

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 9TH DAY OF FEBRUARY 2010, 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
Mary Jones, Vice Chair, Berkeley District
Bruce C. Goodson, Roberts District
James O. Icenhour, Jr., Powhatan District
John J. McGlennon, Jamestown District

Sanford B. Wanner, County Administrator
Leo P. Rogers, County Attorney

B. MOMENT OF SILENCE

C. PLEDGE OF ALLEGIANCE – Hannah Sims, a fourth-grade student at Stonehouse Elementary School, led the Board and citizens in the Pledge of Allegiance.

D. PUBLIC COMMENT

1. Mr. Randy O'Neill, 109 Sheffield Road, commented on helping to eliminate childhood obesity and diabetes through his youth fitness program. He commented that all students should have access to fitness programs through physical education.

2. Mr. John Morbis, 119 Southeast Trace, commented on the proposed Autumn West development. He commented on the flooding and environmental issues in Seasons Trace and the impacts of development on these problems. He stated that the residents were in opposition to the proposed Autumn West development because of potential development methods that would negatively affect Seasons Trace. He stated the developer was unwilling to address the requests of the neighborhood.

3. Mr. Robert Richardson, 2786 Lake Powell Road, commented on the recent appointments to the Planning Commission. He asked why Mr. Icenhour's first nominee, Ms. Deborah Kratter, was not reappointed. He commented that he believed the new Planning Commissioners did not receive proper orientation and have not signed the Code of Ethics. He commented that Commissioner Maddocks was not prepared to discuss the Autumn West case.

4. Mr. Ed Oyer, 139 Indian Circle, commented on road clearing in his neighborhood; removal of a blighted building on Route 60 East; and declining property values.

E. CONSENT CALENDAR

Mr. McGlennon asked to pull Consent Calendar Item No. 6 for separate consideration.

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

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

1. Minutes –
 - a. January 23, 2010, Budget Retreat
 - b. January 26, 2010, Work Session
 - c. January 26, 2010, Regular Meeting
2. Dedication of a Street in Druid Hills, Section D

RESOLUTION

DEDICATION OF A STREET IN DRUID HILLS SECTION D

WHEREAS, the street described on the attached Additions Form AM-4.3, fully incorporated herein by reference, is shown on a plat recorded in the Clerk's Office of the Circuit Court of James City County; and

WHEREAS, the Residency Administrator for the Virginia Department of Transportation advised the Board that the street meets the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, the County and the Virginia Department of Transportation entered into an agreement on July 1, 1994, for comprehensive stormwater detention which applies to this request for addition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation to add the street described on the attached Additions Form AM-4.3 to the secondary system of State highways, pursuant to §33.1-229 of the Code of Virginia, and the Department's Subdivision Street Requirements.

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

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

3. Grant Award – Commonwealth Attorney – Virginia Domestic Violence Victim Fund – \$37,981

RESOLUTION

GRANT AWARD-COMMONWEALTH ATTORNEY-

VIRGINIA DOMESTIC VIOLENCE VICTIM FUND-\$37,981

WHEREAS, the Commonwealth Attorney for the City of Williamsburg and James City County has been awarded a \$37,981 grant from the Virginia Domestic Violence Victim Fund through the State Department of Criminal Justice Services; and

WHEREAS, this grant would fund the personnel costs and travel expenses of a position in the prosecution of misdemeanors and felonies involving domestic violence, sexual abuse, stalking, and family abuse through December 31, 2010.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the additional appropriation to the Special Projects/Grants Fund through December 31, 2010, for the purposes described above:

Revenue:

FY 10 Virginia Domestic Violence Victim Fund \$37,981

Expenditure:

FY10 Virginia Domestic Violence Victim Fund \$37,981

4. Grant Award – Commonwealth Attorney – V-Stop Grant Program Fund – \$56,223

RESOLUTION

GRANT AWARD – COMMONWEALTH ATTORNEY –

V-STOP GRANT PROGRAM FUND – \$56,223

WHEREAS, the Commonwealth Attorney for the City of Williamsburg and James City County has been awarded a \$56,223 Federal grant from the V-Stop Grant Fund (Federal share \$25,566; County Match \$30,657) through the State Department of Criminal Justice Services; and

WHEREAS, this grant would fund the personnel costs of a position to advocate for victims of crimes involving domestic violence, sexual abuse, and stalking beginning January 1, 2010, through December 31, 2010; and

WHEREAS, the grant requires a local cash or in-kind match of \$30,657, which is available in the Commonwealth Attorney’s general fund account.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the additional appropriation to the Victim's Grant Fund through December 31, 2010, for the purposes described above:

Revenues:

CY 10 V-Stop Department of Criminal Justice Services Federal Revenue (DCJS)	\$25,566
CY 10 V-Stop James City County Matching Funds	<u>30,657</u>
Total	<u>\$56,223</u>

Expenditure:

CY 10 V-Stop Grant Program	<u>\$56,223</u>
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- 5. Colonial Services Board Line of Credit – \$500,000

RESOLUTION

COLONIAL SERVICES BOARD LINE OF CREDIT - \$500,000

WHEREAS, State law (§37.2-504 of the Code of Virginia) requires the approval of each represented governing body before a community services board can apply for or accept a loan; and

WHEREAS, the Colonial Services Board (CSB) has asked the Board of Supervisors to authorize a line of credit not to exceed \$500,000 to provide the cash flow needed in advance of the collection of reimbursements from any source, including grant or fee revenue.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the Colonial Services Board to apply for and accept a line of credit not to exceed \$500,000.

- 7. Resolution Supporting Adoption of House Bill 438 Regarding Dam Safety

RESOLUTION

SUPPORTING THE ADOPTION OF HOUSE BILL 438 REGARDING DAM SAFETY

WHEREAS, there is currently pending in the General Assembly House Bill 438 which would provide new standards and an alternative procedure for the review and enforcement of upkeep and maintenance of dams in existence prior to July 1, 1982; and

WHEREAS, House Bill 438 directs the Soil and Water Conservation Board to develop new standards for dam safety and spillway repairs; and

WHEREAS, the new standards for spillways along with new standards for designating a dam unsafe would provide a more flexible approach of dealing with dams in existence before July 1, 1982, by requiring the consideration of downstream impacts, traffic volume on roadways, and determination of public-safety risks on a case-by-case basis; and

WHEREAS, House Bill 438 directs the Soil and Water Conservation Board to allow dam owners to submit alternative plans to correct deficiencies identified with dams and spillways which have been determined to be unsafe; and

WHEREAS, the citizens of James City County have experienced great difficulty and inconvenience dealing with the Department of Conservation and Recreation due to its rigid implementation of the current dam regulations without taking into account impacts on the community, the wishes of property owners, and a more realistic assessment of downstream impacts.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, expresses its support of House Bill 438 and calls upon the members of the General Assembly to approve House Bill 438 and for the Governor to sign it into law.

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the James City County representatives in the General Assembly and to the Governor of the Commonwealth of Virginia.

6. Budget Amendment – Williamsburg Regional Library – \$224,623

Ms. Sue Mellen, on behalf of the Williamsburg Regional Library (WRL) Board of Trustees, stated that Ms. Jean Van Tol and Mr. Bill Porter were in attendance. She stated the budget amendment was a reduction of the County's FY 2010 contribution to the Williamsburg Regional Library. She stated that positions were reduced.

Mr. McGlennon thanked Ms. Mellen and the WRL Board for the proactive approach to the budget situation. He asked about the level of State support for libraries and how that would affect the WRL budget.

Ms. Mellen stated that the State support has made reductions over several years. She stated the Library has a vital volunteer support group that has aided with collections.

Mr. McGlennon made a motion to adopt the resolution.

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

RESOLUTION

BUDGET AMENDMENT - WILLIAMSBURG REGIONAL LIBRARY - \$224,623

WHEREAS, at the December 2, 2009, Williamsburg Regional Library Board of Trustees meeting, the Board recognized the fiscal constraints the recession has placed on James City County; and

WHEREAS, the Library desires to be a proactive participant in dealing with the realities of the current economic situation; and

WHEREAS, the Library approved a resolution reducing the funding allocated to the Library by James City County for FY 2010 by \$224,623.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following budget amendment reducing the appropriation to the Williamsburg Regional Library:

Expenditures:

Williamsburg Regional Library	(\$224,623)
Operating Contingency	<u>\$224,623</u>

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the elimination of three full-time positions, three part-time positions totaling 2,860 hours, and the reduction of 4,212 on-call hours from the Library budget.

F. PUBLIC HEARINGS

Mr. Kennedy recognized Mr. Rich Krapf in attendance on behalf of the Planning Commission.

1. Case No. SUP-0024-2009. Hospice House WCF Tower (continued from January 12, 2010)

Mr. Jason Purse, Senior Planner, stated that the applicant has requested a deferral until March 9, 2010.

Mr. Kennedy stated the Public Hearing has remained open and invited the public to speak.

As no one wished to speak to this matter, Mr. Kennedy stated the Public Hearing would remain open until the case came forward again on March 9, 2010.

2. Case No. ZO-0004-2009. Zoning Ordinance Amendment - SUP Use List Amendments

Mr. Jason Purse, Senior Planner, stated that in July 2008 staff brought forward Zoning Ordinance amendments that dealt with changes to what uses are permitted or specially permitted in various business/industrial districts in the County. Mr. Purse stated that at that time the Board of Supervisors only approved a portion of the proposed changes. He said that at the direction of the Board, staff was reintroducing the remainder of the previously proposed changes at this time. He noted there were no other additional changes proposed with this amendment, other than what the Planning Commission had previously seen. Mr. Purse explained that when looking at the uses that are currently allowed by-right, staff had compiled a list of specially permitted uses (SUPs) that have similar impacts in those zoning districts. Staff feels that moving those uses from SUPs to permitted uses will not have additional adverse effects on similarly zoned properties across the County. He noted that in accordance with the Business Climate Task Force (BCTF) report, staff looked at the business/industrial sections of the ordinance. Mr. Purse said the Board of Supervisors had previously approved changes to the M-1 and M-2 districts, and the only changes proposed with this amendment are from the limited business (LB) and B-1 ordinances and as a part of this review, the Office of Economic Development reviewed the ordinance and provided recommendations. He said staff took that information into consideration as well. He noted that previously staff also incorporated some new uses into this amendment.

At its meeting on January 13, 2010, the Planning Commission voted 7-0 to recommend approval of the B-1 changes and voted 4-3 to recommend approval of the changes to the LB zoning district.

Staff recommended that the Board of Supervisors approve the ordinance amendments.

Mr. Goodson commented that he had received feedback from a citizen with concern that a lumber supply building may be too large to be located near a residential area. He noted that he assured the citizen that other requirements of the zoning district, such as the requirement of legislative approval for a building over 10,000 square feet, would still apply in these zoning districts.

Mr. Purse stated that was correct and noted that in the LB zoning district, parcels that are designated low-density residential or neighborhood commercial were also affected by a portion of the ordinance that requires buildings over 2,750 square feet to obtain an SUP. He stated that all but one of the LB areas in the County currently have that requirement.

Mr. Icenhour asked for additional explanation.

Mr. Purse displayed an area of LB zoning district and explained that the ordinance language requires that a building in an LB zoning district that also has a Neighborhood Commercial or Low Density Residential Comprehensive Plan designation go through the SUP process.

Mr. Icenhour asked for clarification that if an LB use such as a restaurant up to 5,000 square feet, or any other building up to 10,000 square feet, wished to locate in this area, it would still require an SUP if the building was over 2,750 square feet.

Mr. Purse stated that was correct. He stated the only LB area in the County that was not designated Neighborhood Commercial or Low Density Residential was in an area adjacent to the Midlands and would not trigger that clause in the LB ordinance.

Mr. McGlennon asked if the LB area near the Midlands could have buildings up to 10,000 square feet without an SUP.

Mr. Purse stated that was correct.

Mr. McGlennon commented that taverns were more questionable than restaurants. He stated that though the size may be more limited, the hours of operation and other aspects would be different. He asked what expectations or limitations would be applied to a tavern.

Mr. Purse stated that there were no specifications for hours of operation, but lighting and signage could be addressed based on the current ordinance.

Mr. McGlennon stated there was an advantage of the SUP process, which allowed those who would be affected to address these concerns. He stated with the expanded by-right use list, there would be little opportunity for people to engage in dialogue about concerns such as lighting or hours of operation.

Mr. Goodson stated that a small business owner would take about six months to have an SUP approved, which was a considerable amount of time for a business to go without operation. He stated that the SUP could be denied and the delay would be a waste of time and expense for the owner.

Mr. Icenhour commented on hours of operation for taverns and asked if there were provisions to protect neighborhoods from other impositions of businesses, such as live music. He stated removing these businesses from the SUP process eliminated the opportunity to consider input from citizens or protection of neighborhoods from unwanted operations.

Mr. Purse stated there were no provisions in the zoning ordinance related to hours of operation.

Mr. McGlennon stated that he understood that a development of performance standards might allow the SUP process to move more quickly and be less costly.

Mr. Purse stated there were none at this time, but staff would be developing performance standards as part of the zoning ordinance update.

Mr. Kennedy opened the Public Hearing.

1. Mr. Doug Gebhardt, on behalf of the Economic Development Authority, commented that these ordinance amendments were a precursor to fulfilling the BCTF recommendations to make the County more attractive to potential businesses. He stated that the BCTF recommended that more specially permitted business uses be allowed by-right and greater certainty should be given to businesses that must go through the SUP process.

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

Mr. Goodson made a motion to adopt the ordinance amendment.

Mr. Icenhour amended the motion to vote for the LB and B-1 separately.

Mr. Goodson made a motion to adopt the B-1 amendments first.

Mr. Icenhour asked Mr. Purse to explain locations of the new zoning descriptions.

Mr. Purse displayed maps of the LB properties in the County.

Mr. Icenhour stated he could support the changes to the B-1 and stated concern about some of the LB uses. He recognized that the SUP process can be an impediment to new businesses. He asked that the process be changed to facilitate new businesses rather than removing the SUP application process from the properties.

Mr. Goodson stated that the challenges of the business community were complex, and business owners would relocate to another locality rather than wait months for the legislative approval process.

Mr. Icenhour stated he would like to make the process shorter and less complex, which would be more attractive to business owners.

Mr. Goodson stated that he understood that various public notices and approvals were required, so the process could not be shortened very much. He stated that the uncertainty of legislative approval was not attractive to business owners. He said that it would be most difficult for small businesses and that he supported the concept of performance standards.

Mr. Icenhour stated that he believed these changes would negatively affect neighborhoods prior to adoption of performance standards. He commented that he would like to see the process improved and expedited rather than allowing more development by-right.

Mr. Rogers commented that York County has a different approach to zoning called performance zoning, which gives some certainty to business owners, but not necessarily a shorter time frame for approval.

Mr. Wanner commented that expedited review is available for certain business projects based on additional value to the tax base and additional jobs provided to the community.

Mr. Icenhour asked how much the expedited review process has been used.

Mr. Wanner stated it has been used over the last nine years, including in the approval process for the Wal-Mart Import Distribution Center.

Mr. Icenhour asked what the savings have been for the businesses.

Mr. Wanner stated that he was unsure of the amount of savings, but the process significantly reduced the time.

Mr. McGlennon stated that he understood that businesses are looking for certainty, but he stated the goal was balance for the businesses and the citizens who live in the neighborhoods. He stated that people need to be able to have input about developments near their neighborhood. He said he believed most of the items that require SUPs are likely problematic in transitional areas, which led the Board to require SUPs for those uses. He commented that certain locations require additional scrutiny, which is why the SUP process exists.

Ms. Jones stated that these items were delayed until the Comprehensive Plan update process was completed. She clarified that by-right development still had traffic impediments and other requirements. She stated that the SUP process was costly and time-consuming for business owners. She stated that this was a step in the process of identifying by-right business opportunities. She stated her support of improving the SUP process in addition to the ordinance changes. She stated her support for the amendments.

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

Mr. Goodson made a motion to adopt the LB portion of the ordinance changes.

Mr. McGlennon asked to strike the word "tavern" from the ordinance amendments so the ordinance would read "restaurants and tea rooms."

Mr. Goodson asked if a restaurant could still provide alcohol sales by striking "taverns" from the ordinance amendment.

Mr. Rogers stated that a tavern would suggest serving more alcohol than a restaurant, but it would not prohibit restaurants from obtaining an Alcoholic Beverage Control (ABC) license and serving alcohol.

On a roll call vote, the vote was: AYE: Goodson, Jones, Kennedy (3). NAY: McGlennon, Icenhour (2).

Mr. McGlennon asked that the record reflect that the Board would like to see a proposed set of Performance Standards to address the by-right developments approved by this ordinance amendment.

3. Case No. Z-0004-2009/SUP-0027-2009. School Operations Center

Ms. Leanne Reidenbach, Senior Planner, stated that Mr. Bruce Abbott, AES Consulting Engineers, on behalf of Williamsburg-James City County (W-JCC) Schools, has applied to rezone newly acquired property adjacent to the existing W-JCC Operations Center to Public Lands and to expand parking and school bus/trailer storage area. She stated the property was located at the northwest corner of the intersection of Jolly Pond Road and Cranston's Mill Pond Road. She stated the property was identified as James City County Tax Map Parcel No. 2240100009, consisting of 27.7 acres (7.2 acres is existing Operations Center and 20.5 is newly acquired property) zoned A-1, General Agricultural, and designated Rural Lands by the 2009 Comprehensive Plan.

Ms. Reidenbach stated the expansion included the addition of a long-term gravel bus/trailer storage area at the rear of the property and a 36-space gravel employee/overflow parking area to the west of the existing entrance on Jolly Pond Road. Ms. Reidenbach explained that in 1990, W-JCC Schools were granted SUP-0032-1990 for the existing operations and maintenance building on a 7.2-acre site. An additional 20.5 acres was incorporated into the parcel in 2009 and an SUP is required to expand the use of a publically owned operational center.

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

At its meeting on January 13, 2010, the Planning Commission recommended approval by a vote of 7-0.

Staff recommended that the Board of Supervisors approve the SUP application for the School Operations Center expansion with conditions.

Mr. Goodson asked about possible additional entrances to the property.

Mr. Icenhour asked if an additional entrance was going to be added.

Ms. Reidenbach stated that the master plan is demonstrating that it would have permission to add an additional entrance, but there was no entrance planned at this time.

Mr. Icenhour asked if any additional SUPs required for the site would come back before the Board at a later date.

Ms. Reidenbach stated that was correct.

Mr. Kennedy opened the Public Hearing.

As one wished to speak to this matter, Mr. Kennedy closed the Public Hearing.

Mr. Icenhour made a motion to adopt the resolution. He thanked staff for answering his questions.

Mr. McGlennon asked if both resolutions were being considered at the same time.

Mr. Kennedy stated that both were being considered.

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

RESOLUTION

CASE NO. SUP-0027-2009. SCHOOL OPERATIONS CENTER PARKING

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 (SUP) process; and

WHEREAS, the applicant has requested an SUP to allow the expansion of a publically owned operations center in a PL, Public Lands District; and

WHEREAS, the property is located at 597 Jolly Pond Road and can be further identified as James City County Real Estate Tax Map No. 2240100009; and

WHEREAS, the Planning Commission, following its public hearing on January 13, 2010, voted 7 to 0 to recommend approval of 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-0027-2009 as described herein with the following conditions:

1. Master Plan: This SUP shall be valid for the construction of an employee/overflow parking area and trailer/bus storage area to serve the existing Williamsburg-James City County (W-JCC) Operations Center located at 597 Jolly Pond Road ("Property"). These areas shall be developed generally in accordance with the layout submitted with the application titled "SUP document for W-JCC Operations Center," drawn by AES Consulting Engineers, dated November 3, 2009, and revised January 5, 2010 ("Master Plan"), with only changes thereto that the Director of Planning determines, do not change the basic concept or character of the development.
2. Entrances: No more than one entrance to the Property shall be permitted on Jolly Pond Road. No more than one entrance to the Property shall be permitted on Cranston's Mill Pond Road and the entrance shall be located at least 240 feet from the centerline of Jolly Pond Road.
3. Fencing: Fences currently located around the existing bus storage and refueling area, and between the garage activities and the adjacent property shall be retained.
4. Landscaping: The owner shall avoid removing trees, bushes, and shrubs within the existing untimbered area along Cranston's Mill Pond Road adjacent to the trailer/bus storage area to the maximum extent possible, with the exception of the removal of debris, windfalls, or deadfalls; planting of additional landscaping, or unless otherwise approved by the Director of Planning or his designee. A landscaping plan providing evergreen trees and shrubs ("Landscaping") between the gravel trailer/bus storage area and Cranston's Mill Pond Road shall be approved by the Director of Planning or his designee prior to final

site plan approval and landscaping shall be installed within six months of final site plan approval unless otherwise determined by the Director of Planning or his designee. The landscaping may be planted within the untimbered area to meet the purposes of screening the gravel trailer/bus storage area.

5. Storage Limitations: The trailer/bus storage area, as shown on the Master Plan, is for use as long-term storage and buses, trailers, or other vehicles stored in that area shall not be moved from the storage area on a daily basis.
6. Archaeology: A Phase I Archaeological Study for the disturbed area shall be submitted to the Director of Planning for review and approval prior to land disturbance. A treatment plan shall be submitted and approved by the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation and/or identified as eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to and approved by the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources' *Guidelines for Preparing Archaeological Resource Management Reports* and the Secretary of the Interior's *Standards and Guidelines for Archaeological Documentation*, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's *Professional Qualification Standards*. All approved treatment plans shall be incorporated into the plan of development for the site and the clearing, grading or construction activities thereon.
7. Water Conservation: The W-JCC School Board shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority (the "JCSA") prior to final site plan approval. The standards shall 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-resistant native and other adopted low-water-use landscaping materials and warm-season turf where appropriate, and the use of water-conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
8. Severability Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentences, or paragraph shall invalidate the remainder.

RESOLUTION

CASE NO. Z-0004-2009. SCHOOL OPERATIONS CENTER PARKING

WHEREAS, in accordance with §15.2-2204 of the Code of Virginia, and Section 24-13 of the James City County Zoning Ordinance, a public hearing was advertised, adjacent property owners notified, and a hearing scheduled for Case No. Z-0004-2009 for rezoning approximately 20.5 acres from A-1, General Agricultural, to PL, Public Lands; and

WHEREAS, the property is located at 597 Jolly Pond Road and can be further identified as James City County Real Estate Tax Map No. 2240100009; and

WHEREAS, the Planning Commission, following its public hearing on January 13, 2010, voted 7 to 0 to recommend approval of this application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after a public hearing, does hereby approve Case No. Z-0004-2009 as described herein.

G. PUBLIC COMMENT

1. Mr. Robert Richardson, 2786 Lake Powell Road, continued his previous comments that Mr. Maddocks was not prepared for consideration of the Autumn West case at the recent Planning Commission. He stated that he has lost all trust in his government. He commented that he felt individuals with little or no ethics were working in the government and felt that Mr. Maddocks violated Items 5 and 6 of the Code of Ethics. He commented that the public comment times had changed without advance notice.

2. Mr. John Morbis, 119 Southeast Trace, continued his previous comments on the proposed Autumn West development. He thanked members of the Planning Commission and Board of Supervisors for their input and concern about the development.

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated that when the Board completed its business, it should recess to 10 a.m. on February 11, 2010, for VML/VACo Legislative Day. He commented that there was a reappointment to the Purchase of Development Rights Committee as well as an alternate appointment to the Community Action Agency carried over from the Organizational Meeting, which may be considered in open session.

Mr. Wanner noted that any citizens who would like to view the information compiled by the County regarding Chinese drywall may view those documents on the County's website homepage. He commented that if a citizen would like to bring a Chinese drywall case to the County's attention, he or she should contact County Administration via telephone or email.

I. BOARD REQUESTS AND DIRECTIVES

Mr. Goodson made a motion to reappoint Mr. Thomas Belden to a three-year term on the Purchase of Development Rights Committee, term to expire on February 9, 2013.

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

Mr. Icenhour made a motion to appoint Mr. John Carnifax as the alternate appointee for the Powhatan District on the Community Action Agency.

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

Mr. McGlennon commented that he spoken Mr. Todd Halacy, Virginia Department of Transportation (VDOT) Residency Administrator, about whether or not VDOT intended to plow subdivision streets, and he responded that VDOT did not intend to do so. He stated that in recent weeks, the weather has created impassable and dangerous roads and school closures. He stated it was inconvenient and it had an economic impact as well. He asked if Mr. Halacy could provide a clear explanation of the plan to deal with subdivision streets. He stated he understood that in some neighborhoods there was plowing or sanding, but he did not understand the methodology. He stated he also thought the County should express the dissatisfaction of the decision not to plow subdivision streets to the Commonwealth of Virginia.

Mr. Kennedy stated he supported that proposal.

Mr. Wanner stated that VDOT was experiencing significant flux, and dramatic changes were expected. He stated he would speak with Mr. Halacy on the snow removal plan for VDOT.

Mr. McGlennon asked to consider sending a message to the Commonwealth of Virginia about the County's dissatisfaction with the services to subdivision streets.

Mr. Kennedy commented that the public comment speaking time periods have been consistent for many years.

Mr. Goodson noted that several years ago an additional public comment period was added.

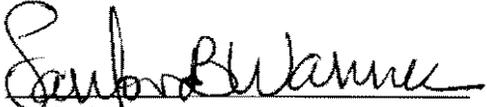
Mr. Wanner stated that was correct.

J. RECESS to 10 a.m. on February 11, 2010.

Mr. Icenhour made a motion to recess.

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

At 8:04 p.m., Mr. Kennedy recessed the Board to 10 a.m. on February 11, 2010.


Sanford B. Wanner
Clerk to the Board

FEB 9 2010

ORDINANCE NO. 31A-244BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS, DIVISION 9, LIMITED BUSINESS DISTRICT, LB, SECTION 24-368, PERMITTED USES; AND SECTION 24-369, USES PERMITTED BY SPECIAL USE PERMIT ONLY; DIVISION 10, GENERAL BUSINESS DISTRICT, B-1, SECTION 24-390, PERMITTED USES; AND SECTION 24-391, USES PERMITTED BY SPECIAL USE PERMIT ONLY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article V, Districts, Division 9, Limited Business District, LB, Section 24-368, Permitted uses; and Section 24-369, Uses permitted by special use permit only; Division 10, General Business District, B-1, Section 24-390, Permitted uses; and Section 24-391, Uses permitted by special use permit only.

Article V. Districts

Division 9. Limited Business District, LB

Sec. 24-368. Permitted uses.

Reference Section 24-11 for special use permit requirements for certain commercial uses and exemptions.

In the Limited Business District, LB, buildings or structures to be erected or land to be used shall be for one or more of the following:

Adult day care centers.

An apartment or living quarters for a guard, caretaker, proprietor or the person employed on the premises, which is clearly secondary to the commercial use of the property.

Bakeries and fish markets.

Banks and other similar financial institutions.

Barber and beauty shops.

Business, governmental and professional offices.

Catering and meal preparation 5,000 sq. ft. or less

Child day care centers.

~~Contractor's offices without the storage of construction equipment or building materials.~~

Contractor's offices (with storage of materials and equipment limited to a fully enclosed building)

Drug stores.

Dry cleaners and laundries.

Feed, seed and farm supply stores.

Fire stations.

Funeral homes.

Health clubs, exercise clubs, fitness centers.

Houses of worship.

Libraries.

Lodges, civic clubs, fraternal organizations and service clubs.

Lumber and building supply (with storage limited to a fully enclosed building)

Mailing and facsimile transmission reception

Medical clinics or offices.

New and/or rebuilt automotive parts sales (with storage limited to a fully enclosed building).

Off-street parking as required by this section 24-53.

Office supply stores, secretarial and duplicating services.

Photography studios and sales, artist and sculptor studios, art and crafts and handicraft shops, antique shops, reproduction and gift shops.

Plumbing and electrical supply (with storage limited to a fully enclosed building).

Post offices.

Public meeting halls.

Retail and service stores, including the following stores: books, candy, carpet, coin, department, dressmaking, florist, furniture, furrier, garden supply, greeting card, gunsmith (excluding shooting ranges), hardware, home appliance sales and service, ice cream, jewelry sales and service, locksmith, music and records, paint, pet, picture framing, plant supply, shoe, sporting goods, stamp, tailor, tobacco and pipes, toys, travel bureau, upholstery, wearing apparel and yard goods.

Restaurant (excluding fast food restaurants) and tea rooms with 100 seats or less;

Retail food stores 5,000 sq. ft. or less;

Schools.

Timbering in accordance with section 24-43.

Tourist homes;

Veterinary hospitals (with all activities limited to a fully enclosed building).

Wireless communications facilities that utilize alternative mounting structures, or are building mounted, or are camouflaged, and comply with division 6, Wireless Communications Facilities.

Sec. 24-369. Uses permitted by special use permit only.

In the Limited Business District, LB, buildings or structures to be erected or land to be used for one or more of the following uses shall be permitted only after the issuance of a special use permit by the board of supervisors:

Automobile service stations, in areas not designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan; if fuel is sold, then in accordance with section 24-38.

~~Contractor's offices with storage of materials and equipment limited to a fully enclosed building.~~

Convenience stores without the sale of fuel.

Electrical substations (public or private), with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more.

Flea markets, in areas not designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan.

~~Lumber and building supply (with storage limited to a fully enclosed building).~~

Marinas, docks, piers, yacht clubs, boat basins and servicing, repair and sale facilities for the same; if fuel is sold, then in accordance with section 24-38.

~~Plumbing and electrical supply (with storage limited to a fully enclosed building).~~

Publicly owned solid waste container sites.

Railroad facilities including tracks, bridges and stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad right-of-ways and track and safety improvements in existing railroad right-of-ways are permitted generally and shall not require a special use permit.

Restaurants (excluding fast food restaurants), tea rooms and taverns *over 100 seats*.

Retail food stores *over 5,000 sq. ft.*

Telephone exchanges and telephone switching stations.

Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, extensions for private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit.

Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a special use permit:

- (a) Private connections to existing mains that are intended to serve an individual customer and are accessory to existing or proposed development, with no additional connections to be made to the line;
- (b) Distribution lines and local facilities within a development, including pump stations.

DIVISION 10. GENERAL BUSINESS DISTRICT, B-1

Sec. 24-390. Permitted uses.

Reference Section 24-11 for special use permit requirements for certain commercial uses and exemptions.

In the General Business District, B-1, structures to be erected or land to be used, shall be for one or more of the following uses:

Adult day care centers.

An apartment or living quarters for a guard, caretaker, proprietor or the person employed on the premises which is clearly secondary to the commercial use of the property.

Banks and other similar financial institutions.

Barber and beauty shops.

Business, governmental and professional offices.

Contractor's offices with storage of materials and equipment limited to a fully enclosed building.

Child day care centers.

Drug stores.

Dry cleaners and laundries.

~~*Farmer's market*~~

Feed, seed and farm supply stores.

Fire stations.

Funeral homes.

Health clubs, exercise clubs, fitness centers.

Hotels, motels, tourist homes and convention centers.

Houses of worship.

Indoor sport facilities (excluding shooting ranges).

Indoor theaters.

Libraries.

~~*Limousine services (with maintenance limited to a fully enclosed building)*~~

Lodges, civic clubs, fraternal organizations and service clubs.

Lumber and building supply (with storage limited to a fully enclosed building or fully screened from view with a structural barrier approved by the development review committee, located within the building setback area with a maximum height of 12 feet).

Machinery sales and service (with storage and repair limited to a fully enclosed building).

Marinas, docks, piers, yacht clubs, boat basins, and servicing, repair and sale facilities for the same; if fuel is sold, then in accordance with section 24-38.

Marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce or seafood receiving, packing or distribution.

Medical clinics or offices.

Micro-breweries

Museums.

New and/or rebuilt automotive parts sales (with storage limited to a fully enclosed building).

Off-street parking as required by section 24-53.

Parking lots and garages.

Photography, artist and sculptor studios.

Plumbing and electrical supply (with storage limited to a fully enclosed building).

Post offices.

Printing and publishing.

Public billiard parlors, arcades, pool rooms, bowling alleys, dance halls and other indoor centers of amusement.

Public meeting halls.

Radio and television stations and accessory antenna or towers and tower mounted wireless communication facilities, which are 60 feet or less in height.

Research, development and design facilities or laboratories

Restaurants, fast food restaurants, tea rooms and taverns.

Retail and service stores, including the following stores: antiques, arts and crafts, books, candy, carpet, coin, department, dressmaking, duplicating services, florist, furniture, furrier, garden supply, gift, greeting card, gunsmith (excluding shooting ranges), handicrafts, hardware, home appliance sales and service, ice cream, jewelry sales and service, locksmith, music and records, office supply, paint, pet, photography, picture framing, plant supply, secretarial services, shoe, sporting goods, stamp, tailor, tobacco and pipes, toys, travel bureau, upholstery, wearing apparel, and yard goods.

Retail food stores, bakeries and fish markets.

Schools.

Security service offices.

Telephone exchanges and telephone switching stations gap.

Timbering in accordance with section 24-43.

Veterinary hospitals.

Wholesale and warehousing (with storage limited to a fully enclosed building).

Wireless communications facilities that utilize alternative mounting structures, or are building mounted, or are camouflaged, and comply with division 6, Wireless Communications Facilities.

Sec. 24-391. Uses permitted by special use permit only.

In the B-1, General Business District, buildings to be erected or the land to be used for one or more of the following or similar uses shall be permitted only after the issuance of a special use permit by the board of supervisors:

Antennas and towers in excess of 60 feet in height.

Automobile service stations; if fuel is sold, then in accordance with section 24-38.

Campgrounds.

Convenience stores; if fuel is sold, then in accordance with section 24-38.

Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more.

Flea markets.

Heliports and helistops, as an accessory use.

Hospitals.

Kennels.

~~Limousine service.~~

~~Micro-breweries.~~

Nonemergency medical transport.

Nursing homes.

Outdoor centers of amusement.

Outdoor sport facilities.

Processing, assembly and manufacture of light industrial products or components, with all storage, processing, assembly and manufacture conducted indoors and under cover, with no dust, noise, odor or other objectionable effect.

Publicly owned solid waste container sites.

Railroad facilities including tracks, bridges and, stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad right-of-ways and track and safety improvements in existing railroad right-of-ways, are permitted generally and shall not require a special use permit.

~~Research, development and design facilities or laboratories.~~

Taxi service.

Theme parks of ten acres or more.

Tire, transmission, glass, body and fender and other automotive repair and service (with storage and major repair limited to a fully enclosed building).

Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, in excess of 60 feet in height.

Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, extensions for private connections to existing pipelines, which are intended to serve an individual customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit.

Vehicle rentals.

Vehicle and trailer sales and services (with major repair limited to a fully enclosed building).

Waste disposal facilities.

Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a special use permit:

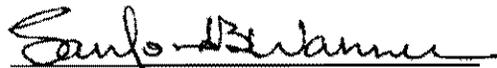
- (a) Private connections to existing mains that are intended to serve an individual customer and that are accessory to existing or proposed development, with no additional connections to be made to the line; and
- (b) Distribution lines and local facilities within a development, including pump stations.

Water impoundments, new or expansion of, 50 acres or more or with dam heights of 25 feet or more.

James G. Kennedy
Chairman, Board of Supervisors

SUPERVISOR	VOTE	B1	LB
MCLENNON		AYE	NAY
GOODSON		AYE	AYE
ICENHOUR		AYE	NAY
JONES		AYE	AYE
KENNEDY		AYE	AYE

ATTEST:


Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of February, 2010.