

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 12TH DAY OF FEBRUARY, 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**

Mr. Ricky Suders, a Homeschool student, led the Board and citizens in the Pledge of Allegiance.

**D. PUBLIC COMMENT**

1. Ms. Pamela Bowers, 100 **Andrews** Court, requested the Board pursue a referendum for school funding, recommended that the Board not lower the tax rate by 2 percent, but rather invest that percentage in the School's Capital Improvement Programs.

2. Ms. **Elizabeth Reiss**, PTA President and representing the parents and teaches of James River Elementary School, stated that the teachers and **staff of James** River Elementary School strive to provide safe and educational environment for the students and requested that the Board of Supervisors fund the School Board's budget requests.

3. Ms. Cecilia Firstenberg, 16 Ensigne Spence, requested the Board fund the School's Budget to provide adequate teachers for the individual attention to students, small class sizes, and carpet replacement at the James River Elementary School.

4. Mr. Ed Oyer, 139 Indian Circle, commented on a recent newspaper article concerning indexing of taxes, concern of cost for proposed new secondary facility, and concern that the County's revenue from taxes will begin to fall as the prices of housing drops as a reflection of the state of the national economy.

**E. PRESENTATION**1. Williamsburg Regional Library Strategic Plan 2002-2005

Mr. Michael J. Fox, Chair of the Williamsburg Regional Library Board of Trustees, provided the Board with an overview of the Library's mission statement, planning framework for the libraries over the next four years, and stated the Library's renewing commitment to the community.

Mr. John **Moorman**, Director of the Williamsburg Regional Library, provided the Board with an overview of the strategic plan, development methods for the mission statement, demographics of the library users, and stated that it is the desire of the library's staff to enrich the community it serves.

The Board, Mr. Fox, and Mr. **Moorman** held a brief discussion concerning the anticipated impact of the State's financial situation on funding for libraries.

**F. CONSENT CALENDAR**

Mr. Kennedy 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, the vote was: AYE: **McGlennon**, Brown, **Goodson**, **Harrison**, Kennedy (5). NAY: (0).

1. Minutes

- a. January 22, 2002, Work Session
- b. January 22, 2002, Regular Meeting

2. Authorization to Carry Out the Provisions of the Regional Competitiveness Program and Approving the Fund Distribution Methodology Proposed by the Partnership

A RESOLUTION AUTHORIZING THE HAMPTON ROADS PARTNERSHIP TO  
CARRY OUT THE PROVISIONS OF THE REGIONAL COMPETITIVENESS  
PROGRAM (RCP) AND APPROVING THE FUND DISTRIBUTION METHODOLOGY  
PROPOSED BY THE PARTNERSHIP

WHEREAS, in 1996, the Virginia General Assembly adopted the Regional Competitiveness Act (the Act), Chapter 26.3 of Title 15.1 (§ 15.1-1227.1 through § 15.1-1227.5) of the Code of Virginia, 1950, as amended, to encourage counties, cities, and towns to work together for their mutual benefit and that of the Commonwealth of Virginia; and

WHEREAS, to encourage regional strategic planning and cooperation, the Act established an Incentive fund administered by the Virginia Department of Housing and Community Development (VDHCD) to be used to encourage and reward regional strategic economic development planning and joint activities; and

- WHEREAS, the **Act provides a monetary** incentive, which **totaled Ten Million Two Hundred Sixty-Seven Thousand Two Hundred Dollars (\$1 0,267,200)** in 2002, for distribution among the State's regions for communities to undertake new levels of regional activity to address obstacles to economic competitiveness by granting funds for five years in accordance with VDHCD standards adopted pursuant to RCP; and
- WHEREAS, incentive funds will be disbursed to eligible regions in an amount equal to **the** percentage of the funds appropriated in incentive payments for a fiscal year that represents the region's percentage of the total population of all eligible regions **witha** minimum of \$300,000 (FY 2002); and
- WHEREAS, the Hampton Roads Partnership (the Partnership) is a Virginia nonprofit, non-stock corporation comprised of leading representatives from the public, business, education, and military communities and whose mission is to enhance regional cooperation and improve economic competitiveness in the Hampton Roads Region (the Region) which region includes the Cities of Norfolk, Virginia Beach, Portsmouth, Chesapeake, Suffolk, **Newport** News, Hampton, Franklin, Poquoson, and Williamsburg and in the Counties of Gloucester, Isle of Wight, James City, Southampton, **Surry**, and York; and
- WHEREAS, the Partnership revised its strategic plan in 1999 and further modified that plan in 2001 and as such has a clear strategic road map for improving the economic competitiveness of the Hampton Roads Region; and
- WHEREAS, a copy of the Modified Strategic Plan is attached hereto as Exhibit A to be read as a part hereof; and
- WHEREAS, the Partnership, in close cooperation with the Hampton Roads Planning District Commission, will take responsibility for submitting the Hampton Roads Region's re-qualification application for incentive funding under the RCP and for seeing that the Plan's joint activities are enacted; and
- WHEREAS, in recognition of the Partnership's role in Implementing the Plan's joint activities, the distribution of all RCP funds received by the Region since the inception **of the** program have gone directly to the Partnership ("distribution methodology"); and
- WHEREAS, **priortocompleting** the application process the RCP guidelines require that each municipality designate by resolution approval of the region's RCP incentive funds distribution methodology; and
- WHEREAS, the Board of Supervisors of James City County, Virginia, has reviewed the RCP and supports the Partnership's efforts to **carry** out the provisions of the RCP and apply for monetary incentives on its behalf.
- NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that on behalf of the County of James City, Virginia:

1. It recognizes the Hampton Roads Region as a region contemplated by the Act and hereby declares itself to be a member of and a participant in the Hampton Roads Region;
2. It supports the Partnership's efforts to carry out the provisions of the RCP and apply for monetary incentives on its behalf; and

3. It approves the RCP fund distribution methodology and authorizes the Partnership to receive on its behalf all Incentive funding for the five year qualification period beginning in Fiscal Year 2003.

3. Appointment of Alternate to the Greater Peninsula Workforce **Development** Consortium

**RESOLUTION**

APPOINTMENT OF ALTERNATE

GREATER PENINSULA WORKFORCE DEVELOPMENT CONSORTIUM

WHEREAS, James City County is authorized to appoint an alternate to the Greater Peninsula Workforce Development Consortium.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoints **Bruce Goodson** as the alternate to the Greater Peninsula Workforce Development Consortium.

4. Virginia High Speed Rail Development Committee

**RESOLUTION**

VIRGINIA HIGH SPEED RAIL DEVELOPMENT COMMITTEE

WHEREAS, the County has been requested to join other private and public agencies in the Commonwealth to support the activities of the Virginia High Speed Rail Development Committee (VHSRDC) and provide an FY 2002 contribution of \$5,000.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes a contribution of \$5,000 to the VHSRDC and a transfer of \$5,000 from Operating Contingency to Contributions to Outside Agencies in order to fund that contribution.

**G. PUBLIC HEARINGS**

1. Ironbound Square **Redevelopment** Plan

Mr. Richard B. Hanson, Housing and Community Development Administrator, stated that as authorized by the Board in February 2000, the County entered into a multiyear Community Development Block Grant (CDBG) Agreement with the Virginia Department of Housing and Community Development to undertake the Ironbound Square Residential **Revitalization** CDBG Project to improve housing conditions, to eliminate blight, and to preserve Ironbound Square as a viable residential **neighborhood**.

Mr. Hanson provided the Board with an overview of the Redevelopment Plan's seven objectives, necessary steps to achieve the objectives, and requested the Board adopt the resolution to implement the Ironbound Square Redevelopment Plan and to authorize the County Administrator to enter into an agreement with a Redevelopment and Housing Authority.

Mr. Kennedy opened the public hearing.

1. Mr. Lloyd S. Banks, Sr., 2412 **Lalurd** Drive, Hampton, inquired if every home and parcel in Ironbound Square would have to be purchased, and stated support for the residents of Ironbound Square to improve their housing conditions and not sell their homes.

2. Mr. **William H.** Lewis, 9318 Afternoon Lane, Columbia, Maryland, stated that he has owned a parcel in James City County for 25 years and inquired if the Redevelopment Plan will permit current landowners the opportunity to generate as much income from the parcels as it currently affords if their investment properties are purchased.

3. Ms. Phyllis L. Thomas, 3900 17<sup>th</sup> **Street NE**, Washington, D.C., stated concern that property owners will be unable to generate revenue from the relocated parcel as is being currently generated from the parcels they own.

4. Rev. **Harriett J.** Banks, owner of property at 109 Carriage Road, stated concern that the Redevelopment Plan will take away citizen's property, encouraged residents to clean up the neighborhood, and stated concern that citizens will not be afforded equitable replacement or enhancements of the parcels.

5. Mr. Walter Taylor, 509 Pocahontas Trail, stated concern that the County will get the homes and parcels while citizens cannot afford the expense of a new home.

6. Mr. Douglas Canady, 4356 Ironbound Road, stated that residents cannot afford to go into debt to accept the Block Grant offered by the County to renovate homes to new standard, stated concern that residents will be offered fair market value for their land which may not allow those residents to turn around and purchase new land and homes of comparable size.

7. Mr. Kermit Jimmerson, 17 Belmont Road, stated that the elderly residents of Ironbound Square cannot afford to move or get amortgage, and encouraged the landowners of Ironbound Square to hold onto their land.

8. Ms. Hazel Morris, 118 Watford Lane, inquired why the County feels the need for additional road widening and recommended fencing be placed along Ironbound Square frontage to screen the passing traffic from the neighborhood.

9. Ms. Linda **Whitley**, 1514 **Merrimac** Trail, stated concern regarding the apparent conflict of interest of the County with the Ironbound Square Community with the Redevelopment Plan, stated that low-income housing is not needed, inquired if the relocation efforts is due to the development of **New Town**, and requested the residents work with the County to renovate the properties.

10. Mr. William Jones, President of the Ironbound Square Association, 4364 Ironbound Road, stated that 22 people participated in the first phase of the plan to keep their property and recommended residents take part in the rehabilitation program to keep their property.

II. Ms. Phyllis Allen, 5668 **Centerville** Road, stated desire to keep the family home within the family and invited the County to assist with the remodeling of the home.

-6-

12. Ms. Angela Dennis, 209 **Alisa Drive**, stated that Ironbound Square residents and **the County** have been holding public meetings concerning the Redevelopment Plan over the past five years, the residents requested assistance, the County has applied on their behalf for financial assistance to improve the neighborhood in housing, traffic, and front entrance, and is offering that financial assistance.

Mr. Kennedy closed the Public Hearing.

The Board and staff held a discussion concerning the assistance to property owners under the Redevelopment Plan, Federal regulations, proposed land use, methods for determining property acquisition, disposition, and relocation; and time frame for application of the second portion of the grant.

The Board requested that a resolution of intent be submitted with resolution reflecting the Boards desire to avoid condemnation of property.

Mr. Kennedy requested a roll call vote on the deferral of the item until the Board's next meeting on February 26, 2002.

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

Mr. Kennedy recessed the Board for a brief break at **9:07** p.m.

Mr. Kennedy reconvened the Board at **9:15** p.m.

## 2. Case No. Z-5-00. New Town Office Building

Mr. Christopher Johnson, Senior Planner, stated that Mr. Vernon Geddy, III, has applied on behalf of G-Square incorporated to rezone several small parcels to allow for the construction of a five-story **office** building and associated parking at the intersection of **Monticello** Avenue and Ironbound Road, zoned R-8, Rural Residential, and M-I, Limited **Business/Industrial**, further identified as Parcel Nos. (1-**3E**), (1-SO), (1-**2A**), and (1-53) on the James City County Real Estate Tax Map No. (38-4).

Mr. Johnson stated that the applicant has requested a deferral of the item until February 26, 2002, and recommended the Board grant the applicant's request.

Mr. Kennedy opened the Public Hearing, and continued the Public Hearing to February 26, 2002.

As no one wished to speak, Mr. Kennedy closed the Public Hearing

Mr. **Goodson** made a motion to defer the item until February 26, 2002.

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

## 3. Case No. SUP-24-01. Zion Baptist Church

Ms. Jill E. Schmidle, Senior Planner, stated that Mr. John **Morman** has applied on behalf of Zion Baptist Church, for a special use permit to allow the construction of approximately 4,200 square feet of additions to the existing Zion Baptist Church located at 6373 Richmond Road, zoned R-8, Rural Residential, further identified as Parcel No. (1-47) on the James City County Real Estate Tax Map No. (24-3).

Staff found the proposal consistent with the surrounding zoning and development, and consistent with the Comprehensive Plan.

The Planning Commission, at its meeting on January 14, 2002, voted 4-0 to approve the application.

Staff recommended the Board's approval of the proposal with conditions.

Mr. **Kennedy** opened the Public Hearing.

Mr. John Morman, applicant, requested the Board approve the application.

As no one else wished to speak, Mr. Kennedy closed the Public Hearing.

Mr. Harrison made a motion to adopt the resolution.

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

### RESOLUTION

#### CASE NO. SUP-24-01. ZION BAPTIST CHURCH

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

WHEREAS, Mr. John Morman has applied on behalf of Zion Baptist Church for a special use permit to allow the construction of approximately 4,200 square feet of additions to the existing Zion Baptist Church located at 6373 Richmond Road, at the intersection of **Centerville Road**; and

WHEREAS, the property is located on land zoned R-8, Rural Residential District, and can be further identified as Parcel No. (1-47) on James City County Real Estate Tax Map No. (24-3); and

WHEREAS, the Planning Commission, following its public hearing on **January** 14, 2002, voted **4-0** 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-24-01 as described herein with the following conditions:

1. If construction has not commenced on the project within 36 months from the issuance of the special use **permit**, the permit shall become void. Construction shall be defined as obtaining permits for building construction and installation of footings **and/or** foundations.
2. Site plan approval shall be required. The building materials, design, scale, and colors of the addition shall be compatible with that of the existing structure. The colors, design, and building materials for the additions shall be submitted to, and approved by, the Planning Director prior to final site plan approval.
3. All new exterior light fixtures on the property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. A lighting plan shall be submitted to, and approved by, the Planning Director prior to final site plan approval which indicates the fixture type and that no glare will occur outside the property lines. "Glare" shall be defined as more than 0.1 foot-candle at the property line, or any direct view of the lighting source from a public street or adjoining residentially designated property.

4. Entrance improvements shall meet the requirements of the Virginia Department of Transportation (VDOT) and shall be approved by VDOT prior to final site plan approval.
5. A landscaping plan shall be approved by the Planning Director, or his designee, prior to final site plan approval. The owner shall provide landscaping for the area surrounding the **future** church building expansion to mitigate the impact of the expansion on the adjacent property and shall incorporate drought-tolerant landscaping to the extent possible.
6. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

4. Case No. SUP-26-01. Grace Covenant Presbyterian Church

Mr. Christopher M. Johnson, Senior Planner, stated that Mr. Ronnie Orsborne of **LandMark** Design Group has applied on behalf of Grace Covenant Presbyterian Church for a special use permit to allow the construction of a church building with associated parking and utility improvements at 1677 **Jamestown** Road, zoned LB, Limited Business, further identified as Parcel No. **(1-73B)** on the James City County Real Estate Tax Map No. (47-3).

Staff found the proposal consistent with the surrounding zoning and development, and consistent with the Comprehensive Plan.

The Planning Commission, at its meeting on January 14, 2002, recommended approval of the application by a unanimous vote.

Staff recommended approval of the application with conditions.

Mr. Kennedy opened the Public Hearing.

Mr. Steve Geisler, Chairman of the Building Committee, requested that those in the audience in support of the application stand, provided the Board with a brief overview of the Church's history, and requested the Board approve the application.

As no one else wished to speak, Mr. Kennedy closed the Public Hearing.

Mr. **McGlennon** made a motion to adopt the resolution.

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

**RESOLUTION****CASE NO. SUP-26-01. GRACE COVENANT PRESBYTERIAN CHURCH**

- WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and
- WHEREAS, any building that exceeds a 2,750 square foot building footprint within the LB, Limited Business, zoning district, that is designated Low Density Residential on the Comprehensive Plan Land Use Map, requires the issuance of a special use permit; and
- WHEREAS, the Planning Commission of James City County, following its public hearing on January 14, 2002, recommended approval of Case No. SUP-26-01 by a unanimous vote to permit the construction of a house of worship with associated parking and utility improvements at 1677 **Jamestown** Road and further identified as Parcel No. (1-73B) on James City County Real Estate Tax Map No. (47-3).

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-26-01 as described herein with the following conditions:

1. **Construction.** If construction has not begun on the project within 36 months of the issuance of the special use permit, it shall become void. Construction shall be defined as securing permits for land disturbance, building construction, clearing and grading, and the pouring of footings.
2. **Master Plan.** Development and land clearing of the site shall be generally in accordance with the "Master Plan Exhibit, Grace Covenant Presbyterian Church, James City County, Virginia" prepared by **LandMark** Design Group, and dated November 18, 2001, with such accessory structures and minor changes as the Planning Director determines does not change the basic concept or character of the development. Structures to be built on the property in the future which are described on the Master Plan shall not require a special use permit.
3. **Lighting.** All exterior light fixtures, including building lighting, on the property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to, and approved by, the Planning Director or his designee which indicates no glare outside the property lines. All light poles shall not exceed 20-feet in height unless otherwise approved by the Director of Planning prior to final site plan approval. "Glare" shall be defined as more than 0.1 footcandle at the property line or any direct view of the lighting source from the adjoining residential properties.
4. **Architecture.** Prior to final site plan approval, the Planning Director shall review and approve the final building elevations and architectural design of the church building. Such approval as determined by the Planning Director shall ensure that the design and construction of the church building and any future building additions are reasonably consistent with the architectural elevations submitted with this special use permit application prepared by **Magoon** and Associates.

Water Conservation. The owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority. The 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. The water conservation standards shall be approved by the James City **Service** Authority prior to final site plan approval.

6. Dumpsters. All dumpsters on the property shall be screened by landscaping and fencing in a location approved by the Planning Director or his designee **prior to** final site plan approval.
7. Signs. Free-standing signs within 50-feet **of the** Jamestown Road **and/or** Ironbound Road right-of-way, as may exist, shall be ground mounted, monument style and shall be approved by the Planning Director or his designee prior to final site plan approval.

Landscaping. A landscaping plan shall be approved by the Planning Director or his designee prior to final site plan approval. The owner shall provide enhanced landscaping for the area surrounding the future church building expansion to mitigate the impact of the expansion on the Jamestown Road buffer. Enhanced landscaping shall be defined as 133 percent of the Zoning Ordinance landscape requirements.

Buffers. The owner shall maintain a minimum 75 foot undisturbed buffer along the areas of the site adjacent to residential properties in Settler's Mill along **Lakewood Drive**. No grading activities shall occur within the 75 foot buffer. The Environmental Director shall approve all limits of clearing within the Jamestown Road and Ironbound Road buffers for modifications to the stormwater management basins

Archaeology. The owner shall submit to the County and to the **Virginia Department of Historic Resources (VDHR)** an archaeological study prepared in accordance with the County Archaeological Policy for all disturbed areas of the site. The study shall be reviewed and approved by the Planning Director or his designee prior to any land disturbance. The recommendations of the approved study shall be implemented in accordance with the County's Archaeological Policy.

11. Traffic Improvements. All traffic improvements required by the Virginia Department of Transportation along Jamestown Road (State Route 31) and Ironbound Road (State Route 615) shall be installed or bonded prior to issuance of a certificate of occupancy for any structure on the site.
12. Severability. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

5. Case No. SUP-28-01. McKinley Office Building

Ms. Karen Drake, Senior Planner, stated that Mr. Greg Davis has applied on behalf of McKinley Properties for a special use permit to construct and operate a 7,500-square foot general office building on +/- 1.45 acres at 5244 Olde Towne Road, zoned LB, Limited Business, further identified as Parcel No. (1-28C) on the James City County Real Estate Tax Map No. ~~(34-4)~~  
32-4.

Staff found the proposal a complementary **infill** development within the neighborhood Commercial designated property on Olde Towne Road.

The Planning Commission, at its meeting on January 14, 2002, voted 5-0 to approve this application with one additional condition, No. 7, added.

Staff recommended the Board approve the application with conditions.

Mr. Kennedy opened the Public Hearing.

I. Mr. Greg Davis, applicant, provided the Board with an overview of the site plan, shared driveway, buffering and lighting enhancements, and requested the Board approve the application.

As no one else wished to speak, Mr. Kennedy closed the Public Hearing.

Mr. Brown made a motion to adopt the resolution.

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

## RESOLUTION

### CASE NO. SUP-28-01. MCKINLEY OFFICE BUILDING

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, **for areas within the Limited Business District that are designated Neighborhood Commercial or Low-Density Residential** on the Comprehensive Plan, a special use permit shall be required in accordance with Section 24-9 of the James City County Zoning Ordinance for any building exceeding 2,750-square foot building permit; and

WHEREAS, the Planning Commission of James City County, following its public hearing on January 14, 2002, recommended approval of Case No. SUP-28-01 by a vote of 5 to **0** to permit with one additional Special Use Permit Condition added, No. 7, for the construction of a general office building at 5244 Olde Towne Road and further identified as Parcel No. (1-28C) on James City County Real Estate Tax Map No. ~~(34-4)~~  
32-4.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use **Permit No. 28-01** as described herein with the following conditions:

1. McKinley office building shall be built in accordance with the submitted binding Conceptual Master Plan, titled "McKinley Office Building," dated November 21, 2001.

2. Prior to final site plan approval, the Planning Director shall review and approve the final architectural design **of the office** building in order to ensure that the design and construction of the office building are reasonably consistent with the architectural elevations, titled "Proposed Office Building for McKinley Properties," dated November 19, 2001, and submitted with this special use permit application.
3. Prior to **final** site plan approval, the Planning Director shall review and approve the proposed landscaping plan for the entire property. Enhanced landscaping shall include, but not be limited to, a row of Leyland Cypress trees appropriately spaced along the shared property line with Williamsburg Plantation so as to effectively provide a buffer that will effectively screen the McKinley **Office** Building from the Williamsburg Plantation timeshares. The enhanced landscaping shall be provided that meets the planting standards of the landscaping requirements of the James City County Zoning Ordinance by **133** percent. Enhanced landscaping shall also include a single row of 30"-36" Wax Myrtles at 5' - 6' spacing, with such row to include groups of two (2) leyland cypress of not less than one and one-quarter (**1-1/4**) inch caliper, with such leyland cypress spaced not less than every 40' - 60' on center throughout the single row. These plantings shall extend the length of the building on the property adjoining (existing as of the date of passage of this resolution) the subject property to the east and ten (10) feet beyond such building at either end. This enhancement shall be in lieu of **other applicable Zoning** Ordinance landscaping requirements and requirements above, which shall not apply to the area landscaped in accordance with this specification **and** shall be approved by the Planning Director.
4. All exterior light fixtures, including building lighting, on the property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to, and approved by, the Planning Director or his designee, which indicates no glare outside the property lines. All light poles shall not exceed 20 feet in height unless otherwise approved by the Director of Planning prior to final site plan approval. "Glare" shall be defined as more than 0.1 footcandle at the property line or any direct view of the lighting source from the adjoining residential properties. Light poles serving the driveway for the subject property shall be located on the east side of such driveway. Limitations on footcandles outside the subject property limits as established above shall be inapplicable to such driveway light poles so located 75 feet or more from the subject property line adjacent to Olde **Towne** Road.
5. The owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority. The 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. The water **conservation** standards shall be approved by the James City County Service Authority prior to final site plan approval.
6. Prior to final site plan approval, the Planning Director shall review and approve the design of the ground-mounted sign for the property.

7. The Development Review Committee shall review and approve the site plans.
8. The special use permit granted pursuant to this application shall be null and void and of no further force or effect unless construction is commenced within 24 months of the date of approval by the James City County Board of Supervisors.
9. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

6. District Park Wetlands Protective Easement. Hotwater-Cole Tract

Mr. Bernard M. Farmer, Capital Projects Administrator, stated that a minor wetlands crossing was required to be permitted by the U.S. Army Corps of Engineers (COE) as part of the design of the District Park Entrance Road, Hotwater-Cole Tract. The COE stated that of two options, a permanent protective easement be created over a buffer area and an area of existing forested wetlands.

Staff contacted the Williamsburg Land Conservancy about being a recipient of the protective easement and an has agreed to accept the easement and the easement language and drawing have been reviewed and are acceptable to the COE.

Staff recommended the Board grant the protective easement to the Williamsburg Land Conservancy and adopt the resolution.

Mr. Kennedy opened the Public Hearing, and continued the public hearing to February 26, 2002.

1. Ms. **Caren** Schumacher, 1404 Carriage House Way, spoke on behalf of the Williamsburg Land Conservancy and stated support for the easement agreement.

2. Mr. Ed Oyer, 139 Indian Circle, inquired as to the acreage involved with the easement agreement.

As no one else wished to speak, Mr. Kennedy closed the Public Hearing.

Mr. **Goodson** 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

### DISTRICT PARK WETLANDS PROTECTIVE EASEMENT. HOTWATER-COLE TRACT

WHEREAS, James City County must satisfy obligations to the U.S. Army Corps of Engineers (COE) regarding mitigation of wetlands to be destroyed during construction of the entrance road in the District Park Hotwater-Cole Tract; and

WHEREAS, the Corps of Engineers has suggested, and is agreeable to, creation of a protective easement and buffer over a portion of existing wetlands as suitable mitigation; and

WHEREAS, the **Williamsburg** Land Conservancy is agreeable to being the recipient of the protective easement for the wetlands.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator or his designee to execute the necessary documents for granting the protective wetlands easement on the District Park Hotwater-Cole Tract.

#### **H. PUBLIC COMMENT**

1. Mr. Ed Oyer, 139 Indian Circle, commented on a recent article in the *Wall Street Journal* regarding golf courses filing for bankruptcy.

#### **I. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Wanner recommended the Board go into closed session pursuant to Section 2.2-3711 (A) (1) of the Code of Virginia to consider appointment of individuals to County Boards **and/or** Commissions.

Mr. Wanner recommended at the conclusion of this evening's agenda, the Board recess to 1 p.m. on February 15, 2002, for a joint meeting with the **Williamsburg City** Council and the **Williamsburg-James City** County School Board.

#### **J. BOARD REQUESTS AND DIRECTIVES – None**

#### **K. CLOSED SESSION**

Mr. Harrison made a motion to go into closed session pursuant to Section 2.2-3711 (A) (1) of the Code of Virginia to consider 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).

Mr. Kennedy convened the Board into closed session at 9:49 p.m.

At 10:10 p.m. Mr. Kennedy reconvened the Board into open session

Mr. McGlennon 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).

**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 2.2-3711 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 certifiesthat, **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 **2.2-3711(A)(1)**, appointment of individuals to County boards **and/or** commissions.

Mr. **Goodson** made amotion to appoint Colleen K. Killileato a four-year term on the Colonial Group Home Commission, term to expire on February 28, 2006.

On a roll call vote, the vote was: AYE: Brown, **Goodson**, Harrison, Kennedy (4). NAY: **(0)**. ABSTAINED: McGlennon (1).

Mr. McGlennon made a motion to appoint George H. **Billups**, Jr., as the Planning Commission representative to the Regional Issues Committee; to appoint Joseph **Hagy** to an unexpired term on the Parks and Recreation Advisory Commission, term to expire on April 12, 2002; to appoint David **Jarman** to an unexpired term on the Parks and Recreation Advisory Commission, term to expire on April 12, 2004; to appoint Mike **McGinty**, Commonwealth's Attorney, **to the** Colonial Community Criminal Justice Board; and to appoint **Loretta Garrett** to a one-year term on the Purchase of Development Rights (PDR) Committee, term to expire on February 12, 2003, to appoint **Larry** Abbott to a one-year term on the PDR Committee, term to expire on February 12, 2003, to appoint Thomas Belden to a two-year term on the PDR Committee, term to expire on February 12, 2004, to appoint David Powell, Jr. to a two-year term on the PDR Committee, term to expire on February 12, 2004, to appoint Ronald Rosenberg to a three-year term on the PDR Committee, term to expire on February 12, 2005, and to appoint Edward **Overton**, Jr., as the ex **officio** member to the PDR Committee.

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

**L. ADJOURNMENT**

Mr. Kennedy requested a motion to recess until 1 p.m. on February 15, 2002.

**Mr. McGlennon** made a motion to recess.

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

- 16 -

Mr. Kennedy recessed the Board at 10:11 p.m.

  
Sanford H. Wanner  
Clerk to the Board

021202bs.min