

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

July 24, 2001

7:00 P.M.

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE – Ms. Danielle Campbell - an 8th grade student at James Blair Middle School

C. PUBLIC COMMENT

D. PRESENTATION

1. International Year of Volunteers - Volunteer Recognition - Michael Matthews

E. HIGHWAY MATTERS

F. CONSENT CALENDAR

1. Minutes
 - a. June 26, 2001, Regular Meeting
 - b. June 27, 2001, Work Session
2. Appropriation of Funds – Section 8 Housing Choice Voucher Program
3. Appropriation of Funds - Bulletproof Vest Partnership Program Grant
4. Appropriation of Funds – Department of Alcohol Beverage Control Grant
5. New Kent County Mutual Aid Agreement
6. Purchase of 0.897 Acres of Real Property Adjacent to the Human Services Center

G. PUBLIC HEARINGS

1. Amendment to Chapter 8 - Erosion and Sediment Control Ordinance
2. Deed of Vacation – 10-Foot Easement Behind Old Courthouse
3. Case No. SUP-14-01. JCSA Water Main Alignment

H. BOARD CONSIDERATION

1. Case No. SUP-12-01. Annette Haden Manufactured Home
(deferred from June 26, 2001)

I. PUBLIC COMMENT

J. REPORTS OF THE COUNTY ADMINISTRATOR

K. BOARD REQUESTS AND DIRECTIVES

L. ADJOURNMENT

MEMORANDUM

DATE: July 24, 2001
TO: The Board of Supervisors
FROM: Caroline M. Rhodes, Volunteer Services Coordinator
SUBJECT: International Year of Volunteers - Volunteer Recognition - Michael Matthews

2001 has been designated International Year of Volunteers by the United Nations General Assembly. To celebrate, the Office of Volunteer Services is highlighting outstanding volunteers and the County department they work with each month for the next year. This month, we are recognizing a former member of the Parks and Recreation Advisory Commission, Michael Matthews, President of The Structures Group, Inc., along with him is Ned Cheely, Director of Parks and Recreation.

Since 1994, Mike and his staff at The Structures Group, Inc., have provided complementary advice and professional services for many of the Division's development projects. Among the projects they have completed are the review of all architectural and engineering proposals during the Community Center expansion, feasibility studies for the Little Creek Reservoir Park, bridge restoration project on the Greensprings Trail, James City County Bikeway Plan, and for a new greenway trail and boardwalk, drawing designs for the Little Creek Reservoir Bridge, and the latest project, designing dugout roofs at the District Sports complex.

In addition to the staff work of The Structures Group, Inc., Mike has also personally dedicated many hours of service as a member of the Parks and Recreation Advisory Commission. He assumed the role of Vice Chairman in 1994 and in 1998 became the Chairman. Mike retired from the Commission earlier this year. Although he is no longer serving on the Commission, he continues to be involved with other projects.

Over the past seven years, Mike Mathews has been an invaluable leader in assisting Parks and Recreation in achieving its goals.

Caroline M. Rhodes

CONCUR:

Carol M. Luckam

CMR/tlc
volyear701.mem

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 26TH DAY OF JUNE, 2001, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

John J. McGlennon, Chairman, Jamestown District
Bruce C. Goodson, Vice Chairman, Roberts District

Jay T. Harrison, Sr., Berkeley District
James G. Kennedy, Stonehouse District
Ronald A. Nervitt, Powhatan District

Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. PLEDGE OF ALLEGIANCE

Mr. Eric Jimmison, an 8th grade student at Toano Middle School led the Board and citizens in the Pledge of Allegiance.

C. PUBLIC COMMENT - None

D. PRESENTATIONS

1. Volunteer Recognition – International Year of the Volunteer

Mr. McGlennon recognized Eleanor Davidson, a mentor for the Colonial Community Corrections for six years who provided clients with goal setting, problem solving, and a link to community resources; as well as assisted with the development of the “active listening learning tool” for the Mentoring Orientation program.

2. July – Recreation and Parks Month

Mr. Alan Robertson, Chairman of the Parks and Recreation Advisory Committee, invited citizens to participate in the July activities offered by local Parks and Recreation departments including 56 youth camps.

E. HIGHWAY MATTERS

Mr. Quintin Elliott, Resident Engineer, Virginia Department of Transportation, was available to answer questions from the Board.

Mr. McGlennon requested an update on the status of the Grove Interchange.

Mr. Elliott stated that the environmental issues surrounding the interchange have been resolved and the contractor is on board to complete the job. Currently the bridge is being completed and only waiting to pour concrete for completion.

Mr. Goodson requested information about the shoulder work and drainage on Ron Spring Drive.

Mr. Elliott stated that the shoulder work is preparation for repaving and that drainage work will be completed with the repaving.

Mr. McGlennon requested information about the public meeting to be held early next month regarding Route 359 reconfiguration.

Mr. Elliott stated the public meeting, to be held on July 18, will provide information and invite citizen input regarding the reconstruction/realignment of Route 359 to relocate pedestrian traffic for a safer crossing point at the Jamestown Settlement. Following the public meeting, the results will be forwarded to the Commonwealth Transportation Board for consideration.

The Route 356 relocation/realignment proposal also includes a right-turn lane on Jamestown Road (Route 31) from the ferry.

F. CONSENT CALENDAR

Mr. McGlennon asked if a member wished to pull an item from the consent calendar.

Mr. Harrison made a motion to adopt the items on the consent calendar.

On a roll call vote, the vote was: AYE: Harrison, Kennedy, Nervitt, Goodson, McGlennon (5). NAY: (0).

1. Minutes

a. May 23, 2001, Work Session

b. June 12, 2001, Regular Meeting

2. July – Recreation and Parks Month

RESOLUTION

JULY - RECREATION AND PARKS MONTH

WHEREAS, parks and recreation activities enhance the physical health and mental well-being of individuals, work forces, and communities; and

WHEREAS, parks and open space are vital to the appearance and livability of communities, protect our air and water, and balance our ecosystem.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, proclaims July as Recreation and Parks Month and encourages all citizens of James City County to recognize that recreation and park services are essential to the quality of life.

G. PUBLIC HEARINGS

1. Ordinance for Driving While Intoxicated (D.W.I.) and Traffic Enforcement

Mr. Leo Rogers, Deputy County Attorney, stated that the proposed Ordinance incorporates by reference into the James City County Code, the amendments made by the 2001 General Assembly to the D.W.I. and traffic laws. Additionally, the proposed Ordinance adds Section 13-29 to allow the County to recover from a person convicted of a DWI offense, reasonable expenses incurred by the County police, fire, rescue, and emergency medical services in responding to any accident or incident; and volunteer rescue squads can recover reasonable expenses for responding to such an accident or incident.

The Board and staff discussed the reasonable expenses, method of collection of assessed fees, who would be responsible for determining type of fee assessed, when a fee would be assessed, and who will process and collect the fees.

Mr. McGlennon opened the public hearing.

Mr. McGlennon closed the public hearing as no one wished to speak.

The Board and staff discussed current penalties for DWI's and need for additional penalty.

Mr. Goodson made a motion to adopt the Ordinance.

On a roll call, the vote was: AYE: Kennedy, Nervitt, Goodson, McGlennon (4). NAY: Harrison (1).

2. Case No. SUP-09-01. Mount Gilead Baptist Church – Day Care and Academy

Mr. Abram Frink applied for a special use permit (SUP) to allow for the operation of a day care and an academy inside Mount Gilead Baptist Church, zoned R-2, General Residential, and located at 8660 Pocahontas Trail, further identified as Parcel No. (2-34) on James City County Real Estate Tax Map No. (52-3).

Staff determined that the proposal, with the proposed SUP conditions, would be compatible with surrounding uses and zoning, and consistent with the Comprehensive Plan.

The Planning Commission recommended approval of the application by a vote of 6-0.

Staff recommended approval of the application with the conditions listed in the resolution.

The Board and staff held a brief discussion regarding the utilization of existing Church space.

Mr. McGlennon opened the public hearing.

1. Mr. Abram Frink, applicant, invited Reverend Dawson to speak to the Board on behalf of the applicant.

2. Reverend Dawson stated that there would not be a traffic problem as a result of the dropping off or picking up of children for the program, security will limit access into and out of the building, computers have been donated to the Church for utilization by program participants, intercoms will be installed in the rooms, a neighbor has offered the use of property for a playground to be built, the facility meets the fire codes, and the asbestos level is within the safety threshold.

The Board, Mr. Frink, and Reverend Dawson discussed the use of the facility during elections, certification requirements for the teachers of the programs, ages of day care children, grades to be taught in the academy, number of children permitted by the SUP, academy as an enhancement to current educational options and not a competition to other educational options, and the affordable benefit of the programs to the community.

Mr. McGlennon closed the public hearing as no one else wished to speak.

Mr. Harrison made a motion to adopt the resolution granting the SUP.

On a roll call, the vote was: AYE: Harrison, Kennedy, Nervitt, Goodson, McGlennon (5). NAY: (0).

RESOLUTION

CASE NO. SUP-09-01. MOUNT GILEAD BAPTIST CHURCH DAY CARE AND SCHOOL

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 a special use permit to allow for the operation of a day care and a school inside the existing Mount Gilead Baptist Church located at 8660 Pocahontas Trail; and

WHEREAS, the property is currently zoned R-2, General Residential, and designated Low Density Residential on the 1997 Comprehensive Plan Land Use Map; and

WHEREAS, the property is specifically identified as Parcel No. (2-34) on the James City County Real Estate Tax Map Number (52-3); and

WHEREAS, on June 4, 2001, the Planning Commission recommended approval of the application by a vote of 6-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-9-01 as described herein with the following conditions:

1. This special use permit shall be valid only for the operation of a day care and a school within the existing church, limited to that stated hours of operation, 6:00 a.m. - 6:00 p.m. Monday through Friday, and limited to an enrollment capacity of 104 children maximum.
2. A certificate of occupancy for the day care and school use shall be obtained within two years of SUP approval, or the SUP shall be void.

3. The drop-off and pick-up area for the day care and school shall be limited to the existing entrance located at the rear (north side) of the church.
4. Any new permanent exterior signage advertising the day care and/or school shall be combined with the existing signage for the church and shall be in accordance with Article II, Division 3 of the James City County Zoning Ordinance.
5. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

3. Case No. SUP-11-01. Carrot Tree Bakery at Jamestown Island

Ms. Karen Drake, Planner, stated that Mr. Glen Helseth applied for a special use permit to operate a seasonal concession stand on 22.5 acres, zoned R-8, Rural Residential, at Jamestown Island on APVA property further identified as Parcel No. (1-1) on the James City County Real Estate Tax Map No. (54-2).

Staff determined the proposed use is compatible with existing development at Jamestown Island, is consistent with the surrounding property, and is consistent with the comprehensive plan.

The Colonial National Historical Park has endorsed this project, and at its June 4, 2001, meeting, the Planning Commission voted 6-0 to approve this application.

Staff recommended approval of the application with the conditions listed in the resolution.

Mr. McGlennon opened the public hearing.

Mr. McGlennon closed the public hearing as no one wished to speak.

Mr. Kennedy made a motion to adopt the resolution.

On a roll call, the vote was: AYE: Harrison, Kennedy, Nervitt, Goodson, McGlennon (5). NAY: (0).

RESOLUTION

CASE NO. SUP-11-01. CARROT TREE BAKERY AT JAMESTOWN ISLAND

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, restaurants are a specially permitted use in the R-8, Rural Residential, zoning district; and

WHEREAS, the Planning Commission of James City County, following its public hearing on June 4, 2001, recommended approval of Case No. SUP-11-01 by a vote of 6 to 0 to permit the construction of a restaurant located on the Association for the Preservation of Virginia Antiquities site at Jamestown Island and further identified as Parcel No. (1-1) on James City County Real Estate Tax Map No. (54-2).

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-11-01 as described herein with the following conditions:

1. The concession stand shall operate only when the Colonial National Historical Park at Jamestown Island is open to the public.
2. Trash cans shall be available for use by customers during all operating hours and the trash cans shall be emptied and cleaned on a regular basis.
3. Final site plan approval, including landscaping, shall be received from the Planning Division for the operation of the restaurant within sixty days from the issuance of this special use permit or the permit shall become void.
4. A final Certificate of Occupancy and all associated approvals needed to operate a restaurant shall be received from the Health Department and Code Compliance within sixty days from the issuance of this special use permit or the permit shall become void.
5. The existing concession stand structure shall not be more than 1,000 square feet in size. Site plan approval shall be obtained prior to making any future renovations to the concession stand.
6. This special use permit allows the future relocation of the restaurant business into the adjacent Dale House. Site plan approval shall be obtained prior to making any renovations to remodel the Dale House to accommodate the restaurant. Any exterior alterations shall be approved by the Planning Director.
7. The special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder

4. Case No. SUP-12-01. Annette Haden Manufactured Home

Mr. John Rogerson, Planner, stated that Ms. Annette Marie Haden has applied for a special use permit to replace an existing manufactured home with a new Oakwood 2000 model on .5 acres, zoned R-1, Limited Residential, at 110 Hazelwood Avenue, further identified as Parcel No. (04-0-0007) on the James City County Real Estate Tax Map No. (12-2).

Staff recommended the Board defer this application until the applicant resolves all current County Code violations on the property.

Mr. Rogerson gave a brief overview of new information that has been presented to the staff regarding this case: police report of five visits to Hazelwood Avenue in response to complaints of loud music/noise, a signed petition by residents of Temple Hall Estates opposed to the approval of the permit, and a recorded covenant that may conflict with the issuance of the requested SUP.

The Board and staff discussed staff researching the covenants, animal control calls to the site, applicant taking steps to improve property condition to eliminate Code violations, enforcement of covenants is the responsibility of the Homeowners' Association, and possible environmental violations on the site.

Mr. McGlennon opened the public hearing.

1. Ms. Annette Haden, applicant, stated that she has been a resident at the site until December of 2000 at which time her son and several neighborhood boys moved into the mobile home and caused the property damage. Ms. Haden stated that she is cleaning up the site, but it is taking time.

The Board and Ms. Haden discussed tenants of the mobile home since December of 2000, and if a 30-day deferral of the permit request would allow adequate time to eliminate the Code violations.

2. Ms. Patricia Byerly, 107 Hazelwood Avenue, stated that although she understands Ms. Haden's situation and trying to clean up the site, the site has been in poor condition for a while and stated concerns that although the site will be cleaned up to meet requirements for the application the site may not remain cleaned up.

3. Mr. Brian Frost, 139 Louis Lane, stated that the residents are trying to improve the neighborhood, the residents have been subjected to noise at night from the site, and inquired who is protecting the residents.

The Board and staff discussed right of landowner to continue to utilize the existing manufactured home in the event the permit is denied for the replacement manufactured home and citizen complaints to Code Compliance as a way to monitor site condition.

Mr. Frost stated that the residents are not against the applicant, the residents want to protect the value of their property.

Ms. Haden stated that since her divorce she is the sole occupant of the site.

Mr. McGlennon closed the public hearing.

Mr. McGlennon recommended a motion to defer the application.

The Board briefly discussed the possible positive impact of replacing the manufactured home with a newer model as outlined in the application.

Mr. Goodson made a motion to defer the case until the next regular Board meeting to be held on July 24, 2001.

Mr. Nervitt suggested the motion to defer by Mr. Goodson be amended to an indefinite deferral to allow the applicant adequate time to clean up the area and resolve County Code violations.

Mr. Nervitt suggested the site be looked at as part of the County's Blight Removal Program.

Mr. Morton recommended utilizing the existing Trash and Grass Liens as the Blight Removal Program is not typically targeted at individual homes.

Mr. Nervitt recommended the staff look into remedial action against the site owner as there is concern about the condition of the site and possible conflict with recorded covenants. Mr. Nervitt inquired if the Board can approve replacement of the home if doing so is in conflict with established covenants.

The Board and staff discussed the subdivision, that was recorded prior to the County Subdivision Ordinance, as a source of nonconformance in the application, owner of the home, possible impact of covenants and researching the covenants, and enforcement of ordinances.

Mr. Goodson stated that he could not support an indefinite deferral of the case and moved for a vote on his motion to defer the case until July 24, 2001.

On a roll call, the vote was: AYE: Harrison, Kennedy, Nervitt, Goodson, McGlennon (5). NAY: (0).

Mr. McGlennon requested staff provide the Board with background information regarding the issues surrounding the case before it is brought back to the Board on July 24, 2001.

5. Case No. ZO-3-01. Planned Unit Development Districts

Mr. Paul D. Holt, III, Senior Planner, stated that the proposed Zoning Ordinance revisions adds “Golf Courses” to the list of permitted uses in the Planned Unit Development – Commercial (PUD-C) District, that Golf courses are typically located within planned unit developments, and are already a permitted use within the Planned Unit Development – Residential Districts (PUD-R).

Staff found that golf courses on PUD-C zoned property are consistent with the intent of the PUD Ordinance, and recommends approval of the Ordinance change.

The Planning Commission recommended approval of the amendment by a vote of 5-1 at its meeting held on June 4, 2001.

The Board and staff held a brief discussion concerning the history of the PUD Districts and omission of the golf courses in the PUD-C.

Mr. McGlennon opened the public hearing.

Mr. McGlennon closed the public hearing as no one wished to speak.

Mr. Nervitt made a motion to adopt the Ordinance as amended.

On a roll call, the vote was: AYE: Harrison, Kennedy, Nervitt, Goodson, McGlennon (5). NAY: (0).

H. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, stated that the Board does not enforce covenants, the residents enforce covenants.

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner recommended that the Board recess for a James City Service Authority Board of Directors meeting, following which the Board of Supervisors would reconvene into open session to go into closed session for appointments of individuals to County Boards and/or Commissions pursuant to Section 2.1-344 (A) (1) of the Code of Virginia and to consider the acquisition of a parcel of property for public use pursuant to Section 2.1-344 (A) (3) of Code of Virginia.

J. BOARD REQUESTS AND DIRECTIVES

Mr. Morton requested the floor for a matter of special privilege, and introduced Mr. Greg Dohrman, Assistant County Attorney.

Mr. McGlennon congratulated staff on an exceptional year in receiving eight awards from NACo for innovative programs including: Block Buddies, Fast Track Family Mediation Program, Women of the Future,

Electronic Form Filler-Jeff, James City County Information Message Board, Park-to-Park Program, Teen Tournament Program, and Campaign Learn to Swim.

Mr. McGlennon stated that Mr. Harrison will be accepting the awards at the Annual NACo conference on behalf of the County.

Mr. McGlennon stated that the spillway/walkway across Lake Powell is open again and is a tribute to Mr. Randy Coopers, President, The Friends of Lake Powell, who donated materials and monitored the construction.

Mr. McGlennon recessed the Board at 8:37 p.m. for a James City Service Authority Board of Directors' meeting.

Mr. McGlennon reconvened the Board at 9:31 p.m.

Mr. McGlennon recessed the Board for a break at 9:32 p.m.

Mr. McGlennon reconvened the Board at 9:37 p.m.

K. CLOSED SESSION

Mr. Kennedy made a motion to go into closed session at 9:37 p.m. to consider appointments of individuals to County Boards and/or Commissions pursuant to Section 2.1-344 (A) (1) of the Code of Virginia and to consider the acquisition of a parcel of property for public use pursuant to Section 2.1-344 (A) (3) of Code of Virginia.

On a roll call, the vote was: AYE: Harrison, Kennedy, Nervitt, Goodson, McGlennon (5). NAY: (0).

Mr. McGlennon called the Board into open session at 9:45 p.m.

Mr. Goodson made a motion to adopt the closed session resolution.

On a roll call, the vote was: AYE: Harrison, Kennedy, Nervitt, Goodson, McGlennon (5). NAY: (0).

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, Section 2.1-344(A)(1) to consider a personnel matter(s), the appointment of individuals to County boards/and or commissions; and Section 2.1-344(A)(3) to consider the acquisition of a parcel of property for public use.

Mr. Harrison made a motion to reappoint Mark Rinaldi and John Berkenkamp to the Industrial Development Authority (IDA) for a four-year term, terms to expire June 26, 2005; to appoint Adrienne Wynne to an unexpired term on the Parks and Recreation Advisory Commission, term to expire April 12, 2004; and to appoint Dan Foley to the Social Services Advisory Board for a four-year term, term to expire July 1, 2005.

On a roll call, the vote was: AYE: Harrison, Kennedy, Nervitt, Goodson, McGlennon (5). NAY: (0).

Mr. McGlennon adjourned the Board at 9:58 p.m.

Sanford B. Wanner
Clerk to the Board

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AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 27TH DAY OF JUNE 2001, AT 4:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

John J. McGlennon, Chairman, Jamestown District
Bruce C. Goodson, Vice Chairman, Roberts District

Jay T. Harrison, Sr., Berkeley District, arrived at 4:20 p.m.
James G. Kennedy, Stonehouse District
Ronald A. Nervitt, Powhatan District

Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. BOARD DISCUSSION

1. Water Conservation Program Update

Ms. Lisa Meddin, Water Conservation Coordinator, gave an update on the James City County Service Authority's current and future water conservation programs. She presented the "Let's Be Water Smart" program which is designed to encourage water conservation among citizens and area businesses; the BayScape plantings outside the JCSA building to encourage customers to follow "Water Smart" principles in their landscapes; conservation and the distribution of local drought resistant plant guides developed by the Master Gardeners.

The Board and staff discussed the benefits of the Forest Glen Neighborhood Water Conservation Retrofit Program; participation of local nurseries in conservation efforts; effects of tier pricing in water consumption rates; and targets/measurements to gauge the success of water conservation efforts.

2. Water Usage Update

Mr. Larry Foster, General Manager of the James City Service Authority, gave an overview of the water supply plan to provide adequate infrastructure and water supply while reducing the dependence on the Chickahominy-Piney Point Aquifer. He also provided the Board with water consumption projections through 2015, and regulatory permit requirements.

The Board and staff discussed factors used in the projections of water consumption and County population projections; historical growth projections utilized in prior reports; reliability of Newport News Water Works water supply through the term of the contract; impacts of new plumbing fixtures on water consumption rates; concerns regarding the drops in aquifer levels and the need to drill wells deeper; and the impacts of development on water consumption and conservation efforts.

3. Cash Proffers

Mr. John T. P. Horne, Director of Development Management, and Mr. John McDonald, Manager of Financial and Management Services, gave the Board an overview of the County's current proffer process and issues related to systematic cash proffers as they may apply in James City County.

The Board and staff discussed established systematic cash proffers of Chesterfield and Hanover Counties; increased cost of housing within the Primary Service Area (PSA); cash proffers as a policy and not a County ordinance, the correlation between voluntary proffers and developments approved by the Board, Board consideration of other factors affecting cases in addition to offered proffers; fair treatment of future developers if a policy of cash proffers is imposed; and the exclusion of low-cost housing from potential proffer policies.

The Board directed staff to propose a policy resolution for the Board's consideration.

4. Open Space Land Acquisition Update

Mr. Horne provided the Board with an overview of the open space land acquisition strategy; a summary of the evaluation criteria utilized to assist staff in evaluating and ranking potential properties for acquisition for public use; update of the funds used and available for acquisitions; update of site acquisitions; and an overview of the 2001-2002 goals and objectives for land acquisition strategies.

The Board and staff discussed the desire to protect agricultural and rural lands; the Environmental Protection Agency (EPA) effort around the Powhatan Creek Watershed; and financial backing for acquisition initiatives.

Mr. Harrison made a motion to go into closed session at 5:48 p.m. pursuant to Section 2.1-344 (A) (3) of the Code of Virginia, to consider the acquisition of parcels of property for public use.

On a roll call, the vote was: AYE: Harrison, Kennedy, Nervitt, Goodson, McGlennon (5). NAY: (0).

Mr. McGlennon reconvened the Board into open session at 6:10 p.m.

Mr. Kennedy made a motion to adopt the closed session resolution.

On a roll call, the vote was: AYE: Harrison, Kennedy, Nervitt, Goodson, McGlennon (5). NAY: (0).

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, Section 2.1-344(A)(3) to consider the acquisition of parcels of property for public use.

Mr. Kennedy made a motion to adjourn.

On a roll call, the vote was: AYE: Harrison, Kennedy, Nervitt, Goodson, McGlennon (5). NAY: (0).

Mr. McGlennon adjourned the Board at 6:11 p.m.

Sanford B. Wanner
Clerk to the Board

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MEMORANDUM

DATE: July 24, 2001
TO: The Board of Supervisors
FROM: Richard B. Hanson, Housing and Community Development Administrator
SUBJECT: Appropriation of Funds - Section 8 Housing Choice Voucher Program

On February 13, 2001, the Board of Supervisors approved a resolution which authorized the transfer of Section 8 vouchers for James City County units and the annual contributions contract with HUD from the Virginia Housing Development Authority (VHDA) statewide program to direct administration by OHCD. The direct annual contributions contract with HUD was made effective July 1, 2001, with a baseline allocation of 162 units. In July, landlords leasing units to Section 8 Housing Choice Voucher holders in James City County began receiving housing assistance payment checks from the County rather than from VHDA. The attached resolution appropriates the initial funding obligated by the U.S. Department of Housing and Urban Development (HUD) to the County's Office of Housing and Community Development (OHCD) to operate the Section 8 Housing Choice Voucher Program for Fiscal Year 2002. These funds will be provided in accordance with a direct annual contribution contract with HUD.

In addition to the initial funding covered in this appropriation, HUD has committed to provide us additional funding prior to January 1, 2002, to enable us to meet program expenses through the second half of Fiscal Year 2002.

Staff recommends the Board adopt the attached resolution to amend the Community Development Fund budget to appropriate funds provided by HUD for Section 8 housing assistance payments in addition to Section 8 program administration expenses previously appropriated.

Richard B. Hanson

CONCUR:

Anthony Conyers, Jr.

RBH/gs
section8voucher.mem

Attachment

RESOLUTION

APPROPRIATION OF FUNDS - SECTION 8 HOUSING CHOICE VOUCHER PROGRAM

WHEREAS, the Virginia Housing Development Authority (VHDA) and James City County have entered into a contract to transfer Section 8 units and the annual contribution contract with the U. S. Department of Housing and Urban Development (HUD) from the VHDA statewide program to direct administration by the James City County Office of Housing and Community Development; and

WHEREAS, HUD has committed funds under an initial Annual Contribution Contract to James City County to enable the County to make Housing Assistance Payments on behalf of Section 8 Housing Choice Voucher participants.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, amends the FY 2002 Community Development Fund Budget as follows:

Revenue:

HUD Section 8 Funds	<u>\$362,501</u>
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Expenditures:

Section 8 Housing Assistance Payments	<u>\$362,501</u>
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John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of July, 2001.

MEMORANDUM

DATE: July 24, 2001
TO: The Board of Supervisors
FROM: David A. Daigneault, Chief of Police
SUBJECT: Appropriation of Funds - Bulletproof Vest Partnership Program Grant

James City County has received a reimbursement grant from the Bulletproof Vest Partnership Program in the amount of \$4,095. With these funds the Police Department will be able to purchase 13 bulletproof vests. Staff recommends the Board approve the attached Appropriation Resolution.

David A. Daigneault

DAD/gs
bulletproofvest.mem

Attachment

RESOLUTION

APPROPRIATION OF FUNDS - BULLETPROOF VEST

PARTNERSHIP PROGRAM GRANT

WHEREAS, James City County has received a reimbursement grant from the Bulletproof Vest Partnership Program in the amount of \$4,095.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of the grant and makes the following FY 2002 budget appropriation:

Revenues:

Bulletproof Vest Partnership Program	<u>\$4,095</u>
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Expenditures:

Police Department (001-062-0325)	<u>\$4,095</u>
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John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of July, 2001.

MEMORANDUM

DATE: July 24, 2001
TO: The Board of Supervisors
FROM: David A. Daigneault, Chief of Police
SUBJECT: Appropriation of Funds - Department of Alcohol Beverage Control Grant

The Police Department has joined the Williamsburg/James City County Schools and the Historic Triangle Substance Abuse Coalition in a long-term initiative designed to reduce teen drinking and involve parents in prevention efforts. The Police Department applied for a grant and has received a notification of the grant award from the Virginia Department of Alcohol Beverage Control in the amount of \$5,000. The funds will be used for classroom education materials, parent education pamphlets, a Prom Week program entitled "Every 15 Minutes," and alcosensors. The prevention activities will be conducted by the School Resource Officers and other Police Department personnel.

Staff recommends adoption of the attached resolution.

David A. Daigneault

DAD/adw
schoolgrant.mem

Attachment

RESOLUTION

APPROPRIATION OF FUNDS -

DEPARTMENT OF ALCOHOL BEVERAGE CONTROL GRANT

WHEREAS, the Police Department together with the Williamsburg/James City County Schools and the Historic Triangle Substance Abuse Coalition are engaged in a long-term initiative designed to reduce teen drinking; and

WHEREAS, the Virginia Department of Alcohol Beverage Control has awarded the Police Department a \$5,000 Community Coalition Grant to fund teen drinking prevention and parent education activities.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of the grant and makes the following FY 2002 budget appropriation:

Revenues:

Department of Alcohol Beverage Control	<u>\$5,000</u>
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Expenditures:

Police Department (001-062-0324)	<u>\$5,000</u>
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John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of July, 2001.

MEMORANDUM

DATE: July 24, 2001
TO: The Board of Supervisors
FROM: Richard M. Miller, Fire Chief
SUBJECT: New Kent County Mutual Aid Agreement

James City County provides fire and emergency medical services to a defined geographical area of New Kent County under an existing Mutual Aid Agreement between New Kent County and the James City-Bruton Volunteer Fire Department and the James City Volunteer Rescue Squad. New Kent County makes an annual contribution to the operating budget of each volunteer organization for the Mutual Aid Agreement.

The County has not previously requested compensation for the response of paid fire staff to calls in New Kent County. New Kent County has agreed to reimburse James City County for the cost of paid personnel responding to calls in the defined geographical area. This would be similar to our Mutual Aid Agreement with Charles City County.

The attached resolution authorizes the County Administrator to enter into such a Mutual Aid Agreement.

Staff recommends approval of the attached resolution.

Richard M. Miller

CONCUR:

Sanford B. Wanner

RMM/tlc
newkentaaid.mem

Attachments

RESOLUTION

NEW KENT COUNTY MUTUAL AID AGREEMENT

WHEREAS, the Board of Supervisors of James City County desires a Fire and EMS Mutual Aid Agreement with New Kent County for provision of those services in a defined geographical area of New Kent County, with annual compensation for such services.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to enter into a Fire/EMS Mutual Aid Agreement with New Kent County, Virginia.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of July,
2001.

newkentaaid.res

MEMORANDUM

DATE: July 24, 2001
TO: The Board of Supervisors
FROM: Anthony Conyers, Jr., Community Services Manager
SUBJECT: Purchase of 0.897 Acres of Real Property Adjacent to Human Services Center

The Board instructed staff, in a closed session held on June 26, 2001, to proceed with purchasing a parcel of property fronting on Olde Towne Road adjacent to the Human Services Center.

Attached is the memorandum sent to the Board at that meeting as well as a resolution authorizing the acquisition and the appropriate budget transfer.

Anthony Conyers, Jr.

CONCUR:

Sanford B. Wanner

AC/gb
purchprop.mem

Attachments

RESOLUTION

PURCHASE OF 0.897 ACRES OF REAL PROPERTY

ADJACENT TO HUMAN SERVICES CENTER

WHEREAS, the Board of Supervisors of James City County is interested in acquiring a parcel of property adjacent to the County's Human Services Center to allow for potential expansion and partly funded the acquisition in the current Capital Budget in the amount of \$150,000; and

WHEREAS, the owner of the property at 5237 Olde Towne Road, comprising a parcel of approximately 0.897 acres, is willing to sell at a price of \$198,000.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute those documents necessary to acquire said property.

BE IT FURTHER RESOLVED, that the following budget transfer be approved to allow payment of the asking price of \$198,000:

HSC Property Acquisition	Add	<u>\$48,000</u>
Capital Contingency	Sub	<u>\$48,000</u>

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of July,
2001.

purchprop.res

MEMORANDUM

DATE: July 24, 2001
TO: The Board of Supervisors
FROM: Darryl E. Cook, Environmental Director
SUBJECT: Amendment to Chapter 8 - Erosion and Sediment Control Ordinance

Attached for your consideration is an amended Erosion and Sediment Control Ordinance, Chapter 8 of the County Code. Two of the proposed changes, contained in Sections 8-4(c) and 8-6(b), are required to bring the Ordinance into conformance with the recently amended State Code. The State Code was amended to require the designation of a "Responsible Land Disturber," an individual with a certificate of competence in erosion control issued by the State. Before this Code Amendment, County approval of erosion control plans or the issuance of Land Disturbing Permits was granted to any project applicant.

The second change, presented in Section 8-5(h), involves increasing the length of term for an approved erosion control plan from 180 days to one year. This change will reduce the workload necessary to renew the plan and permit for both County staff and the project owner or permittee. The one-year term for the plan will result in having the plan/permit review coincide with the annual review of the status of each project's performance surety instrument.

Staff recommends the Board adopt the attached Ordinance.

Darryl E. Cook

CONCUR:

John T. P. Horne

DEC/tlc
esctrlord.mem

Attachment

MEMORANDUM

DATE: July 24, 2001
TO: The Board of Supervisors
FROM: Frank M. Morton, III, County Attorney
SUBJECT: Deed of Vacation - 10-Foot Easement Behind Old Courthouse

By resolution dated November 14, 2000, the Board authorized the sale of the old Courthouse to the Colonial Williamsburg Foundation (the "Foundation") as had the City of Williamsburg at an earlier date. Subsequently, Lawyer's Title noted as an exception to the title a 10-foot easement granted to the City of Williamsburg and the County from Colonial Williamsburg by deed dated November 3, 1966. This easement for ingress and egress is, in reality, the alley behind the Courthouse and between the Courthouse and the DeWitt Wallace Decorative Arts Gallery.

Because the County and City have conveyed the Courthouse to the Foundation and there is no longer any need for the easement, it is staff's opinion that the easement has been extinguished by operation of law. Nevertheless, in order to put the action to record to enable someone doing a title search to have all the information before them, staff recommends the Board adopt the attached resolution authorizing execution of a Deed of Vacation dated April 18, 2001, which the City has previously executed.

Frank M. Morton, III

FMM/adw
courthouse.mem

Attachments

RESOLUTION

DEED OF VACATION - 10-FOOT EASEMENT BEHIND OLD COURTHOUSE

WHEREAS, the Colonial Williamsburg Foundation (the "Foundation"), for purposes of ingress and egress, conveyed by Deed of Easement in 1966 a 10-foot easement located behind the old Courthouse to the City of Williamsburg and County of James City to serve the old Courthouse; and

WHEREAS, the County and the City have conveyed their respective interests in the Courthouse to the Foundation, and as such they no longer have any need for said easement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute that certain Deed of Vacation dated April 18, 2001, conveying a 10-foot easement located behind the old Courthouse to the Colonial Williamsburg Foundation.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of July, 2001.

courthouse.res

**SPECIAL USE PERMIT-14-01. JCSA Water Main Alignment
Staff Report for July 24, 2001, 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: July 2, 2001, 6:00 p.m., Building C Board Room
 Board of Supervisors: July 24, 2001, 7:00 p.m., Building C Board Room (Pre-advertised)

SUMMARY FACTS

Applicant: Mr. Danny Poe, on behalf of James City Service Authority

Land Owner: James City Service Authority and Mr. Matthew Broderick

Proposed Use: Installation of a 30-inch force main from Powhatan Secondary area to Greensprings Plantation Drive along Monticello Avenue Extension and a connecting 20-inch force main from the Monticello Avenue Extension along Greensprings Plantation Drive. In both of these sections the force main would be installed within Virginia Department of Transportation (VDOT) right-of-way. From Greensprings Plantation Road the force main would enter private property owned by Greensprings Associates and connect into a lift station approved under a previous special use permit.

Location: The proposed force main would be located along Monticello Avenue Extension within VDOT right-of-way running to the Greensprings Plantation Drive intersection. The force main would then continue down Greensprings Plantation Drive and enter private property owned by Greensprings Associates.

Tax Map and Parcel No.: (37-3 and 4) VDOT right-of-way and (37-3)(1-5) and (46-1)(1-1) private property owned by Greensprings Associates

Primary Service Area: Inside

Existing Zoning: PUD-R; Planned Unit Development Residential

Comprehensive Plan: Low-Density Residential

Staff Contact: Ben Thompson, Phone: 757-253-6685

STAFF RECOMMENDATION:

Staff finds this proposal to be consistent with the Comprehensive Plan and consistent with the surrounding zoning. Staff recommends that the Board of Supervisors approve the special use permit with the conditions listed in the staff report. On July 2, 2001, the Planning Commission voted unanimously to recommend approval of this application.

History

This special use permit request is to realign the layout for a future force main. A connection similar to this application was approved with a former special use permit. The motivation for the realignment and amendment to the previous special use permit is to decrease potential environmental impacts when crossing Powhatan Creek and to increase accessibility to the force main for installation and maintenance. A large portion of the previous alignment would have been installed on private property which is owned by Greensprings Associates, and runs parallel to Powhatan Creek.

Description of Project

This application proposes the installation of a 30-inch force main from the Powhatan Secondary area to Greensprings Plantation Drive along Monticello Avenue Extension and a connecting 20-inch force main from the Monticello Avenue Extension along Greensprings Plantation Drive. In both of these sections, the proposed force main would be installed within VDOT right-of-way. From Greensprings Plantation Drive the proposed force main would enter private property (owned by Greensprings Associates) and connect into a previously approved lift station. Force mains and associated facilities, including transmissions mains, that are intended to serve a number of customers and that are not accessory to an existing or proposed development, require a special use permit.

Surrounding Zoning and Development

One zoning classification, PUD-R, Planned Unit Development Residential, covers the entirety of this proposal. Adjacent parcels are primarily undeveloped, but are zoned for planned communities. These developments include Powhatan Secondary, Greensprings Plantation, and the Hidden tract.

Physical Features and Environmental Considerations

The majority of the proposed force main is to be located within the Virginia Department of Transportation right-of-way. However, on the south end of Greensprings Plantation Drive the proposed force main would cut across private property (owned by Greenspring Associates) to reach a previously approved lift station. Greensprings Associates has agreed to this cut across its property. While the roadway portion of Monticello Avenue Extension is still under construction, Greensprings Plantation Drive is completed. Most of Greensprings Plantation Drive is improved with small clusters of pines, a few single cedars, maples, and hollies scattered along the road, but they are largely outside the proposed construction area of 4 to 8 feet from the edge of pavement. JCSA does not expect to remove any of the trees, although a few may be impacted by the construction. In the event any tree, bush, or shrub is damaged during construction, staff has drafted a condition that would require the applicant to replace the vegetation with one of equal type as approved by the Planning Director.

The force main installation would cross Powhatan Creek via a bridge which will be dedicated to VDOT upon completion of Monticello Avenue Extension. The proposed crossing and realignment would significantly decrease potential impacts to the Powhatan Creek Watershed.

Traffic Impacts

No specific schedule has been set for the construction of the proposed water main. During construction, traffic along both east- and westbound lanes along Monticello Avenue Extension and north- and southbound lanes along Greensprings Plantation Drive would be affected. Traffic will be slowed by an alternating direction signal lane adjacent to the area under construction. All construction will occur during off-peak hours between 9:00 a.m. and 4:00 p.m. to minimize the impact on the community.

Public Utilities

The property is within the Primary Service Area (PSA). The Comprehensive Plan defines the Primary Service Area as areas presently provided with public water and sewer and high levels of other public services, as well as areas expected to receive such services over the next 20 years. Promoting efficiency in the delivery of public services is an important concept in the Comprehensive Plan. The PSA concept encourages efficient utilization of public facilities and services and promotes public health and safety through improved emergency response time. The proposed water main would connect to an existing water line and would improve fire flow as well as provide connections to public water.

Comprehensive Plan Considerations

Land Use Designation

The Comprehensive Plan Land Use Map designates this area as Low Density Residential. Low Density Residential areas are located inside the Primary Service Areas where public utilities and services exist or are expected to be expanded to serve the area over the next 20 years.

Aesthetics

No drainage structures will need to be relocated as a result of this proposed project. However, as stated previously, any unanticipated damage that occurs to the minimal vegetation will be mitigated with vegetation of an equal type as approved by the Director of Planning. This project will be attached to the bridge.

Historical and Archaeological Impact

There are no known archaeological or historic sites on the property as indicated by the James City County Archaeological Assessment. Because the project is within an area previously disturbed by road construction, the probability of any significant finds is minimal.

Recommendation

Staff finds this proposal to be consistent with the Comprehensive Plan and consistent with previous actions taken by the Board of Supervisors. On July 2, 2001, the Planning Commission voted unanimously to recommend approval of this application.

1. All required permits and easements shall be acquired prior to the commencement of construction. If construction has not commenced on the project within twenty-four months from the date of issuance of the special use permit, the permit shall become void. Construction shall be defined as clearing, grading, and excavation of trenches necessary for the water main.
2. For pipeline construction adjacent to existing development, adequate dust and siltation control measures shall be taken to prevent adverse effects on the adjacent property. It is intended that the present and future results of the proposed water transmission main do not create adverse effects on the public health, safety, comfort, convenience, or value of the surrounding property and uses thereon.
3. All bridge attachments shall be approved by the Virginia Department of Transportation.
4. The applicant shall avoid removing trees, bushes, and shrubs along the force main corridor. Trees, bushes, and shrubs damaged during construction that are not designated on the site plan to be removed, will be replanted with a tree, bush, or shrub of equal type as approved by the Planning Director.

5. Construction vehicles and/or equipment shall not be parked or stored on Greensprings Plantation Road or Monticello Avenue Extension between the hours of 5:00 p.m. and 7:00 a.m.
6. 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/gs
sup14-01.wpd

Attachments:

1. Planning Commission Minutes
2. Location Map
3. Letter of Agreement from Private Property Owner
4. Resolution

RESOLUTION

CASE NO SUP-14-01. JCSA WATER MAIN ALIGNMENT

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, James City Service Authority has applied for a special use permit to allow the installation of a force main along Monticello Avenue within Virginia Department of Transportation (VDOT) right-of-way to the Greensprings Plantation Drive intersection and following Greensprings Plantation Drive to private property owned by Greensprings Associates; and

WHEREAS, the property is located on land zoned PUD-R, Planned Unit Development, Residential, and can be further identified as Monticello Avenue right-of-way on James City County Real Estate Tax Map Nos. (37-3 and 4), and Parcel Nos. (1-5) and (1-1) on James City County Real Estate Tax Map Nos. (37-3) and (46-1), respectively; and

WHEREAS, the Planning Commission, following its public hearing on July 2, 2001, 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-14-01 as described herein with the following conditions:

1. All required permits and easements shall be acquired prior to the commencement of construction. If construction has not commenced on the project within twenty-four months from the date of issuance of the special use permit, the permit shall become void. Construction shall be defined as clearing, grading, and excavation of trenches necessary for the water main.
2. For pipeline construction adjacent to existing development, adequate dust and siltation control measures shall be taken to prevent adverse effects on the adjacent property. It is intended that the present and future results of the proposed water transmission main do not create adverse effects on the public health, safety, comfort, convenience, or value of the surrounding property and uses thereon.
3. All bridge attachments shall be approved by the Virginia Department of Transportation.
4. The applicant shall avoid removing trees, bushes, and shrubs along the force main corridor. Trees, bushes, and shrubs damaged during construction that are not designated on the site plan to be removed, will be replanted with a tree, bush, or shrub of equal type as approved by the Planning Director.
5. Construction vehicles and/or equipment shall not be parked or stored on Greensprings Plantation Road or Monticello Avenue Extension between the hours of 5:00 p.m. and 7:00 a.m.

6. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of July,
2001.

sup1401.res

**SPECIAL USE PERMIT-12-01. Annette Haden Manufactured Home
Staff Report for July 24, 2001, Board of Supervisors Consideration (deferred from June 26,
2001)**

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
Board of Supervisors: June 26, 2001, 7:00 p.m. (deferred)
 July 24, 2001, 7:00 p.m.

SUMMARY FACTS

Applicant/Land Owner: Ms. Annette Marie Haden

Proposed Use: Manufactured Home

Location: 110 Hazelwood Avenue

Tax Map and Parcel No.: (12-2)(04-0-0007)

Primary Service Area: Inside

Parcel Size: .5 acres

Existing Zoning: R-1, Limited Residential

Comprehensive Plan: Low-Density Residential

Surrounding Zoning: All adjacent properties are zoned R-1, Limited Residential

Staff Contact: John Rogerson - Phone: 253-6685

STAFF RECOMMENDATION:

This case was deferred from the June 26, 2001, Board of Supervisors meeting to allow the applicant time to correct County Code Violations. While significant progress has been made to date, at this writing there is still one County Code Violation at this location. The violation is an inoperable vehicle.

Staff recommends the Board of Supervisors defer this application until the applicant resolves the inoperable vehicle violation on the property.

Miscellaneous

There is no homeowner's association for Temple Hall Estates but there are valid covenants. Therefore, any homeowner can file an action for an alleged violation of the covenants. Staff is not aware of any action on the other manufactured homes in Temple Hall Estates.

The covenants have been reviewed by the Deputy County Attorney, Mr. Leo Rogers. Mr. Rogers has stated that, given the language in the covenants, it is unclear whether a new manufactured home would violate the covenants. This is a decision to be made, if at all, by a Court.

Given this information, staff intends to focus on the land use issues involved with the proposal.

History

The applicant requested permission to replace the existing manufactured home which is twenty-four feet wide and fifty-three feet long, and has four bedrooms and one and a half bathrooms. It was placed on the parcel in the 1970's.

Description of Project

The proposed manufactured home is a new Oakwood 2000 model which is twenty-eight feet wide by seventy-six feet long. It is a four-bedroom model with two bathrooms. The existing manufactured home is nonconforming because it is located in a residential zoning district within the primary service area.

Surrounding Zoning

Adjacent properties are zoned R-1, Limited Residential. The immediate area is surrounded with single-family dwellings.

Surrounding Area

There are four manufactured homes within 2,000 feet. The nearest manufactured home is approximately 450 feet from the site.

Access

The parcel fronts on Hazelwood Avenue, which is a dirt road approximately 400 feet long. There are only two properties which use this road for access.

Public Utilities

The manufactured home is located within the Primary Service Area, but will be served by the existing well and septic system. The Health Department will approve or require upgrades to existing system prior to issuance of a Building Permit.

Screening

The parcel is wooded, however staff recommends that the applicant plant five screening plants two-feet tall and three-feet apart along the front of the new manufactured home. Plant type and location shall be approved by the Planning Director.

Recommendation

The proposed manufactured home, with the conditions noted below, would meet the administrative guidelines for the placement of new manufactured homes. While this application represents a continuation of a nonconforming use with respect to placement of manufactured homes in the R-1, Limited Residential Zoning District, it does provide an improvement in living conditions for the applicant. However, staff recommends the Board of Supervisors defer this Special Use Permit application, until the applicant corrects the County Code Violation on the property. Should the Board choose to approve the request, staff recommends the following conditions:

1. This permit shall be valid only for the 2000 Oakwood Model double-wide unit described on the Special Use Permit application. 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 permit is not exercised within one year from the date of approval, it shall become void.
2. The manufactured home shall meet the requirements of the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards. The manufactured home shall have a visible foundation of skirting in place within 30 days of placement. The tongue and axle of the manufactured home shall be removed if not covered by the skirting.
3. The existing mobile home shall be removed from the site prior to the placement of the new manufactured home.
4. The applicant shall plant five screening plants two-feet tall and three-feet apart along the front of the new manufactured home within 60 days of receiving the final Certificate of Occupancy. Plant type and location shall be approved by the Planning Director.
5. This Special Use Permit is not severable; invalidation of any word, phrase, clause, sentence, or paragraph, shall invalidate the remainder.

John C. Rogerson

CONCUR:

O. Marvin Sowers, Jr.

JCR/tlc
sup1201-2.wpd

Attachments:

1. Map
2. Photographs
3. Resolution

RESOLUTION

CASE NO. SUP-12-01. ANNETTE HADEN 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 that the Board of Supervisors of James City County, Virginia, grants a special use permit for the replacement of a manufactured home on property owned and developed by the applicant as described below.

Applicant: Annette Marie Haden

Real Estate Tax Map ID: (12-2)

Parcel No.: (04-00-007)

Address: 110 Hazelwood Avenue

District: Stonehouse

Zoning: R-1, Limited Residential

- Conditions:
1. This permit shall be valid only for the 2000 Oakwood Series double-wide unit applied for. If the manufactured home is removed, this permit shall be void. Any replacement shall require a new permit from the Board of Supervisors. If the permit is not exercised, it shall become void one year from the date of approval.
 2. The manufactured home shall meet the requirements of the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards. The manufactured home shall have a visible foundation of skirting in place within 30 days of placement. The tongue and axle of the manufactured home shall be removed if not covered by skirting.
 3. The existing mobile home shall be removed from the site prior to the placement of the new manufactured home.
 4. The applicant shall provide additional vegetative screening in front of the manufactured home. Plant type and location shall be approved by the Planning Director.

5. This Special Use Permit is not severable; invalidation of any work, phrase, clause, sentence, or paragraph shall invalidate the remainder.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of July,
2001.

sup1201-2.res