

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

October 10, 2000

7:00 P.M.

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AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 12TH DAY OF SEPTEMBER, 2000, AT 4:03 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Ronald A. Nervitt, Chairman, Powhatan District
Bruce C. Goodson, Vice Chairman, Roberts District

John J. McGlennon, Jamestown District
Jay T. Harrison, Sr., Berkeley District
James G. Kennedy, Stonehouse District
Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. WORK SESSION

Mr. Nervitt called the meeting to order.

1. School Structural Repair Work

Mr. Wanner presented the background and findings on the defects and structural repairs at Toano Middle School, Clara Byrd Baker and D. J. Montague elementary schools.

The Board and staff discussed the qualifications of the architect, and the review of plans for Toano Middle School, Clara Byrd Baker, and D. J. Montague elementary schools by the architects and engineers.

The Board and staff discussed special inspections, value engineering, peer review, and the building process of the schools.

In order to provide capital construction project management for both County and School Board projects, Mr. Wanner provided a proposal for consolidated construction services.

Mr. Wanner requested the Board of Supervisors authorize the County Administrator to request the six-member team, formed to evaluate consolidation of selected services between the County, City, and the Schools, evaluate consolidated construction services.

The Board concurred with Mr. Wanner's request and requested staff to continue to monitor on-going activities concerning the repair of the construction defects.

Mr. Nervitt recessed the Board until 7 p.m.

The Board recessed at 6:15 p.m.

Sanford B. Wanner
Clerk to the Board

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 26TH DAY OF SEPTEMBER, 2000, AT 7:01 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Ronald A. Nervitt, Chairman, Powhatan District
Bruce C. Goodson, Vice Chairman, Roberts District

John J. McGlennon, Jamestown District
Jay T. Harrison, Sr., Berkeley District
James G. Kennedy, Stonehouse District, Absent
Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. PLEDGE OF ALLEGIANCE

Mr. Garrett Sabotka, a Junior at the Williamsburg Christian Academy, led the Board and citizens in the Pledge of Allegiance.

C. PUBLIC COMMENT

1. Mr. Ken Beacham, 7149 Church Lane, expressed his thanks to the Board and Mr. Quintin Elliott, Resident Engineer, Virginia Department of Transportation, for their response to a drainage problem on his property. Mr. Beacham further stated that the first half mile of Church Lane from Route 60 is not safe for bicyclists, pedestrians, or joggers.

2. Mr. Ed Oyer, 139 Indian Circle, requested the Board work on setting back the sheds and trailers from the fence line along Indian Circle before addressing Mainland Farm greenspace and voiced his concern about the continued increase in non-real estate taxes.

D. HIGHWAY MATTERS

Mr. Quintin Elliott, Resident Engineer, Virginia Department of Transportation (VDOT), was available for questions.

Mr. McGlennon requested information on the timetable for the widening of Route 199 from South Henry Street to Route 60.

Mr. Elliott stated the design project is complete for a four-lane development. The next step is to review acquisition of right-of-way easements for the development. Currently the advertisement date for the project is slated for 2002, although there is a possibility of moving it up.

Mr. Goodson requested information regarding the time frame for the installation of the light at the entrance to the James River Elementary School.

Mr. Elliott stated it is scheduled be installed by the middle or end of October.

Mr. Goodson requested information concerning the timetable for the relocation of Route 60 East through Grove.

Mr. Elliott stated the public hearing will not be held before this winter.

Mr. Nervitt requested VDOT carefully review the impacts of multi-jurisdictional road projects to ensure that property owners in adjacent jurisdictions do not suffer.

E. PRESENTATIONS

1. Introduction to Board of Supervisors

Mr. Sanford B. Wanner, County Administrator, introduced Mr. John Moorman, Library Director for the Williamsburg Regional Library System.

Mr. Moorman stated that he is pleased with the cooperation and assistance the County has given to him and looks forward to working with the Board to ensure that the library system continues to provide excellent service to all the citizens it serves.

Mr. Wanner introduced Dr. David Martin, School Superintendent for the Williamsburg/James City County Schools.

Dr. Martin stated that he looks forward “to putting everyone on the school bus” to make the school division world class.

Mr. Wanner said Dr. Martin will be appearing every other month before the City Council and Board of Supervisors to provide information about the school division.

2. Friends of the National Park Service for Green Spring, Inc. – Request for Grant

Ms. Gayle Randol, representing Green Spring Inc., gave the Board of Supervisors an overview of the expectations for the representing Green Spring National Park and requested the County provide the Green Spring, Inc., an initial seed grant of \$25,000 to assist in funding raising for the development of the Green Spring historical site.

The Board requested the organization provide a budget to the County Administrator who will then make a recommendation to the Board concerning funding.

3. Handgun Safety Awareness Class

Mr. David Daigneault, Acting Chief of Police, stated that the James City County Police Department is presenting Handgun Safety Awareness Classes to the public to promote safety in handling and maintenance of firearms in the home.

The Police Department has been providing gun locks and education on the proper usage of the gun locks to citizens at no cost.

The Board commended the department in its efforts to help citizens minimize the liability of firearms in the home, and encouraged the department to continue its program and explore opportunities to increase the availability of the program and gun locks to citizens.

F. CONSENT CALENDAR

Mr. Nervitt inquired if any Board member wished to remove an item from the consent calendar.

Mr. Harrison requested Item Number 2, Budget Amendment for Schools – Prior Year, and Item Number 5, Change to Chapter 11, Safety Program Policy, of the James City County Personnel Policies and Procedures Manual be removed.

Mr. McGlennon made a motion to approve the remaining items on the Consent Calendar.

On a roll call, the vote was: AYE: McGlennon, Harrison, Goodson, Nervitt (4). NAY: (0). ABSENT: Kennedy.

1. Minutes

a. September 12, 2000, Regular Meeting

3. Budget Adjustment – Sidewalk Construction

RESOLUTION

BUDGET ADJUSTMENT

SIDEWALK CONSTRUCTION

WHEREAS, the Board of Supervisors of James City County received the sum of \$5,870 from Sloan and Associates as their share of sidewalk construction costs on Jamestown Road.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the following amendment to the FY 2001 Budget and appropriates these funds as follows:

CAPITAL FUND

Revenues:

Sloan and Associates \$5,870

Expenditures:

Sidewalks \$5,870

4. Williamsburg Community Health Foundation Grant

RESOLUTION

WILLIAMSBURG COMMUNITY HEALTH FOUNDATION GRANT

WHEREAS, the Board of Supervisors of James City County has been requested to appropriate funds within the budget of Communications and Neighborhood Connections.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the following appropriation of additional funds within the FY 2000 Budget.

Revenues:

From the Williamsburg Community Health Foundation \$15,000

Expenditures:

Block Buddies Coordinator \$ 7,425

Administrative costs and supplies 7,575

\$15,000

RESOLUTION

WILLIAMSBURG COMMUNITY HEALTH FOUNDATION GRANT

WHEREAS, the Board of Supervisors of James City County has been requested to appropriate funds within the budget of Communications and Neighborhood Connections.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the following appropriation of additional funds within the FY 2000 Budget.

Revenues:

From the Colonial Services Board \$750

Expenditures:

Training (001-034-0220) \$750

6. School Resource Officer Program

RESOLUTION

SCHOOL RESOURCE OFFICER PROGRAM

WHEREAS, during the FY 96 Budget process, James City County Board of Supervisors approved a School Resource Officer (SRO) Program between James City County and the Williamsburg/James City County (WJC) Public Schools; and

WHEREAS, the most recent agreement between James City County and the WJC Public Schools governing the operation of the SRO Program expired June 30, 2000, and must be renewed for the 2000/2001 School Year; and

WHEREAS, the agreement for 2000/2001 requires amendments to account for an increase from five to six in the number of SROs working in the middle and high schools during the 2000/2001 School Year and, pursuant to recent State legislation, to further define the role of SROs in school discipline matters.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the Chairman to execute, on its behalf, revised 2000/2001 School Year agreement with the WJC Public Schools.

2. Budget Amendment for Schools – Prior Year

Mr. John E. McDonald, Manger of Financial Management Services, stated that when the FY 2000 budget was prepared, the estimate the proceeds from the State Sales Tax for Education was consistent with the estimates provided by the State Tax Department. In August 1999, the Schools conducted a census of school age children that resulted in an increased share of the total State revenue for James City County.

As a result of this increased share, staff recommended the Board approve a budget adjustment to correct the revenue and transfer to the schools the correct sales tax figures for the fiscal year that just ended. This adjustment will compensate for the State’s revenue reduction to schools.

Mr. McGlennon made a motion to adopt the resolution to amend the budget.

On a roll call vote, the vote was: AYE: McGlennon, Harrison, Goodson, Nervitt (4). Nay: (0). ABSENT: Kennedy.

RESOLUTION

BUDGET ADJUSTMENT FOR SCHOOLS - PRIOR YEAR

WHEREAS, the Board of Supervisors of James City County has received unbudgeted additional revenue in the form of State Sales Taxes for Education in the amount of \$554,561 in the fiscal year that ended on June 30, 2000; and

WHEREAS, under the terms of the City/County School contract, these funds are due and payable to the Williamsburg/James City County public schools.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the following retroactive amendment to the FY 2000 budget and appropriates these funds as follows:

Operating Budget:

Revenues:

From Commonwealth - State Sales Taxes For Education \$554,561

Expenditures:

Transfer - Williamsburg/James City County Schools \$554,561

5. Changes to Chapter 11, Safety Program Policy, of the James City County *Personnel Policies and Procedures Manual*

Mr. Harrison stated that he was impressed with the Safety Program Policy established by those involved in its development.

Ms. Carol Luckam, Human Resources Manager, introduced Mr. Bart Johnson, a new member of the Department of Human Resource, who assisted in the revision process of the Safety Program Policy.

Mr. Harrison made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: McGlennon, Harrison, Goodson, Nervitt (4). Nay: (0). ABSENT: Kennedy.

RESOLUTION

CHANGES TO CHAPTER 11, SAFETY PROGRAM POLICY, OF THE

JAMES CITY COUNTY PERSONNEL POLICIES AND PROCEDURES MANUAL

WHEREAS, James City County has a sincere concern for the welfare and safety of our employees and our customers; and

WHEREAS, a comprehensive safety program will: provide an environment that minimizes risk of injury/illness to employees and citizens, reduce the costs associated with injury and property damage, and ensure compliance with State and Federal safety regulations.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby adopt the attached revision to Chapter 11, Safety Program Policy, of the James City County Personnel Policies and Procedures Manual.

G. PUBLIC HEARINGS

1. Case No. ZO-1-00. Sign Ordinance Amendment

Ms. Jill E. Schmidle, Senior Planner, stated that a request was received from the John Deere Vehicle Group to amend and reordain Chapter 24, Zoning, of the Code of the County of James City, Virginia, by amending Article II, Special Regulations, Division 3, Exterior Signs, Section 24-70, Freestanding signs. The purpose of this amendment is to increase the permitted area of freestanding signs for industrial uses in industrial parks.

In late August, John Deere submitted a revised sign permit application, but has not withdrawn its Zoning Ordinance amendment request.

Staff stated that there are several reasons to oppose this revised Ordinance request, that it is inconsistent with the Comprehensive Plan, and it would set a precedent for larger signs in the County. Staff requests the Board of Supervisors make no changes to the Sign Ordinance.

The Planning Commission concurs with staff and voted 7-0 to deny the request to revise the Sign Ordinance.

Mr. Nervitt opened the public hearing and as no one wished to speak, closed the public hearing.

The Board and staff held a discussion concerning the conformity of signs in the County, interest in reviewing the Sign Ordinance for possible changes for signs in industrial parks during the Comprehensive Plan review.

Mr. McGlennon made a motion to deny the Sign Ordinance revision.

On a roll call, the vote was: AYE: McGlennon, Goodson, Nervitt (3). NAY: Harrison (1). ABSENT: Kennedy.

2. U. S. Bureau of Justice Assistance Grant – Police

Mr. David Daigneault, Acting Chief of Police, stated that the Federal Bureau of Justice Assistance has approved a grant to be used in activities related to reducing crime and improving public safety.

The Police Department plans to spend the funds in partnership with the City of Williamsburg Police Department and the Colonial Williamsburg Police for the “Range 2000.”

Mr. Goodson made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: McGlennon, Harrison, Goodson, Nervitt (4). Nay: (0). ABSENT: Kennedy.

R E S O L U T I O N

U. S. BUREAU OF JUSTICE ASSISTANCE GRANT - POLICE

WHEREAS, the Bureau of Justice Assistance has approved a grant to provide \$18,806 to the Police Department for Law Enforcement equipment and technology; and

WHEREAS, sufficient local matching funds are available in the Police Department budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation amendments:

Revenue:

From Bureau of Justice Assistance	<u>\$18,806</u>
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Expenditures:

Police Department Budget	<u>\$18,806</u>
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3. Public Hearing – Real Estate Reassessment

Mr. John E. McDonald, Manager of Financial and Management Services, stated that in accordance with Section 58.1-3321 of the Code of Virginia, the public hearing on the results of the County’s July 1 reassessment has been advertised.

Mr. McDonald stated that the combination of the reassessment and other factors such a new construction and subdivisions will generate expected tax collections very close to the estimated and appropriated collections in the FY 2001 Budget.

Staff recommended the Board consider the assessment and taxation of real property at its budget work session later this fall.

Mr. Nervitt opened the public hearing.

1. Mr. Ed Oyer, 139 Indian Circle, asked the County Attorney if the Code of Virginia, when the reassessment notice is advertised, protects a piece of property from going over 100 percent.

Mr. Morton stated that it does not prevent it absolutely.

As no one else wished to speak, Mr. Nervitt closed the public hearing.

The Board and staff held a discussion concerning the anticipated actual tax revenue from the reassessment, and the desire to review the low- and fixed-income household exemptions from the Real Estate Tax.

Mr. Ed Oyer, 139 Indian Circle, requested the Board present to the General Assembly a proposal for allowing Counties to go beyond the exemption, for indexing for those citizens in \$20,000-\$30,000 fixed salary range to assist citizens with the Real Estate Tax.

Mr. Wanner advised the Board that there will be a work session on reassessments in October, and a budget work session in November.

H. PUBLIC COMMENT - None

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner recommended the Board recess for a James City Service Authority Board of Directors meeting, following which the Board of Directors will have a closed session pursuant to Section 2.1-344 (A)(3) to consider acquisition of a parcel of property for public use. The Board of Supervisors would then reconvene for a closed session pursuant to Section 2.1-344 (A) (1) to consider personnel matters(s), the appointment of individuals to County boards or commissions following which the Board would recess until September 27, 2000, 4:00 p.m. for a work session.

J. BOARD REQUESTS AND DIRECTIVES

Mr. Goodson stated that a dedication ceremony will be held on October 6 at the James River Elementary School to dedicate a portion of Route 60 East in memory of Ms. Eula Radcliffe.

Mr. Harrison, on behalf of Mr. Kennedy, stated that on September 30 Chickahominy Day will be celebrated and that the festivities will begin at 8:30 a.m. with a parade.

Mr. Nervitt recessed the Board for a James City Service Authority meeting, at 8:56 p.m.

K. CLOSED SESSION

Mr. Nervitt reconvened the Board at 9:45 p.m. and made a motion to convene into closed session as recommended by the County Administrator.

On a roll call, the vote was: AYE: McGlennon, Harrison, Goodson, Nervitt (4). NAY: (0). ABSENT: Kennedy.

Mr. Nervitt reconvened the Board into open session at 10:50 p.m.

Mr. McGlennon made a motion to approve the closed session resolution.

On a roll call, the vote was: AYE: McGlennon, Harrison, Goodson, Nervitt (4). NAY: (0). ABSENT: Kennedy.

RESOLUTION

CERTIFICATION OF CLOSED MEETING

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

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and, ii) only such public business matters were heard, discussed or considered by the Board as were identified in the motion and Section 2.1-344(A)(1) to consider a personnel matter(s), the appointment of individuals to County boards and/or commissions.

Mr. Harrison made a motion to reappoint Sanford B. Wanner to the Peninsula Public Sports Facility Authority for a four-year term, term expiring on December 31, 2004; and appoint, as alternate, Bruce Goodson to the Peninsula Public Sports Facility Authority for a four-year term, term expiring on December 31, 2004; and to appoint Bill Porter to the Colonial Community Criminal Justice Board for a three-year term, term expiring on September 16, 2003.

On a roll call, the vote was: AYE: McGlennon, Harrison, Goodson, Nervitt (4). NAY: (0). ABSENT: Kennedy.

Mr. Nervitt recessed the Board until Wednesday, September 17, 2000, at 4:00 p.m.

The Board recessed at 10:51 p.m.

Sanford B. Wanner
Clerk to the Board

AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 27TH DAY OF SEPTEMBER, 2000, AT 4:03 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Ronald A. Nervitt, Chairman, Powhatan District
Bruce C. Goodson, Vice Chairman, Roberts District

John J. McGlennon, Jamestown District
Jay T. Harrison, Sr., Berkeley District
James G. Kennedy, Stonehouse District, Absent
Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. BOARD DISCUSSION

1. Research and Technology District Task Force Findings and Recommendations

Mr. Skip Campana, Industrial Development Authority, introduced the Task Force members, gave a brief history of the Task Force, and gave an overview of its mission.

Members of the Task Force provided the Board with information concerning:

- a. key ingredients a research park would need, such as working linkages with Colonial Williamsburg, and regional institutions; incorporate niche strengths; utilize appropriate partners;
- b. characteristics desirable for a park;
- c. benefits of a park for the County and its citizens; and
- d. issues surrounding the development of a park.

The Task Force then asked the Board for recommendations concerning establishing a steering committee to address the issues mentioned above, develop a timeline plan for a research park, and then present the findings and recommendation to the Board; as well as discussions regarding funding for staff support of the steering committee, technical and consulting expertise, and who will be represented on the steering committee.

The Board and Task Force members held a discussion concerning locations and establishments of existing examples of research parks, direct and indirect costs involved in the development of a park, overall benefits to the County, economic development advantages to parks, and local government commitments to a park.

2. Large Single Retail Stores

Mr. Don Davis, Principal Planner, gave a brief overview of the packet of information regarding large-scale commercial uses presented to the Board.

Mr. Davis introduced Ms. Karen Drake, Planner.

Ms. Drake defined large retail space and gave a presentation on the data related to the impact of “big boxes” on community comments nationwide.

The Board and staff held a discussion regarding how special use permits pertain to large-scale commercial uses, opportunities for other developments such as Monticello Marketplace, expectations concerning large-scale retail in the County, and the desire to discuss this issue while reviewing the Comprehensive Plan.

Mr. Nervitt recessed the Board until Friday, October 6, 2000, at 9:00 a.m.

The Board recessed at 6:02 p.m.

Sanford B. Wanner
Clerk to the Board

MEMORANDUM

DATE: October 10, 2000
TO: The Board of Supervisors
FROM: Darryl E. Cook, Engineer
SUBJECT: Dedication of Streets in Springhill, Phases 1 and 2

Attached is a resolution requesting acceptance of certain streets in Springhill, Phases 1 and 2 into the State Secondary Highway System. These streets have been inspected and approved by representatives of the Virginia Department of Transportation (VDOT) as meeting the minimum requirements for secondary roadways.

A resolution was adopted by the Board on July 13, 1999, requesting dedication of these streets into the State system. However, VDOT is requesting that the Board rescind that resolution and adopt the attached resolution. After adoption of the previous resolution and before the streets were brought into the system, the condition of the roads deteriorated. The condition of the streets has once again come to an acceptable level to VDOT and as the original resolution is over a year old, VDOT has requested a new resolution.

Staff recommends the Board adopt the attached resolution.

Darryl E. Cook

CONCUR:

John T. P. Horne

DEC/alc
springded.mem

Attachment

RESOLUTION

DEDICATION OF STREETS IN SPRINGHILL, PHASES 1 AND 2

WHEREAS, the streets described on the attached Additions Form SR-5(A), fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of James City County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, the County and the Virginia Department of Transportation have entered into an agreement on November 1, 1993, for comprehensive stormwater detention which applies to this request for addition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation to add the streets described on the attached Additions Form SR-5(A) to the secondary system of State highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

BE IT FURTHER RESOLVED, this Board hereby rescinds the resolution adopted July 13, 1999, requesting dedication of these same streets into the State system.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of October, 2000.

MEMORANDUM

DATE: October 10, 2000
TO: The Board of Supervisors
FROM: John E. McDonald, Manager of Financial and Management Services
SUBJECT: New Position - Clerk of the Circuit Court

The State Compensation Board has notified the Clerk of the Circuit Court, that it has approved a new position of Deputy Clerk, with an annual salary of \$19,380. The attached resolution would approve a new full-time position and adjust the Clerk's budget to accommodate the new position, assuming a start date no earlier than October 15, 2000.

Staff supported the Clerk's initial application to the Compensation Board, in recognition of the ever-increasing workload of the office, the increasing population, and the high volume of transactions. There is a local fringe benefit funding commitment, essentially the cost of health insurance, that will be shared with the City of Williamsburg. The net County cost for this fiscal year is estimated at \$3,620. That assumes family coverage; the actual requirement will not be known until the successful applicant chooses a health plan.

Your approval of the attached resolution is requested.

John E. McDonald

JEM/gb
position.mem

Attachment

RESOLUTION

NEW POSITION - CLERK OF THE CIRCUIT COURT

WHEREAS, the Board of Supervisors of James City County has received approval by the State Compensation Board for an unbudgeted additional position in the office of the Clerk of the Circuit Court for the current fiscal year.

NOW, THEREFORE, BEIT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the creation of a new full-time Deputy Clerk position in the Office of the Clerk of the Circuit Court and authorizes the following amendments to the FY 2001 Operating Budget:

Expenditures:

Office of the Clerk of the Circuit Court

Salaries, Full-time	\$15,300
Fringe Benefits	7,125
Received from the Commonwealth	(17,900)
Received from the City of Williamsburg	(905)
Operating Contingency	(3,620)

Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of October, 2000.

position.res

**SPECIAL USE PERMIT-22-00. Baker Family Manufactured Home
Staff Report for October 10, 2000, Board of Supervisors Public Hearing**

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

PUBLIC HEARINGS

Board of Supervisors: Building C Board Room; County Government Complex
October 10, 2000, 7:00 p.m.

SUMMARY FACTS

Applicant/Land Owner: Ms. Patrice Baker/John Ferguson

Proposed Use: Manufactured Home

Location: 3191 Chickahominy Road

Tax Map and Parcel No.: (22-1)(2-64)

Primary Service Area: Outside

Parcel Size: .91 acres approximately

Existing Zoning: R-8, Rural Residential

Comprehensive Plan: Rural Lands

Surrounding Zoning: All adjacent properties are zoned R-8, Rural Residential

Staff Contact: John Rogerson – Phone 253-6685

STAFF RECOMMENDATION:

While this application represents a continuation of a nonconforming use with respect to multiple dwellings on a single property, staff supports the proposal of replacing the existing nonconforming manufactured home with a new one. The proposed manufactured home, with conditions, will meet all of the administrative criteria for the placement of a manufactured home. Staff recommends the Board of Supervisors approve this Special Use Permit with the attached conditions.

History

A Conditional Use Permit was issued on August 6, 1976, to replace an existing manufactured home on this property. The applicant is requesting permission to replace that manufactured home with a new 2001 model.

Description of Project

The proposed manufactured home is a Timberlake Series Model No. 4563-B. This unit is 26 feet wide and 56 feet long. It is a three bedroom model with two bathrooms. There is one other single-family dwelling located on the property. Two dwellings on this property represents a nonconforming use. The current ordinance requires the property to be large enough to subdivide into two lots (six acres required). The property is .91 acres in size.

Surrounding Zoning

Adjacent properties are zoned R-8, Rural Residential.

Surrounding Area

Adjacent properties are zoned R-8, Rural Residential.

Access

The property fronts on Chickahominy Road.

Public Utilities

The manufactured home is located outside the PSA and will be served by private well and septic system. The Health Department has approved the use of the existing well and septic system for the proposed manufactured home.

Screening

The existing vegetative screening on-site is sufficient for meeting the standard landscape plan for manufactured home placement. The combination of elevation of the property from the road and existing vegetation would provide an effective screen.

RECOMMENDATION:

Staff finds this replacement proposal consistent with Section 24-634(d) of Article VII, Nonconformities, of the Zoning Ordinance. The proposed manufactured home, with conditions, would meet all of the administrative guidelines for the placement of new manufactured homes. While this application represents a continuation of a nonconforming use with respect to multiple dwellings on a lot, it does provide an improvement in living conditions. Staff recommends the Board of Supervisors approve this special use permit with the conditions listed below.

1. This permit shall be valid only for the 2001 Timberlake Series Model No. 4563-B double-wide unit applied for. If the manufactured home is removed, this permit shall become void. Any replacement shall require a new permit from the Board of Supervisors. If the special use permit is not exercised, it shall become void one year from the date of approval.
2. The manufactured home shall be skirted and meet the requirements of the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards.
3. The existing manufactured home shall be removed within thirty (30) days of placement of the new manufactured home.
4. The existing vegetation between Chickominy Road and the manufactured home shall remain undisturbed except for removal of windfalls and deadfalls, and any future utility connections as approved by the Director of Planning.
5. This special use permit is not severable; invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

John Rogerson

CONCUR:

O. Marvin Sowers, Jr.

JR/alc
sup-22-00.wpd

Attachments:

1. Location Map
2. Resolution

RESOLUTION

CASE NO. SUP-22-00. BAKER FAMILY MANUFACTURED HOME

WHEREAS, all requirements for the consideration of an application for a special use permit for the placement of a manufactured home have been met.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that a special use permit be granted for the placement of a manufactured home on property owned and developed by the applicant as described below.

Applicant: Patrice Baker

Real Estate Tax Map ID: (22-1)

Parcel No.: (1-64)

Address: 3191 Chickahominy Road

District: Stonehouse

Zoning: R-8, Rural Residential

- Conditions:
1. This permit shall be valid only for the 1999 Timberlake Series Model No. 4563-B doublewide unit applied for. If the manufactured home is removed, this permit shall become void. Any replacement shall require a new permit from the Board of Supervisors. If the special use permit is not exercised, it shall become void one year from the date of approval.
 2. The manufactured home shall be skirted and meet the requirements of the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards.
 3. The existing manufactured home shall be removed within thirty (30) days of placement of the new manufactured home.
 4. The existing vegetation between Chickahominy Road and the manufactured home shall remain undisturbed except for removal of windfalls and deadfalls, and any future utility connections as approved by the Director of Planning.
 5. This special use permit is not severable; invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Ronald Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner.
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of
October, 2000.

baker.res

**REZONING 7-99/SPECIAL USE PERMIT-24-99. Griesenauer Residential Cluster
Staff Report for October 10, 2000, Board of Supervisors Public Hearing**

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

PUBLIC HEARINGS

Building C Board Room; County Government Complex
 Planning Commission: June 5, 2000, 7:00 p.m. (applicant deferred)
 July 5, 2000, 7:00 p.m. (applicant deferred)
 August 7, 2000, 7:00 p.m. (PC deferred)
 September 6, 2000, 7:00 p.m. (PC denied)
 Board of Supervisors: October 10, 2000, 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. Joseph S. Terrell, Sr., John Grier Construction
 Land Owner: Paul Griesenauer
 Proposed Use: 62 single-family lots in a residential cluster, at a density of 2.55 units per acre. Residential clusters with a density greater than one dwelling unit per acre require a special use permit in the R-2, General Residential District.
 Location: 248 Ingram Road, Berkeley District
 Tax Map and Parcel No.: (46-2)(1-15)
 Primary Service Area: Inside
 Parcel Size: 24.6 acres
 Existing Zoning: R-8, Rural Residential
 Proposed Zoning: R-2, General Residential
 Comprehensive Plan: Low-Density Residential
 Surrounding Zoning: North, West: PUD, Planned Unit Development (Hiden tract)
 East, South: R-8, Rural Residential, various parcels on Ingram, Powhatan Springs Road, and Route 5)
 Staff Contact: Jill E. Schmidle - Phone: 253-6685

STAFF RECOMMENDATION:

The applicant requests deferral of this case in order to revise the voluntary proffers. Staff concurs with this request.

Jill E. Schmidle

CONCUR:

O. Marvin Sowers, Jr.

JES/tlc
griesdefwpd

Attachment:

1. Applicant's Deferral Letter

**SPECIAL USE PERMIT-19-00. Wellspring United Methodist Church
Staff Report for October 10, 2000, Board of Supervisors Public Hearing**

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

PUBLIC HEARINGS Building C Board Room; County Government Complex
 Planning Commission: September 6, 2000, 7:00 p.m.
 Board of Supervisors: October 10, 2000, 7:00 p.m.

SUMMARY FACTS

Applicant: William F. Hinson, Jr., on behalf of Wellspring United Methodist Church
 Building Committee
 Land Owner: Wellspring United Methodist Church

 Proposed Use: House of Worship, classroom, and kitchen additions

 Location: 4871 Longhill Road; Berkeley District

 Tax Map and Parcel No.: (32-4)(1-31)

 Primary Service Area: Inside

 Parcel Size: 6 acres

 Existing Zoning: R-2, General Residential

 Comprehensive Plan: Low-Density Residential

 Surrounding Zoning: East: R-2, Williamsburg Plantation; B-1, Olde Towne Square
 South: R-2, Crossroads Youth Home, King of Glory Lutheran Church
 West: R-4, Ford's Colony
 North: R-2, Windsor Forest

 Staff Contact: Christopher M. Johnson - Phone: 253-6685

STAFF RECOMMENDATION:

Staff recommends approval of this application with the attached conditions. Staff finds the proposed additions consistent with the surrounding zoning and development and consistent with the Comprehensive Plan. On September 6, 2000, the Planning Commission unanimously recommended approval of this application with conditions.

Description of Project

Mr. William F. Hinson, Jr., on behalf of the Wellspring United Methodist Church Building Committee, has applied for a special use permit (SUP) to allow the construction of approximately 3,745 square feet of additions to the existing Wellspring United Methodist Church located at 4871 Longhill Road. The proposed additions will provide kitchen and classroom space for the church. The existing church structure was built in 1981. At the time it was originally constructed, a house of worship was a permitted use in the R-2, General Residential, zoning district. Currently, a house of worship requires an SUP in the R-2 district. An expansion of a specially permitted use also requires an SUP.

Surrounding Zoning and Development

Crossroads Youth Home and King of Glory Lutheran Church, both zoned R-2, General Residential, are located to the south of the site. Windsor Forest, also zoned R-2, is located to the north of the site and a portion of Ford's Colony, zoned R-4, Residential Planned Community, is located to the west of the site. Williamsburg Plantation, zoned R-2, is located across Longhill Road east of the site and Olde Towne Square Shopping Center, zoned B-1, General Business, is located north of the site on the corner of Longhill Road and Olde Towne Road. Staff believes that the proposed additions are compatible with the surrounding zoning and development.

Topography and Physical Characteristics

The site slopes away from Longhill Road toward the rear of the site. The proposed additions will not disturb any of the natural wooded buffers which surround the site and protect nearby residential uses and the character of the surrounding area.

Utilities

The property is served by public water and a private septic system. The septic tank drainfield is located at the rear of the site and would not be affected by the proposed additions. The drainfield will not need to be enlarged to support the proposed additions.

Access

The property fronts on Longhill Road (Route 612) and the existing entrance would continue to be utilized. The proposed building additions will eliminate five parking spaces from the existing gravel parking area. The remaining parking area, 195 spaces, is sufficient to handle the maximum occupancy of 200 at the church. The current church membership and attendance should remain approximately the same with or without the proposed additions.

Comprehensive Plan

The property is designated as Low-Density Residential on the Comprehensive Plan Land Use Map. Examples of acceptable land uses within this designation include single-family homes, recreation areas, community-oriented public facilities, schools, churches, and very limited commercial establishments. Longhill Road is identified as a Community Character Corridor in the Comprehensive Plan. The proposed additions, which will be on the front of the structure facing Longhill Road, will not disturb any of the natural wooded buffer which surrounds the site and protects nearby residential uses and the character of the surrounding area. The proposed additions will match the existing structure and landscape materials

will be selected which compliment the site design. The existing landscape material in the area of the proposed additions will be replanted following construction. Staff finds the proposal consistent with the Comprehensive Plan.

RECOMMENDATION:

Staff finds the proposed additions consistent with the surrounding zoning and development and consistent with the Comprehensive Plan. On September 6, 2000, the Planning Commission agreed with staff and unanimously recommended approval of this application with conditions. Staff recommends approval of this application with the following conditions:

1. If construction has not commenced on the project within thirty-six (36) months from the issuance of the special use permit, the permit shall become void. Construction shall be defined as obtaining permits for building construction and installation of footings and/or foundations.
2. The building materials, design, scale, and colors of the addition shall be compatible with that of the existing structure. The colors, design, and building materials for the additions shall be submitted to and approved by the Planning Director prior to final site plan approval.
3. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Christopher M. Johnson

CONCUR:

O. Marvin Sowers, Jr.

CMJ/gb
sup-19-00.wpd

Attachments:

1. Planning Commission Minutes
2. Location Map
3. Conceptual Plan for Building Additions
4. Resolution

RESOLUTION

CASE NO. SUP-19-00. WELLSRING UNITED METHODIST CHURCH

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and

WHEREAS, houses of worship are a specially permitted use in the R-2, General Residential, zoning district; and

WHEREAS, the Planning Commission of James City County, following its public hearing on September 6, 2000, recommended approval of Case No. SUP-19-00 by a vote of 7 to 0 to permit the construction of approximately 3,745 square feet of additions to the existing Wellspring United Methodist Church located at 4871 Longhill Road and further identified as Parcel No. (1-31) on James City County Real Estate Tax Map No. (32-4).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-19-00 as described herein with the following conditions:

1. If construction has not commenced on the project within thirty-six (36) months from the issuance of the special use permit, the permit shall become void. Construction shall be defined as obtaining permits for building construction and installation of footings and/or foundations.
2. The building materials, scale, and colors of the addition shall be compatible with that of the existing structure. The colors and building materials for the additions shall be submitted to and approved by the Planning Director prior to final site plan approval.
3. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of October, 2000.

SPECIAL USE PERMIT-18-00. A Little Space Day Care and Child Development Center Staff Report for October 10, 2000, Board of Supervisors Public Hearing

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

PUBLIC HEARINGS Building C Board Room; County Government Complex
Planning Commission: September 6, 2000, 7:00 p.m.
Board of Supervisors: October 10, 2000, 7:00 p.m.

SUMMARY FACTS

Applicant: Ms. Laura Finley
Land Owner: G. Square, Inc.

Proposed Use: Child Day Care Center

Location: 4007 Ironbound Road

Tax Map and Parcel No.: (38-4)(1-2a)

Primary Service Area: Inside

Parcel Size: .31 acres

Existing Zoning: R-8, Rural Residential

Comprehensive Plan: Mixed Use

Staff Contact: Benjamin A. Thompson - Phone: 253-6685

STAFF RECOMMENDATION:

Staff finds the proposal consistent with surrounding uses. Staff also finds the proposal consistent with the Comprehensive Plan and consistent with previous actions taken by the Board of Supervisors. On September 6, 2000, the Planning Commission voted unanimously to recommend approval of the application. Staff recommends the Board of Supervisors approve this special use permit with the attached conditions.

Project Description

Ms. Finley currently owns and operates a child day care center at her residence on Brook Haven Drive. Ms. Finley wishes to expand her existing operation to 50 children and must find another site in order to receive accreditation under State regulation. The day care center will be housed in the old radio station building, previously used by WPTG The Local Channel, on the Ironbound Road cul-de-sac.

Existing Property Zoning and Development

The subject property is R-8, Rural Residential. All adjacent property to the north is zoned R-8 and unimproved. Contiguous land to the north via Monticello Avenue is known as “New Town” and is zoned R-8 as well. The adjacent property to the south, Ironbound Road Mini Storage, is B-1, Limited Business. Both properties to the immediate east and west are unimproved lots owned by the Virginia Department of Transportation with the property to the east being zoned M-1 or Limited Business/Industrial and the property to the west being Ironbound Road cul-de-sac and further roadways. The closest developed properties are Ironbound Road Mini Storage and Mount Pleasant Baptist Church.

Comprehensive Planning

The Comprehensive Plan denotes this parcel and the surrounding property as being Mixed-Use within the Casey Fields Area. Suggested uses for this area are a mixture of commercial, office, and limited industrial with residential as a secondary use. The special use permit is consistent with the specific designation of the Comprehensive Plan. In addition, the property is adjacent to the newly created New Town District. New Town has enhanced design and landscaping standards which any changes to the structure or parcel would have to adhere to for compatibility. Staff has added a condition that states that any additions to the structure and any landscaping would have to adhere to the New Town design and landscape standards as defined by the Director of Planning.

Transportation Issues

The proposed use will create fewer than 125 vehicular trips on both Ironbound Road cul-de-sac and Monticello Avenue, thus not significantly impacting either.

Currently, half of the site’s parking is on an adjacent property. With the adjacent property owner’s permission the off-street parking may remain in its present location. If permission is not obtained, the child day care center would need to create adequate parking on-site. This issue of parking will have to be resolved before final site plan approval.

The site is accessed by an existing single entrance drive on Ironbound Road cul-de-sac. The entrance will need to be upgraded, per VDOT standards, as a commercial entrance.

Topography and Physical Features

The parcel is clear and level to three sides with a large drainage ditch running along the west property line. The ditch will not inhibit outdoor recreational uses since the land is level and free of hazard. This parcel has no environmentally sensitive areas.

RECOMMENDATION:

This proposal is generally consistent with the Comprehensive Plan and surrounding development. Staff feels that the conditions attached to the special use permit will assure orderly development of the site and aesthetic sensitivity.

Staff finds the proposal consistent with surrounding uses. Staff also finds the proposal consistent with the Comprehensive Plan and with previous actions taken by the Board of Supervisors. On September 6, 2000, the Planning Commission voted unanimously to recommend approval of the application. The conditions listed below adequately address the impacts of development. Staff recommends that the Board of Supervisors approve this special use permit with the following conditions:

1. Prior to the issuance of a permanent Certificate of Occupancy, a landscaping plan, in accordance with Article II, Division 4 of the James City County Zoning Ordinance, shall be submitted and approved by the Director of Planning. Such plan shall contain enhanced landscaping so that the required number of plants equal at least 133 percent of the County's Landscaping Ordinance in accordance with New Town Design Standards.
2. Prior to the issuance of a permanent Certificate of Occupancy, the Planning Director shall approve the material color, style, location, and size of any new structures and fences.
3. The child day care center shall have no more than 50 children enrolled at any one time. Additional enrollment above the number of 50 children will require an additional special use permit.
4. A permanent Certificate of Occupancy for the facility shall be obtained within one year of the date of issuance of the special use permit or the special use permit shall become void.
5. Prior to final site plan approval, the applicant shall obtain permission from the adjacent property owner to continue parking on their property, or create on-site parking with the number of spaces being determined by the Director of Planning.
6. Prior to the issuance of a permanent Certificate of Occupancy, the applicant shall upgrade the existing entrance to meet the Virginia Department of Transportation's commercial entrance standards.
7. Prior to the issuance of a permanent Certificate of Occupancy, the applicant shall remove all evidence of the prior business, such as signage, dish antennas, satellite hardware, radio antennas, and towers from the property.
8. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Benjamin A. Thompson

CONCUR:

O. Marvin Sowers, Jr.

BAT/tlc
sup18-00.wpd

Attachments:

1. Planning Commission Minutes
2. Location Map
3. Photograph Pages
4. Applicant Correspondence
5. Resolution

RESOLUTION

CASE NO. SUP-18-00. LITTLE SPACE DAY CARE AND

CHILD DEVELOPMENT CENTER

- WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and
- WHEREAS, Ms. Laura Finley has applied on behalf of Mr. Gilbert Granger of G-Square, Inc., for a special use permit to allow a Child Day Care Center; and
- WHEREAS, the property is located on land zoned R-8, Rural Residential District, and can be further identified as Parcel Nos. (1-2a) on James City County Real Estate Tax Map No. (38-4); and
- WHEREAS, the Planning Commission, following its public hearing on September 6, 2000, voted 7-0 to approve this application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-18-00 as described herein with the following conditions:

1. Prior to the issuance of a permanent Certificate of Occupancy, a landscaping plan, in accordance with Article II, Division 4 of the James City County Zoning Ordinance, shall be submitted and approved by the Director of Planning. Such plan shall contain enhanced landscaping so that the required number of plants equal at least 133 percent of the County's Landscaping Ordinance in accordance with New Town Design Standards.
2. Prior to the issuance of a permanent Certificate of Occupancy, the Planning Director shall approve the material color, style, location, and size of any new structures and fences.
3. The child day care center shall have no more than 50 children enrolled at any one time. Additional enrollment above the number of 50 children will require an additional special use permit.
4. A permanent Certificate of Occupancy for the facility shall be obtained within one year of the date of issuance of the special use permit or the special use permit shall become void.
5. Prior to final site plan approval, the applicant shall obtain permission from the adjacent property owner to continue parking on their property, or create on-site parking with the number of spaces being determined by the Director of Planning.
6. Prior to the issuance of a permanent Certificate of Occupancy, the applicant shall upgrade the existing entrance to meet the Virginia Department of Transportation's commercial entrance standards.

7. Prior to the issuance of a permanent Certificate of Occupancy, the applicant shall remove all evidence of the prior business, such as signage, dish antennas, satellite hardware, radio antennas, and towers from the property.
8. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of October, 2000.

litlspace.res

SPECIAL USE PERMIT-8-00. Sanifill Borrow Pit (Amendment to SUP-31-97)
SPECIAL USE PERMIT-9-00. Branscome Enterprises, LLC, Borrow Pit (Amendment to SUP-30-97)
Staff Report for October 10, 2000, Board of Supervisors Public Hearing

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

PUBLIC HEARINGS

Building C Board Room; County Government Complex
Planning Commission: May 1, 2000, June 5, 2000, July 5, 2000; applicant deferred
August 7, 2000; Commission deferred; September 6, 2000
Board of Supervisors: October 10, 2000, 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. Vernon Geddy, III
Land Owner: Branscome Enterprises, LLC, is the property owner of the old Lee property (SUP-9-00) and Sanifill of Virginia, Inc., is the owner of the old Bickford property (SUP-8-00)

Proposed Use: Continued operation of a borrow pit (i.e., a surface mine for sand and clay)

Location: Approximately 1.2 miles southeast of the terminus of Blow Flat Road

Tax Map and Parcel No.: (60-3)(1-3) is the Sanifill owned property
(60-3)(1-2) is the Branscome owned property

Primary Service Area: Inside

Parcel Size: The two parcels together are approximately 420 acres in size.

Existing Zoning: M-2, General Industrial

Comprehensive Plan: General Industry

Surrounding Zoning: The parcel is surrounded on the south and west by water; to the north and east are other lands zoned M-2.

Staff Contact: Paul D. Holt, III - Phone: 253-6685

STAFF RECOMMENDATION:

Staff finds the proposal consistent with the Comprehensive Plan Land Use Designation and compatible with surrounding properties and zoning. For these reasons, staff recommends approval of the request, subject to the attached proposed conditions. On September 6, 2000, the Planning Commission recommended approval of the applications by a vote of 5-1. The Commission, however, voted to include a five-year limitation on the permits believing that it was important to fully reevaluate and reconsider the impacts of the operation on the land over time.

Project History

For over 30 years, Henry S. Branscome Inc., has operated a borrow pit in the southern-most portion of the County. Branscome utilizes the borrow pit as an area where sand and clay are mined for use as fill material in off-site building and roadway construction. Sanifill Inc., uses the borrow pit to mine clay material for use at a local landfill. Two special use permits (one for each property) were approved by the Board of Supervisors in 1992 to allow for the continued operation of these facilities. At that time, in order to give staff the opportunity to reevaluate the impacts of the operation, a five-year time limit was placed on the permits as a condition of approval. In 1997, the special use permits were reevaluated and renewed for a subsequent three years. The two existing special use permits will expire on December 22, 2000. As part of the current renewal process, the applicant has requested that the Board of Supervisors reapprove the two special use permits without any time limit.

Project Description

The facility currently operates up to six days a week, typically during daylight hours. Within these time frames, activity at the pits ranges from no activity to full activity approximately 160 days a year. The total size of the parcels is approximately 420 acres; however, previous special use permit conditions limit the amount of area that can be disturbed at any given time to 40 acres per parcel. The most current information staff has indicates the following:

- 420 total acres on site
- 263 acres are covered by the State Mining Permit
- 80 acres have been mined, reclaimed, and released from further activity by the State
- 75 acres have been, or will be, utilized in recent or future mining activities:
 - approx. 35 acres have been mined and reclaimed in previous years;
 - approx. 20 acres are actively being mined;
 - approx. 20 acres will be mined in the near future
- 108 acres are set aside for future mining to accommodate long term demand
- the remaining 157 acres includes areas outside the limits of the state mining permit and unusable areas that consist of environmentally sensitive areas which will not be disturbed.

In total, there are 148 acres that are either currently being mined or will be mined in the future.

Access

Access to the site is provided by an existing private dirt road which runs through the Greenmount tract. This road is located in a variable width easement and is approximately 6,510 feet in length. As a condition of their State permit, issued by the Department of Mines, Minerals, and Energy: Division of Mineral Mining, the land owner is responsible for the maintenance of this road. Trucks access this dirt road from an existing commercial entrance located at the end of Blow Flats Road. The applicant estimates that the site generates 70 truck trips on an average day and approximately 160 truck trips on a peak day. Historical data from the company has shown the busiest month generated approximately 4,000 total trips and an average 160 daily trips.

The north side of Blow Flats Road contains approximately 20 residences and is characterized by front yards with shallow setbacks. The south side of the road is primarily vacant and is part of the Greenmount tract. During the

1992 public hearing process, homeowners along Blow Flats Road were very concerned over the amount of truck traffic that uses the road. As a result of those concerns, the Board requested the applicant look at different access alternatives. These included using the adjacent BASF property and Greenmount property as additional means of ingress and egress to the site. Those property owners, however, did not agree to such a proposal. At the request of the neighborhood, alternatives such as constructing a separate pedestrian trail and bike path, and making roadway and intersection improvements were also analyzed. However, according to the Virginia Department of Transportation (VDOT), Blow Flats Road is substandard in that there is insufficient right-of-way and pavement width to accommodate such improvements (the right-of-way is currently 30 feet while VDOT standards now require 50 feet and the pavement width is 20 feet and VDOT requires a minimum of 22 feet). Consequently, access was not substantially improved.

The one improvement that did result from the 1992 public hearing process was that VDOT established a 25 m.p.h speed limit on Blow Flats Road. The speed limit for the road was previously unposted and therefore had a default limit of 55 m.p.h. VDOT does not object to the continued use of the pits but has reminded the County of the substandard conditions that exist on Blow Flats Road. No new or additional traffic-related concerns were brought to staff's attention during the 1997 renewal process. No further public interest has been expressed to staff since the original public notification of the current request for renewal. As part of the notification process, letters were sent to all property owners along Blow Flats Road.

Surrounding Development and Zoning

The site is bordered on the east and south by Skiffe's Creek while Wood Creek is located to the west of the site. Property to the north of the site is zoned M-2, General Industrial, and is partially being developed for the Wal-Mart Distribution Center. There are several residences along Blow Flats Road as previously described; however, these homes are on property zoned M-2 as well. During the 1992 public hearings, the homeowners were very concerned over the potential negative effects the truck traffic would have on the area. As stated above, these concerns involved pedestrian safety, noise and dust. Although there have been no complaints about the truck traffic within the last few years to either the police or planning departments, staff feels these same issues will be of concern to the residents.

Examples of currently permitted uses in the M-2 district include breweries, drop-forge industries, industries that manufacture metals, glass, automobiles, machinery, electronic devices, etc. Any of these proposed uses, including a borrow pit, have the potential to generate various levels of noise, truck traffic, dust, and noxious emissions. Since the last special use permits were issued, Wal-Mart has also started construction on a bulk distribution facility. Given the industrial nature of this use, the heavy truck traffic generation and the distance from the borrow pits, staff believes the two uses are compatible.

Staff feels that, with a feasible land reclamation plan, a borrow pit has no more of a negative impact on the land than other permitted M-2 uses. Therefore, staff feels the proposal, with the proposed conditions, is compatible with the surrounding zoning.

Comprehensive Plan

The 1997 Comprehensive Plan Land Use Map designates this area General Industry and the property is located within the Primary Service Area. This designation is intended to accommodate industrial uses that create, or have the potential to create, adverse impacts such as noise, dust, odor and other environmental impacts. A borrow pit can create noise and dust and, if not properly regulated, can prove to be an environmental hazard. A borrow pit also generates substantial heavy truck traffic. Staff feels that this property is well suited to accommodate this type of use because it is located in a relatively undeveloped portion of the County which is planned for industrial uses that would generate similar types of traffic. The residential properties on Blow Flats Road are also designated for Mixed Use and General Industrial. Additionally, proximity to an arterial road which is also a primary highway should

minimize adverse traffic impacts. Staff has drafted proposed special use permit conditions that are designed to keep the property above the floodplain level, prevent erosion and sedimentation damage, keep the property screened and wooded, protect sensitive environmental areas, and prohibit unuseable fill. Staff believes that for these reasons, use of this site as a borrow pit, with the proposed conditions, would not prohibit the future use for conventional industrial development.

That portion of the site which borders Wood Creek and Skiffe's Creek is designated as a Conservation Area by the Comprehensive Plan. These are critical areas where ordinary development practices would cause significant environmental damage. The applicant has not proposed any land disturbing activity in these areas. Staff has proposed additional conditions designed to protect sensitive areas.

It is important to note that a good portion of the Skiffe's Creek area is designated for industrial use. The Comprehensive Plan designations along Blow Flats road and Pocahontas Trail include General Industrial and Mixed Use. The nearest residentially designated area is the Skiffe's Creek Terrace Subdivision which is located on Route 60. Pocahontas Trail currently serves other industrial developments which generate heavy truck traffic, and is planned to serve future industrial uses as well. As noted above, this transition to actual industrial use began recently with the Wal-Mart Distribution Center. Under the Comprehensive Plan, this section of the County and its major roads are intended for industrial uses. Staff feels that the proposal, with the proposed conditions, is consistent with the Comprehensive Plan designation.

Environmental Considerations

The eastern portion of the Branscome property has been identified as a Natural Area by the Virginia Department of Conservation and Recreation's Division of Natural Heritage. The Natural Area consists of a "primary ecological boundary" and a "secondary ecological boundary," as graphically depicted on the attached map. The Natural Area designation came about because a portion of the area supports a population of the Florida Adder's-mouth, a plant which is very rare in the Commonwealth. To protect this area and this plant, previous SUP conditions have always stated that 40 acres of the site, of which a portion contains the Natural Area, is to remain undisturbed.

The applicant has now stated that he wishes to timber a portion of this 40 acres. In order to protect the rare plant (which exists within the primary ecological boundary), staff is proposing an SUP condition whereby the plant, its primary habitat, and a buffer around the primary habitat are protected.

Portions of the property which abut Wood Creek and Skiffe's Creek contain wetlands and are classified as a Resource Protection Area (RPA) by the Chesapeake Bay Preservation Ordinance. Although previous special use permit conditions clearly stated that no land disturbing activity could occur within these areas, some portions of the RPA were cleared and mined. Over the past few years however, the applicant has been working with the Environmental Division to restore these areas to a satisfactory condition. That work is on-going and, through the proposed SUP conditions, must be implemented prior to March 1, 2001.

Economic Development

The subject property and several hundred acres surrounding it are both planned and zoned for industrial uses. The combined properties are known as the Skiffe's Creek and Greenmount Industrial areas. Such large tracts are very unique on the Peninsula and in all of southeastern Virginia and enhance the County's chances of competing for the few large-scale, capital intensive, industrial projects that seek new locations each year.

Increased and sustained dump truck traffic could have an adverse impact on attracting certain types of light industrial and technologically advanced uses in certain portions of the area. It is also possible that the continued use of the borrow pit may not have a discernible affect on attracting certain types of heavier industrial uses. In summary, the

range of industrial uses to which the area appeals to could be impacted. However, without knowing the proposed types of uses that will ultimately develop on the property, it is impractical to definitely say what the impacts of the borrow pit will be.

Therefore, staff is proposing several SUP conditions designed to monitor operations and minimize long term impacts, thus, preserving to some extent, the ability to construct industrial uses on the site in the future. In the past, staff had expressed even more concern about protecting the long range development opportunity of these parcels. However, in analyzing the application, staff realized that the amount of land that is currently disturbed and the amount of land set aside for future mining, constitutes a very small portion of the properties that comprise the "Greenmount" area. Some portions of the mined areas are also in environmentally sensitive areas which need not be built upon. In addition, after further discussions with the Department of Mines and a soils engineering firm, staff believes that the attached list of proposed conditions is sufficient, for reasons stated earlier, to protect the long term viability of the site.

Proposed SUP Conditions

Attached are SUP conditions proposed by staff. The first eight conditions are existing conditions that staff believes should remain in place. Proposed Condition Number 9 is intended to protect the rare plants on-site, which were mentioned previously. Proposed Condition Number 10 gives the property owner until March 1, 2001, to implement the environmental restoration plan. This restoration plan is needed to repair encroachments into an RPA buffer that occurred in 1997, but for which previous restoration attempts were never fully adequate. Proposed Condition Number 11 is designed to ensure that no fill material is used that would cause the land to become unsuitable. Proposed Condition Number 12 is designed to protect an additional environmentally sensitive area where previous RPA buffer violations occurred. This area has started to stabilize itself naturally however, at this point in time, human attempts at further restoration would actually cause more damage than it would do good. Therefore, the condition states that any proposed activity is subject to the review and approval of the Planning Director. Finally, proposed condition number 13 is designed to offset the applicant's request to remove the SUP expiration date. Staff finds it generally acceptable to remove the expiration date, provided assurances are made that the operation is in compliance with the SUP conditions and that the land is not being left in an unsuitable form. Staff believes that a yearly update report will provide the necessary information, in lieu of inspections and reevaluations associated with renewing an SUP, to adequately monitor the surface mining operation. The Planning Commission, on the other hand, believed that it was important to re-evaluate and reconsider, in a special use permit process, the impacts that such an operation has on the land over time. Therefore, the Commission recommended approval of a five-year time limit. If approved by the Board on October 10, both permits would therefore expire on October 10, 2005. Should the applicant wish to continue operations, new special use permit applications would need to be reconsidered by the Commission and Board prior to the expiration date.

RECOMMENDATION:

Staff finds the proposal consistent with the Comprehensive Plan Land Use Designation and compatible with surrounding properties and zoning. For these reasons, staff recommends approval of the request, subject to the attached proposed conditions. On September 6, 2000, the Planning Commission recommended approval of the applications by a vote of 5-1. The Commission, however, voted to include a five year limitation on the permits believing that it was important to fully reevaluate and reconsider the impacts of the operation on the land over time. For the Boards consideration, two resolutions are attached, one with a time limit, the other without.

Paul D. Holt, III

CONCUR:

O. Marvin Sowers, Jr.

PDH/tlc
sup8&9-00.wpd

Attachments:

1. Minutes of the May 1, 2000, June 5, 2000, July 5, 2000, August 7, 2000, and September 6, 2000, Planning Commission meetings.
2. Location Map
3. Progress Renewal Map (separate)
4. Surrounding Zoning Map
5. Skiffe's Creek Natural Area Map and Area Description
6. Resolution of Approval with a five-year time limit
7. Resolution of Approval without a time limit

RESOLUTION

CASE NO. SUP-8-00. SANIFILL BORROW PIT

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and

WHEREAS, the applicant has requested to amend existing Special Use Permit SUP-31-97 to allow for the continued operation of a borrow pit; and

WHEREAS, the property is currently zoned M-2, General Industrial, designated General Industry on the 1997 Comprehensive Plan Land Use Map; and

WHEREAS, the property is located approximately 1.2 miles southeast of the terminus Blow Flats Road on property more specifically identified as Parcel No. (1-3) on the James City County Real Estate Tax Map Number (60-3); and

WHEREAS, on September 6, 2000, the Planning Commission recommended approval of the application by a vote of 5-1 with a five-year time limit.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-8-00 as described herein with the following conditions:

1. An erosion and sediment control plan shall be submitted to, and approved by, the Director of the Environmental Division prior to any new land disturbance occurring on site. All approved erosion and sedimentation control measures shall be installed prior to any clearing or grading of any cell.
2. No more than 40 acres of the site shall be disturbed at any one time.
3. A transitional screening buffer of 50 feet in width shall be provided along the perimeter of the site. The buffer shall be landscaped in accordance with the provisions of the Zoning Ordinance, where necessary, to provide an effective visual buffer.
4. All wooded areas disturbed after the date this special use permit has been issued shall be returned to their forested state. A reforestation plan for the site shall be approved by the Director of Planning prior to any clearing on-site. All restored areas shall be returned to a condition adequate to support and encourage the growth of trees. A minimum of 800 seedlings per acre shall be planted during the reclamation of that portion of the site. This requirement may be waived with written approval from the Director of Planning. The limits of the wooded areas as of the date of this permit are delineated on the map entitled "A Parcel of Land Owned By: Henry S. Branscome located in the Skiffe's Creeks Area of James City County, Va.," and dated April, 1998 (the "Site Map").
5. All buffer areas shall be flagged in the field prior to any new clearing so the operators know the limits of their work. This flagging shall be inspected by the Environmental Division of James City County prior to any land disturbing activity in the immediate vicinity.

6. The hours of operation shall be limited to daylight hours, Monday through Saturday.
7. This special use permit shall only be valid for those areas covered by the State Bureau of Mines, Minerals and Energy Mining Permit No. 10445AA, the limits of which are identified on the map submitted with the special use permit request and titled "Progress Renewal Map - Lee/Bickford Borrow Pit Permit No. 10445AA U.S. G.S. Quadrangle: Hog Island James City County, Virginia" and dated February 7, 2000 (the "Progress Renewal Map").
8. No mining shall occur lower than 10.0 feet above mean low water.
9. For the area within the primary ecological boundary (the area defined from the break in the slope at the top of the ravine and including the slopes and bottom of the ravine), no land disturbing activity and no timbering shall occur - this area shall be left in an undisturbed natural state. In a 100-foot buffer from the top of the ravine, trees to be removed shall be approved by the Director of Planning or his designee and shall not be smaller than 18 inches in diameter if a soft wood tree and not smaller than 24 inches in diameter if a hard wood tree. Within the 100-foot buffer, the removal of selected trees shall not significantly impact the existing tree canopy, as determined by the Director of Planning or his designee. Prior to any timbering, a timbering management plan (for purposes of this condition only, the "timbering plan") shall be submitted for the review and approval by the Director of Planning. Such timbering plan shall clearly delineate topography, the limits of the primary ecological boundary and the 100-foot buffer. The timbering plan shall also include storm water management measures to be installed at the top of the ravine to divert rainwater away from the primary ecological boundary. Such timbering plan shall include a maintenance schedule for the continued performance of the stormwater management measures. All approved stormwater management measures shall be installed prior to the commencement of timbering operations. For purposes of this condition, the limits of the "primary ecological boundary" is depicted graphically on the map entitled "Skiffe's Creek Natural Area" which was submitted with this application.
10. The environmental restoration plan narrative, dated August 7, 2000, shall be implemented, in a manner acceptable to the Environmental Director, prior to March 1, 2001. Should the restoration plan not be implemented by said date, the County shall issue a Stop Work Order for the mining operation. Upon the issuance of a Stop Work Order, all mining activities shall cease and shall not resume until the restoration plan has been implemented in a manner acceptable to the Environmental Director. Once implemented, the restored area shall be inspected by the Environmental Division every six months to determine if the restored area has adequately stabilized and the plantings are viable. The inspections shall continue until such time the Environmental Director agrees, in writing to the applicant, that no further work is necessary.
11. Only "inert material" shall be used as fill during the reclamation of the property. For the purposes of this special use permit, "inert material" shall be defined as "clean soil, broken concrete, broken road pavement, rocks, bricks and broken concrete pipe." Under no conditions shall fly ash, demolition debris, organic waste material, lumber, or household waste be used as fill.

12. No land disturbing shall occur within the “Environmentally Sensitive Area,” as delineated on the Site Map, without the expressed written consent of the Planning Director or his designee (the “Environmentally Sensitive Area”).
13. For as long as the special use permit is valid, the property owner shall submit a report, prepared by, or verified in writing by, a licensed engineer or surveyor, documenting items A-H, below. One such report shall be submitted between January 1 and January 31 of each year.
 - A. The extent, and depth, of the area mined over the previous calendar year.
 - B. The extent, and depth, of the area expected to be mined over the upcoming calendar year.
 - C. A certification that no encroachment has occurred into an RPA, RPA buffer, the transitional screening buffer described above, the Florida Adder’s-mouth area, the Environmentally Sensitive Area, or any Natural Open Space easement.
 - D. For areas which are wooded as of the date of issuance of this permit, a delineation of any encroachment into such wooded areas.
 - E. A certification as to the amount of disturbed acreage on site.
 - F. A certification that all fill used after the date of issuance of this permit is “inert material,” as defined above.
 - G. A delineation of all areas that have been restored, but not yet released under the State Mining Permit. This delineation shall show final grades for the restored area as well as any stabilization and/or reforestation plan, with implementation time schedule, if applicable.
 - H. A delineation of the extent of the areas covered by the State Mining Permit.
14. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.
15. This special use permit is valid for a period of five years from the date of approval by the James City County Board of Supervisors.

Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of October, 2000.

RESOLUTION

CASE NO. SUP-8-00. SANIFILL BORROW PIT

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and

WHEREAS, the applicant has requested to amend existing Special Use Permit SUP-31-97 to allow for the continued operation of a borrow pit; and

WHEREAS, the property is currently zoned M-2, General Industrial, designated General Industry on the 1997 Comprehensive Plan Land Use Map; and

WHEREAS, the property is located approximately 1.2 miles southeast of the terminus Blow Flats Road on property more specifically identified as Parcel No. (1-3) on the James City County Real Estate Tax Map Number (60-3); and

WHEREAS, on September 6, 2000, the Planning Commission recommended approval of the application by a vote of 5-1 with a five-year time limit.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-8-00 as described herein with the following conditions:

1. An erosion and sediment control plan shall be submitted to, and approved by, the Director of the Environmental Division prior to any new land disturbance occurring on site. All approved erosion and sedimentation control measures shall be installed prior to any clearing or grading of any cell.
2. No more than 40 acres of the site shall be disturbed at any one time.
3. A transitional screening buffer of 50 feet in width shall be provided along the perimeter of the site. The buffer shall be landscaped in accordance with the provisions of the Zoning Ordinance, where necessary, to provide an effective visual buffer.
4. All wooded areas disturbed after the date this special use permit has been issued shall be returned to their forested state. A reforestation plan for the site shall be approved by the Director of Planning prior to any clearing on-site. All restored areas shall be returned to a condition adequate to support and encourage the growth of trees. A minimum of 800 seedlings per acre shall be planted during the reclamation of that portion of the site. This requirement may be waived with written approval from the Director of Planning. The limits of the wooded areas as of the date of this permit are delineated on the map entitled "A Parcel of Land Owned By: Henry S. Branscome located in the Skiffe's Creeks Area of James City County, Va.," and dated April, 1998 (the "Site Map").
5. All buffer areas shall be flagged in the field prior to any new clearing so the operators know the limits of their work. This flagging shall be inspected by the Environmental Division of James City County prior to any land disturbing activity in the immediate vicinity.

6. The hours of operation shall be limited to daylight hours, Monday through Saturday.
7. This special use permit shall only be valid for those areas covered by the State Bureau of Mines, Minerals and Energy Mining Permit No. 10445AA, the limits of which are identified on the map submitted with the special use permit request and titled "Progress Renewal Map - Lee/Bickford Borrow Pit Permit No. 10445AA U.S. G.S. Quadrangle: Hog Island James City County, Virginia" and dated February 7, 2000 (the "Progress Renewal Map").
8. No mining shall occur lower than 10.0 feet above mean low water.
9. For the area within the primary ecological boundary (the area defined from the break in the slope at the top of the ravine and including the slopes and bottom of the ravine), no land disturbing activity and no timbering shall occur - this area shall be left in an undisturbed natural state. In a 100-foot buffer from the top of the ravine, trees to be removed shall be approved by the Director of Planning or his designee and shall not be smaller than 18 inches in diameter if a soft wood tree and not smaller than 24 inches in diameter if a hard wood tree. Within the 100-foot buffer, the removal of selected trees shall not significantly impact the existing tree canopy, as determined by the Director of Planning or his designee. Prior to any timbering, a timbering management plan (for purposes of this condition only, the "timbering plan") shall be submitted for the review and approval by the Director of Planning. Such timbering plan shall clearly delineate topography, the limits of the primary ecological boundary and the 100-foot buffer. The timbering plan shall also include stormwater management measures to be installed at the top of the ravine to divert rainwater away from the primary ecological boundary. Such timbering plan shall include a maintenance schedule for the continued performance of the stormwater management measures. All approved storm water management measures shall be installed prior to the commencement of timbering operations. For purposes of this condition, the limits of the "primary ecological boundary" is depicted graphically on the map entitled "Skiffe's Creek Natural Area" which was submitted with this application.
10. The environmental restoration plan narrative, dated August 7, 2000, shall be implemented, in a manner acceptable to the Environmental Director, prior to March 1, 2001. Should the restoration plan not be implemented by said date, the County shall issue a Stop Work Order for the mining operation. Upon the issuance of a Stop Work Order, all mining activities shall cease and shall not resume until the restoration plan has been implemented in a manner acceptable to the Environmental Director. Once implemented, the restored area shall be inspected by the Environmental Division every six months to determine if the restored area has adequately stabilized and the plantings are viable. The inspections shall continue until such time the Environmental Director agrees, in writing to the applicant, that no further work is necessary.
11. Only "inert material" shall be used as fill during the reclamation of the property. For the purposes of this special use permit, "inert material" shall be defined as "clean soil, broken concrete, broken road pavement, rocks, bricks and broken concrete pipe." Under no conditions shall fly ash, demolition debris, organic waste material, lumber, or household waste be used as fill.

12. No land disturbing shall occur within the “Environmentally Sensitive Area,” as delineated on the Site Map, without the expressed written consent of the Planning Director or his designee (the “Environmentally Sensitive Area”).
13. For as long as the special use permit is valid, the property owner shall submit a report, prepared by, or verified in writing by, a licensed engineer or surveyor, documenting items A-H, below. One such report shall be submitted between January 1 and January 31 of each year.
 - A. The extent, and depth, of the area mined over the previous calendar year.
 - B. The extent, and depth, of the area expected to be mined over the upcoming calendar year.
 - C. A certification that no encroachment has occurred into an RPA, RPA buffer, the transitional screening buffer described above, the Florida Adder’s-mouth area, the Environmentally Sensitive Area, or any Natural Open Space easement.
 - D. For areas which are wooded as of the date of issuance of this permit, a delineation of any encroachment into such wooded areas.
 - E. A certification as to the amount of disturbed acreage on site.
 - F. A certification that all fill used after the date of issuance of this permit is “inert material,” as defined above.
 - G. A delineation of all areas that have been restored, but not yet released under the State Mining Permit. This delineation shall show final grades for the restored area as well as any stabilization and/or reforestation plan, with implementation time schedule, if applicable.
 - H. A delineation of the extent of the areas covered by the State Mining Permit.
14. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of October, 2000.

RESOLUTION

CASE NO. SUP-9-00. BRANSCOME ENTERPRISES, LLC, BORROW PIT

- WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and
- WHEREAS, the applicant has requested to amend existing Special Use Permit SUP-30-97 to allow for the continued operation of a borrow pit; and
- WHEREAS, the property is currently zoned M-2, General Industrial, designated General Industry on the 1997 Comprehensive Plan Land Use Map; and
- WHEREAS, the property is located approximately 1.2 miles southeast of the terminus Blow Flats Road on property more specifically identified as Parcel No. (1-2) on the James City County Real Estate Tax Map Number (60-3); and
- WHEREAS, on September 6, 2000, the Planning Commission recommended approval of the application by a vote of 5-1 with a five-year time limit.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-9-00 as described herein with the following conditions:

1. An erosion and sediment control plan shall be submitted to, and approved by, the Director of the Environmental Division prior to any new land disturbance occurring on site. All approved erosion and sedimentation control measures shall be installed prior to any clearing or grading of any cell.
2. No more than 40 acres of the site shall be disturbed at any one time.
3. A transitional screening buffer of 50 feet in width shall be provided along the perimeter of the site. The buffer shall be landscaped in accordance with the provisions of the Zoning Ordinance, where necessary, to provide an effective visual buffer.
4. All wooded areas disturbed after the date this special use permit has been issued shall be returned to their forested state. A reforestation plan for the site shall be approved by the Director of Planning prior to any clearing on-site. All restored areas shall be returned to a condition adequate to support and encourage the growth of trees. A minimum of 800 seedlings per acre shall be planted during the reclamation of that portion of the site. This requirement may be waived with written approval from the Director of Planning. The limits of the wooded areas as of the date of this permit are delineated on the map entitled "A Parcel of Land Owned By: Henry S. Branscome located in the Skiffe's Creeks Area of James City County, Va.," and dated April, 1998 (the "Site Map").
5. All buffer areas shall be flagged in the field prior to any new clearing so the operators know the limits of their work. This flagging shall be inspected by the Environmental

Division of James City County prior to any land disturbing activity in the immediate vicinity.

6. The hours of operation shall be limited to daylight hours, Monday through Saturday.
7. This special use permit shall only be valid for those areas covered by the State Bureau of Mines, Minerals and Energy Mining Permit No. 10445 AA, the limits of which are identified on the map submitted with the special use permit request and titled "Progress Renewal Map - Lee/Bickford Borrow Pit Permit No. 10445AA U.S.G.S. Quadrangle: Hog Island James City County, Virginia" and dated February 7, 2000 (the "Progress Renewal Map").
8. No mining shall occur lower than 10.0 feet above mean low water.
9. For the area within the primary ecological boundary (the area defined from the break in the slope at the top of the ravine and including the slopes and bottom of the ravine), no land disturbing activity and no timbering shall occur - this area shall be left in an undisturbed natural state. In a 100-foot buffer from the top of the ravine, trees to be removed shall be approved by the Director of Planning or his designee and shall not be smaller than 18 inches in diameter if a soft wood tree and not smaller than 24 inches in diameter if a hard wood tree. Within the 100-foot buffer, the removal of selected trees shall not significantly impact the existing tree canopy, as determined by the Director of Planning or his designee. Prior to any timbering, a timbering management plan (for purposes of this condition only, the "timbering plan") shall be submitted for the review and approval by the Director of Planning. Such timbering plan shall clearly delineate topography, the limits of the primary ecological boundary and the 100-foot buffer. The timbering plan shall also include storm water management measures to be installed at the top of the ravine to divert rainwater away from the primary ecological boundary. Such timbering plan shall include a maintenance schedule for the continued performance of the stormwater management measures. All approved stormwater management measures shall be installed prior to the commencement of timbering operations. For purposes of this condition, the limits of the "primary ecological boundary" is depicted graphically on the map entitled "Skiffe's Creek Natural Area" which was submitted with this application.
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11. Only "inert material" shall be used as fill during the reclamation of the property. For the purposes of this special use permit, "inert material" shall be defined as "clean soil, broken concrete, broken road pavement, rocks, bricks and broken concrete pipe."

Under no conditions shall fly ash, demolition debris, organic waste material, lumber, or household waste be used as fill.

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 - H. A delineation of the extent of the areas covered by the State Mining Permit.
14. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.
15. This special use permit is valid for a period of five years from the date of approval by the James City County Board of Supervisors.

Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of October, 2000.

RESOLUTION

CASE NO. SUP-9-00. BRANSCOME ENTERPRISES, LLC, BORROW PIT

- WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and
- WHEREAS, the applicant has requested to amend existing Special Use Permit SUP-30-97 to allow for the continued operation of a borrow pit; and
- WHEREAS, the property is currently zoned M-2, General Industrial, designated General Industry on the 1997 Comprehensive Plan Land Use Map; and
- WHEREAS, the property is located approximately 1.2 miles southeast of the terminus Blow Flats Road on property more specifically identified as Parcel No. (1-2) on the James City County Real Estate Tax Map Number (60-3); and
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 - G. A delineation of all areas that have been restored, but not yet released under the State Mining Permit. This delineation shall show final grades for the restored area as well as any stabilization and/or reforestation plan, with implementation time schedule, if applicable.
 - H. A delineation of the extent of the areas covered by the State Mining Permit.
14. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of October, 2000.

MEMORANDUM

DATE: October 10, 2000

TO: The Board of Supervisors

FROM: Doug Powell, Assistant Community Services Manager
Leo P. Rogers, Deputy County Attorney

SUBJECT: Olde Towne Medical Center Lease

Attached is a lease between the County and the Williamsburg Area Medical Assistance Corporation ("WAMAC"). Under the terms of the Lease, the County will provide space in the Human Services Building to WAMAC for the Olde Towne Medical Center. The lease term is five years. WAMAC will occupy approximately 6,245 square feet. The annual rent is \$52,000 for the first year and increases at the rate of four percent each year of the lease term.

Also attached is a resolution authorizing the County Administrator to execute the lease agreement. We recommend adoption of the resolution.

Doug Powell

Leo P. Rogers

CONCUR:

Anthony Conyers, Jr.

DP/LPR/alc
otmlease.mem

Attachments

RESOLUTION

OLDE TOWNE MEDICAL CENTER LEASE

WHEREAS, the Olde Towne Medical Center is providing primary and preventative health care to residents of James City County; and

WHEREAS, the lease of a portion of the Human Services Building will assist the Olde Towne Medical Center in providing medical care to James City County residents.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that Sanford B. Wanner, County Administrator, is authorized and directed to execute the lease between James City County and the Williamsburg Area Medical Assistance Corporation for the operation of the Olde Towne Medical Center.

Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of October, 2000.

otmclease.res