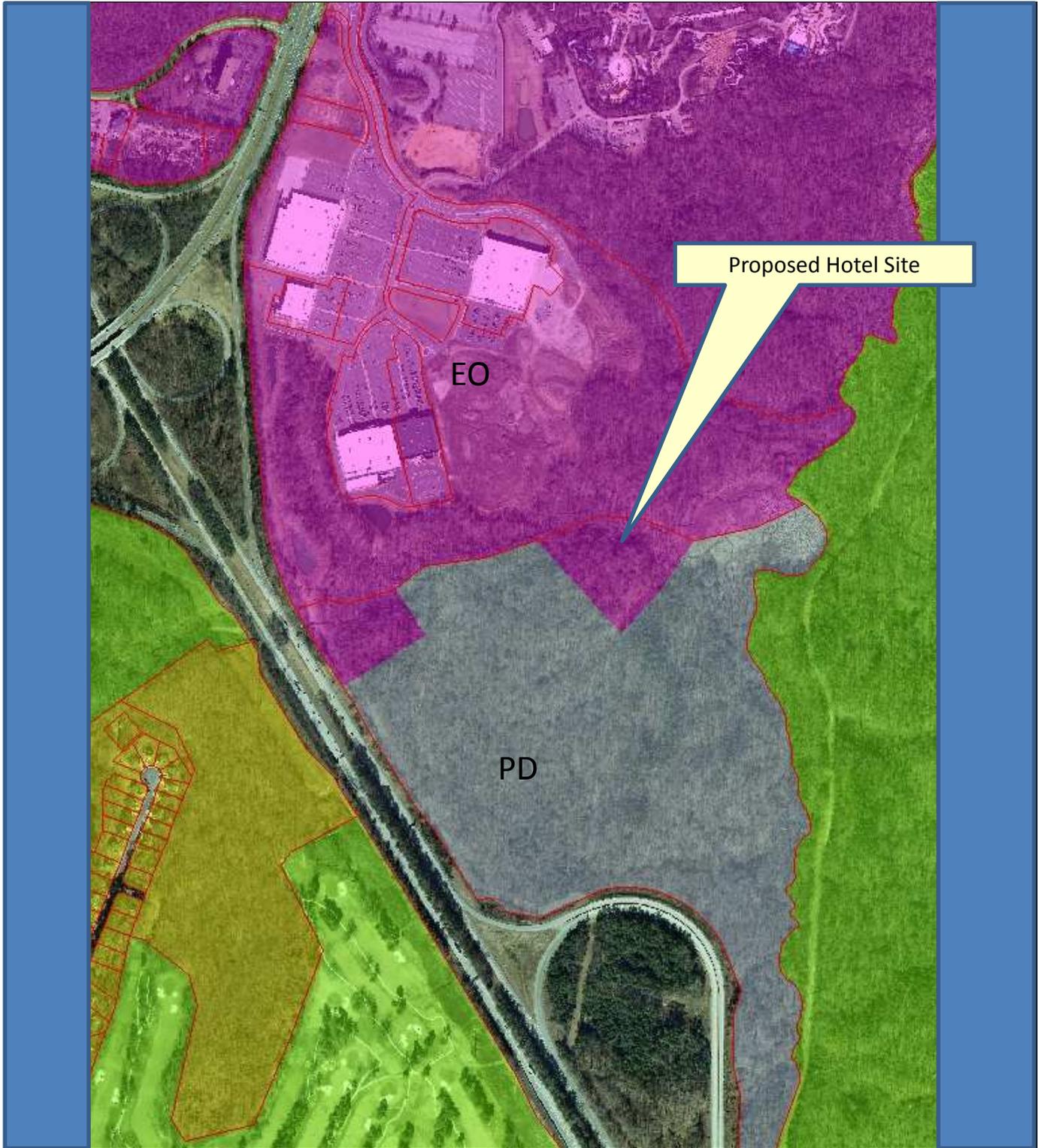
**APPLICANT**

**Marquis Williamsburg RE Holding LLC**

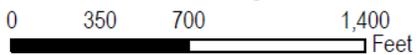
*Expand The Marquis retail center to include a 100-room hotel  
900 MARQUIS PKY*

**ZONING MAP**

**APPLICATION NUMBER:** UP-840-14



★ = Conditional Zoning



Printed on January 06, 2014



**SOURCE: YORK COUNTY  
GIS PARCEL DATA and  
ZONING COVERAGE**

THIS IS NOT A LEGAL PLAT.  
This map should be used for  
information purposes only. It is  
not suitable for detailed site planning.

## **THE MARQUIS – REQUEST FOR MINOR AMENDMENT TO UP-833-13**

### **NARRATIVE DESCRIPTION**

The Marquis is coming off the Board's recent November 2013 approval of a rezoning and SUP amendment, paving the way for the revitalization of The Marquis. The revised approvals provide for the location of a national club discount store in the North Pod commercial development and the introduction of a residential component on the South Pod to achieve an overall mixed use development as envisioned by the new Comprehensive Plan- *Charting the Course to 2035*. The recently approved special use permit, UP-833-13, allows for 640,000 square feet of retail on the North Pod, including the 136,500 square feet national club discount store with fuel sales that will afford an exciting draw to the site and provide for long-term sustainability.

This application requests a minor amendment to the recently approved UP-833-13 to allow the addition of a hotel site on the North Pod as shown in the accompanying materials. Although this application comes by way of an "SUP amendment", the proposed hotel site actually has long been envisioned throughout all County approvals at the Marquis since 2007. The hotel site was initially removed from the most recent 2013 layout in the attempt to accommodate a large enough site for the national club discount store with fuel sales. However, during the County's processing of the recent UP-833-13 application, the Applicant submitted the enclosed revised layout including the hotel site to be substituted into the UP-833-13 application. Since the UP-833-13 application had already been advertised for an initial Planning Commission public hearing, an amended layout would have required UP-833-13 to be re-advertised and resubmitted, resulting in the loss of valuable time in the approval process for the national club discount store. Based on discussions with the Planning Staff at that time, the most efficient way to process this current proposed revision to the SUP layout was to bring the hotel site back into the SUP for the North Pod as a minor amendment to UP-833-13 following the Board's action on that application. Accordingly, the subject application seeks a minor amendment to the recently approved UP-833-13, and the only proposed change is the addition of the hotel site.

The proposed hotel building would comprise 85,000 square feet, would contain 100 rooms, and would not exceed the maximum height of 75 feet allowed in the EO- Economic Opportunity zone. The proposed hotel is comparable in size to the hotel site that was approved for the Marquis from 2007 until November 2013. The proposed location of the hotel is also very close to the previously proposed location, near the middle of the overall Marquis property.

The subject property (the Marquis-North Pod) is zoned EO-Economic Opportunity and hotels are a by-right permitted use. This SUP amendment is required because the hotel would be part of an overall retail center in excess of 80,000 square feet. The Marquis lies in the Whittaker's Mill Sub-Area in County Comprehensive Plan, and is designated Economic Opportunity with a Mixed Use Overlay in the recently adopted Comprehensive Plan- *Charting the Course to 2035*. As envisioned in previous approvals, a hotel site adds a complementary use to the existing retail at the Marquis and the tourist attractions in the immediate vicinity. Also, with the addition of the residential development on the South Pod, the proposed hotel site will provide a nice buffer and transition between the commercial and residential developments at the Marquis.



031.03

S 33°32'35" W  
338.00'

S 42°54'54" W  
327.09'

N 42°25'44" W  
697.76'

AREA A  
304,375 SQ FT  
6.9875 AC.  
FROM PARCEL 12  
TO PARCEL 3

S 71°32'57" W  
300.00'

PROPOSED  
PROPERTY LINE  
TO BE  
VACATED

POND 2

100' RPA

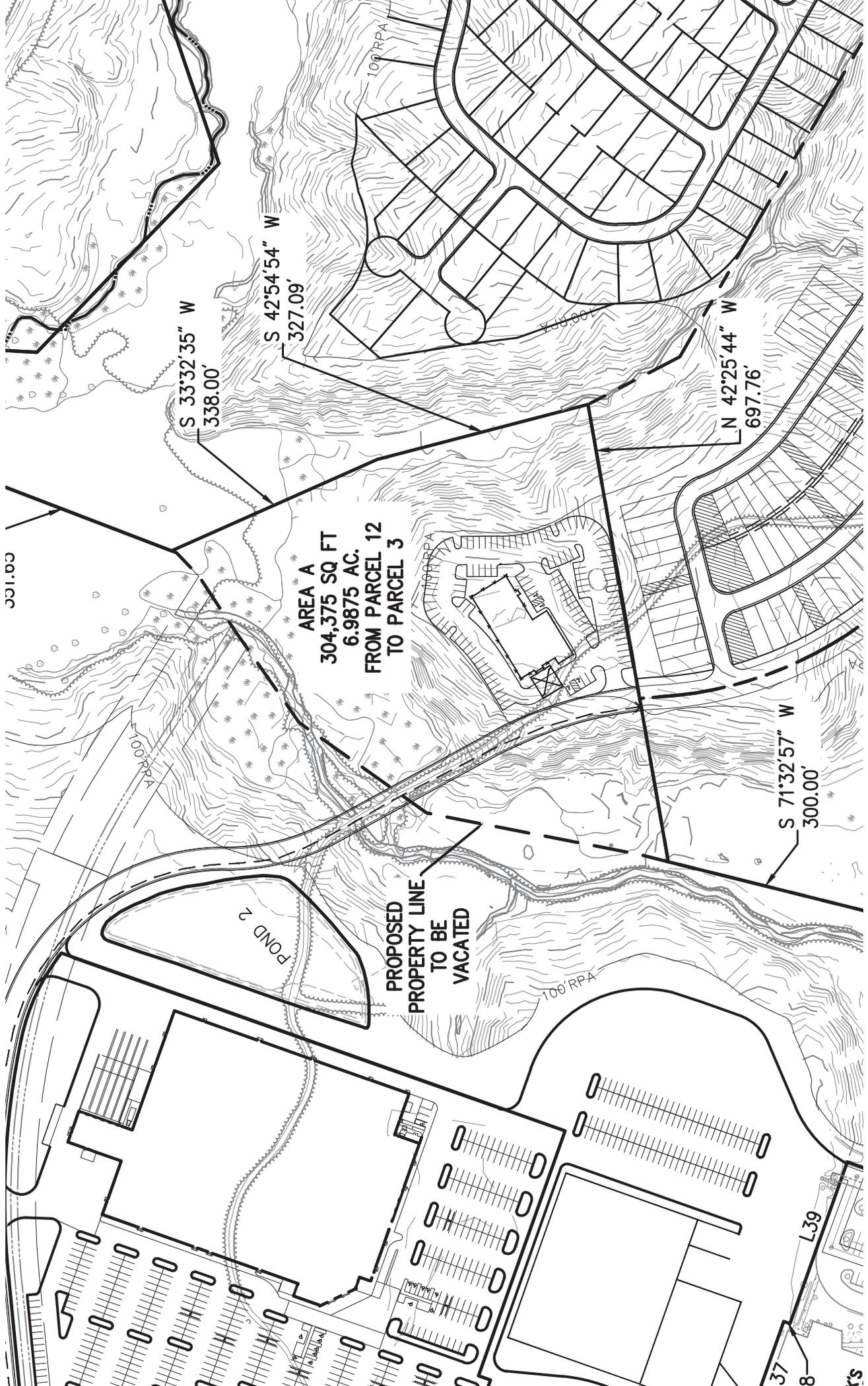
100' RPA

L39

37

8

RS



# The Marquis North Pod Hotel

## Special Use Permit Amendment

*York County, Virginia*

### Traffic Impacts

Marquis Williamsburg RE Holding LLC proposes to add a hotel to The Marquis commercial property south of Whiteman Swamp. This is property which was excluded from the recent South Pod rezoning and is still zoned EO (Economic Opportunity). The proposed hotel will contain approximately 100 rooms and will be accessed from a proposed extension of Marquis Parkway over Whiteman Swamp.

#### *Trip Generation*

Based on rates from the Institute of Transportation Engineers' *Trip Generation Manual*, 9<sup>th</sup> Edition, the proposed 100 room hotel will generate 817 trips per day, with 53 AM peak hour trips and 60 PM peak hour trips. Ten percent of these trips can be expected to be captured at the adjoining shopping center.

#### *Roadway Capacity*

With the proposed hotel daily traffic volumes over the section of Marquis Parkway crossing Whiteman Swamp will increase from 5,529 VPD to 6,346 VDP, a 15 percent increase. The proposed two lane roadway for this section of Marquis Parkway has capacity for approximately 13,000 VPD. The anticipated traffic volume with the proposed hotel is 49 percent of capacity. Therefore this section is expected to operate at satisfactory levels of service.

Daily volumes at the section closest to Route 199 will increase from 27,562 VPD to 28,297 VPD, or a 2.7 percent increase from that anticipated under the currently approved master plans for both the North and South Pods of the Marquis property. This intersection was designed in anticipation of significantly higher traffic volumes from The Marquis property. Since the previously approved plans had potential to generate 38,746 VPD; the proposed plan, including the hotel, will be a 30 percent reduction from the earlier design volumes. Since the proposed development will generate less traffic than the previously approved plan, it is expected that levels of service and operating capacity at the intersection of Marquis Parkway and Marquis Center Parkway (Route 199) will be preserved.

THE MARQUIS NORTH & SOUTH PODS				PM Peak-Hour Trip Ends						AM Peak-Hour Trip Ends				
Land Use	ITE Code	Intensity	Daily Trip Ends	Total	In		Out		Total	%	In		Out	
					%	Trips	%	Trips			%	Trips	%	Trips
Hotel	310	100.0 RM	817	67	51%	31	49%	29	53	59%	31	41%	22	
Internal Capture Hotel to Retail	10%	10%	82	6		3		3						
Net External			735	54		28		26	53		31		22	
<b>Proposed South Pod per 2013-11-19 rezoning</b>														
Single Family	210	161 DU	1,533	161	63%	101	37%	60	121	25%	30	75%	91	
Apartment	220	300 DU	1,995	186	55%	121	35%	65	153	20%	31	80%	122	
Townhouse Condo	230	189 DU	1,098	98	67%	66	33%	32	83	17%	14	83%	69	
Elem School	520	700 Stu	903	105	49%	51	51%	54	315	55%	173	45%	142	
Sub-Total, South Pod		650 DU	5,529	550		340		211	672		248		424	
<b>Proposed North Pod per 2013-11-19 amendment</b>														
Shopping Center	820	482.6 KSF	18,891	1,720	48%	826	52%	894	407	62%	252	38%	155	
Discount Club	857	136.5 KSF	5,704	570	50%	285	50%	285	57	70%	47	30%	20	
High T/O Rest	932	10.0 KSF	1,272	99	60%	59	40%	39	106	55%	59	45%	49	
Fast Food (C)	934	4.5 KSF	2,233	147	52%	76	48%	71	204	51%	104	49%	100	
Fast Food (D)	934	4.1 KSF	2,027	133	52%	69	48%	64	185	51%	94	49%	91	
Gas	944	16 Pumps	2,697	222	50%	111	50%	111	195	51%	99	49%	90	
Sub-Total, North Pod			32,823	2,891		1,427		1,464	1,166		656		509	
Internal Capture Retail to Retail	30%	20%	9,847	578		285		293						
Pass-By	0.00%	0.00%												
Net External			22,976	2,313		1,141		1,172	1,166		656		509	
Internal Capture - Residential to Retail <sup>1</sup>	25%	25%	1,382	136		65		53						
Pass-By	0.00%	0.00%	0	0		0		0						
Net External, Residential			4,147	413		255		158						
TOTAL at Rt 199			27,658	2,780		1,424		1,358	1,219		688		531	
TOTAL on causeway			6,348	610		370		243	725		279		445	

Notes-

- 1 Internal capture rates based on Retail to Retail Capture Rates from ITE, Trip Generation Handbook, 2nd Ed., p. 93
- 2 Residential to Retail capture

BOARD OF SUPERVISORS  
COUNTY OF YORK  
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in York Hall, Yorktown, Virginia, on the \_\_\_\_ day of \_\_\_\_\_, 2014:

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Present	Vote
Donald E. Wiggins, Chairman	
Thomas G. Shepperd, Jr., Vice Chairman	
Walter C. Zaremba	
Sheila S. Noll	
George S. Hrichak	

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On motion of \_\_\_\_\_, which carried \_\_\_\_, the following resolution was adopted:

A RESOLUTION TO APPROVE AN APPLICATION FOR A SPECIAL USE PERMIT AMENDMENT TO AUTHORIZE THE ESTABLISHMENT OF A 100-ROOM HOTEL AS A MINOR EXPANSION OF A PREVIOUSLY APPROVED RETAIL CENTER OF MORE THAN 80,000 SQUARE FEET AT THE INTERSECTION OF ROUTE 199 AND MARQUIS PARKWAY

WHEREAS, on December 20, 2005, the York County Board of Supervisors approved Application No. UP-686-05 through the adoption of Resolution R05-201(R) to authorize a Special Use Permit for the establishment of a retail center (The Marquis) having more than 80,000 square feet on property located on the south side of Route 199 in the southeast quadrant of the Interstate 64/Route 199 interchange; and

WHEREAS, pursuant to Sections 24.1-115(d)(2) and 24.1-115(d)(3) of the York County Zoning Ordinance, the Board amended the conditions of approval for the retail center set forth in Resolution No. R05-201(R) on May 16, 2006; on September 4, 2007, through the adoption of Resolution Nos. R06-74(R) and R07-118, respectively, and on November 19, 2013, through the adoption of Resolution No. R13-123; and

WHEREAS, Marquis Williamsburg RE Holding LLC has submitted Application No. UP-840-14, which is a request to amend the conditions of approval for the previously approved Special Use Permit, pursuant to Section 24.1-115(d)(2) of the York County Zoning Ordinance, by authorizing a minor expansion of The Marquis retail center (The Marquis) through the establishment of a 100-room hotel with up to 85,000

square feet of floor area on an approximately 7.0-acre portion of a 113-acre parcel of land located at 900 Marquis Parkway, also known as The Marquis “South Pod” and further identified as Assessor’s Parcel No. 11-4-12 (GPIN I13c-0012-1173);

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the \_\_ day of \_\_, 2014, that Application No. UP-840-14, be, and it is hereby, approved, pursuant to Section 24.1-115(d)(2) of the York County Zoning Ordinance, to authorize the establishment of a 100-room hotel on an approximately 7.0-acre portion of a 113-acre parcel of land located at 900 Marquis Parkway and further identified as Assessor’s Parcel No. 11-4-12 (GPIN I13c-0012-1173) as a minor expansion of a previously approved retail center having greater than 80,000 square feet of gross floor area located on approximately 127 acres of land at the intersection of Marquis Center Parkway (Route 199) and Marquis Parkway (private) and further identified as Assessor’s Parcel Nos. 11-4-3 (300 Whittakers Trace, GPIN H13d-4834-2062), 11-4-4 (100 Marquis Parkway, H13b-3833-3806), 11-4-5 (200 Marquis Parkway, GPIN H13b-3832-3152), 11-4-6 (210 Whittakers Trace, GPIN H13b-3705-2673), 11-4-7 (500 Marquis Parkway, GPIN H13b-4652-2897), 11-4-8 (120 Gristmill Plaza, GPIN H13d-4301-2012), 11-4-9 (100 Gristmill Plaza, H13d-4030-2029), 11-4-10 (100 Terra Cotta Lane, GPIN H13b-4347-2639), and 11-4-11 (130 Marquis Parkway, GPIN H13b-3822-3722) and to amend all applicable provisions from previous resolutions R05-201(R), R06-74(R), R07-118, and R13-123 to read and provide as follows:

1. This Special Use Permit shall authorize the establishment of a retail center of greater than 80,000 square feet of gross floor area, a 100-room hotel, and an automobile fuel dispensing establishment on approximately 126.8 acres of land located at the intersection of Marquis Center Parkway (Route 199) and Marquis Parkway (private) and further identified as Assessor’s Parcel Nos. 11-4-3 (300 Whittakers Trace, GPIN H13d-4834-2062), 11-4-4 (100 Marquis Parkway, H13b-3833-3806), 11-4-5 (200 Marquis Parkway, GPIN H13b-3832-3152), 11-4-6 (210 Whittakers Trace, GPIN H13b-3705-2673), 11-4-7 (500 Marquis Parkway, GPIN H13b-4652-2897), 11-4-8 (120 Gristmill Plaza, GPIN H13d-4301-2012), 11-4-9 (100 Gristmill Plaza, H13d-4030-2029), 11-4-10 (100 Terra Cotta Lane, GPIN H13b-4347-2639), 11-4-11 (130 Marquis Parkway, GPIN H13b-3822-3722), and an approximately 7.0-acre portion of a 112.6-acre parcel of land located at 900 Marquis Parkway and further identified as Assessor’s Parcel No. 11-4-12 (GPIN I13c-0012-1173)
2. A site plan prepared in accordance with the provisions of Article V of the York County Zoning Ordinance shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Development and Compliance prior to the commencement of any construction or land clearing activities on the site. Said site plan shall be in substantial conformance with the sketch plan titled “North Pod Master Plan Addition,” prepared by VHB and dated January 2, 2014, except as modified herein.

3. The maximum allowable size of the retail center shall be 735,000 square feet of building area, including 640,000 square feet of retail space and 85,000 square feet of hotel space.
4. The hotel shall be constructed and operated in accordance with the performance standards for Business and Professional Service Uses set forth in Section 24.1-470 of the Zoning Ordinance. Specifically, in accordance with Section 24.1-470(a), all off-street parking and loading for the hotel shall be located not less than 25 feet from any residential property line and shall be effectively screened from view from adjacent residential properties by landscaping, supplemented, as necessary, by appropriate fencing materials. The Minimum building setback from the Marquis Parkway right-of-way line shall be 45 feet.
5. Parking lot layout and design shall comply with all applicable requirements of Section Nos. 24.1-606 and 607 of the Zoning Ordinance including, specifically, the provisions requiring:

  - a. Twenty (20) additional Landscape Credit Units (LCUs) to be earned for every ten (10) parking spaces in excess of the minimum number required by the Zoning Ordinance;
  - b. A maximum of fifteen (15) parking spaces in a row without an intervening landscaped island; and
  - c. The provision of landscaped islands and dividers to provide clear delineation of circulation patterns, guide vehicular traffic, prevent unsafe diagonal movements through the parking lot, break large expanses of pavement into sub-areas, minimize glare and noise, and delineate safe pedestrian routes
6. The automobile fuel dispensing establishment shall have a maximum of twelve (12) fueling positions.
7. Pursuant to previous approvals and the requirements of the Commonwealth Transportation Board and the Virginia Department of Transportation (VDOT), the Route 199 / Marquis Parkway intersection is designed and intended to operate in accordance with an overall intersection Level of Service (LOS) C standard. Until such time as the currently undeveloped North Pod commercial parcels and the hotel site are developed, the applicant shall be required to submit detailed traffic count information for the Route 199/Marquis Parkway intersection to the County on an annual basis, commencing one year from the date of issuance of the next commercial Certificate of Occupancy within the North Pod, to verify to the satisfaction of the County and VDOT, that the intersection is functioning at a LOS C or better.

- | ~~1.8.~~ Prior to site plan approval, the applicant shall secure wetlands permits required under Chapter 23.1 of the County Code, and any permits or approvals required from the Army Corps of Engineers for development impacting wetlands.
- | ~~2.9.~~ All signage on the property shall be in conformance with Article VII of the Zoning Ordinance. Freestanding identification signage for the overall project shall be limited to a single monument sign for each individual public street frontage bordering the property (Interstate 64, including the exit ramp and Route 199, extended) and shall be in substantial conformance with the monument sign elevation titled "Freestanding/Monument, The Marquis," Sheet 3, prepared by JPRA Architects, dated September 30, 2005 and received by the Planning Division on October 3, 2005. Freestanding identification signs for any separate outparcels shall be permitted in accordance with the terms of Article VII. Internal freestanding directional signage shall conform to Zoning Ordinance Section 24.1-707(r).
- | ~~3.10.~~ Pedestrian access and parking lot landscape dividers within the currently developed portions of the project shall remain in place. The ultimate site design shall also include any additional pedestrian ways and/or landscape dividers as may be deemed required in the course of final site plan review. "Major pedestrian access ways" shall be designed as a minimum 15-foot wide landscape island containing a minimum 5-foot wide sidewalk adjacent to a minimum 10-foot wide landscaped area. All other delineated pedestrian access ways shall be designed as minimum 10-foot wide islands containing minimum 4-foot wide sidewalks adjacent to minimum 6-foot wide landscaped areas.
- | ~~4.11.~~ All building and signage plans shall be subject to review and approval in accordance with the Design Guidelines and Design Review Committee Structure dated November 2, 2005, and referenced in paragraph numbered 6 of Resolution R05-201(R) and made a part of this resolution by reference. Building elevations shall be in general conformance with elevations titled "Williamsburg Row," sheet numbers 4 through 15, prepared by JPRA Architects, dated August 31, 2005 and received by the Planning Division September 23, 2003, and shall be subject to the design review and approval process set forth herein.
- | ~~5.12.~~ Prior to site plan approval, the applicant shall demonstrate to the satisfaction of the Virginia Department of Transportation (VDOT) and the County that the Route 199 / Marquis Parkway intersection is capable of accommodating the additional traffic in accordance with the overall intersection Level of Service (LOS) C standard established by the Commonwealth Transportation Board.
- | ~~6.13.~~ The improvements necessary to accommodate the traffic impacts of the proposed development shall be the responsibility of the applicant. In the event transportation system improvements cannot be designed to accommodate the proposed amount of retail development and achieve the LOS standard, then the size (floor area) of the proposed commercial space shall be reduced accordingly from that

depicted on the plan titled “North Pod Master Plan Addition,” prepared by VHB and dated ~~August 29, 2013~~January 2, 2014.

Within the commercially-zoned portion of tThe project ~~access road~~, Marquis Parkway, shall be designed as a limited access facility with no breaks on its north side other than ~~the a possible~~ service/employee access connection to Water Country USA, ~~and~~ a possible pull-off/parking area to provide access to any interpretive area established in conjunction with the historic/archaeological resources to be preserved, and a access drive for the hotel site. Access breaks (entrances into the proposed development) on the south side shall be as generally depicted on the plan titled “North Pod Master Plan Addition” prepared by VHB and dated ~~August 29, 2013~~January 2, 2014, provided further that the access drive serving the loading docks for JC Penney shall be signed/restricted to “Delivery / Service Vehicles Only.”

7-14. The main access road, Marquis Parkway, shall be considered a private road/commercial access and all future maintenance responsibility shall rest with the applicant/developer. In the event future development plans for The Marquis dictate a public road status for Marquis Parkway, the Marquis developer (or its successors) will be solely responsible for any necessary design and construction modifications.

8-15. Except as noted herein, preservation of historic resources on the property shall be fulfilled in accordance with the applicant’s historical resources summary received by the Planning Division on October 3, 2005, which is included in this resolution by reference.

Prior to any clearing or grading activities in the area of historical resources site nos. 394, 396 or 1026 as identified in the report “Phase II Archaeological Significance Evaluation of Sites 44YO0394, 44YO0395, 44YO0396, and 44YO1026 at the Whittaker’s Mill Tract in York County, Virginia,” prepared by James River Institute for Archaeology, Inc., dated August 2005 and received by the Planning Division on September 1, 2005, and as noted as “area to undergo Phase III investigation” on Sheet C1.2 of the plans prepared by Landform, dated September 30, 2005 and received by the Planning Division October 3, 2005 , a Phase III archaeology study shall be conducted in accordance with Virginia Department of Historical Resources (VDHR) guidelines. This shall include full recovery, documentation and archiving of all found historical artifacts on the site. Artifacts shall be archived at an antiquities repository facility constructed in accordance with applicable VDHR curation guidelines (36CFR, part 79), and shall be available to the public for educational and research purposes. In coordination with the County and VDHR, the applicant shall initiate application to the VDHR for nomination of preserved eligible sites to the National Register of Historic Places.

There shall be no disturbance of the gun emplacement/redoubt located within site No. 394 as identified in the above-referenced Phase II archaeological report,

and a 50-foot undisturbed buffer shall be maintained surrounding the feature. Said buffer shall be delineated on approved site and grading plans, and shall be clearly demarcated on-site prior to clearing or grading activities in its vicinity. The Zoning Administrator may approve a decrease in the buffer provided engineered site plans adequately demonstrate that the feature will be completely protected from grading, soil erosion, or other land disturbing activities. In no case shall the buffer be decreased to less than 30 feet.

The applicant shall be responsible for the construction of a wayside vehicular pull-off area which shall include a parking area, pedestrian path, and interpretive signage in the area of site Nos. 394/395, as identified in the above-referenced Phase II archaeological report, for the purpose of displaying educational information, including, but not limited to, photographs and text describing the artifacts and the associated history of the site. Similar signage shall be placed on or near the buildings to be built over site No. 396 providing interpretive information about that site. The County, in coordination and cooperation with VDHR shall approve the proposed number, size, location, design, and materials of the signs, parking area, and pedestrian path.

- | ~~9-16.~~ Free standing and building lighting shall be full cut-off fixtures that are shielded and directed downward and level to the ground to prevent off-site illumination. The maximum height for on-site light fixture poles shall be as follows:

Pedestrian Walks and Plazas:	18 feet
Internal Streets and Drives:	25 feet
Parking Areas:	30 feet

Freestanding signage shall be internally lit, except where exterior lighting is directed downward and fully shielded. Illumination levels shall not exceed 0.5-foot candle at any exterior property line. Neon lighting exposed or contained within non-opaque fixtures shall not be permitted for signage or for building or other structure accents. All lighting schemes and lighting fixtures shall be consistent with the lighting recommended by the Illumination Engineering Society of North America (IESNA). Acceptable light sources shall include incandescent and metal halide lamps, and should produce a color temperature close to daylight. Other sources may be approved by the Design Review Committee; however, mercury vapor sources are not permitted.

- | ~~10-17.~~ A 45-foot wide Greenbelt buffer shall be maintained abutting the western border of the property adjacent to the Route 199 and I-64 rights-of-way, including the interstate exit ramp.
- | ~~11-18.~~ Outdoor storage of retail goods or other materials shall not be permitted.
- | ~~12-19.~~ Rooftop HVAC, electrical and similar utilities shall be screened from view of any street right-of-way, circulation drive, parking area or pedestrian way.

- | ~~13-20.~~ Calculation of minimum required parking spaces shall be exclusive of spaces utilized for cart storage uses. Parking areas that are located along public right-of-way frontages shall be appropriately screened/buffered from view using fencing, walls (maximum 42 inches in height), or hedges.

BE IT STILL FURTHER RESOLVED that in accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of this resolution shall be recorded prior to application for site plan approval at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

BE IT STILL FURTHER RESOLVED that this Special Use Permit is not severable, and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

# COUNTY OF YORK

## MEMORANDUM

**DATE:** February 11, 2014 (BOS Mtg. 2/18/14)

**TO:** York County Board of Supervisors

**FROM:** James O. McReynolds, County Administrator 

**SUBJECT:** Sanitary Sewer Regional Consolidation – Hybrid Plan, Memorandum of Agreement

On September 26, 2007, HRSD, the cities of Virginia Beach, Chesapeake, Portsmouth, Suffolk, Hampton, Newport News, Poquoson, and Williamsburg, and the counties of Gloucester, Isle of Wright, James City, York, and the town of Smithfield entered a Consent Order with the State Water Control Board for the purpose of eliminating sanitary sewer overflows.

The Consent Order provides the region a uniform outline of all the work necessary to find sources of inflow and infiltration (I&I) from data gathering, field inspections, to flow monitoring. The outcome of all of this analysis is that each jurisdiction, along with HRSD, is required to submit an affordable, comprehensive rehabilitation plan to the Department of Environmental Quality (DEQ) for review and approval. Affordability guidance from the federal agency (EPA) and DEQ for a locality's sanitary sewer rates for both collection and treatment ranges from 1.5 percent to 2 percent of the median household income.

Under the Virginia Consent Order, each sanitary sewer basin which flows exceed a 10-year peak threshold of 775 gallons per day per equivalent residential unit is a rehabilitation area. In York County there are 33 out of 80 basins which will require rehabilitation work. With 85 percent of the rehabilitation plans completed, our estimated rehabilitation cost is \$53 million over the next 25 years (\$2,120,000/year).

HRSD has expressed concerns that the current methodology for rehabilitation under the Consent Order may not be the best approach for the regional rate payer. In other words, rehabilitation efforts should be prioritized to fix defects in the sewer infrastructure to reduce I&I that is the most cost effective based on a treatment plant service area and not individual sewer basins. The proposed Regionalization Hybrid Plan would accomplish this goal and eliminate the individual basin flow threshold of 775 gallons per day per equivalent residential unit, thereby reducing the total amount of rehabilitation work required in York County and across the region.

Under the Hybrid Plan, HRSD would fund and manage the necessary rehabilitation work in the leakiest sanitary sewer basins across the Hampton Roads Region. Additionally, HRSD, upon the completion of the rehabilitation work in a treatment plant service area, will accept responsibilities for any wet weather related sanitary sewer overflow. Utilities

Engineering and Operations estimates that 7 out of the 33 rehabilitation basins would fall in this category. Therefore, the rehabilitation efforts in these 7 basins would be funded by HRSD with an estimated rehabilitation cost of \$26.5 million, or 50 percent of our total estimated rehabilitation cost under the Consent Order.

York County would still be responsible for fixing the major defects in the rest of the collection system in accordance with our Management, Operations, and Maintenance Plan approved by the Department of Environmental Quality. Based on the Rehabilitation Plans, the estimated cost to repair the rest of the major defects is \$12.2 million. Under the Hybrid Plan approach, the cumulative rehabilitation funds spent in York County would be \$38.7 million compared to the \$53 million under the Consent Order. This scenario would be representative for all of the Hampton Roads localities.

As presented to the Board of Supervisors on February 4, 2014, HRSD and the Hampton Roads localities still have a tremendous amount of data, planning, negotiations, and engineering to perform prior to a Hybrid Plan budget impact being finalized and available. The following list provides additional information pertaining to the differences between the Non-Regional Consent Order approach versus the Hybrid Plan:

<u>Non-Regional – Consent Order</u>	<u>Hybrid Plan</u>
Rehabilitation Plans - DEQ 11-2015	No Rehabilitation Plans
Peak Flow Threshold -775gpd/ERU	No Peak Threshold
Rehabilitation Work – 33 Sewer Basins	Locality's Fix Major Defects
HRSD Infrastructure Capacity Upgrades	HRSD I&I Rehabilitation Work
HRSD Flow Agreements	No HRSD Flow Agreements
Regional Wet Weather Mgt. Plan- 11-2015	RWWMP – Oct. 2016

Therefore, it is staff's opinion that the Hybrid Plan is the best option for the York County sanitary sewer customer. HRSD, the Hampton Roads Planning District Commission, Director of Utilities Committee, and the region lawyers have negotiated a Memorandum of Agreement (MOA) which spells out the responsibilities of HRSD and the localities under the Hybrid Plan approach (copy attached).

I recommend adoption of Proposed Resolution R14- 27.

Woodward/3241:lm

Attachments:

- Hybrid Plan
- Proposed Resolution R14-27

BOARD OF SUPERVISORS  
COUNTY OF YORK  
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in York Hall, Yorktown, Virginia, on the \_\_\_\_ day of \_\_\_\_\_, 2014:

Present

Vote

Donald E. Wiggins, Chairman  
Thomas G. Shepperd, Jr., Vice Chairman  
Walter C. Zaremba  
Sheila S. Noll  
George S. Hrichak

On motion of \_\_\_\_\_, which carried \_\_\_\_, the following resolution was adopted:

A RESOLUTION TO APPROVE THE HAMPTON ROADS SANITATION DISTRICT HYBRID PLAN AND AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE THE MEMORANDUM OF AGREEMENT BETWEEN THE HAMPTON ROADS SANITATION DISTRICT, AND THE CITIES OF CHESAPEAKE, HAMPTON, NEWPORT NEWS, NORFOLK, POQUOSON, PORTSMOUTH, SUFFOLK, VIRGINIA BEACH, AND WILLIAMSBURG; THE TOWN OF SMITHFIELD; AND THE COUNTIES OF GLOUCESTER, ISLE OF WIGHT, AND YORK; AND THE JAMES CITY SERVICE AUTHORITY

WHEREAS, the Hampton Roads Sanitation District (HRSD), the cities of Chesapeake, Hampton, Newport News, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg, the Town of Smithfield, the counties of Gloucester, Isle of Wight and York, and the James City Service Authority entered a Special Order by Consent with the Commonwealth of Virginia, State Water Control Board on September 26, 2007 (Consent Order), for the purpose of eliminating sanitary sewer overflows; and

WHEREAS, HRSD had a Regionalization of Sewer Systems Assets Study performed for the consolidation of the regional sanitary sewer collection systems to be owned and managed under one entity; and

WHEREAS, upon completion of the study, HRSD proposed a hybrid approach to regionalization, which HRSD would take responsibility for the Regional Wet Weather Management Plan and perform infrastructure rehabilitation work in the region's leakiest sewer basins; and

WHEREAS, each locality retains ownership and maintenance responsibilities of each respective locality's infrastructure; and

WHEREAS, a Memorandum of Agreement between HRSD and the aforementioned localities has been written to establish the responsibilities of each governing entity moving forward with the Hybrid Plan;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this \_\_\_\_ day of \_\_\_\_\_, 2014, that it does hereby approve the Hybrid Plan for Regionalization.

BE IT FURTHER RESOLVED that the York County Board of Supervisors hereby authorizes the County Administrator to execute the Memorandum of Agreement, approved as to form by the County Attorney.