

**A G E N D A**

**JAMES CITY COUNTY BOARD OF SUPERVISORS**

**County Government Center Board Room**

**October 8, 2002**

**7:00 P.M.**

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**A. ROLL CALL**

**B. MOMENT OF SILENCE**

**C. PLEDGE OF ALLEGIANCE** - Ms. Natalie Fort, a sophomore at Lafayette High School

**D. PUBLIC COMMENT**

**E. PRESENTATION**

1. Hampton Roads Transportation Referendum Briefing Book - James L. Eason

**F. CONSENT CALENDAR**

1. Minutes
  - a. September 24, 2002, Work Session
  - b. September 24, 2002, Regular Meeting
2. Williamsburg Area Transport
  - a. Appropriations
  - b. New Positions

**G. PUBLIC HEARINGS**

1. Establishment of Carter's Grove Agricultural and Forestal District (AFD-01-02)
2. Case No. SUP-16-02. Williamsburg Honda
3. Sale of Surplus Property at 115 Hazelwood Avenue

**H. PUBLIC COMMENT**

**I. REPORTS OF THE COUNTY ADMINISTRATOR**

**J. BOARD REQUESTS AND DIRECTIVES**

**K. ADJOURNMENT**

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 24TH DAY OF SEPTEMBER, 2002, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.**

**A. ROLL CALL**

James G. Kennedy, Chairman, Stonehouse District  
Jay T. Harrison, Sr., Vice Chairman, Berkeley District  
John J. McGlennon, Jamestown District  
Michael J. Brown, Powhatan District  
Bruce C. Goodson, Roberts District

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

**B. MOMENT OF SILENCE**

Mr. Kennedy requested the Board and citizens observe a moment of silence.

**C. PLEDGE OF ALLEGIANCE**

Ms. Brianna Bates, a student at Jamestown High School, led the Board and citizens in the Pledge of Allegiance.

**D. PUBLIC COMMENT**

1. Ms. Loretta Hannum, 130 Kingspoint Drive, spoke on behalf of the League of Women Voters requesting the Board, by resolution, support the Educational Facilities Bond Act that would provide funding for facility renovations at the College of William & Mary and assistance with the Thomas Nelson Community College educational facility in Williamsburg.

2. Mr. Jerry Burchette, 105 Timberwood Drive, requested the Board consider repealing Section 15-36(C) of the County Code that requires hunting be done from tree stands.

The Board requested Mr. Morton provide the Board with information regarding Section 15-36(C) of the Code and recommendation on Mr. Burchette's request.

3. Ms. Mary Anne Abbondanzo, 131 Stanley Drive, requested assistance from the Service Authority in the consideration of large families that conserve water. Ms. Abbondanzo stated she had high water bills that are being assessed at the third-tier rate due to her large family.

The Board requested Mr. Foster provide the Board with information regarding the impacts of the three-tier rate adjustments and what consideration could be offered to large families.

4. Mr. Philip Forgit, 110 Deerwood Drive, thanked members of the Board for its willingness to review and suggest alternatives in the realignment within school programming, and stated opposition to the proposed tax rate reduction.

5. Mr. Thomas Powers, 133 Jerdone Road, President of the Williamsburg Land Conservancy, thanked the Board for its assistance in the preserving the tree buffer along Route 5 (John Tyler Highway).

6. Mr. Mike Halpin, 1203 Penniman Road, stated opposition to a tax rate reduction and requested the Board keep the tax rate at its current level.

7. Ms. Karen Schumacher, 119 Elizabeth Harris Drive, Executive Director of the Williamsburg Land Conservancy, thanked the Board and staff for assisting in the preservation of the tree buffer along Route 5 (John Tyler Highway).

8. Mr. Ralph Bresler, 3028 John Vaughan Road, requested the Board not reduce the tax rate.

9. Mr. Bill Frymoyer, 3136 Parkside Lane, thanked the Board for its assistance in preserving the tree buffer along Route 5 (John Tyler Highway).

10. Mr. Ed Oyer, 139 Indian Circle, stated concern regarding the uncertain economic conditions throughout the world, requested the Board cut expenditures if it cuts the tax rate, stated concern about adjusting employee grades without adjusting employee's pay accordingly, and stated concern that the Commonwealth is one of the third highest assessors of taxes on phones in the United States.

## **E. PRESENTATIONS**

### **1. E-Man Coloring Contest Winners**

Mr. Kennedy and Mr. Harrison, on behalf of the Board of Supervisors and County, recognized Miss Isabella Gordineer, Miss Morgan Wright, and Miss Kristin Bunn for winning the E-Man Coloring Contest, and presented them with a day-pass to the Community Center and a shirt showing their winning entries.

### **2. 2002 Development Potential Analysis**

Mr. Joe McCleary, a member of the Development Potential Analysis Committee, made a presentation summarizing the findings and conclusions of the 2002 Development Potential Analysis efforts of the Citizen Advisory Committee to get information out to citizens as well as receive input from citizens on the Comprehensive Plan; encouraged Board guidance; and invited members of the Board to attend the October 7 Planning Commission meeting where Kimley-Horn will present the 2002 Development Potential Analysis in greater detail.

### **3. FY02 Strategic Management Plan Year-End Report**

Ms. Rona J. Vrooman, Training and Quality Performance Coordinator, presented a year-end report on the FY02 Strategic Management Plan and highlighted some of the targeted goals.

**F. HIGHWAY MATTERS**

Mr. Steven Hicks, Resident Engineer for the Virginia Department of Transportation (VDOT), stated that shoulder along Route 614 (Centerville Road) between Longhill Road and Jolly Pond Road will be widened by the end of January 2003; the intersection of Route 637 (Quarterpath Road) and Route 199 is being reviewed; the Public/Private Transportation Act (PPTA) for the Route 199 Jamestown Corridor improvements has been approved, but has not been signed; and the overlay project on Route 199 addressed maintenance issues and will assist in the PPTA project.

Mr. McGlennon requested the tree damaged by a vehicular accident at the intersection of Route 5 and Route 614 be removed.

Mr. Kennedy thanked VDOT for its quick response to the trash and grass situation along Route 665 (Chickahominy Road), and requested VDOT review the signage requests for Chickahominy Haven.

**G. CONSENT CALENDAR**

Mr. Kennedy asked if a member wished to pull an item from the Consent Calendar.

Mr. Kennedy requested Item Number 4, Crop Disaster Area Declaration, be pulled.

Mr. Harrison made a motion to adopt the remaining items on the Consent Calendar.

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

1. Minutes

- a. August 13, 2002, Regular Meeting
- b. September 10, 2002, Special Meeting
- c. September 10, 2002, Regular Meeting

2. Recreation Grant-in-Aid Program Awards

**RESOLUTION**

**RECREATION GRANT-IN-AID PROGRAM AWARDS**

WHEREAS, the James City County Board of Supervisors approved \$25,000 for the Grant-in-Aid Program in FY 2002 for community park projects and programs; and

WHEREAS, three organizations, to include Williamsburg Youth Football League, Clara Byrd Baker PTA, and the Williamsburg Area Bicyclists, have applied for funds that support recreation projects.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the matching grant awards to the above mentioned organizations.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following expenditures:  
EXPENDITURES:

Grant-in-Aid Account (0130220900)

Williamsburg Youth Football League	\$3,000
Clara Byrd Baker PTA	\$4,000
Williamsburg Area Bicyclists	<u>\$ 175</u>
Total	<u>\$7,175</u>

3. Resolution of Approval for Multifamily Housing Revenue Refunding Bond Series 2002 Issue for Chambrel at Williamsburg Project

**RESOLUTION**

**APPROVAL FOR MULTIFAMILY HOUSING REVENUE REFUNDING BOND**

**SERIES 2002 ISSUE FOR CHAMBREL AT WILLIAMSBURG PROJECT**

WHEREAS, the Industrial Development Authority of the County of James City, Virginia (the "Authority") has considered the application of CMCP-Williamsburg, LLC, a Delaware limited liability company (the "Owner") for the issuance of the Authority's Variable Rate Demand Multifamily Housing Revenue Refunding Bonds in an amount not to exceed \$25,000,000 (the "Bonds") to refund all or a portion of the Authority's \$13,707,550 Rental Housing Revenue Refunding Bonds (Williamsburg-Oxford Retirement Community Project) 1996 Series A and \$11,292,450 Rental Housing Revenue Refunding Bonds (Williamsburg-Oxford Retirement Community Project) 1996 Series B (collectively the "1996 Bonds"), the proceeds of which were used to refund the Authority's \$25,000,000 Elderly Residential Mortgage Revenue Bonds (Williamsburg-Oxford Project) (the "1985 Bonds"), the proceeds of which were used to make a loan to Williamsburg-Oxford Limited Partnership, a Maryland limited partnership (the "Original Owner") to finance the acquisition, construction, and equipping by the Original Owner of a 256-unit elderly residential rental project known as Chambrel at Williamsburg, located at 3800 Treyburn Drive, Williamsburg, Virginia (the "Project"), twenty percent (20%) of the units of which are to be occupied by individuals of low or moderate income, and has held a public hearing thereon on September 12, 2002; and

WHEREAS, the Authority has recommended that the Board of Supervisors (the "Board") of James City County, Virginia (the "County") approve the refunding of the 1996 Bonds and issuance of the Bonds by the Authority to comply with Section 147(f)(2) of the Internal Revenue Code of 1986, as amended (the "Code"), and Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code"); and

WHEREAS, a record of the public hearing held on the issuance of the Bonds has been filed with the Clerk of the Board.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that:

1. The holding of a public hearing with respect to the refunding of the 1996 Bonds and the Project by the Authority at 1:30 p.m. on September 12, 2002, at 101-C Mounts Bay Road, Williamsburg, Virginia, in accordance with the requirements of Section 147(f) of the Code, and Section 15.2-4906 of the Code of Virginia, is hereby ratified.
  2. The Board approves the refunding of the 1996 Bonds and further approves issuance of the Bonds by the Authority for the benefit of the Owner, to the extent of and as required by Section 147(f)(2) of the Code, and Section 15.2-4906 of the Code of Virginia, to permit the Authority to assist in the refunding of the 1996 Bonds.
  3. The approval of the issuance of the Bonds, as required by Section 147(f)(2) of the Code and by Section 15.2-4906 of the Virginia Code, does not constitute an endorsement of the Bonds or the credit worthiness of the Owner, and the Bonds shall provide that neither the County nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and monies pledged therefor, and neither the faith or credit nor the taxing power of the Commonwealth, the County, nor the Authority shall be pledged thereto.
  4. All acts of the officers and members of the Board which are in conformity with the purposes and intent of this Resolution shall be, and the same hereby are, in all respects, satisfied, approved and confirmed.
  5. This resolution shall take effect immediately upon its adoption.
5. Request to Congress to Appropriate Funds for the Removal of the Environmentally Hazardous Vessels from the James River Reserve Fleet

## **RESOLUTION**

### **REQUEST TO CONGRESS TO APPROPRIATE FUNDS FOR THE REMOVAL OF THE ENVIRONMENTALLY HAZARDOUS VESSELS FROM THE JAMES RIVER RESERVE FLEET**

- WHEREAS, the James River Reserve Fleet, commonly known as the Ghost Fleet, is moored on the James River near Fort Eustis; and
- WHEREAS, the United States Maritime Administration has identified the Reserve Fleet as a serious and increasing environmental threat to the Hampton Roads region; and
- WHEREAS, the environmental risk of a large oil and fuel spill is heightened by the threat of storm or hurricane-related damage that would result in the heavy pollution of the waters, shores, beaches, and wetlands, thereby causing hundreds of thousands to millions of dollars in environmental damage.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, urges Congress to appropriate the necessary funds for the removal of the obsolete, environmentally hazardous vessels from the James River Reserve Fleet in order to protect the waters, shores, beaches, and wetlands from ecological disaster.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, directs the County Administrator to forward a copy of this resolution to each member of the Virginia delegation to the House of Representatives, and to both Virginia's U. S. Senators.

6. Award of Contract – Wexford Hills Subdivision Section 1 – Street and Stormwater Improvements

**RESOLUTION**

**AWARD OF CONTRACT - WEXFORD HILLS SUBDIVISION**

**SECTION 1 - STREET AND STORMWATER IMPROVEMENTS**

WHEREAS, the developer of Wexford Hills Subdivision, Section 1, has not completed streets and stormwater facilities acceptable to the Virginia Department of Transportation (VDOT); and

WHEREAS, the County has cashed the developers Subdivision Bond providing sufficient funds to award the work to Toano Contractors, Inc.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute a contract with Toano Contractors, Inc., for this work in the amount of \$122,827.

7. USDA Farmland Protection Program Grant – Cooperative Agreement

**RESOLUTION**

**USDA FARMLAND PROTECTION PROGRAM GRANT - COOPERATIVE AGREEMENT**

WHEREAS, funds are needed to assist with the purchase of conservation easements on parcels identified during the initial Purchase of Development Rights (PDR) application period that closed on May 31, 2002; and

WHEREAS, the United States Department of Agriculture may fund the purchase of conservation easements.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute the Cooperative Agreement between the United States of America and Commodity Credit Corporation for the Farmland Protection Program, and to accept any grant funds awarded.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, certifies that the funds shall be used in accordance with the Cooperative Agreement for the Farmland Protection Program.

4. Crop Disaster Area Declaration

Mr. William C. Porter, Jr., Assistant County Administrator, stated that based on information from the Virginia Cooperative Extension Service, the extreme drought conditions have seriously impacted the County's crop yields.

Staff recommends the Board adopt a resolution requesting the Governor to declare the County a disaster area for the agricultural industry.

Mr. Kennedy inquired if the County would assist farmers with tax payment arrangements without assessing penalties.

Ms. Ann Davis, Treasurer, stated that the County is always willing to work out payment arrangements and would look at the provisions permitted in the Code to find alternative methods for payment arrangements.

Mr. Kennedy made a motion to adopt the resolution.

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

**RESOLUTION**

**CROP DISASTER AREA DECLARATION**

WHEREAS, agriculture is a vital element of the economic base of James City County; and

WHEREAS, weather conditions have created a drought seriously affecting the yields of crops and the available resources of the County are insufficient to cope with the effects of the drought; and

WHEREAS, the cost of production of these crops is greater than the value of the commodity in the marketplace.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, that a state of agricultural emergency is declared to exist in the County and hereby requests The Honorable Mark R. Warner, Governor of the Commonwealth of Virginia, to declare James City County a disaster area for the agricultural industry and to make available all possible assistance to farmers.

**H. BOARD CONSIDERATIONS**

1. Real Property Tax Rate

Mr. John E. McDonald, Manager of Financial and Management Services, stated that the Board held a Public Hearing on September 10 regarding the tax rate on real property for FY 03.

Staff recommended the Board approve the resolution retaining the tax rate on real property at \$0.87 per \$100 of assessed value.



The Board and staff held a discussion regarding the fiscal impacts with changing the tax rate after the land book has been issued or after January 1.

Mr. McGlennon made a motion to adopt the resolution.

Mr. Brown presented fiscal materials regarding the County's population and anticipated growth vs. property taxes collected vs. the County's Adopted Budget figures.

The Board and staff held a discussion defining out the residential property taxes from general property tax figures; anticipated impacts to localities from State shortfalls; perceived citizens' priorities of County services in the face of these significant economic issues; and the opportunity to discuss Budget expenditure and revenue questions at the Board retreat in October specifically to discuss the Budget.

The Board held a discussion regarding the market values and property sale activities in the County impacting the property values and collected property taxes; biannual assessments; possible Budget expenditure reductions; and the Contingency Fund.

Mr. Brown requested an amendment to the motion to reduce the tax rate to \$0.86 after January 1, 2003.

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

Mr. Kennedy requested a roll call vote on Mr. McGlennon's motion to retain the current tax rate at \$0.87.

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

## **RESOLUTION**

### **REAL PROPERTY TAX RATE**

WHEREAS, the Board of Supervisors has, in accordance with the requirements of Section 58.1-3321 of the Code of Virginia, held a public hearing on the increase in real property taxes caused by a reassessment of property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby establishes \$0.87 per \$100 of assessed value as the real property tax rate for the fiscal year ending June 30, 2003.

At 8:44 p.m., Mr. Kennedy recessed the Board for a break.

At 8:52 p.m., Mr. Kennedy reconvened the Board.

2. Colonial Pipeline – Transportation Improvement District

Mr. John E. McDonald, Manager of Financial and Management Services, stated that staff has been working to settle all outstanding financial issues for the Route 5 Transportation Improvement District (TID) and that TID has successfully met all of its financial obligations except for three.

Staff recommended the Board approve a resolution appropriating proffer funds and the transfer of funds from the Debt Service Fund to the TID to fully fund the payment of this obligation.

The Board and staff held a brief discussion regarding the fiscal impact of the TID in FY 02.

Mr. Harrison made a motion to adopt the resolution.

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

**RESOLUTION**

**COLONIAL PIPELINE - TRANSPORTATION IMPROVEMENT DISTRICT**

WHEREAS, the Board of Supervisors has agreed to fund the outstanding financial obligations of the Route 5 Transportation Improvement District (TID); and

WHEREAS, Colonial Pipeline has relocated its pipeline to allow the construction of an extension of Monticello Avenue, a project initiated and financed by the TID; and

WHEREAS, funds sufficient to pay the bill include expected proffers dedicated to the extension of Monticello Avenue, as well as funds previously appropriated by the County on behalf of the TID.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the expenditure of \$288,687.41 in payment to the Colonial Pipeline Company for an obligation incurred by the Route 5 Transportation Improvement District.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia appropriates \$78,787 in proffers from developers to the TID and authorizes the transfer of \$209,901 from the Debt Service Fund to the TID to fully fund the payment of this obligation.

**I. PUBLIC COMMENT**

1. Mr. Ed Oyer, 139 Indian Circle, provided the Board with a comparison of the 1993 Williamsburg/James City County (W/JCC) School Budget to its 2003 Budget and encouraged the Board to reduce spending.

2. Mr. Michael Kirby, 2712 Wingfield Close, thanked the Board for the elimination of the Route 5 Transportation Improvement District.

3. Ms. Nina Popal, Executive Director of Housing Partnerships, stated that Housing Partnerships had completed its first home and invited the Board to attend the open house at 244 Bush Springs Road on October 5 at 11:00 a.m.

**J. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Wanner recommended the Board recess for a James City Service Authority, following which the Board should reconvene into open session to go into closed session pursuant to Section 2.2-3711(A)(3) of the Code of Virginia to consider the acquisition of a parcel of property for public use and pursuant to Section 2.2-3711(A)(1) of the Code of Virginia to consider the appointment of individuals to County Boards and/or Commissions.

**K. BOARD REQUESTS AND DIRECTIVES**

Mr. Harrison stated that a Comprehensive Plan listening post/station is located in the lobby of Building C at the Government Center.

Mr. Goodson stated that a Comprehensive Plan listening post/station will be available at the Grove Day Celebration.

Mr. Kennedy recessed the Board at 9:05 p.m. for a James City Service Authority Board of Directors meeting.

At 9:08 p.m., Mr. Kennedy reconvened the Board.

**L. CLOSED SESSION**

At 9:08 p.m., Mr. Harrison made a motion to go into closed session pursuant to Section 2.2-3711(A)(3) of the Code of Virginia to consider the acquisition of a parcel of property for public use and pursuant to Section 2.2-3711(A)(1) of the Code of Virginia to consider the appointment of individuals to County Boards and/or Commissions.

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

At 9:35 p.m., Mr. Kennedy reconvened the Board into open session.

Mr. Harrison made a motion to adopt the Closed Session resolution.

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

Mr. McGlennon made a motion to recommend Ms. Jean Wilder serve out the remainder of Bruce C. Keener's term on the Board of Equalization, term to expire on December 31, 2004, and if Ms. Wilder is unable to serve, the alternate recommendation is Mr. Marvin Rhodes.

**M. ADJOURNMENT**

Mr. Harrison made a motion to adjourn.

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

Mr. Kennedy adjourned the Board at 9:36 p.m.

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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 24TH DAY OF SEPTEMBER, 2002, AT 4:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

**A. ROLL CALL**

James G. Kennedy, Chairman, Stonehouse District  
Jay T. Harrison, Sr., Vice Chairman, Berkeley District  
John J. McGlennon, Jamestown District  
Michael J. Brown, Powhatan District  
Bruce C. Goodson, Roberts District

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

**B. BOARD CONSIDERATIONS**

1. Plan to Adopt A Multiyear Commemorative Decal for Motor Vehicles

Mr. Wanner introduced Ann Davis, Treasurer, and Richard Bradshaw, Commissioner of the Revenue, to provide the Board with an overview of the proposal to adopt a multiyear Commemorative Decal for motor vehicles registered in James City County.

Mr. Bradshaw provided the Board with an overview of the County's current annual decal; proposed multiyear decal; and advantage to citizens and staff in adoption of the proposal.

Ms. Davis provided the Board with the objectives, benefits, and disadvantages of moving to a multiyear decal; partnership with the Virginia Department of Motor Vehicles; other locality's interest in alternate issuances of decals; and alternatives to an annual decal.

The Board and staff held discussions regarding the possible legal impacts to motorists without a decal on the windshield while in neighboring jurisdictions; that a decal encourages voluntary registration of vehicles in the County; and the timetable for implementing the multiyear decal.

The Board and staff discussed impacts to those with leased vehicles and incentive to report change-in-locality or change-in-ownership of vehicles.

The Board requested staff bring back an Ordinance for Board consideration at its meeting on October 8, 2002.

2. Financial Results – FY 2002

Ms. Suzanne R. Mellen, Director of Budget and Accounting, stated that the County's books have been turned over to the independent auditors for review and audit; and provided the Board with preliminary results of the actual FY 2002 Budget, including revenue and expenditure variances from the adopted 2002 Budget.

The Board and staff discussed possible factors that may have impacted the Budget resulting in the variances to revenues and expenditures.

3. Real Property Assessments

Mr. Richard J. Sebastian, Director of Real Estate Assessments, provided the Board with an overview of the assessment options permitted by the Code of Virginia and the County's annual reassessment, comparison of assessments regionally, benefits to the County in conducting reassessments annually, and standards by which current market values are determined.

The Board and staff discussed the standards for determining market values, methods that are used to assess market values in localities that do reassessments less frequently than annually, the impact of actual sale prices on assessments, the appeal process available to citizens, and the impact on staff time and work load for annual assessment cycles vs. less frequent assessment cycles.

The Board deferred further discussion regarding the annual vs. biannual assessment to the Board retreat to be held on October 28.

4. Erosion and Sediment Control – Civil Penalties

Mr. Darryl E. Cook, Environmental Director, provided the Board with an overview of an amendment to the Erosion and Sediment Control Ordinance that would allow the Environmental Division to serve a summons for civil penalties directly to an individual rather than having a delay in the issuance of a summons while it works its way through the Clerk of the Circuit Court and Sheriff's Offices.

The Board and staff discussed the perception of a dual role of environmental inspectors acting as the issuer of summons though the proposed amendment and the role of the Clerk and Sheriff in the current process.

Mr. Morton provided the Board with an overview of the issuance of a summons and the necessity for promptly mitigating environmental damage resulting from violations to the Erosion and Sediment Control Ordinance.

The Board and staff discussed the nature of Stop-Work Orders and the infrequency of staff issuing such orders and the perception of the placement of power on County staff.

The Board requested the amended Ordinance be brought back to the Board for consideration at its meeting on November 12, 2002.

**D. ADJOURNMENT**

At 5:55 p.m. the Board took a dinner break until 7 p.m.

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Sanford B. Wanner  
Clerk to the Board

## MEMORANDUM

DATE: October 8, 2002

TO: The Board of Supervisors

FROM: Doug Powell, Assistant Manager of Community Services

SUBJECT: Williamsburg Area Transport

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In the past month, Williamsburg Area Transport (WAT) has implemented two significant service enhancements. The James City County Transit Company (JCCTC):

- approved an agreement with the College of William & Mary for WAT to provide transportation services to the College, and
- began a connection six times daily with Hampton Roads Transit (HRT) in accordance with the Board of Supervisors appropriation in the FY 03 Budget.

As a result of these service expansions, staff recommends that the Board appropriate funds and establish new positions as described in this memorandum.

#### Appropriations

The Agreement between JCCTC and the College states that the College shall pay the County \$55,950 for certain operational costs. In addition, the Agreement allows the County to hire replacements for any full-time College employees who retire and then bill the College for the salary and benefits of those employees. Since the Agreement was executed, one full-time College driver has retired. Therefore, an additional \$24,787 should be appropriated for this position pro-rated from September 1, 2002 – May 31, 2002. The attached resolution appropriates these funds, a total of \$80,737, that will be fully reimbursed by the College.

The Agreement with the College also provides that WAT will provide special trips for College organizations. Based on experience from last year, \$122,000 should be appropriated to cover the cost of these special trips. The cost of these trips will be fully reimbursed by user fees.

Finally, the City of Newport News has agreed to provide \$23,500 to fund one-half of the cost of the six connections daily between WAT and HRT. The Board of Supervisors has already appropriated money in the FY 03 Budget to cover the JCCTC's half of the cost. Money should be appropriated for the City of Newport News' portion.

#### Personnel

As stated above, the Agreement with the College allows the County to hire replacements for the full-time College drivers who retire and then bill the College for the salary and benefits of those positions. Since the contract was executed, one full-time College driver has retired. Therefore, staff requests that the Board establish one full-time limited term bus driver position. The cost of this position will be reimbursed by the College.

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In order to provide special trips, staff requests that the Board establish an additional 4,300 on-call bus driver hours. The cost of these hours will be reimbursed by user fees.

As a result of the connections with HRT, staff requests that the Board establish two part-time limited term bus driver positions, 1,040 hours per year each. The cost of these positions is funded through the previous appropriation by the Board of Supervisors in the FY 03 budget and the contribution made by Newport News.

Staff recommends approval of the two attached resolutions.

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Doug Powell

CONCUR:

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Anthony Conyers, Jr.

DP/gs

WATapprop.mem

Attachments



**RESOLUTION**

**APPROPRIATIONS - WILLIAMSBURG AREA TRANSPORT**

WHEREAS, Williamsburg Area Transport (WAT) has implemented two significant service enhancements.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriations to the FY 03 James City County Transit Company Fund:

Revenues:

College of William and Mary (Operations)	\$ 55,950
College of William and Mary (Full-Time Personnel)	24,787
Special Trips	122,000
City of Newport News	<u>23,500</u>
Total	<u>\$226,237</u>

Expenditures:

College of William and Mary	\$ 80,737
Special Trips	122,000
HRT Connection	<u>23,500</u>
Total	<u>\$226,237</u>

\_\_\_\_\_  
James G. Kennedy  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of October, 2002.

WATapprop.res

**RESOLUTION**

**NEW POSITIONS - WILLIAMSBURG AREA TRANSPORT**

WHEREAS, Williamsburg Area Transport (WAT) has implemented two significant service enhancements.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby establishes one full-time limited-term bus driver position to provide service to the College of William and Mary.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the establishment of 4,300 on-call hours to provide special trips.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, establishes two part-time (1,040 hours each) limited-term bus driver positions to operate the connections with Hampton Roads Transit.

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James G. Kennedy  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of October, 2002.

WATappropsvc.res

## MEMORANDUM

DATE: October 8, 2002

TO: The Board of Supervisors

FROM: Karen Drake, Senior Planner

SUBJECT: Establishment of Carter's Grove Agricultural and Forestal District (AFD-01-02)

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The Colonial Williamsburg Foundation (CWF) has applied to create a new Agricultural and Forestal District (AFD) containing 320 acres on Pocahontas Trail (Route 60) surrounding the Carter's Grove Plantation and the Hampton Roads Sanitation District (HRSD) Sewerage Treatment Plant. The district would be comprised of three parcels all owned by CWF that can be further identified as Parcel No. (1-2) on James City County (JCC) Real Estate Tax Map No. (58-2) and Parcel Nos. (1-21) and (1-30A) on JCC Real Estate Tax Map No. (59-1). The property is zoned R-2, General Residential, R-8, Rural Residential, and LB, Limited Business. The property is designated Neighborhood Commercial, Park, Public, Semi-Public, Federal, State, County, or as a Conservation Area on the James City County Comprehensive Plan Land Use Designation Map.

**Property Description**

The property lies generally between the James River, Ron Springs Road, and south of Pocahontas Trail. One parcel containing 1.5 acres is north of Pocahontas Trail. The main two parcels surround the Carter's Grove Plantation and the HRSD, and are adjacent to the James River Commerce Center.

The property to be included in the district is wooded or is cleared pastures used by the Colonial Williamsburg's Coach and Livestock program. The Carter's Grove AFD would not include the Carter's Grove Plantation House and Visitor Center. The district would have direct frontage on the James River and contain some marshland that drains directly into the James River. The three parcels are all located within the Primary Service Area, with public water and sewer available.

**Surrounding Zoning and Land Uses**

The 76-acre parcel proposed to be included in the district is zoned R-2; surrounds the HRSD Treatment Plant; and borders Kingsmill, (zoned R-4, Planned Residential Community), the Busch Corporate Center (zoned LB, Limited Business), and the R-2, General Residential neighborhood, on Ron Springs Drive. The largest parcel (containing 242 acres) to be included in the district surrounds the Carter's Grove Plantation (zoned R-8, Rural Residential) and is adjacent to the James River Commerce Center to the south, zoned MU, Mixed Use. The 1.5-acre parcel on the north side of Pocahontas Trail is adjacent to developed and undeveloped split zoned property, zoned R-8 and LB, and Brookside Haven, zoned R-5, Multifamily Residential.

Staff feels this proposal is compatible with surrounding zoning and land uses. The AFD property would surround a known historical site and provide a buffer around the HRSD sewer station. The creation of this proposed AFD will help ensure that some property in the southern end of the County that is predominately urban remains in forestal and/or agricultural uses for the duration of the district.

The Hampton Roads Sanitation District has expressed concern about the creation of the Carter's Grove District and has requested that all HRSD easements and an additional ten feet adjacent to both sides of the HRSD easements be excluded from the district. This land excluded would allow for expansion of water and sewer lines as needed,

including the proposed underground dedicated water reuse line from the James City Energy Park to the HRSD Treatment Plant. Additionally, the Colonial Pipeline easement is excluded from the proposed district.

### **Comprehensive Plan**

The property located south of Pocahontas Trail is designated Park, Public, Semi-Public; or Federal, State, County on the James City County Comprehensive Plan Land Use Designation Map. Most of the southwestern quarter of the property is designated Conservation Area. This area drains directly into the James River and is undevelopable. The balance of the property located to the north of Pocahontas Trail is designated Neighborhood Commercial and is currently wooded. The creation of this proposed AFD is supported by the above-referenced land use designation objectives and several Rural Land Use Standards listed in the Comprehensive Plan, including preserving the natural, wooded, and rural character of the County. Staff feels that establishing an AFD on this property is consistent with the Comprehensive Plan.

### **Forestry Potential**

The Department of Forestry supports the Colonial Williamsburg Foundation's application to create the Carter's Grove AFD. The Department of Forestry expects that a detailed forest management plan for the proposed Carter's Grove AFD can be established as the Colonial Williamsburg Foundation has historically been a good manager of its forested land.

While Staff concurs with the Department of Forestry's recommendation, staff notes that in addition to the tax benefits available to the Colonial Williamsburg Foundation by creating the district, the continuance of the existing forests within the district would enhance the visitor experience to the Carter's Grove Plantation.

### **Soils**

According to the Natural Resources Conservation Service, there are no less than six soil complexes present on the property. Most of the soils on the property have moderate to very high tree potential. Some soils do not support tree growth nor are they suitable for agriculture because of their location in tidal areas.

### **Transportation Issues**

The property has approximately 3,000 feet of frontage on the south side of Route 60 and 250 feet of frontage on the north side. The Virginia Department of Transportation (VDOT) is currently evaluating multiple options to widen and/or realign Route 60 through the southern part of the County, approximately between Busch Gardens and the Newport News/James City County line. While a final decision has not been made about the road realignment, VDOT estimates that a total of 100 feet of right-of-way or 50 feet on each side of the existing centerline needs to be reserved for future roadway improvements. Staff concurs with the VDOT recommendation. This exclusion of land from the district does not negatively impact the applicant's ability to qualify for Use Value Taxation should the property otherwise qualify for it.

### **RECOMMENDATION**

The location and physical characteristics of this property make it a viable candidate for a new AFD. If approved, it would provide the only agricultural and forestal district in the predominately urban southern portion of the County.

The proposed AFD would provide a smooth transition between a known tourist destination and the HRSD Treatment Plant and established residential homes. The analysis provided by the Natural Resources Conservation Service supports the forestry potential of the property and staff believes that the forthcoming Virginia Department of Forestry report will support the district as well. In addition, the environmental and historical sensitivity of the area is not conducive for intensive residential or commercial development. The Comprehensive Plan supports the creation of this district by preserving forestry and agricultural lands, preserving public open space, and preserving the rural character of the County within a predominately urban area.

The State Code allows AFDs to be established or continued for a period of no less than four years. Staff concurs with the applicant's request for a four-year term for the creation of the district from the date of its approval by the Board of Supervisors. A four-year term for the district is consistent with other established district terms.

On July 22, 2002, the AFD Advisory Committee recommended approval of the creation of the Carter's Grove AFD by a vote of 8-0. On September 9, 2002, the Planning Commission recommended approval of the creation of the Carter's Grove AFD by a vote of 6-0, with one abstention. Staff recommends the Board of Supervisors approve the creation of AFD-1-02, Carter's Grove Agricultural and Forestal District with the following conditions:

1. The subdivision of land is to be limited to parcels of 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment, provided: a) The subdivision does not result in the total acreage of the District to drop below 200 acres and b) The subdivision does not result in a remnant parcel of less than 25 acres.
2. No land outside the Primary Service Area and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Land inside the Primary Service Area and within the Agricultural and Forestal District may be withdrawn from the district in accordance with the Board of Supervisors' policy pertaining to the Withdrawal of Lands from Agricultural and Forestal Districts within the Primary Service Area, adopted September 24, 1996.
3. No special use permit shall be issued except for agricultural, forestal or other activities, and uses consistent with State Code Section 15.2-4312 et. seq., which are not in conflict with the policies of this district. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities or for underground water and sewer lines.

In addition, staff recommends that all land within 50 feet of the existing right-of-way on both sides of Route 60, Pocahontas Trail; all land within the Colonial Pipeline Easement; all land within the HRSD Easement; and all land within ten feet adjacent to both sides of the HRSD easement be excluded from the district as needed for future improvements and expansion.

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Karen Drake

CONCUR:

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O. Marvin Sowers, Jr.

KD/gb

Carter'sGrove.mem

Attachments:

1. Planning Commission Minutes
2. Location Map
3. Resolution

ORDINANCE NO. \_\_\_\_\_

ESTABLISHMENT OF CARTER'S GROVE

AGRICULTURAL AND FORESTAL DISTRICT (AFD-01-02)

WHEREAS, in accordance with Sections 15.2-4307 and 15.2-4309 of the Code of Virginia, property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the application for an Agricultural and Forestal District in the Carter's Grove area; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its meeting on July 22, 2002, unanimously recommended approval of the application for a term of four years; and

WHEREAS, the Planning Commission, following its public hearing on September 9, 2002, by a vote of 6-0 with one abstention, recommended approval of the application for a term of four years.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Supervisors of James City County, Virginia, that:

1. The Carter's Grove Agricultural and Forestal District has been created for a period of four years beginning the 8th day of October, 2002, and includes the following parcels:

(58-2)(1-2)	Colonial Williamsburg Foundation	76.50 acres
(59-1)(1-21)	Colonial Williamsburg Foundation	1.56 acres
(59-1)(1-30A)	Colonial Williamsburg Foundation	<u>242.30 acres</u>

Total: 320.36 acres

2. Pursuant to the Virginia Code, Sections 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Carter's Grove Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
  - a. The subdivision of land is to be limited to parcels of 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment, provided: a) The subdivision does not result in the total acreage of the District to drop below 200 acres and b) The subdivision does not result in a remnant parcel of less than 25 acres.

- b. No land outside the Primary Service Area and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Land inside the Primary Service Area and within the Agricultural and Forestal District may be withdrawn from the district in accordance with the Board of Supervisors' policy pertaining to the Withdrawal of Lands from Agricultural and Forestal Districts within the Primary Service Area, adopted September 24, 1996.
  - c. No special use permit shall be issued except for agricultural, forestal or other activities, and uses consistent with State Code Section 15.2-4312 et. seq., which are not in conflict with the policies of this district. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities or for underground water and sewer lines.
3. All land within 50 feet of the existing right-of-way on both sides of Route 60, Pocahontas Trail; all land within the Colonial Pipeline Easement; all land within the HRSD Easement; and all land within ten feet adjacent to both sides of the HRSD easement be excluded from the district as needed for future improvements and expansion.

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James G. Kennedy  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of October, 2002.

Carter'sGrove.res



**SPECIAL USE PERMIT-16-02. Williamsburg Honda  
Staff Report for October 8, 2002, 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 9, 2002, 7:00 p.m.  
 Board of Supervisors:        October 8, 2002, 7:00 p.m.

**SUMMARY FACTS**

Applicant:                      Mr. John Dodson  
 Land Owner:                    Williamsburg Auto Group

Proposed Use:                 To amend the existing special use permit (SUP) conditions to allow trailers to be sold at the Williamsburg Honda Dealership

Location:                        7277 Richmond Road

Tax Map and Parcel No.:     (23-2)(1-42)

Primary Service Area:        Inside

Parcel Size:                    3.75± acres

Existing Zoning:                B-1, General Business

Comprehensive Plan:         Neighborhood Commercial

Surrounding Zoning:        North: B-1, General Business; R-2, General Residential  
     East: A-1, General Agriculture  
     South: B-1, General Business  
     West: L-B, Limited Business; R-2, General Residential

Staff Contact:                 Karen Drake - Phone 253-6685

**STAFF RECOMMENDATION:**

Staff believes the proposed amendment to sell and repair utility trailers in addition to selling and repairing autos at the existing Williamsburg Honda Dealership is a valid commercial enterprise and complimentary land use. Staff, however, has aesthetic concerns as well as safety concerns about the displaying of the trailers so close to Richmond Road. Staff believes that through conditions limiting the display of the trailers, the Williamsburg Honda Dealership will retain its current degree of conformity to the Neighborhood Commercial Land Use Designation and compliment the Norge Community Character Area. On September 9, 2002, the Planning Commission recommended by a vote of 7-0 to approve this application. Staff recommends the Board of Supervisors approve this amendment to the existing special use permit with the conditions listed in the staff report on its approval. Note that the special use permit conditions in this case would replace the existing conditions in SUP-02-87 and SUP-31-89.

**Project History**

In May of 1987, the Board of Supervisors approved James City County (JCC) Case No. SUP-02-87, which granted Mr. John Dodson a special use permit to allow the sale of new and used automobiles and auto repairs at the Williamsburg Honda Dealership on Richmond Road in Norge. Landscaping to buffer the auto dealership from adjacent property and a limit of two entrances were included in the special use permit conditions. In November of 1989, the Board of Supervisors approved JCC Case No. SUP-31-89, which allowed Mr. Dodson to expand the Williamsburg Honda dealership into its present day size of 3.75 acres at 7277 Richmond Road.

Mr. Dodson has now applied to amend the existing special use permit conditions in SUP-02-87 and SUP-31-89 to permit the sale and repair of utility trailers in addition to the sale and repair of cars. Vehicle and trailer sales and services (with major repair limited to a fully enclosed building) is a specially permitted use on property zoned B-1, General Business.

The utility trailers include flatbed trailers used to haul lawn equipment as well as enclosed trailers. Trailers range in length from approximately ten feet up to fifty feet and are usually eight feet in width. One of the existing auto repair bays would be renovated to accommodate trailer repairs. The applicant proposes to display trailers on the front row of parking next to Richmond Road and store additional trailers in the rear of the dealership lot.

### **Surrounding Zoning and Development**

Williamsburg Honda is located in Norge opposite the Hill Pleasant Farm Agricultural and Forestal District, zoned A-1, General Agriculture. To the North is Noah's Ark Veterinary Hospital zoned B-1, General Business, and Norge Elementary School, zoned R-2, General Residential. Directly behind the dealership is undeveloped property zoned LB, Limited Business, and the Kristiansand neighborhood, zoned R-2, General Residential. To the south is the Kristiansand Office Park zoned LB, Limited Business, and the 7-Eleven convenience store, Jimmy's Pizza, and The Shops at Kristiansand, all zoned B-1, General Business.

### **The Site**

The 3.75-acre site is relatively flat. The Williamsburg Honda Dealership has two buildings for car sales and an auto repair bay. There are two entrances from Richmond Road into to the dealership. No additional entrances are being proposed at this time and the condition limiting the Williamsburg Honda dealership to the two existing entrances remains as a condition.

The property is located within the Primary Service Area (PSA) and would be served by public water and sewer. The applicant is aware of the current water supply issue within the County. To help mitigate any negative impact the dealership has upon the public water supply, the applicant is willing to implement water conservation measures with the James City Service Authority (JCSA) for any new landscaping planted and in any future construction. Detailed water conservation standards would be formalized with JCSA at a later date under a proposed new condition.

### **Comprehensive Plan**

The property is designated Neighborhood Commercial on the 1997 Comprehensive Plan Land Use Map. Neighborhood Commercial areas are comprised of limited business activity areas within the PSA, serving residents of the surrounding neighborhoods in the immediate area and having only a limited impact on nearby development. The total building area within any area designated Neighborhood Commercial should be no more than 40,000 square feet. Location criteria for commercial uses are: small sites; access to collector streets, preferably at intersections with local or other collector roads; public water and sewer service; environmental features such as soils and topography suitable for compact development; and adequate buffering by physical features or adjacent uses to protect nearby residential

development and preserve the natural or wooded character of the County. Acceptable uses will have a limited impact on adjacent residential areas especially in terms of lighting, signage, traffic, odor, noise, and hours of operation. Acceptable uses should be compatible with surrounding development in terms of scale, building design, materials, and color.

The Williamsburg Honda Dealership is also located within the Norge Community Character Area. The Norge Community Character Area has a unique history, which should be preserved and protected through the specific design criteria outlined below:

- The architecture, scale, materials, spacing, and color of building should complement the historic character of the area.
- Building setbacks should be consistent with adjacent buildings and structures.
- Where possible, parking should be located to the rear of the buildings. Parking should be screened from roadway and adjacent properties.
- New landscaping should be of a type, size, and scale to complement the historic character of the area.
- Signage should be of scale, size, and color, and materials to complement the historic character of the area.
- Mixed use development which provides residential, commercial, and office uses in close proximity are encouraged.

Neither the existing Dealership nor proposed use is consistent with the Comprehensive Plan; however staff does recognize that the existing Williamsburg Honda Dealership was built prior to the adoption of the 1997 Comprehensive Plan. Staff also acknowledges that the Williamsburg Honda Dealership has significantly landscaped its property which screens the Dealership from the adjacent limited business district, residential, and agriculturally designated land.

Staff is concerned about the presence of the larger enclosed trailers or appearing essentially as a small building located in front of the dealership parking lot so close to Richmond Road. The longer trailers would have a much higher degree of visibility than the automobiles which are currently offered for sale. Consequently, staff believes that these longer trailers would increase the degree of inconsistency of the use with the Comprehensive Plan's goals for the Norge Community Character Area and Neighborhood Commercial Areas. Not only would the larger trailers alter the view of the dealership parking lot from an aesthetic viewpoint, but the trailers could present a traffic hazard for entering and exiting cars as well as being a potential safety issue. Staff believes that limiting the number of trailers on display in the front of the dealership parking lot to no more than seven trailers at a time, with no more than three of the seven trailers being enclosed trailers and none of the seven trailers being larger than twenty feet in length, would help to mitigate the impact of the trailers located in the front of the dealership parking lot. Staff strongly recommends that the applicant work closely with the James City County Police Department and the Virginia Department of Transportation (VDOT) to design and implement measures so the trailers do not present a potential safety hazard nor are the trailers stolen from the property.

### **Recommendation**

Staff believes the proposed amendment to sell and repair utility trailers in addition to selling and repairing autos at the existing Williamsburg Honda Dealership is a valid commercial enterprise and complimentary land use. Staff, however, has aesthetic concerns as well as safety concerns about the displaying of the trailers so close to Richmond Road. Staff believes that through conditions limiting the display of the trailers, the Williamsburg Honda Dealership will retain its current degree of conformity to the Neighborhood Commercial Land Use Designation and compliment the Norge Community Character Area. On September 9, 2002, the Planning Commission recommended by a vote of 7-0 to approve this application. Staff recommends the Board of Supervisors approve this amendment to the existing special use permit with the conditions listed below. Note

that the special use permit conditions in this case would replace the existing conditions in SUP-02-87 and SUP-31-89:

1. This special use permit shall allow the sale of new and used automobiles and trailers. All automobile and trailer repairs shall take place within an enclosed building. *New Condition.*
2. There shall be no more than seven trailers displayed at any given time in the front row of parking directly adjacent to Richmond Road. All such trailers should be located in the first seven parking spaces closest to the northeast property corner of the site and the trailers shall be parked perpendicular to Richmond Road. All other trailers shall be stored in the parking spaces located adjacent to the north property line with no enclosed trailers located in the first five parking spaces closest to Richmond Road. Of the seven trailers displayed in front of the dealership in the spaces perpendicular to Richmond Road, no more than three shall be an enclosed trailer at any give time and none of the seven trailers on display shall be longer than twenty feet. No signs or banners shall be placed on any trailers. All trailers will be placed on existing paved areas and no additional areas may be paved unless approved by the Planning Director through an approved site plan. *New Condition.*
3. The entire site of the Williamsburg Honda Dealership shall have at least 30 percent of the total lot area as landscaped open space. The landscape plan shall exceed the minimum landscaping requirement as necessary to provide a visual effect so as to make the Williamsburg Honda Dealership compatible with adjacent properties and to provide a reasonable buffer between properties. The Development Review Committee shall review and approve any future changes to the landscaping.
4. Within sixty days of approval of this special use permit, the applicant will arrange a meeting on-site with Planning Division staff to verify that all landscaping on the approved site plan has been planted. Any approved landscaping material that is missing from the site must be planted or bonded within ninety days of approval of this Special Use Permit. The owner shall submit a replacement landscape plan for existing landscape material that is dead or dying prior to final site plan approval for the trailers and said landscape plans shall be approved by the Planning Director prior to final site plan approval for the trailers. *New Condition*
5. The owner shall be responsible for developing and enforcing water conservation standards which shall be submitted to and approved by the James City Service Authority. The standards may include, but shall not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells; the use of approved landscaping materials, including the use of drought tolerant plants, if and where appropriate; and the use of water-conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. Irrigation wells shall only draw water from the Upper Potomac or Aquia Aquifers. The water conservation standards shall be approved by the James City County Service Authority within three months of adoption of this special use permit and shall apply to any future building construction or renovation and any new landscaping plans. *New Condition.*
6. The Williamsburg Honda Dealership shall be limited to the two existing ingress/egress ways onto Richmond Road. The existing ingress/egress ways may be relocated on the property with an approved site plan.
7. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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Karen Drake

CONCUR:

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O. Marvin Sowers, Jr.

KD/adw  
sup16-02.wpd

Attachments:

1. Planning Commission Minutes
2. Site Map
3. Site Photographs
4. Enclosed Trailer Information
5. Resolution

## RESOLUTION

### CASE NO. SUP-16-02. WILLIAMSBURG HONDA

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 sale and repair of automobiles and trailers are a specially permitted use in the B-1, General Business, zoning district; and

WHEREAS, the Planning Commission of James City County, following its public hearing on September 9, 2002, recommended approval of Case No. SUP-16-02 by a vote of 7 to 0 to permit the sale and repair of automobiles and trailers at 7277 Richmond Road and further identified as Parcel No. (1-42) on James City County Real Estate Tax Map No. (23-2).

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-16-02 as described herein with the following conditions that replaces conditions in Special Use Permit No. SUP-02-87 and Special Use Permit No. SUP-31-89:

1. This special use permit shall allow the sale of new and used automobiles and trailers. All automobile and trailer repairs shall take place within an enclosed building.
2. There shall be no more than seven trailers displayed at any given time in the front row of parking directly adjacent to Richmond Road. All such trailers should be located in the first seven parking spaces closest to the northeast property corner of the site and the trailers shall be parked perpendicular to Richmond Road. All other trailers shall be stored in the parking spaces located adjacent to the north property line with no enclosed trailers located in the first five parking spaces closest to Richmond Road. Of the seven trailers displayed in front of the dealership in the spaces perpendicular to Richmond Road, no more than three shall be an enclosed trailer at any given time and none of the seven trailers on display shall be longer than twenty feet. No signs or banners shall be placed on any trailers. All trailers will be placed on existing paved areas and no additional areas may be paved unless approved by the Planning Director through an approved site plan.
3. The entire site of the Williamsburg Honda Dealership shall have at least 30 percent of the total lot area as landscaped open space. The landscape plan shall exceed the minimum landscaping requirement as necessary to provide a visual effect so as to make the Williamsburg Honda Dealership compatible with adjacent properties and to provide a reasonable buffer between properties. The Development Review Committee shall review and approve any future changes to the landscaping.
4. Within sixty days of approval of this special use permit, the applicant will arrange a meeting on-site with Planning Division staff to verify that all landscaping on the approved site plan has been planted. Any approved landscaping material that is missing from the site must be planted or bonded within ninety days of approval of

this special use permit. The owner shall submit a replacement landscape plan for existing landscape material that is dead or dying prior to final site plan approval for the trailers and said landscape plans shall be approved by the Planning Director prior to final site plan approval for the trailers.

5. The owner shall be responsible for developing and enforcing water conservation standards which shall be submitted to and approved by the James City Service Authority. The standards may include, but shall not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells; the use of approved landscaping materials, including the use of drought tolerant plants, if and where appropriate; and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. Irrigation wells shall only draw water from the Upper Potomac or Aquia Aquifers. The water conservation standards shall be approved by the James City Service Authority within three months of adoption of this special use permit and shall apply to any future building construction or renovation and any new landscaping plans.
6. The Williamsburg Honda Dealership shall be limited to the two existing ingress/egress ways onto Richmond Road. The existing ingress/egress ways may be relocated on the property with an approved site plan.
7. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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James G. Kennedy  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of October, 2002.

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MEMORANDUM

DATE: October 8, 2002  
TO: The Board of Supervisors  
FROM: John T. P. Horne, Development Manager  
SUBJECT: Sale of Surplus Property at 115 Hazelwood Avenue

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Based on previous approvals by the Board of Supervisors, staff has negotiated and executed a contract of sale dated July 19, 2002, for the sale of 115 Hazelwood Avenue. Mr. and Mrs. Byerly, the neighboring property owners, have agreed to pay \$9,000 for the property. The County Attorney's office has completed all the necessary documents to execute this sale. This sale will contain limitations which will allow the use of the property for accessory structures, but will not allow the construction of an additional dwelling unit on the property.

Attached is a resolution that directs the County Administrator to execute a deed and other documents that are necessary to convey 115 Hazelwood Avenue to David G. Byerly and Patricia M. Byerly.

Staff recommends approval of the attached resolution.

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John T. P. Horne

JTPH/gs  
hazelwood.mem

Attachment



**RESOLUTION**

**SALE OF SURPLUS PROPERTY AT 115 HAZELWOOD AVENUE**

WHEREAS, James City County currently owns a certain 0.76-acre parcel at 115 Hazelwood Avenue, further described as Lot 3, Section 2, Temple Hall Estates; and

WHEREAS, staff can identify no need for the County to retain ownership of this property; and

WHEREAS, David G. Byerly and Patricia M. Byerly, neighboring property owners, have offered to pay \$9,000 for this property and have executed a contract of sale dated July 19, 2002, that is contingent upon approval of the Board of Supervisors; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion the County should convey this property to David G. Byerly and Patricia M. Byerly, their successors, or assigns for the agreed-upon price.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the contract of sale for 115 Hazelwood Avenue dated July 19, 2002, and authorizes and directs Sanford B. Wanner, County Administrator, to execute a deed and any other document needed to convey the property at 115 Hazelwood Avenue to David G. Byerly and Patricia M. Byerly, their successors, or assigns for the sum of \$9,000.

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James G. Kennedy  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of  
October, 2002.

hazelwood.res