

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

April 10, 2001

7:00 P.M.

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE - Mr. Jeff Kelly, an Eighth Grade Student at Toano Middle School

C. PUBLIC COMMENT

D. CONSENT CALENDAR

1. Minutes
 - a. February 7, 2001, Joint Work Session, James City County Board of Supervisors, City of Williamsburg, and the School Board
 - b. March 27, 2001, Regular Meeting
 - c. March 28, 2001, Work Session
2. Land and Water Conservation Fund Grant
3. Chesapeake Bay Preservation Ordinance Violation
4. National Telecommunicator's Week - April 8 - 14

E. PUBLIC HEARINGS

1. Case No. SUP-06-01. Cook Family Subdivision
2. Proposed Fiscal Year 2002 Budget and 2002-2006 Capital Improvement Program
3. 2001 Redistricting Plan
4. Case No. Z-1-01. Energy Services Group International, Inc.

F. BOARD CONSIDERATION

1. Sister City Affiliation, City of Ipswich, Suffolk, England

G. PUBLIC COMMENT

H. REPORTS OF THE COUNTY ADMINISTRATOR

I. BOARD REQUESTS AND DIRECTIVES

AT A JOINT MEETING OF THE JAMES CITY COUNTY BOARD OF SUPERVISORS, WILLIAMSBURG-JAMES CITY COUNTY SCHOOL BOARD, AND THE WILLIAMSBURG CITY COUNCIL, HELD ON THE 7TH DAY OF FEBRUARY, 2001, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

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

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

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

B. BOARD CONSIDERATION

Mr. McGlennon called the meeting to order.

Ms. Mary Minor, School Board, welcomed the Board of Supervisors and the City Council to the joint meeting.

Dr. David Martin, School Superintendent, gave a presentation on the budget development process.

The Board of Supervisors of James City County, Williamsburg-James City County School Board, the Williamsburg City Council, and staff discussed the following items in relation to the proposed School Budget:

- 1) Enrollment Projections
- 2) Revenue Projections for FY 02
- 3) Expenditures for Instructional Improvements
- 4) Expenditures for Growing School Costs
- 5) Increasing Compensation and Benefits
- 6) Retention of Teachers

Mr. Kennedy made a motion to adjourn.

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

The Board adjourned at 8:30 p.m.

Sanford B. Wanner
Clerk to the Board

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 27TH DAY OF MARCH, 2001, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

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

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

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

B. PLEDGE OF ALLEGIANCE

Mr. Leon Barrow, a student at James Blair Middle School, led the Board and citizens in the Pledge of Allegiance.

C. PUBLIC COMMENT

1. Mr. Skip Morris, Chairman of the Williamsburg Community Builders Association, conveyed the Association's support for the retention of the existing tree-lined median of Interstate 64 as part of the I-64 expansion project.

D. PRESENTATIONS

1. Volunteer Recognition – International Year of the Volunteer

Mr. McGlennon recognized St. Martin's Episcopal Church Food Program volunteers for their efforts to supplement the nutritional needs of 11 adults with significant health problems by having teams of church members visit them and take them food on a monthly basis.

Ms. Myrtle Engs, Ms. Ann Hunt, and Ms. Edith Remick were present to accept the recognition.

2. Reports of the School Superintendent

Dr. David Martin, Superintendent of Schools, stated that the Board has been provided a copy of the Schools' proposed budget and gave an overview of the process by which the proposed budget was compiled.

Dr. Martin stated that five subgroups have been formed from the Focus Group on Secondary Education Programming to address issues surrounding the educational needs of the community. The five subgroups are the Academic Alternatives, Adult Workforce, Alternative Education, Athletic Facilities, and Career and Technical.

Dr. Martin stated that the Board has before it for consideration tonight, a request for appropriation of unspent funds for improvements at Cooley Field. Dr. Martin requested the Board approve this request in anticipation that the improvements can be completed in time for the August sports season.

Dr. Martin invited comments and questions from the Board.

Mr. Harrison asked Dr. Martin how accessible Cooley Field will be for the community or if the field will be exclusively used by schools.

Dr. Martin stated that the scholastic athletic users will have priority on the fields and should space be available for community as long as the use was not detrimental to the field conditions.

Mr. Nervitt voiced concern that funds are being diverted from a long-term solution of a new stadium for a short-term solution at Cooley Field.

Dr. Martin stated that although Cooley Field is viewed as a short-term solution for the shortage of athletic fields, the improvements would allow Cooley Field to be utilized for at least five years and after that would provide a needed facility to hold scholastic athletic events currently unavailable to the schools due to the lack of available space.

Mr. McGlennon commented on the successful spring sports season and suggested the success can be credited to skilled athletes in the schools and dedicated coaches.

Mr. McGlennon stated that the proposed School budget shows the Schools are making hard decisions to minimize expenditures within the budget.

3. Thomas Nelson Community College

Mr. McGlennon stated that Thomas Nelson Community College has selected James City County as the site for a new branch campus.

E. HIGHWAY MATTERS

Mr. Quintin Elliott, Resident Engineer, Virginia Department of Transportation (VDOT), stated that on March 22 a portion of the Busch interchange off I-64 was opened to traffic and anticipates this interchange will alleviate traffic congestion on Route 199 and Route 60 for travelers to Busch Gardens.

Mr. Goodson requested a timetable for the completion of the Busch interchange.

Mr. Elliott stated that the project is being reviewed and a completion date has not yet been determined.

Mr. Goodson thanked VDOT for the prompt response regarding the U-turn problem on Route 60 E at the Busch interchange.

Mr. McGlennon requested a timetable for the repaving project on Ron Springs Drive (Rt. 667).

Mr. McGlennon requested the striping and lane alignment for the left-turn lane into Heritage Landing from Rt. 5 be reviewed for a better alignment.

Mr. McGlennon requested information concerning the signage request for the intersection of 4-H Club Road (Rt. 680) and Jamestown Road (Rt.31).

Mr. Harrison requested VDOT look at the intersection of Ron Springs Drive (Rt. 667) and Rt. 60 to address stormwater drainage.

Mr. McGlennon requested information regarding the impact of the State's budget on VDOT's budget for road improvements and projects in James City County.

Mr. Elliott stated that VDOT's budget is not tied directly to the statewide budget and it is not anticipated that the transportation fund that VDOT utilizes will be greatly impacted by the Governor's proposed budget.

F. CONSENT CALENDAR

Mr. McGlennon asked if anyone wished to remove and item from the consent calendar.

Mr. Harrison requested Item Number 7, Road Proffers – Transportation Improvement District be removed for further consideration.

Mr. Nervitt requested Item Number 8, Cooley Field Bleacher Replacement Funding be removed for further consideration.

Mr. Goodson made a motion to approve the remaining items on the consent calendar.

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

1. Minutes

a. March 13, 2001, Regular Meeting

2. Code Violation Lien, 119 Jackson Drive

RESOLUTION

CODE VIOLATION LIEN, 119 JACKSON DRIVE

WHEREAS, the Zoning Administrator has certified to the Board of Supervisors of James City County, Virginia, that the property owner as described below has failed to pay a bill in the amount listed, for cutting of grass and weeds or removal of trash and debris, although the County has duly requested payment; and

WHEREAS, the unpaid and delinquent charges are chargeable to the owner and collectible by the County as taxes and levies and constitute a lien against the Property.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors, James City County, Virginia, that in accordance with Sections 10-7 and 10-5 of the Code of the County of James City, Virginia, the Board of Supervisors directs that the following delinquent charges for services rendered, plus interest at the legal rate from the date of recordation until paid, shall constitute a lien against the Property to wit:

Cleaning of Trash/Debris and/or Cutting of Grass, Weeds, etc.:

ACCOUNT: Chris R. Hutchins
119 Jackson Drive
Williamsburg, VA 23185

DESCRIPTION: 119 Jackson Drive - Trash and Grass

TAX MAP NO.: (52-3)(02-0-0005)
James City County, Virginia

AMOUNT DUE: \$21.02

3. Dedication of Streets
 - a. Landfall at Jamestown, Sections 1, 1a, and 3

RESOLUTION

DEDICATION OF STREETS IN LANDFALL AT JAMESTOWN, SECTIONS 1, 1A, AND 3

WHEREAS, the street(s) described on the attached Report of Changes Form SR-5(A), fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of James City County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation advised the Board that the street(s) meet 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 November 1, 1993, for comprehensive storm water 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 add the street(s) described on the attached Report of Changes Form SR-5(A) 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 Resident Engineer for the Virginia Department of Transportation.

- b. Settler's Mill, Sections 4 and 5

RESOLUTION

DEDICATION OF STREETS IN SETTLER'S MILL, SECTIONS 4 AND 5

WHEREAS, the streets described on the attached Additions Form SR-5(A), fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of James City County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation advised the Board that the streets meet 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 November 1, 1993, 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 streets described on the attached Additions Form SR-5(A) 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 Resident Engineer for the Virginia Department of Transportation.

4. Installation of "Watch for Children" Signs-Peleg's Point

RESOLUTION

INSTALLATION OF "WATCH FOR CHILDREN" SIGNS - PELEG'S POINT

WHEREAS, Section 33.1-210.2 of the Code of Virginia provides for the installation and maintenance of signs by the Virginia Department of Transportation, alerting motorists that children may be at play nearby, upon request by a local governing body; and

WHEREAS, Section 33.1-210.2 further requires that the funding for such signs be from the secondary road system maintenance allocation for the County; and

WHEREAS, the residents of Peleg’s Point have requested that “Watch for Children” signs be installed on Williamsburg Glade and Abbitt Lane as illustrated on the attached drawing titled Peleg’s Point “Watch for Children Signs.”

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby request that the Virginia Department of Transportation install and maintain two “Watch for Children” signs as requested with funds from the County’s secondary road system maintenance allocation.

5. Fiscal Year 2001 Budget Adjustments

RESOLUTION

FISCAL YEAR 2001 BUDGET ADJUSTMENTS

WHEREAS, the Board of Supervisors of James City County has been requested to acknowledge, and appropriate, \$15,540 in State grant funds for a mediation program for the Juvenile and Domestic Relations (JDR) Court; and

WHEREAS, the County has received an unbudgeted back billing from Verizon for telephone services for Central Dispatch in the amount of \$30,380; and

WHEREAS, the Board has been asked to authorize a transfer from operating contingency to allow payment.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, approves the following amendments to the FY 2001 General Fund budget and appropriates the following:

General Fund Revenues:

State Grant - JDR Court \$15,540

General Fund Expenditures:

| | |
|------------------------------|------------------------|
| JDR Court - Mediation | \$15,540 |
| Operating Contingency | (30,380) |
| Central Dispatch - Telephone | <u>30,380</u> |
| | <u><u>\$15,540</u></u> |

6. Ambulance Service Agreement

RESOLUTION

AMBULANCE SERVICE AGREEMENT

WHEREAS, James City County provides mutual aid ambulance service to Henrico County Regional Jail in New Kent County; and

WHEREAS, an agreement for ambulance service was negotiated with the health care provider for Henrico County Regional Jail; and

WHEREAS, this agreement for service will cover the cost to provide such services.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute the necessary agreement with Correctional Medical Services, Inc.

7. Road Proffers-Transportation Improvement District

The Board and staff held a discussion regarding the appropriation of road proffers from the Hiden property and potential overrun costs for the Monticello Avenue Extension project.

Mr. Harrison made a motion to adopt the resolution appropriating the road proffers to the Monticello Avenue Extension project.

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

RESOLUTION

ROAD PROFFERS - TRANSPORTATION IMPROVEMENT DISTRICT

WHEREAS, the Board of Supervisors of James City County has received \$180,500 in road improvement proffer payments from a developer; and

WHEREAS, the County may use these funds for the construction of Monticello Avenue Extended or any other road improvement project, at the election of the Board of Supervisors; and

WHEREAS, construction of the Monticello Avenue Extension is being financed by the Transportation Improvement District and these funds could be used to retire some of the indebtedness incurred by the District in constructing the road.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the following amendments to the FY 2001 General Fund budget and appropriates the following:

General Fund Revenues:

Road Proffers \$180,500

General Fund Expenditures:

Contribution - Transportation Improvement District \$180,500

8. Cooley Field Bleacher Replacement Funding

The Board and staff held a discussion regarding the necessity of the improvement work at Cooley Field, alternative funding for the improvement work from the School’s surplus fund, availability and sharing of other athletic facilities, the status and payments of the School Bond, and long range facility plans.

Mr. Goodson made a motion to approve the resolution.

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

G. PUBLIC HEARING

1. Conveyance of Easement to Dominion Virginia Power-District Park Sports Complex

Mr. Bernard M. Farmer, Jr., Capital Projects Administrator, requested the Board approve a resolution authorizing the County Administrator to execute a Right-of-Way Agreement with Dominion Virginia Power to convey a 15-foot underground utility easement to provide electrical service to the District Park Sports Complex.

Mr. McGlennon opened the public hearing.

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

Mr. Nervitt made a motion to adopt the resolution.

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

RESOLUTION

CONVEYANCE OF EASEMENT TO DOMINION VIRGINIA POWER -

DISTRICT PARK SPORTS COMPLEX

WHEREAS, James City County owns 525.458± acres commonly known as the District Park Sports Complex (Warhill Tract) and designated as Parcel No. (1-12) on James City County Real Estate Tax Map No. (32-1); and

WHEREAS, Dominion Virginia Power requires a 15-foot utility easement in order to provide electrical service to the baseball fields and concessions building located at the District Park Sports Complex; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion that it is in the public interest to convey a utility easement to Dominion Virginia Power.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute the Right-of-Way Agreement and such other documents necessary to convey a utility easement to Dominion Virginia Power.

H. BOARD CONSIDERATION

1. Case No. SUP-25-00. Stonehenge Kennels (deferred from February 13, 2001)

Mr. Christopher M. Johnson, Senior Planner, stated that the application Mr. Gregory R. Davis applied for, on behalf of Mr. Thayer E. Coven and Ms. Mattie M. Coven, was deferred at the February 13, 2001, Board of Supervisors meeting to allow the applicant and neighbors to discuss conditions that would address the issues and concerns raised during the public hearing.

The Board also requested staff to evaluate amendments to the conditions proposed on February 13 by Mr. Kennedy and to address issues including landscape buffers and operating conditions.

Staff continued to recommend denial of this application.

The Planning Commission recommended approval of this application by a unanimous vote.

Staff recommends that the Board place conditions contained in the staff report on the application if approved.

The Board and staff held a discussion regarding the operating conditions at the existing facility and proposed expansion, hours of operation of the business, noise levels, existing traffic conditions and conditions after the proposed expansion, enforcement of the conditions if approved, landscaping, and capping the number of dogs permitted at the facility.

Mr. McGlennon invited the applicant to address the Board and its questions.

The Board and Mr. Davis held a discussion concerning noise levels, road conditions, hours of operation, placement of the exercise area for the dogs, and feasibility of enforcing the conditions imposed on the application.

Mr. McGlennon invited citizens to provide input on the application.

1. Ms. Kay Little, 5580 Riverview Road, stated that the kennel was quiet by 6 p.m. prior to 1998, requested the construction occur behind the existing structure rather than near the neighbors, voiced concern that the traffic issue has not been adequately resolved, and requested the Board vote against this application.

2. Ms. Lynette Lancaster, 5576 Riverview Road, stated that the proposed expansion cannot be considered a small family business, requested the condition limiting the number of operating days, voiced concern that a “doggy day care” will further deteriorate traffic conditions beyond the proposed application’s impact, and that the road work is not adequate.

3. Ms. Jean Smith, 5440 Riverview Road, stated that businesses are the biggest offenders of noise levels and encouraged the Board to vote against this application.

4. Mr. Jim Smith, 5440 Riverview Road, commented on the noise study report, voiced his concern that the noise will reverberate to the neighbors, and requested the Board deny this application request.

5. Mr. John Erb, 105 Peacepipe Place, provided recommendations on noise reduction improvements for the proposed application, and stated that the number of noise complaints will increase when Phase II of the Wexford development is built out.

6. Mr. Dave Garman, Powhatan District, stated that the kennel will not be operating a “doggy day care,” the County is experiencing growth which includes dog owners and where will they take their dogs, the acoustics engineer’s study states that the neighbors will experience less noise after the expansion, road improvements have been performed in good faith, and requested the Board approve the application for the modest kennel expansion.

7. Ms. Brenda White, 5594 Riverview Road, stated concern for the safety of children and grandchildren with the volume of traffic on the road, requested conditions be a part of application if approved, and requested the Board deny the application.

8. Mr. Randy Broughton, 8360 York River Park Road, expressed concern about new development homes having to deal with the noise.

Mr. Kennedy stated that the kennel is run well, however there are concerns regarding the number of dogs permitted on the premises, traffic conditions, landscaping, and enforceable standards that have not been adequately addresses.

Mr. Kennedy made a motion to deny the application for the special use permit.

The Board held a discussion regarding the conditions that may be placed on the application to address some concerns.

Mr. Kennedy withdrew his motion.

Mr. Goodson made a motion to approve the application.

The Board held a discussion regarding the adequacy of the conditions.

Mr. Kennedy withdrew his motion for approval with his revised list of conditions on the table since the February 13 meeting.

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

I. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, stated that the proposed School budget is in accordance with State guidelines, voiced concern regarding the amount of travel and membership dues expended, and encouraged the Board to save money for a rainy day and not spend all of the revenue.

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner recommended that following the Board Requests and Directives, the Board recess until March 28, 2001, at 4:00 p.m. for a work session regarding the long range public transportation plan following which the Board should go into closed session pursuant to Section 2.1-344 (A)(3) to consider the acquisition of parcels of property for public use.

Mr. Wanner stated that following the conclusion of this meeting, the James City Service Authority Board of Directors will have a brief meeting for a presentation on water conservation efforts.

K. BOARD REQUESTS AND DIRECTIVES

Mr. McGlemon requested the Board adopt a resolution addressed to the General Assembly of Virginia to continue to include all of James City County and the City of Williamsburg in the 97th District when the Virginia General Assembly reconvenes to consider the decennial redistricting.

Mr. Kennedy made a motion to adopt the resolution.

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

RESOLUTION

DECENNIAL REDISTRICTING

WHEREAS, the General Assembly of Virginia will reconvene in special session commencing April 5, 2001, to consider the decennial redistricting; and

WHEREAS, all of James City County is currently within the 97th District; and

WHEREAS, the General Assembly divided a number of localities in the 1991 redistricting process and subsequently spent a great deal of time and effort making those districts whole; and

WHEREAS, splitting localities into different districts results in both voter confusion and fractioning of voters, often in a neighborhood living on opposite sides of the same street; and

WHEREAS, the representative to the House of Delegates from the 97th District currently represents the interests of all the residents of James City County; and

WHEREAS, there exists a strong community of interest in James City County and such community of interest is shared with the City of Williamsburg with which the County jointly provides a number of public services involving schools, recreation, court, and library services; and

WHEREAS, the Board of Supervisors of James City County, Virginia, considers it extremely important to keep the 97th District as one and not to split the District into two or more districts.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, strongly urges the General Assembly to continue to include all of James City County and the City of Williamsburg in the 97th District.

Mr. Harrison invited citizens to attend a Berkeley town meeting to be held on April 3 at 7:00 p.m. at the James City/Williamsburg Community Center.

Mr. Goodson made a motion to adjourn at 10:28 p.m.

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

Sanford B. Wanner
Clerk to the Board

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AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 28TH DAY OF MARCH, 2001, AT 4:03 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

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

Jay T. Harrison, Sr., Berkeley District (arrived at 4:10)
James G. Kennedy, Stonehouse District (absent)
Ronald A. Nervitt, Powhatan District

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

B. WORK SESSION

1. Long Range Public Transportation Plan

Mr. Anthony Conyers, Jr., Manager of Community Services, stated that the James City County Transit Company (JCCT) has evaluated the feasibility of broadening JCCT's mission and transforming it into a regional public transportation system.

Mr. Conyers, Doug Powell, Assistant Community Services Manager, and Mr. Richard Drumwright, Transit Administrator, provided the Board with an overview of the Long Range Public Transportation Plan.

The Board and staff held a discussion concerning the feasibility of the Long Range Public Transportation Plan.

C. CLOSED SESSION

Mr. Goodson made a motion to go into closed session pursuant to Section 2.1-344 (A) (3) of the Code of Virginia to consider the acquisition of parcels of property for public use at 4:23 p.m.

On a roll call, the vote was: AYE: Harrison, Nervitt, Goodson, McGlennon (4). NAY: (0). ABSENT: Kennedy.

Mr. McGlennon reconvened the Board into open session at 5:46 p.m.

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

On a roll call, the vote was: AYE: Harrison, Nervitt, Goodson, McGlennon (4). NAY: (0). ABSENT: Kennedy.

RESOLUTION

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and, ii) only such public business matters were heard, discussed or considered by the Board as were identified in the motion and Section 2.1-344(A)(3) to consider acquisition of parcels of property for public use.

Mr. Harrison made a motion to adjourn at 5:47 p.m.

On a roll call, the vote was: AYE: Harrison, Nervitt, Goodson, McGlennon (4). NAY: (0). ABSENT: Kennedy.

Sanford B. Wanner
Clerk to the Board

M E M O R A N D U M

DATE: April 10, 2001
TO: The Board of Supervisors
FROM: Needham S. Cheely, III, Director of Parks and Recreation
SUBJECT: Land and Water Conservation Fund Grant

The James City County Division of Parks and Recreation is seeking \$125,000 from the Virginia Outdoors Fund for a Land and Water Conservation Fund Park Development grant.

The purpose of the matching grant is to assist with the development costs for several components of the Phase III construction in the District Park Sports Complex. The Park currently contains an entrance road, four soccer fields, three baseball fields, two concession/rest room facilities, and two unpaved parking lots. The grant funds will be used to assist with the addition of one lit baseball field, a tee-ball practice area, picnic areas, a playground, and the paving of the existing baseball parking lot. Any funds awarded will be combined with the existing District Park Sports Complex Capital Improvements Project (CIP) funds to complete the projects that have an estimated cost of \$408,000. This will meet the County's 50 percent match requirements.

The required match will come from the Division's District Park Sports Complex CIP Account.

Staff recommends approval of the attached resolution to support the application for the Land and Water Conservation Fund grant.

Needham S. Cheely, III

CONCUR:

Anthony Conyers, Jr.

NSC/gb
conservation.mem

Attachment

RESOLUTION

LAND AND WATER CONSERVATION FUND GRANT

WHEREAS, funds are needed for the construction of several projects at the District Park Sports Complex to include a lit baseball field, tee-ball practice area, picnic facilities, playground, and paved parking; and

WHEREAS, the Department of Conservation and Recreation may fund a park development project in James City County under Virginia Outdoors Fund.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, requests the Virginia Department of Conservation and Recreation establish a project for the development of facilities at the District Park Sports Complex.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby agrees to pay a minimum of 50 percent of the total cost for planning, design, and construction of these projects and shall dedicate the project areas in the District Park Sports Complex through signage in perpetuity for public outdoor recreational purposes in accordance with the Land and Water Conservation Fund (L&WCF) Act.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of April, 2001.

conservation.res

MEMORANDUM

DATE: April 10, 2001
TO: The Board of Supervisors
FROM: Darryl E. Cook, Environmental Director
SUBJECT: Chesapeake Bay Preservation Ordinance Violation

Attached is a resolution for consideration by the Board of Supervisors involving a violation of the Chesapeake Bay Preservation Ordinance. The case involves unauthorized removal of vegetation from and land disturbance in the Resource Protection Area (RPA) by the builder during the construction of a single-family residence in Governor's Land.

In accordance with provisions of the Ordinance, replanting of vegetation and a civil charge are proposed to remedy the RPA violation. The property owners have entered into a Chesapeake Bay Restoration Agreement with the County, submitted a landscape plan, and planted vegetation as provided for in the approved landscape plan to restore the impacted area.

The attached resolution presents the specific details of the violation and a recommended civil charge. Under the provisions of the Ordinance, the Board may accept a civil charge up to \$10,000 as offered by the property owners. Staff and the property owners agreed to the recommended civil charge of \$1,000 based on the Chesapeake Bay Preservation Ordinance Civil Penalty Procedures Manual adopted by the Board in August of 1999. The Policy considers the water quality impact and the degree of noncompliance involved in the case. The water quality impact was considered moderate and the property owners were extremely cooperative in working with staff to restore the impacted area.

Staff recommends that the Board adopt the attached resolution establishing a civil charge of \$1,000 for the RPA violation presented.

Darryl E. Cook

CONCUR:

John T. P. Horne

DEC/tlc
chesbayvio2.mem

Attachment

RESOLUTION

CHESAPEAKE BAY PRESERVATION ORDINANCE VIOLATION

WHEREAS, R. Kelly Crace and Cindy D. Crace (Mr. and Mrs. Crace) are the owners of a 0.557 ± acre parcel of land, commonly known as 1581 River Ridge, designated as Parcel No. (4-5) on the James City County Real Estate Tax Map No. (43-1) (the “Property”); and

WHEREAS, on or about November 3, 2000, Mr. and Mrs. Crace, or their agent, removed an estimated 15 trees from and disturbed approximately 1,500 square feet in the Resource Protection Area (RPA) on the Property; and

WHEREAS, Mr. and Mrs. Crace have agreed to a Restoration Plan to replant 15 trees and 45 shrubs on the Property to remedy the clearing violation under the County’s Chesapeake Bay Preservation Ordinance; and

WHEREAS, Mr. and Mrs. Crace have agreed to pay \$1,000 to the County as a civil charge under the County’s Chesapeake Bay Preservation Ordinance; and

WHEREAS, the James City County Board of Supervisors is willing to accept the Restoration Plan and the civil charge in full settlement of the Chesapeake Bay Preservation Ordinance violation, in accordance with Sections 23-10 and 23-18 of the Code of the County of James City.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to enter into a settlement agreement with Mr. and Mrs. Crace accepting the Restoration Plan and the \$1,000 civil charge.

John J. McGlennon
Chairman, Board of Directors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of April, 2001.

violation.res

MEMORANDUM

DATE: April 10, 2001
TO: The Board of Supervisors
FROM: Richard M. Miller, Fire Chief
SUBJECT: National Telecommunicator's Week

Each year, the second week of April is set aside as National Telecommunicator's Week. The President and Virginia's Governor generally issue proclamations recognizing the week and the efforts of our 911 emergency dispatchers.

During this week, the Peninsula Telecommunicators will be coordinating media activities and sponsoring events in recognition of the services provided by the 911 centers.

The importance of the work done by James City County Telecommunicators deserves recognition. I recommend approval of the attached resolution proclaiming the week of April 8-14 as National Telecommunicator's Week.

Richard M. Miller

RMM/tlc
telecomm01 .mem

Attachment

RESOLUTION

NATIONAL TELECOMMUNICATOR'S WEEK

WHEREAS, the 911 Communications Center provides a vital contribution to the quality of life enjoyed by citizens and visitors to James City County; and

WHEREAS, access to a 911 center dramatically improves the response to a police, fire, or emergency medical call; and

WHEREAS, the telecommunicators are trained, prepared, and ready; and

WHEREAS, National Telecommunicator's Week will serve to recognize the telecommunicators of James City County who provide a vital public safety service.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby proclaims the week of April 8-14, 2001, as National Telecommunicator's Week in James City County and encourages County citizens to observe this week with appropriate programs, ceremonies, and activities.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of April, 2001.

telecomm01.res

**SPECIAL USE PERMIT-06-01. Cook Family Subdivision
Staff Report for the April 10, 2001, Board of Supervisors Public Hearing**

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS Building C Board Room; County Government Complex
Board of Supervisors: April 10, 2001, 7:00 p.m.

SUMMARY FACTS

Applicant/Land Owner: James and Betty Cook

Proposed Use: Family subdivision for 1+ acre lot

Location: 9001 Barnes Road; Stonehouse District

Tax Map and Parcel No.: (10-1)(1-11)

Primary Service Area: Outside

Parcel Size: 29.21 acres

Existing Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Surrounding Zoning: The site is surrounded by land zoned A-1, General Agricultural

Staff Contact: Karen Drake - Phone: 253-6685

STAFF RECOMMENDATION:

Staff finds this proposal to be consistent with the surrounding properties, the Comprehensive Plan, and the provisions for family subdivisions in the Zoning Ordinance. Staff recommends the Board of Supervisors approve this special use permit application with the attached conditions.

Proposal

James and Betty Cook have applied for a special use permit (SUP) to allow for a family subdivision that will create a 1+ acre parcel from their existing 29.21-acre parcel, zoned A-1, General Agricultural. The property is located at 9001 Barnes Road and is further identified as Parcel No. (1-11) on James City County Real Estate Tax Map No. (10-1).

The Cooks intend to convey the 1+ acre parcel to their son so he may construct a new single-family home for himself. Currently, the Cooks have a single-family house on their property. The remainder of the parcel is forested.

Section 24-214(d) of the James City County Zoning Ordinance allows for lots of less than three acres, but not less than one acre, in the A-1 zoning district for family subdivisions with an approved special use permit. The newly created parcel must be a minimum of one acre in size and may be a little larger due to the configuration of the lot and the required building setback lines in the A-1 zoning district. The Zoning Ordinance only requires the Board of Supervisors review and approval of this type of SUP.

Surrounding Zoning and Development

The subject property is zoned A-1, General Agricultural, and is surrounded by single-family homes and undeveloped property also zoned A-1. The proposed new lot will be created from an existing residential lot rather than from land used for agricultural purposes and the proposed lot size will be generally similar to surrounding parcels. Staff believes the proposed subdivision is compatible with the surrounding zoning and development.

Utilities

Public water and sewer are not available to this site. The new lot will be served by a septic system and well approved by the Health Department prior to any construction. Furthermore, the Subdivision Ordinance states that locations for both a well and septic system must be approved by the Health Department prior to final subdivision approval.

Access

The existing parcel has direct access off Barnes Road, near the intersection of Barnes Road and Route 60. The new parcel and home would be accessed via a private drive connecting to Barnes Road.

Comprehensive Plan

The site is located outside the Primary Service Area (PSA) and is designated Rural Lands on the Land Use Map. The Rural Lands designation is primarily reserved for agricultural and forestal activities and rural residential uses that are associated with agricultural and forestal activities. The recommended density is one unit per three acres. The creation of this additional lot is consistent with the Rural Lands Development Standards and will not negatively impact the rural character of the surrounding area or any agricultural or forestal uses. For these reasons, staff believes the proposal is consistent with the Comprehensive Plan.

RECOMMENDATION:

Staff finds this proposal to be consistent with the surrounding properties, the Comprehensive Plan, and the provisions for Family Subdivisions in the Zoning Ordinance. Therefore, staff recommends the Board of Supervisors approve this special use permit application with the following conditions:

1. This special use permit is valid for a family subdivision for the creation of one lot of one acre or more and in the general vicinity as shown on the sketch submitted with this application. A subdivision plat shall be submitted for formal subdivision approval by the County.
2. Final subdivision approval must be received from the County within twelve months from the issuance of this special use permit or the permit shall become void.
3. The special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Karen Drake

CONCUR:

O. Marvin Sowers, Jr.

KD/gb
sup-6-01.wpd

Attachments:

1. Conceptual Subdivision Plan
2. Resolution

RESOLUTION

CASE NO. SUP-06-01. COOK FAMILY SUBDIVISION

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

WHEREAS, the applicant has requested a special use permit to allow for a family subdivision in an A-1, General Agricultural District, of a parcel generally 29.2 acres in size that would be subdivided into two parcels, generally 28.2 and 1.0 acres, located at 9001 Barnes Road, further identified as Parcel No. (1-11) on James City County Real Estate Tax Map No. (10-1).

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-06-01 as described herein with the following conditions:

1. This special use permit is valid for a family subdivision for the creation of one lot of one acre or more and in the general vicinity as shown on the sketch submitted with this application. A subdivision plat shall be submitted for formal subdivision approval by the County.
2. Final subdivision approval must be received from the County within twelve months from the issuance of this special use permit or the permit shall become void.
3. The special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of April, 2001.

sup-6-01.res

MEMORANDUM

DATE: April 10, 2001
TO: The Board of Supervisors
FROM: Carol O. Swindell, Assistant Manager of Financial and Management Services
SUBJECT: Proposed FY 2002 County Budget and Capital Improvements Program

Staff provided copies of the County Administrator's FY 2002 Proposed Budget and is prepared to make a brief presentation on the highlights. The Proposed Budget includes the General Fund, Capital Improvements Program, Virginia Public Assistance Fund, James City Transit Fund, Community Development Fund, the Debt Service Fund, and the Transportation Improvement District. The purpose of the public hearing is to invite public comment on any aspect of the Budget, with the expectation that the public comments would become part of the agenda for the upcoming budget work sessions.

No action is expected by the Board at this meeting, but any questions and/or guidance would be helpful as staff prepares for the budget work sessions. Staff will present to the Board, for adoption, the Budget as amended during the work sessions, at its meeting on April 24, 2001.

The Budget includes a proposed increase in the E-911 tax rate and a separate public hearing was held on that item on February 27, 2001.

Carol O. Swindell

CONCUR:

John E. McDonald

COS/gb
02pubhearing.mem

M E M O R A N D U M

DATE: April 10, 2001
TO: The Board of Supervisors
FROM: John T. P. Horne, Development Manager
SUBJECT: 2001 Redistricting Plan

Attached is the report and recommendations of the Redistricting Advisory Committee. The report consists of maps of the proposed new boundaries, a statistical analysis, a description of the Committee's rationale, and the minutes of the Committee's meetings. The Committee met four times in March and April and has produced a recommended plan for redistricting which the Committee believes meets all the Standards and Criteria set forth by the Board of Supervisors in its January 23, 2001, resolution (attached).

The public has been invited to comment at the April 10 Board meeting on this plan or any other items related to redistricting. While staff would be happy to receive any comments or suggestions from Board members at this meeting, no action by the Board is requested. A worksession has been scheduled for April 16, 2001 at 4:00 p.m. for the Board to discuss this issue.

Attached is the adopted redistricting schedule. The Board and public should note that the schedule calls for all proposed redistricting plans to be submitted to the County Administrator by April 13, in order for them to be considered by the Board. Adoption by the Board of the Redistricting Ordinance is scheduled for April 24, 2001.

Staff is very appreciative of the work by the Redistricting Committee. In addition to staff, several members of the Committee are present and will be happy to answer questions from the Board and public.

John T. P. Horne

JTPH/chp
redistricting.mem

Attachments

**REZONING-1-01. Energy Services Group International, Inc.
Staff Report for the April 10, 2001, Board of Supervisors Public Hearing**

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS

Building C Board Room; County Government Complex
 Planning Commission: March 5, 2001 - 7:00 p.m.
 Board of Supervisors: April 10, 2001 - 7:00 p.m.

SUMMARY FACTS

Applicant: Thomas W. Gillman, Vice President of ESG International, Inc.
 Land Owner: Raymond R. and Marianne Morton and Carleton T. and Judith H. Hall

Proposed Use: Metal Fabrication and Electrical Wiring Shop

Location: 8946 Pocahontas Trail; Roberts District

Tax Map and Parcel No.: (59-2)(1-10)

Primary Service Area: Inside

Parcel Size: ± 6.23 acres

Existing Zoning: R-8, Rural Residential

Proposed Zoning: M-1, Limited Business/Industrial, with proffers

Comprehensive Plan: Low-Density Residential

Surrounding Zoning: North: M-2, undeveloped property, BASF rail spur
 South: R-8, single-family homes; M-2, Ball Metal, Spray King Wash
 East: R-2, Skiffe's Creek Terrace; B-1, Whispering Pines
 West: R-8, Windy Hill Mobile Home Park; B-1, shopping center

Staff Contact: Christopher M. Johnson - Phone: 253-6685

STAFF RECOMMENDATION:

Staff recommends denial of this application. Staff believes that this proposal is inconsistent with the Low-Density Residential land use designation and will encourage further commercial and industrial development on adjacent residentially zoned properties or properties with similar characteristics in the surrounding area. Additionally, this application undermines efforts to locate industrial uses in planned industrial parks in the surrounding area and hinders efforts to provide sites for low- to moderate-income housing. On March 5, 2001, the Planning Commission recommended denial of this application by a vote of 4-1.

Mr. Thomas Gillman, contract purchaser and Vice President of Energy Services Group International, Inc. (ESG), has applied on behalf of property owners Raymond R. Morton, Marianne Morton, Carleton T. Hall, and Judith H. Hall to rezone approximately 6.23 acres from R-8, Rural Residential, to M-1, Limited Business/Industrial, with proffers. The property is located at 8946 Pocahontas Trail and can be further identified as Parcel No. (1-10) on James City County Real Estate Tax Map No. (59-2).

Description of Project

ESG was founded in James City County in 1983. It provides technical and financial services for companies in the Mid-Atlantic region as well as specialty metal fabrication for local industrial plants. The company is presently operating in two locations and is hoping to consolidate its operations in the vicinity of its existing headquarters at 8979 Pocahontas Trail. **The company proposes to construct a metal fabrication shop approximately 10,000 square feet in size, convert the existing brick residential structure on the site into an office, and demolish all other outbuildings on the site at 8946 Pocahontas Trail.** When the new fabrication shop is constructed, the existing fabrication shop at 8979 Pocahontas Trail would be converted into additional office space for other ESG divisions.

Economic Development Comments

The James City County Office of Economic Development believes that it is important to the County's economic development program to encourage both the retention and expansion of successful corporate citizens like ESG. Approval of this rezoning request will, according to the applicant, give ESG a financially viable means of expanding its operations in the County near its existing facility. The applicant estimates that the expansion would add an additional \$500,000 capital investment to the existing local real estate tax base. As proposed, the project would not qualify for local James River Enterprise Zone incentives, but the company does plan to apply for a State Enterprise Zone capital investment incentive. This incentive could potentially provide the company with from \$75,000 to \$125,000 in State tax credits, depending on the amount and type of site improvements and construction. While no new jobs are expected to be created immediately as a result of the proposed development, the new facility would be large enough to support additional employees should the company need to expand.

Surrounding Zoning and Development

Windy Hill Mobile Home Park, zoned R-8, Rural Residential, is located to the west of the site. A strip commercial shopping center zoned B-1, General Business, is located in front of Windy Hill and west of the entrance to the site. The property to the east of the site is zoned M-2, General Industrial, and contains the BASF rail spur. Further to the east is the Whispering Pines Mobile Home Park, zoned B-1, and Skiffe's Creek Terrace, zoned R-5, Multifamily Residential. Three single-family residential parcels, zoned R-8, are located along Pocahontas Trail in front of the proposed industrial site. Ball Metal and the Spray King Truck Wash, zoned M-2, General Industrial, are located across Pocahontas Trail from the site. James River Commerce Center, zoned M-1, and Skiffe's Creek Industrial Park, zoned M-2, are located southwest and southeast of the proposed site across Pocahontas Trail. The current ESG site, zoned M-2, is also located southeast of the site.

While the area surrounding the proposed site contains a mixture of residential, commercial, and industrial development, the majority of the land on the northern side of Pocahontas Trail is zoned and designated as residential property. Windy Hill Mobile Home Park, Skiffe's Creek Terrace, and Whispering Pines Mobile Home Park are all moderate-density residential developments on the northern side of Pocahontas Trail. Skiffe's Creek Village, a proposed apartment complex, is currently being reviewed by staff for the vacant land in front of Skiffe's Creek Terrace. **The addition of an industrial fabrication shop in the middle of these developments, even at the scale of the proposed facility, is not consistent with the surrounding residential uses.** The 6.23-acre site contains ample room to allow for future expansions which could render the use even more in conflict with the surrounding residential developments.

Topography and Physical Features

The 6.23-acre site is largely flat and clear. Skiffe's Creek is located approximately 500 feet from the rear of the parcel. The Environmental Director believes that stormwater management can be worked out on the site but will not likely be located where it is shown on the Conceptual Plan submitted with this application. It will likely be located more to the rear of the site closer to Skiffe's Creek. In addition to the abandoned outbuildings, the site currently contains an inoperable vehicle, a boat, car engines, lawn mowers, and an abundance of cleared timber and stumps. The applicant has proffered to remove the junk material from the site.

Public Utilities

The residential structure on the site is currently served by an individual well and septic system. The property is located inside the Primary Service Area (PSA) and public water and sewer are available to the site. Any new structures would be required to connect to public water and sewer.

Access

Access to the site is provided by an existing gravel drive from Pocahontas Trail. The Virginia Department of Transportation has recommended that a standard 30-foot commercial entrance be required for this site should the County approve this proposal. The proposed facility will not likely have a substantial effect on the traffic volumes on Pocahontas Trail. Most of the traffic created by the new fabrication shop will reduce the traffic generated at the current ESG site by an equal amount.

Comprehensive Plan

The property is designated Low-Density Residential on the James City County Comprehensive Plan Land Use Map. Low-Density Residential areas are located inside the PSA where natural characteristics such as terrain and soils are suitable for residential development and public services exist or are expected to be expanded to serve the site over the next twenty years. The Low-Density Residential designation allows very limited commercial establishments which compliment the residential character of the area in which they are located. The Comprehensive Plan states that such commercial establishments should be adequately buffered or screened to protect adjacent residential uses and the character of the surrounding area.

The Comprehensive Plan designates Pocahontas Trail from Route 199 to the Newport News border as a Community Character Corridor (CCC). The objective of a suburban or urban CCC is to ensure that James City County retains a unique character and does not become simply another example of standard development. While the proposed development of the site, as proffered, poses no threat to the visual quality of the urban corridor, the site does contain approximately 160 feet of frontage along Pocahontas Trail. The applicant has proffered several items to preserve the residential appearance of the site from Pocahontas Trail. These proffers include the retention of the existing residential structure, restricting the location of parking areas, and enhancing the existing landscape areas in front of the existing structure with ornamental shrubs and annual flowers that will be maintained year round. Staff believes that these proffers will retain the residential character of the site as viewed from Pocahontas Trail.

Staff does not believe the proposed use is consistent with the Low-Density Residential designation for several reasons. First, the site is suitable for residential development and the proposed use is not an example of a very limited commercial use. An industrial metal fabrication shop, no matter how well screened, landscaped, buffered, or insulated, is not an appropriate land use for a site surrounded by residential uses. The new metal fabrication shop would be in very close proximity to the manufactured homes in the adjacent Windy Hill Mobile Home Park. If the site were to be rezoned, the three residential parcels located immediately in front of the site would be completely surrounded by commercial and industrial uses and would lose any appeal to a prospective buyer for anything other than future commercial or industrial strip development. **Currently, there is very limited ability to locate affordable residential housing developments in the County. This site has significant potential for low-to moderate-income housing given its location between two moderate-density residential communities.**

Second, there are other appropriately zoned properties more suitable for this type of use in the immediate vicinity, most notably Skiffe's Creek Industrial Park. Four lots are still available within Skiffe's Creek ranging in size from 1.73 acres to 2.89 acres. These remaining lots are all smaller than the proposed 6.23-acre site; however, the majority of the proposed site will remain undeveloped under the current proposal. Two of the remaining lots in Skiffe's Creek are located adjacent to one another and could be combined to form a five-acre site immediately behind and adjacent to ESG's current facility. Staff reviewed and approved a conceptual proposal for a 12,000-square foot building in Skiffe's Creek on a 1.72-acre parcel that included 18 parking spaces and a stormwater management facility. **While staff recognizes that land acquisition costs for industrial land are greater than those for residentially zoned properties such as the proposed site, staff does not believe that this provides an acceptable argument for permitting industrial development on residentially zoned and designated property. Further, this practice undermines efforts to locate industrial uses in planned parks such as those currently located in the surrounding area.**

Third, staff believes that this proposal sets a precedent for future development that is inconsistent with the Comprehensive Plan. Staff is concerned about the possible expansion of this particular proposal potentially creating even greater land use impacts and a more significant inconsistency with the Comprehensive Plan. **Staff is also concerned that approval of this type of use not only sets the stage for similar land uses but, over the long term, will be counter productive to efforts to attract uses that support the objectives of the Comprehensive Plan, affordable housing in particular.** Permitting an industrial use adjacent to both moderate-density residential and single-family residential uses will encourage further commercial and industrial development in the surrounding area, undermine the credibility of the Comprehensive Plan, and further reduce the County's ability to influence the location of commercial and industrial uses to areas zoned and properly designated for commercial and industrial use.

RECOMMENDATION:

Staff recommends denial of this application. Staff believes that this proposal is inconsistent with the Low-Density Residential land use designation and will encourage further commercial and industrial development on adjacent residentially zoned properties or properties with similar characteristics in the surrounding area. Additionally, this application undermines efforts to locate industrial uses in planned industrial parks in the surrounding area and hinders efforts to provide sites for low- to moderate-income housing. On March 5, 2001, the Planning Commission recommended denial of this application by a vote of 4-1.

Christopher M. Johnson

CONCUR:

O. Marvin Sowers, Jr.

CMJ/gb
z-1-01.wpd

Attachments:

1. Minutes of the March 5, 2001, Planning Commission meeting
2. Location Map
3. Proffers
4. Conceptual Plan
5. Letter dated February 15, 2001, from Nancy Swenson
6. Comments submitted by Marc Rinaldi, Industrial Development Authority liaison to the Planning Commission, at the March 5, 2001, Planning Commission meeting
7. Resolution

RESOLUTION

CASE NO. Z-1-01. ENERGY SERVICES GROUP INTERNATIONAL, INC.

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia and Section 24-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Zoning Case No. Z-1-01 for rezoning ±6.23 acres from R-8, Rural Residential, to M-1, Limited Business/Industrial, with proffers; and

WHEREAS, the Planning Commission of James City County, following its public hearing on March 5, 2001, recommended denial of Case No. Z-1-01, by a vote of 4 to 1; and

WHEREAS, the property is located at 8946 Pocahontas Trail and further identified as Parcel No. (1-10) on James City County Real Estate Tax Map No. (59-2).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-1-01.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of April,
2001.

z-1-01.res

MEMORANDUM

DATE: April 10, 2001
TO: The Board of Supervisors
FROM: William C. Porter, Jr., Assistant County Administrator
SUBJECT: Sister City Affiliation, Ipswich, Suffolk, England

James City County is seeking a Sister City International affiliation with a city or county outside the United States. Through the Governor's Office, we have identified Ipswich, Suffolk, England, as a Sister City. Ipswich was identified due to the historical ties between James City County and the City of Ipswich. In 1606, Bartholomew Gosnold, who captained the Godspeed, organized the first major expedition to America. The planning and organization for the trip was made in Otley Hall in Ipswich. Additionally, the Ipswich City Council invested L100 in "The Virginia Companie."

As the County moves toward its 400th Anniversary in 2007, a Sister City International affiliation with the City where the planning for the Jamestown settlement began would reconnect our historical roots.

The Governor's Office has a planned trip to England in May, 2001. During that trip, the State's First Lady, Roxanne Gilmore, will go to Ipswich, England. Bruce Goodson, Vice Chairman, and Board representative to the 2007 Logistics Committee will be on the trip and will present the attached resolution and proclamation to the Ipswich City Council.

Staff recommends adoption of the attached resolution and proclamation.

William C. Porter, Jr.

CONCUR:

Sanford B. Wanner

WCP/tlc
sistercity.mem

Attachments

RESOLUTION OF SISTER CITY AFFILIATION

WITH THE CITY OF IPSWICH, SUFFOLK, ENGLAND

GREETINGS AND BEST WISHES, to the Governing Body and citizens of the Borough of Ipswich from the James City County, Virginia, Board of Supervisors, the Governing Body of James City County, a body politic of the Commonwealth of Virginia, which area was originally recognized as a part of the early settlement known as "Jamestown" and the shire of James City.

WHEREAS, the Sister City Program, administered by Sister Cities International, was initiated by the President of the United States in 1956 to encourage greater friendship and understanding between the United States and other nations through direct personal contact; and

WHEREAS, the citizens of James City County will be celebrating the 400th Birthday of the County in 2007; and

WHEREAS, the citizens of James City County wish to reconnect the historical roots of the County with the City of Ipswich, where the decision and plans were made for "The Virginia Company" to establish a colony in the New World; and

WHEREAS, the citizens of James City County, in a gesture of friendship and goodwill, wish to collaborate with the City of Ipswich for the mutual benefit of both communities by exploring educational, economic, and cultural opportunities.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby invite the City of Ipswich, Suffolk, England, to enter into a Sister City affiliation with James City County, Virginia, and that this invitation is on behalf of the citizens of James City County.

John J. McGlennon
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of April, 2001.