

RESOLUTION

SKIFFES CREEK SWITCHING STATION

REQUEST FOR A DELAY BY APPLICANT TO AUGUST 9, 2016

- 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, Ms. Adena Patterson of McGuire Woods, LLP has applied for an SUP, a rezoning and a height waiver on behalf of Virginia Electric and Power Company d/b/a Dominion Virginia Power (the "Owner") for an electrical switching station (the "Station") on properties located at 8968, 8964 and 8960 Pocahontas Trail, further identified as James City County Real Estate Tax Map Parcel Nos. 5920100002, 5920100044A and 5920100013 (the "Property"); and
- WHEREAS, the proposed Station is depicted on the plan prepared by Dewberry dated July 24, 2015, entitled "Overall Plan Skiffes Creek Switching Station" and containing nine pages; and
- WHEREAS, a public hearing was advertised, adjoining property owners notified and a hearing conducted on Case Nos. Z-0003-2015 and SUP-0002-2015; Case No. HW-0001-2015, the height waiver request, is not a matter for the Planning Commission to consider; and
- WHEREAS, following a public hearing at the August 5, 2015 Planning Commission meeting, the motion for a recommendation of approval for Application Nos. SUP-0002-2015 and Z-0003-2015 failed by a vote of 2-4; and
- WHEREAS, on August 17, 2015, the Owner sent a letter to the County appealing the Virginia Code §15.2-2232 finding wherein the Planning Commission found that the proposed rezoning was not in substantial accord with the Comprehensive Plan and such appeal is to be heard by the Board of Supervisors within 60 days from the date of the appeal; and
- WHEREAS, on September 17, 2015, Mr. Brennen Keene of McGuire Woods, LLP, on behalf of the Owner sent a letter to Chairman Michael Hipple asking that the public hearings for Case Nos. Z-0003-2015/SUP-0002-2015/HW-0001-2015 and the appeal of §15.2-2232 be delayed until November 24, 2015; and
- WHEREAS, on October 23, 2015, Mr. Brennen Keene of McGuire Woods, LLP, on behalf of the Owner, sent a letter to Chairman Michael Hipple asking that the public hearings for Case Nos. Z-000-2015, SUP-0002-2015 and HW-0001-2015 and the appeal of §15.2-2232 be delayed until December 8, 2015; and
- WHEREAS, on December 4, 2015, Mr. Brennen Keene of McGuire Woods, LLP, on behalf of the Owner, sent a letter to Chairman Michael Hipple asking that the public hearings for Case Nos. Z-000-2015, SUP-0002-2015 and HW-0001-2015 and the appeal of §15.2-2232 be delayed until February 9, 2016; and

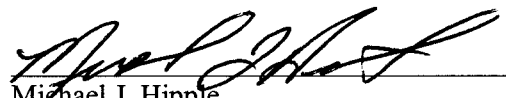
WHEREAS, on January 8, 2016, Mr. Brennen Keene of McGuire Woods, LLP, on behalf of the Owner, sent a letter to Chairman Michael Hipple asking that the public hearings for Case Nos. Z-000-2015, SUP-0002-2015 and HW-0001-2015 and the appeal of §15.2-2232 be delayed until March 8, 2016; and

WHEREAS, on February 5, 2016, Mr. Brennen Keene of McGuire Woods, LLP, on behalf of the Owner, sent a letter to Chairman Michael Hipple asking that the public hearings for Case Nos. Z-000-2015, SUP-0002-2015 and HW-0001-2015 and the appeal of §15.2-2232 be delayed until August 9, 2016 with an option to request an earlier hearing should the Army Corps of Engineers issue a permit with sufficient time to properly advertise, or, alternatively, that the public hearings be delayed until May 10, 2016; and

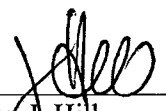
WHEREAS, in the letter dated February 5, 2016 the Owner acknowledges and confirms that the 60-day time period for the §15.2-2232 appeal will be delayed until May 10, 2016, August 9, 2016 or such earlier hearing date that the Owner requests and the Board approves; and

WHEREAS, the Board of Supervisors has a Legislative Action Deferral Policy, which was adopted on September 25, 2012, and acknowledges and agrees to waive the policy in these matters; due to extenuating circumstances unique to these applications.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves a delay in hearing Case Nos. Z-000-2015, SUP-0002-2015 and HW-0001-2015 and the §15.2-2232 appeal until August 9, 2016 with the understanding that the Owner may request an earlier hearing.


Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:


Bryan J. Hill
Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
MCGLENNON	☒	☐	☐
LARSON	☒	☐	☐
ONIZUK	☒	☐	☐
SADLER	☒	☐	☐
HIPPLE	☒	☐	☐

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of February, 2016.

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