

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

June 26, 2001

7:00 P.M.

	<u>Page</u>
A. ROLL CALL	
B. PLEDGE OF ALLEGIANCE – Mr. Brandon Greenhow, an 8th grade student at Toano Middle School	
C. PUBLIC COMMENT	
D. PRESENTATIONS	
1. Volunteer Recognition - International Year of the Volunteer	1
2. July - Recreation and Parks Month	
E. HIGHWAY MATTERS	
F. CONSENT CALENDAR	
1. Minutes	
a. May 23, 2001, Work Session	3
b. June 12, 2001, Regular Meeting	7
2. July - Recreation and Parks Month	17
G. PUBLIC HEARINGS	
1. Ordinance for Driving While Intoxicated (D.W.I.) and Traffic Enforcement	19
2. Case No. SUP-09-01. Mt. Gilead Baptist Church	23
3. Case No. SUP-11-01. Carrot Tree Bakery at Jamestown Island	33
4. Case No. SUP-12-01. Annette Haden Manufactured Home	45
5. Case No. ZO-3-01. Planned Unit Development Districts	55
H. PUBLIC COMMENT	
I. REPORTS OF THE COUNTY ADMINISTRATOR	
J. BOARD REQUESTS AND DIRECTIVES	
K. CLOSED SESSION	
1. Appointment of Individuals to County Boards and/or Commissions, Section 2.1-344 (A) (1) of the Code of Virginia	
a. Industrial Development Authority	
b. Parks and Recreation Advisory Board	
c. Social Services Advisory Board	
2. Acquisition of a Parcel of Property for Public Use, Section 2.1-344 (A) (3) of the Code of Virginia.	

MEMORANDUM

DATE: June 26, 2001
TO: The Board of Supervisors
FROM: Caroline M. Rhodes, Volunteer Services Coordinator
SUBJECT: Volunteer Recognition International Year of the Volunteer

2001 has been designated International Year of the Volunteer by the United Nations General Assembly. To celebrate, the Office of Volunteer Services is highlighting outstanding volunteers and the County department they work with each month for the next year. This month, we are recognizing Eleanor Davidson who volunteers as a mentor with the Department of Colonial Community Corrections.

Colonial Community Corrections (CCC) is a multijurisdictional program that provides sentencing alternatives to the local courts. CCC provides probation supervision of local offenders, pretrial services, home incarceration, electronic monitoring, and mentoring.

Eleanor has been a volunteer mentor since the program began in 1995 and is the longest-serving mentor. Over the past six years, she has worked with Dick Orr, Volunteer Coordinator of the Mentoring program, and Katie Green, Program Administrator for CCC, mentoring many individuals who have benefitted from her caring and compassion. Eleanor continually goes beyond the call of duty. In one instance, she followed her mentee to another facility out of the area to continue the relationship.

Not only has she assisted clients with goal setting, problem solving, and linking to community resources, she has also assisted Dick Orr with the volunteer training process by developing the “active listening learning tool” for the Mentoring Orientation program.

As you can see, Eleanor is committed to helping people who have the desire to better their lives but lack the support, guidance, and resources to achieve this goal.

Caroline M. Rhodes

CONCUR:

Carol M. Luckam

CMR/gb
volyear601.mem

AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 23RD DAY OF MAY, 2001, AT 4:00 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

William C. Porter, Assistant County Administrator
Frank M. Morton, III, County Attorney

B. BOARD DISCUSSION

1. Comprehensive Transportation Plan for Jamestown 2007

Mr. John T. P. Horne, Manager of Development Management, gave an overview of the Comprehensive Transportation Plan for Jamestown 2007, funding sources for the plan, and the participants who helped develop the plan.

Mr. Lewis Grimm, Cambridge Systematics, Inc., gave a presentation on the history and background of the Comprehensive Transportation Plan for Jamestown 2007 as well as the anticipated 2007 events.

Mr. Don Vary, Cambridge Systematics, Inc., gave a report on the key findings of technical analysis and recommended transportation plans. Mr. Vary stated that there are several access and accommodation constraints for 2007 events in the Historic Triangle area including insufficient highway and parking capacity.

Mr. Vary also gave a presentation on recommended transportation improvement recommendations including improving roadways, establishing shuttle service for access to Jamestown, guidance for travelers through signage and real-time information, and improving existing and alternate parking for Jamestown.

The Board, staff, Mr. Grimm, and Mr. Vary, held a discussion regarding impacts of clearing land for additional parking, utilization of regional buses for shuttle service, anticipated budget needs, and impacts on local citizens.

2. Stormwater Management

a. The Powhatan Creek Watershed Management Plan

Mr. Darryl Cook, Environmental Director, gave an overview of the unique resources and size of the Powhatan Creek Watershed; and of the Powhatan Creek Watershed Plan.

Mr. Cook stated that the draft and final plan of the Powhatan Creek Watershed Management Plan is due this summer. Early reports indicated that in 1970, the impervious cover within the Watershed is estimated at three percent, in 2000 the impervious cover is up to ten percent, and increasing.

Mr. Cook stated that there are several stormwater management challenges within the Watershed including: rapid land use changes; current RPAs do not protect all vulnerable streams or conservation areas, and contiguous forest areas are shrinking/fragmenting; rare, threatened or endangered plant species are widely dispersed and vulnerable; and stormwater run-off produces water quality problems.

The Board and Staff held a brief discussion regarding the impact of developments on the Watershed and Stormwater Management, of surrounding land uses, and zoning on the Watershed.

Mr. Cook gave a brief overview of the Watershed stormwater strategies, sub-watershed management maps and their uses, and a summary of the Watershed's draft management plan timetable.

The Board and staff discussed the inclusion of consultant and staff's Powhatan Creek Watershed Study recommendations for land abutting the Watershed in land use cases that come before the Board.

b. County BMP Inspection Program

Mr. Scott Thomas, Civil Engineer, gave an overview of the progress of the inspections of the stormwater management facilities (BMPs) and recorded results. Mr. Thomas stated that 202 inspections have been performed on the estimated 400 facilities in the County. Although a baseline findings report will be given, it is premature to offer an overall assessment of the facilities in the County.

Mr. Thomas gave a brief report of the inspection program phases and rating system, stating that Staff anticipates the inspections will be completed in March of 2002, baseline inspection complete by the summer of 2002, and the baseline project should be completed by the end of 2002.

Mr. Thomas stated that the information obtained from the inspections will provide information on the overall condition of the stormwater management facilities in the County, be used to establish sound inspection programs, and allow consistency with Federal and State regulatory initiatives.

The Board and staff discussed staff time involved in the inspections and reporting.

c. Stormwater Funding and Operating Study

Mr. Wayland Bass, Civil Engineer, gave an overview of the watersheds located in the County, timetable of process to develop a Stormwater Management Program; and steps involved in progressing to the implementation of the Stormwater Management Program (SMP).

The Board and staff discussed what type of recommendations may come from staff in the development of the SMP, the inclusion of regional jurisdiction information for stormwater management programs in their areas, working with other jurisdictions, funding options, and proposed legislation.

The Board requested information on what Federal Regulations affect the County in the development of stormwater management programs be presented with the recommendations and incorporated into the program.

3. Open Space Land Acquisition Update

Mr. Horne requested guidance from the Board for proceeding with the meeting.

The Board and staff held a brief discussion regarding the timetable involved with the remaining items on the meeting agenda.

Staff concurred with the Board to move the Open Space Land Acquisition Update and the Closed Session on acquisition of a parcel of property for public use to the next scheduled work session on June 27, 2001.

Mr. Harrison made a motion to adjourn.

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

Mr. McGlennon adjourned the Board at 5:40 p.m.

William C. Porter
Deputy Clerk to the Board

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

Ms. Joyce Lorenzo Noveras, a freshman at Jamestown High School led the Board and citizens in the Pledge of Allegiance.

C. PUBLIC COMMENT

1. Mr. Tony Dion, 102 Fairmont Drive, stated concern that without the recent rainfall, the County citizens would be under a mandatory water restriction; and stated that the County's development approvals are creating a planned permanent water shortage.

2. Mr. Ed Oyer, 139 Indian Circle, stated that baseball stadiums and golf courses are losing enterprises for local government investments; inquired what the status is of the homes on the fence line at Country Village; requested more prominent presence of police in Windy Hill to help deter loitering; requested an anti-loitering ordinance be adopted; suggested to candidates running for a seat on the Board of Supervisors that the diversification of the tax base has been heard by County citizens for the last 25 years; and recommended they improve what is in place and assist in the support of existing industry in the County; and stated that a recent newspaper article suggesting 300 trucks visit Wal-Mart per day is inaccurate.

D. CONSENT CALENDAR

Mr. McGlennon asked if a member wished to pull an item from the consent calendar.

Mr. Goodson requested Item Number 2 be pulled for further discussion.

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

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

1. Minutes
 - a. May 22, 2001, Regular Meeting
3. Colonial Narcotics Task Force Grant

RESOLUTION

COLONIAL NARCOTICS TASK FORCE

WHEREAS, the Board of Supervisors of James City County is the fiscal agent for a regional law enforcement program known as the Colonial Narcotics Task Force and the Task Force received \$24,000 instead of the \$20,000 budgeted and previously appropriated.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the budget and appropriates \$4,000 in grant funds to the FY 2001 budget of the Police Department for the benefit of the Colonial Narcotics Task Force.

4. Award of Contract – Construction of Sidewalks on Pocahontas Trail from Howard Drive to Grove Heights Avenue

RESOLUTION

AWARD OF CONTRACT - CONSTRUCTION OF SIDEWALKS ON

POCAHONTAS TRAIL FROM HOWARD DRIVE TO GROVE HEIGHTS AVENUE

WHEREAS, bids have been received for sidewalk construction as part of the Remedial Sidewalk Program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a contract with the lowest responsive bidder, L. E. Blizzard Concrete Contractors, Inc., in the amount of \$135,853 for the construction of sidewalks on the east side of Pocahontas Trail from Howard Drive to Grove Heights Avenue.

5. Adoption Recruitment and Training Program

RESOLUTION

ADOPTION RECRUITMENT AND TRAINING PROGRAM

WHEREAS, the Virginia State Department of Social Services has provided funding for the Adoption Recruitment and Training Program; and

WHEREAS, sufficient local matching funds are available; and

WHEREAS, the need to provide adoption recruitment and training services exists.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation amendments to the FY 02 Social Services Budget:

Revenues:

	From the Commonwealth	<u>\$41,752</u>
--	-----------------------	-----------------

Expenditures:

Adoption Recruitment and Training	\$55,669
Undesignated Local Match (007-083-0336)	<u>(13,917)</u>
	<u>\$41,752</u>

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, establishes the following position: full-time limited-term Social Worker - Social Services, effective July 1, 2001.

6. 2001 Primary Road Priorities

RESOLUTION

2001 PRIMARY ROAD PRIORITIES

WHEREAS, the James City County Board of Supervisors believes that a safe, efficient, and adequate transportation network is vital to the future of the County, the region, and State; and

WHEREAS, the James City County Comprehensive Plan and/or regional and state transportation plans and studies conclude that the following highway projects are essential to permit the safe and efficient movement to traffic in the Williamsburg-James City County area; and

WHEREAS, there exists a pressing need to implement the projects below in order to relieve traffic congestion which impedes the actions of emergency vehicles and personnel, causes inconvenience and delays, and contributes the major source of air pollution to the area.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the following list comprises the highest priority primary highway projects in James City County:

1. Full funding and the minimization of delays for the widening of the existing sections of Route 199 to four lanes in those areas where only two lanes presently exist;
2. Funding for design and construction of Route 60 East relocation;
3. Funding for the improvements to the Route 199-Jamestown Road intersection and support of the locally preferred alternative;
4. Funding for landscaping along the Route 199 corridor; and
5. Proceeding with the next phases of preliminary design and environmental study for the Capital to Capital Bikeway project consistent with a resolution adopted by the Board of Supervisors on November 10, 1998.

7. Federal JAIBG Funds – Merrimac Center

RESOLUTION

FEDERAL JAIBG FUNDS - MERRIMAC CENTER

WHEREAS, James City County is a participating member of the Middle Peninsula Juvenile Detention Commission (MPJDC) and along with other participating localities is eligible for certain funding from the Virginia Department of Criminal Justice Services under the Juvenile Accountability Incentive Block Grant (JAIBG) program; and

WHEREAS, the amount of funding available to each locality is small and the most efficient way to apply for and use these funds is by pooling the local allocations and assigning them to the MPJDC.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby consents to the use of its JAIBG allocation to fund a grant to MPJDC and hereby authorizes the County Administrator to execute a Memorandum of Agreement acknowledging that consent, on behalf of the Board.

8. Construction Management Shared Services

RESOLUTION

CONSTRUCTION MANAGEMENT SHARED SERVICES

WHEREAS, the Williamsburg-James City County School Board, the City Council of the City of Williamsburg, and the Board of Supervisors of James City County have endeavored to seek ways to share services in order to reduce costs and improve productivity; and

WHEREAS, the School Liaison Committee recommended that construction management services be provided by James City County in FY 2002; and

WHEREAS, the School Board has eliminated in its Fiscal Year 2002 Budget a construction management position; and

WHEREAS, the City of Williamsburg has indicated its intent to use County construction management services for upcoming Capital projects.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby endorses a pilot program for Fiscal Year 2002 with the Williamsburg-James City County School Board and the City Council of the City of Williamsburg in the area of construction management services and encourage all parties to utilize County construction management services.

2. Appropriation of Funds – Donation to the Sheriff’s Department

Mr. McDonald stated that Bruton Parish Church donated \$3,000 to the Williamsburg/James City County Sheriff’s office to purchase an Automated External Defibrillator (AED) for the courthouse.

Mr. McDonald stated that the AED would be needed in case of emergency by employees trained as to first-responders.

Mr. Goodson made a motion to approve the resolution appropriating the funds.

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

RESOLUTION

APPROPRIATION OF FUNDS - DONATION TO THE SHERIFF’S DEPARTMENT

WHEREAS, the Board of Supervisors of James City County has received a request to appropriate funds donated by Bruton Parish Church for an Automated External Defibrillator (AED) in the Williamsburg/James City County Courthouse.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the budget and appropriates \$3,000 in donated funds from Bruton Parish Church to the FY 2001 Budget of the Sheriff’s Office.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of Supervisors expresses its appreciation to Bruton Parish Church and to Sheriff Robert Deeds for their initiative in providing this equipment for the benefit of residents and visitors.

E. PUBLIC HEARINGS

1. AFD-8-86. Casey Agricultural and Forestal District Withdrawal

Ms. Karen Drake, Planner, stated that Mr. Alvin Anderson has applied on behalf of C. C. Casey Ltd. Co., and New Town Associates, LLC, to withdraw approximately 378.34 acres from the existing Casey Agricultural and Forestal District, zoned R-8, Rural Residential, located at qualifying portions of 4692 Old News Road, 5216, 5248, 5244, and 5235 Monticello Avenue, further identified as qualifying portions of parcels (Parcel No.) (1-8) on the James City County Real Estate Tax Map (Map) No. (38-1); Parcel No. (1-34) on Map No. (38-3); and Parcel Nos. (1-50), (1-51), (1-52) and (1-53) on Map No. (38-4).

Staff determined that the withdrawal request met Board policies regarding the withdrawal of lands from AFD that are inside the Primary Service Area. Staff also found the proposed withdrawal consistent with surrounding zoning and development, and consistent with the Comprehensive Plan.

In concurrence with staff, the Agricultural and Forestal District Advisory Committee and Planning Commission both recommended approval of the withdrawal request.

Should the withdrawal of these parcels be approved, the Casey AFD will fall below the 200-acre minimum requirement size of an AFD. This issue will be addressed when the Casey AFD is reviewed for renewal in September 2002.

The Board and staff discussed the roll-back taxes on the parcels being removed from the AFD, and the options available to the remaining land within the AFD.

Mr. McGlennon opened the public hearing.

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

Mr. Goodson made a motion to approve the withdrawal from the Casey AFD.

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

2. Case No. SUP-07-01. Jolin Kennels

Mr. Christopher M. Johnson, Senior Planner, stated that Joseph H. Banks, Jr., and Linda B. Banks have applied for a special use permit (SUP) to operate a boarding kennel on about 9.4 acres located at 4472 Ware Creek Road, zoned A-1, General Agricultural, further identified as Parcel No. (1-12) on James City County Real Estate Tax Map No. (14-1).

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

The Planning Commission unanimously recommended approval of this application, and staff recommends approval of the application with listed conditions.

The Board and staff discussed the buffers for noise, location of nearest residential home, landscaping, and the transfer of the SUP conditions to any new ownership.

Mr. McGlennon opened the public hearing.

1. Mr. Joseph H. Banks, Jr., applicant, thanked the Board for entertaining the permit request and offered to answer the Board's questions.

Mr. Kennedy inquired as to what happens to the SUP if the land is sold.

Mr. Morton stated that the SUP is attached to the land and if the land is sold, the SUP accompanies the sale and the new owner is limited to the conditions listed in the SUP.

Mr. Kennedy inquired what steps the applicant takes to keep the road maintained.

Mr. Banks stated that he grades and lays down gravel as often as the road needs it.

Mr. McGlennon closed the public hearing.

Mr. Kennedy made a motion to approve the resolution.

The Board held a brief discussion regarding the size of the kennel operation, road conditions, and conforming land use.

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

RESOLUTION

CASE NO. SUP-07-01. JOLIN KENNELS

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, kennels are a specially permitted use in the A-1, General Agricultural, zoning district; and

WHEREAS, Mr. Joseph H. Banks, Jr., and Mrs. Linda B. Banks, property owners, have applied for a special use permit to permit the operation of a boarding kennel on ±9.4 acres located at 4472 Ware Creek Road; and

WHEREAS, the property is located on land zoned A-1, General Agricultural, and can be further identified as Parcel No. (1-12) on James City County Real Estate Tax Map No. (14-1); and

WHEREAS, the Planning Commission, following its public hearing on May 7, 2001, voted 7-0 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-7-01 as described herein with the following conditions:

1. The number of kennel runs permitted on the property shall not exceed eighteen and shall be located within and immediately adjacent to the garage that is adjacent to the residence on the site.
2. The existing outdoor kennels located on the northwest corner of the property shall not be used for the boarding of any animals.
3. The pickup and drop off of animals for boarding or grooming shall not occur prior to 8:00 a.m. or after 6:00 p.m., seven days per week.
4. A site plan shall be submitted which identifies the location of customer parking spaces. The number of spaces shall be determined by the Planning Director.
5. One freestanding sign shall be permitted on the site. The sign shall be ground mounted and shall not exceed a cumulative size of sixteen square feet or a height of six feet unless approved by the Planning Director. The location, design, materials, and lighting of such sign shall be approved by the Planning Director prior to the issuance of a sign permit.

6. The owner shall provide landscaping adjacent to the kennel facilities consistent with landscaping ordinance requirements. The landscaping plan shall be reviewed and approved by the Planning Director or his designee.
7. The applicant shall maintain the right-of-way in a passable condition at all times and consistent with the requirements of Section 19-17 (4) of the Subdivision Ordinance. The intent of this condition is to repair any damage to the right-of-way that may be caused by kennel traffic.
8. All animal waste shall be disposed of in an on-site septic system and all animal runs shall be constructed so that animal waste will drain to the septic system approved by the Virginia Department of Health.
9. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

F. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, proposed the Schools offer the GED to 10th and 12th grade students in replacement of the SOLs as a better method of testing the student's knowledge.

G. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner recommended that when the Board completes the agenda, that the Board go into a closed session pursuant to Section 2.1-344 (A)(1) of the Code of Virginia for appointments of individuals to County Boards and/or Commissions; specifically to discuss the appointments to the Williamsburg Area Medical Assistance Corporation (WAMAC) and Williamsburg Regional Library System Board of Directors.

H. BOARD REQUESTS AND DIRECTIVES

Mr. Kennedy stated that at a meeting held at the James City County Library, citizens of Riverview Plantation expressed concern about the quality of water service supplied by Tidewater Water Company and a recent request to the State Corporation Commission to raise their water rates to subsidize improvements elsewhere in the Tidewater Water Company's system.

Mr. Kennedy requested the Board's support in sending the State Corporation Commission a letter that the County does not support a rate increase to the substandard-served area of Riverview Plantation for the purpose of subsidizing improvements in another water system.

The Board and staff held a discussion concerning the level of cooperation Tidewater Water Company has with its customers, lack of intent by Tidewater Water Company to upgrade Riverview Plantation, modification of the language in the letter, and rate impacts on the purchase of the JCSA taking over the water system in Riverview Plantation.

The Board directed the Chairman of the Board to sign a modified letter to the State Corporation Commission stating the Board's opposition to the requested rate increase.

Mr. Harrison stated that citizens are concerned about the treatment and lack of restraint of pit bulls behind the Zooms at the intersection Route 5 and Ironbound Road. Mr. Harrison requested staff to follow up on the matter.

Mr. Harrison requested a police presence at Rolling Meadows Apartments to act as a deterrent.

Mr. Nervitt stated interest in meeting with Williamsburg Community Hospital (WCH) representatives and citizens in reply to the hospital's announcement that they will be building in York County; voiced concern that the location of the hospital in York County may impact the health infrastructure of James City County and the City of Williamsburg; and requested the members of the Board solicit citizen concerns regarding health issues for the discussion with the WCH.

The Board and staff discussed possible topics for a meeting with the hospital and citizens, what type of forum to have the discussion, what impact and role the County may have on the health care service industry, and what impact the hospital's location to York County may have in the availability of doctors in this region and the Medicare service available in the area.

Mr. McGlennon stated that there have been concerns raised by safety officers in response to the National Park Service's report concerning Greensprings Plantation and closing a portion of Centerville Road. Mr. McGlennon suggested the Board members forward citizen concerns regarding this closure to Mr. John Horne so that they may be incorporated into a report back to the National Park Service before the public comment period closes on July 11.

Mr. Wanner stated that the schools have also been requested to provide input as to how the road closure will affect the bus routes.

I. CLOSED SESSION

Mr. Harrison made a motion to go into closed session at 8:15 p.m. as recommended by the County Administrator.

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

Mr. McGlennon called the Board into open session at 8:17 p.m.

Mr. Harrison made a motion to adopt the closed session resolution.

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

RESOLUTION

CERTIFICATION OF CLOSED MEETING

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

WHEREAS, Section 2.1-344.1 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, Section 2.1-344(A)(1), appointment of individuals to County boards and/or commissions.

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

Mr. Kennedy made a motion to reappoint Anthony Conyers, Jr., to the Williamsburg Area Medical Assistance Corporation (WAMAC) for a one-year term, term to expire June 13, 2002; and to reappoint Michael J. Fox to the Williamsburg Regional Library System Board for a four-year term, term to expire June 30, 2005.

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

Mr. Kennedy made a motion to adjourn until June 26, 2001, at 7 p.m.

The Board adjourned at 8:17 p.m.

Sanford B. Wanner
Clerk to the Board

MEMORANDUM

DATE: June 26, 2001
TO: The Board of Supervisors
FROM: Needham S. Cheely, III, CPRP, Director, Division of Parks and Recreation
SUBJECT: July - Recreation and Parks Month

The National Recreation and Parks Association has designated July as Recreation and Parks Month. Events highlighting the benefits of parks and recreation will be scheduled throughout the month.

The Parks and Recreation Advisory Commission endorsed the resolution at its meeting on June 20, 2001, proclaiming July as Recreation and Parks month. Staff recommends approval of the attached resolution.

Needham S. Cheely, III

CONCUR:

Anthony Conyers, Jr.

NSC/gs
julyprmonth.mem

Attachment

RESOLUTION

JULY - RECREATION AND PARKS MONTH

WHEREAS, parks and recreation activities enhance the physical health and mental well-being of individuals, work forces, and communities; and

WHEREAS, parks and open space are vital to the appearance and livability of communities, protect our air and water, and balance our ecosystem.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, proclaims July as Recreation and Parks Month and encourages all citizens of James City County to recognize that recreation and park services are essential to the quality of life.

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 26th day of June, 2001.

julyprmonth.res

MEMORANDUM

DATE: June 26, 2001
TO: The Board of Supervisors
FROM: Leo P. Rogers, Deputy County Attorney
SUBJECT: Ordinance for Driving While Intoxicated (D.W.I.) and Traffic Enforcement

The attached Ordinance incorporates by reference into the James City County Code, the amendments made by the 2001 General Assembly to the D.W.I. and traffic laws. County police are charging traffic offenders under the County Code which must be amended to reflect the State's changes to the applicable D.W.I. and traffic laws. To continue this procedure, it is necessary that the Ordinance be amended.

In addition, the proposed Ordinance adds Section 13-29 which allows the County to recover from a person convicted of a DWI offense, reasonable expenses incurred by the County police, fire, rescue, and emergency medical services in responding to any accident or incident. Reasonable expenses are defined as a flat fee of \$100 or a minute-by-minute accounting of actual costs incurred. Section 13-29 also permits a volunteer rescue squad to recover reasonable expenses for responding to such an accident or incident.

Staff recommends adoption of the attached Ordinance.

Leo P. Rogers

CONCUR:

Frank M. Morton, III

LPR/gb
DWIord.mem

Attachment

ORDINANCE NO.

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 13, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 13-7, ADOPTION OF STATE LAW; AND ARTICLE II, DRIVING AUTOMOBILES, ETC., WHILE INTOXICATED OR UNDER THE INFLUENCE OF ANY DRUG, SECTION 13-28, ADOPTION OF STATE LAW, GENERALLY, AND BY ADDING SECTION 13-29, RECOVERY OF EXPENSES FOR EMERGENCY RESPONSE.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 13, Motor Vehicles and Traffic, is hereby amended and reordained by amending Article I, In General, Section 13-7, Adoption of state law; and Article II, Driving Automobiles, etc., While Intoxicated or Under the Influence of Any Drug, Section 13-28, Adoption of state law, generally, and by adding Section 13-29, Recovery of expenses for emergency response.

Chapter 13. Motor Vehicles and Traffic

Article I. In General

Sec. 13-7. Adoption of state law.

Pursuant to the authority of section 46.2-1313 of the Code of Virginia, as amended, all of the provisions and requirements of the laws of the state contained in Title 46.2 of the Code of Virginia, as amended, and in force on July 1, ~~2000~~ 2001, except those provisions and requirements the violation of which

constitutes a felony and those provisions and requirements which by their very nature can have no application to or within the county, are hereby adopted and incorporated in this chapter by reference and made applicable within the county. Such provisions and requirements are hereby adopted, mutatis mutandis, and made a part of this chapter as fully as though set forth at length herein, and it shall be unlawful for any person, within the county, to violate or fail, neglect or refuse to comply with any provision of Title 46.2 of the Code of Virginia which is adopted by this section; provided, that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under Title 46.2 of the Code of Virginia.

State law reference -Authority to adopt state law on the subject, Code of Va., § 46.2-1313.

Article II. Driving Automobiles, Etc., While Intoxicated
or Under the Influence of any Drug

Sec. 13-28. Adoption of state law, generally.

Article 9 (section 16.1-278 et seq.) of Chapter 11 of Title 16.1 and Article 2 (section 18.2-266 et seq.) of chapter 7 of Title 18.2, Code of Virginia, as amended and in force July 1, ~~2000~~ 2001, *is are* hereby adopted and made a part of this chapter as fully as though set out at length herein. It shall be unlawful for any person within the county to violate or fail, neglect or refuse to comply with any section of the Code of Virginia as adopted by this section.

State law reference - Authority to adopt state law on the subject, Code of Va., § 46.2-1313.

Section 13-29. Recovery of expenses for emergency response.

Any person who is convicted of violating Virginia Code Sections 18.2-51.4, 18.2-266, or 29.1-738 or County Code Section 13-28, when his operation of a motor vehicle, engine, train, or watercraft while so impaired is the proximate cause of any accident or incident resulting in an appropriate emergency response, shall be liable in a separate civil action to the county or to any volunteer rescue squad, or both, which may provide such emergency response for the reasonable expense thereof, in an amount not to exceed \$1,000 in the aggregate for a particular accident or incident occurring in the county. In determining the "reasonable expense," the county may bill a flat fee of \$100 or a minute-by-minute accounting of the actual costs incurred. As used in this section, "appropriate emergency response" includes all costs of providing law-enforcement, fire-fighting, rescue, and emergency medical services. The provisions of this section shall not preempt or limit any remedy available to the Commonwealth, to the county, or to any volunteer rescue squad to recover the reasonable expenses of an emergency response to an accident or incident not involving impaired driving or operation of a vehicle as set forth herein.

State law reference - Code of Va., § 15.2-1716.

This Ordinance shall become effective on July 1, 2001.

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 26th day of June, 2001.

SPECIAL USE PERMIT- 09-01. Mount Gilead Baptist Church - Day Care and Academy Staff Report for June 26, 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: June 4, 2001 7:00 p.m.
Board of Supervisors: June 26, 2001 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. Abram E. Frink
Land Owner: Mount Gilead Baptist Church

Proposed Use: A day care and an Academy inside the existing church.

Location: 8660 Pocahontas Trail

Tax Map and Parcel No.: (52-3)(2-34)

Primary Service Area: Inside

Parcel Size: 3.327 ± acres

Existing Zoning: R-2, General Residential

Comprehensive Plan: Low Density Residential

Surrounding Zoning: The parcel is completely surrounded by other R-2 zoned land

Staff Contact: Paul D. Holt, III - Phone: (757) 253-6685

STAFF RECOMMENDATION:

With the proposed special use permit (SUP) conditions, staff finds the proposal compatible with surrounding uses and zoning and consistent with the Comprehensive Plan recommendations. Therefore, staff recommends approval of the application. On June 4, 2001, the Planning Commission recommended approval of this application by a vote of 6-0.

Description of the Project

On behalf of the Mount Gilead Baptist Church, Mr. Abram Frink has applied for a special use permit to allow for the operation of a day care and an Academy inside an existing church located at 8660 Pocahontas Trail. The property is currently zoned R-2, General Residential, and is located in Grove, at the corner of Pocahontas Trail (Route 60E) and Church Street. Both day care centers and schools are specially permitted uses on R-2 zoned property.

According to the applicant, five rooms in the church will be set aside for the day care and Academy. These five rooms total 2,132 square feet and could support up to 104 children, according to State Building Code limitations. The applicant expects the day care to operate five days a week, Monday through Friday, 6:00 a.m. to 6:00 p.m. with about 50 children. No new exterior changes or signs are proposed at this time. Student enrollment will determine staffing loads. The rear entrance of the church will serve as the designated drop-off/pick-up point. The rear of the church connects with both sides of the church where parking is available. The site currently has two access points to Church Street. With 86 parking spaces and 15 handicapped parking spaces, staff believes that parking lot is large enough to support the operation. Even if church functions were to occur at the times of the day care and school, parking needs by the day care and school would be limited to a few staff members only.

The Academy will be a private Christian School owned and operated by the Mount Gilead Baptist Church. Initially, the academy would consist of pre-K (3, 4, and 5 year olds), and Kindergarten. Depending on enrollment, first, second, and third grades may be added. Currently, the applicant expects the Academy to operate with ten to 20 students. As with the day care, student enrollment would determine staffing levels. The academy would operate five days a week, Monday through Friday, 8:30 a.m. to 3:00 p.m. Students would be picked up by the church in a van, if desired.

The church has already met with the Code Compliance Division. All required improvements and needed changes to the church have been made to accommodate a day care and school use.

Traffic

For day care centers, the Institute of Transportation Engineers, *Traffic Generation* manual anticipates 0.83 average trips per student in the a.m. peak hour and 0.80 average trips per student in the p.m. peak hour. For the expected 50 children, this results in an additional 41.50 peak hour trips in the a.m. and an additional 40.00 peak hour trips in the p.m.

For a private school, an average 0.93 trips per student in the a.m. peak hour is anticipated and an average 0.61 p.m. peak hour trips per student is expected in the p.m. For the 20 students, this results in an additional 18.60 peak hour trips in the a.m. and an additional 12.20 peak hour trips in the p.m.

Combining the two uses, and allowing for the maximum number of children possible, an additional 88 trips are expected in the a.m. peak hour and an additional 70.5 trips are expected in the p.m. peak hour. As of the 2000 traffic counts, this portion of Route 60 currently handles 12,055 vehicles per day north of this site and 12,833 vehicles per day south of this site. The Route 60/Church Street intersection was recently upgraded with the addition of a left hand turn lane. This turn lane increases both turning and through movement functions. Given existing traffic levels, the low amount of additional traffic, and the presence of the turn lane, staff believes that the additional traffic will not negatively affect Pocahontas Trail.

Surrounding Zoning and Development

The property is surrounded by other R-2 zoned property and single-family detached dwellings. As stated above, no new exterior construction is proposed for the operation of the day care and academy inside the church. The proposed drop off/pick up point is located at an existing entrance at the rear of the church, so children coming and going should not impact any adjoining property owners. There are three homes along Church Street between the rear of the church and Route 60. With the proposed SUP conditions, staff believes the proposed operations inside the church are compatible with surrounding uses and zoning.

Comprehensive Plan

The 1997 Comprehensive Plan Land Use Map designates this property as Low Density Residential. Low Density areas are residential developments or land suitable for such developments with overall densities up to one dwelling unit per acre depending on the character and density of surrounding development, physical attributes of the property, buffers, the number of dwellings in the proposed development, and the degree to which the development is consistent with the Comprehensive Plan.

Examples of acceptable land uses within this designation include single-family homes, duplexes, cluster housing, recreation areas, school, churches, community-oriented public facilities, and very limited commercial establishments. Nonresidential uses should not alter, but rather, complement the residential character of the low-density residential area in which they are located. Very limited commercial establishments, schools, churches, and community-oriented facilities should generally be located on collector roads at intersections where adequate buffering and screening can be provided to protect nearby residential uses and the character of the surrounding area.

As noted above, the existing church is located on a primary road at an intersection with adequate road improvements. With the proposed SUP conditions, staff believes the application is consistent with the Comprehensive Plan recommendations.

RECOMMENDATION:

With the proposed SUP conditions, staff finds the proposal compatible with surrounding uses and zoning and consistent with the Comprehensive Plan recommendations. Therefore, staff recommends approval of the application. On June 4, 2001, the Planning Commission recommended approval of this application by a vote of 6-0.

Paul D. Holt, III

CONCUR:

O. Marvin Sowers, Jr.

PDH/adw
sup-9-01.wpd

Attachments:

1. Minutes from the June 4, 2001, Planning Commission meeting
2. Location map
3. Letter of support from "The Child Caring Connection," dated May 29, 2001
4. Resolution of approval

RESOLUTION

CASE NO. SUP-09-01. MOUNT GILEAD BAPTIST CHURCH DAY CARE AND SCHOOL

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 the operation of a day care and a school inside the existing Mount Gilead Baptist Church located at 8660 Pocahontas Trail; and

WHEREAS, the property is currently zoned R-2, General Residential, and designated Low Density Residential on the 1997 Comprehensive Plan Land Use Map; and

WHEREAS, the property is specifically identified as Parcel No. (2-34) on the James City County Real Estate Tax Map Number (52-3); and

WHEREAS, on June 4, 2001, the Planning Commission recommended approval of the application by a vote of 6-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-9-01 as described herein with the following conditions:

1. This special use permit shall be valid only for the operation of a day care and a school within the existing church, limited to that stated hours of operation, 6:00 a.m. - 6:00 p.m. Monday through Friday, and limited to an enrollment capacity of 104 children maximum.
2. A certificate of occupancy for the day care and school use shall be obtained within two years of SUP approval, or the SUP shall be void.
3. The drop-off and pick-up area for the day care and school shall be limited to the existing entrance located at the rear (north side) of the church.
4. Any new exterior signage advertising the day care and/or school shall be combined with the existing signage for the church and shall be in accordance with Article II, Division 3 of the James City County Zoning Ordinance.
5. This 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 26th day of
June, 2001.

sup-9-01.res

**SPECIAL USE PERMIT-11-01. Carrot Tree Bakery at Jamestown Island
Staff Report for June 26, 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: June 4, 2001, 7:00 p.m.
 Board of Supervisors: June 26, 2001, 7:00 p.m.

SUMMARY FACTS

Applicant: Glen Helseth

Land Owner: The Association for the Preservation of Virginia Antiquities

Proposed Use: Restaurant

Location: Jamestown Island

Tax Map and Parcel No.: (54-2)(1-1)

Primary Service Area: Inside

Parcel Size: 22.5 acres

Existing Zoning: R-8, Rural Residential

Comprehensive Plan: Park, Public, or Semi-Public Open Space

Surrounding Zoning: The site is surrounded by Federal land zoned R-8, Rural Residential

Staff Contact: Karen Drake - Phone: 253-6685

STAFF RECOMMENDATION:

Staff finds this proposal to be of a scale and location that is compatible with the main use of the property and is consistent with the surrounding property and the Comprehensive Plan. On June 4, 2001, the Planning Commission voted 6-0 to approve this application. Staff recommends the Board of Supervisors approve this special use permit with the attached conditions.

Proposal

Mr. Glen Helseth, owner of the Carrot Tree Kitchens, has applied for a special use permit to operate a seasonal concession stand at Jamestown Island on land owned by the Association for the Preservation of Virginia Antiquities (APVA).

The APVA approached Mr. Helseth earlier this spring about operating a seasonal concession stand at Jamestown Island from April 1, 2001, to September 30, 2001, to provide sandwiches, snacks, and drinks to visitors. An initial one-year lease was signed with a long-term lease through 2007 currently being negotiated. At the time the initial one-year lease was signed, there was a misunderstanding by Mr. Helseth about the concession stand being on Federal property, thus not requiring a special use permit from the County. Mr. Helseth proceeded with constructing the concession stand. It has since been clarified to Mr. Helseth by staff that the concession stand is on APVA land and under the jurisdiction of the County, with a special use permit required to operate a restaurant in a R-8 zoned district.

Given this particular proposal, staff has made an effort to help the applicant by allowing him to continue operating the concession stand while his special use permit application was reviewed. This was contingent upon Mr. Helseth obtaining the necessary Health Department permits and Certificate of Occupancy from Code Compliance. To date, Mr. Helseth has been working and complying with both departments and has a temporary certificate of occupancy.

The existing concession stand is located next to the Dale House Archeological Laboratory near the James River. The majority of the customers are visitors or staff at Jamestown Island who walk-up to the stand. The concession stand has two windows for ordering and pick-up, with picnic tables placed under trees nearby the river. Deliveries are made each morning from the Carrot Tree Kitchen, located at 1782 Jamestown Road, where all cooking and baking is done. The menu offered at the Jamestown Island stand is a scaled down version of the Carrot Tree Kitchen menu. The concession stand is currently open for business from 11 a.m. to 5 p.m. on days when Jamestown Island is open to the public, through September 30, 2001.

Surrounding Zoning and Development

The surrounding property, zoned R-8, Rural Residential, is owned and operated by the National Park Service and borders the James River. The current concession stand is located next to an existing building and does not detract from the overall visitor experience. Mr. Helseth has been negotiating a long-term contract with the APVA, including the possibility of renovating the Dale House for a larger restaurant with indoor seating. Staff believes the proposed concession stand is compatible with the surrounding zoning and development. The National Park Service has submitted the attached letter to the County supporting the proposed Carrot Tree Bakery at Jamestown Island.

Utilities

Currently the concession stand is served by well water and a septic tank. However, discussions have taken place to extend JCSA water and sewer service to APVA land from the National Park Service Visitor Center, which was recently converted to the County system. Mr. Helseth has been working with Code Compliance to obtain the necessary permits and a temporary Certificate of Occupancy has been issued. The Health Department has issued a temporary permit for operating the concession stand that is contingent upon the approval of this special use permit.

Access

Customer access is on foot only with parking available in the existing visitor parking lot.

Comprehensive Plan

The site is located inside the Primary Service Area (PSA) and is designated as Park, Public, or Semi-Public Open Space on the Comprehensive Land Use map. Land with this designation include large, undeveloped areas owned by institutions or the public, and used for recreation or open space. These areas serve to buffer historic sites, as educational resources, and as areas for public recreation and enjoyment. The proposed concession stand is located within the Colonial Heritage National Park and is accessible only when the Park is open. Its purpose is to enhance the Park visitors' enjoyment. For this reason, staff believes the proposal is consistent with the Comprehensive Plan.

RECOMMENDATION:

Staff finds this proposal compatible with existing development at Jamestown Island and consistent with the surrounding property and the Comprehensive Plan. The Colonial Heritage National Park has endorsed this project. At its June 4, 2001, meeting, the Planning Commission voted 6-0 to approve this application. Therefore, staff recommends the Board of Supervisors approve this special use permit application with the following conditions:

1. The concession stand shall operate only when the Colonial Heritage National Park at Jamestown Island is open to the public.
2. Trash cans shall be available for use by customers during all operating hours and the trash cans shall be emptied and cleaned on a regular basis.
3. Final site plan approval, including landscaping, shall be received from the Planning Division for the operation of the restaurant within sixty days from the issuance of this special use permit or the permit shall become void.
4. The final Certificate of Occupancy and all associated approvals needed to operate a restaurant shall be received from the Health Department and Code Compliance within sixty days from the issuance of this special use permit or the permit shall become void.
5. The existing concession stand structure shall not be more than 1,000 square feet in size. Site plan approval shall be obtained prior to making any future renovations to the concession stand.
6. This special use permit allows the future relocation of the restaurant business into the adjacent Dale House. Site plan approval shall be obtained prior to making any renovations to remodel the Dale House to accommodate the residence. Any exterior alterations shall be approved by the Planning Director.
7. 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/gs
sup.11-01.carrot

Attachments:

1. Unapproved minutes of the Planning Commission Meeting on June 4, 2001.
2. Location Map
3. Site Plan
4. Photographs
5. Letter of Support
6. Resolution

RESOLUTION

CASE NO. SUP-11-01. CARROT TREE BAKERY AT JAMESTOWN ISLAND

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, restaurants are a specially permitted use in the R-8, Rural Residential, zoning district; and

WHEREAS, the Planning Commission of James City County, following its public hearing on June 4, 2001, recommended approval of Case No. SUP-11-01 by a vote of 6 to 0 to permit the construction of a restaurant located on the Association for the Preservation of Virginia Antiquities site at Jamestown Island and further identified as Parcel No. (1-1) on James City County Real Estate Tax Map No. (54-2).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-11-01 as described herein with the following conditions:

1. The concession stand shall operate only when the Colonial National Historical Park at Jamestown Island is open to the public.
2. Trash cans shall be available for use by customers during all operating hours and the trash cans shall be emptied and cleaned on a regular basis.
3. Final site plan approval, including landscaping, shall be received from the Planning Division for the operation of the restaurant within sixty days from the issuance of this special use permit or the permit shall become void.
4. A final Certificate of Occupancy and all associated approvals needed to operate a restaurant shall be received from the Health Department and Code Compliance within sixty days from the issuance of this special use permit or the permit shall become void.
5. The existing concession stand structure shall not be more than 1,000 square feet in size. Site plan approval shall be obtained prior to making any future renovations to the concession stand.
6. This special use permit allows the future relocation of the restaurant business into the adjacent Dale House. Site plan approval shall be obtained prior to making any renovations to remodel the Dale House to accommodate the residence. Any exterior alterations shall be approved by the Planning Director.
7. 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 26th day of
June, 2001.

sup.11-01.carrot.res

**SPECIAL USE PERMIT-12-01. Annette Haden Manufactured Home
Staff Report for June 26, 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: June 26, 2001, 7:00 p.m.

SUMMARY FACTS

Applicant/Land Owner: Ms. Annette Marie Haden

Proposed Use: Manufactured Home

Location: 110 Hazelwood Avenue

Tax Map and Parcel No.: (12-2)(04-0-0007)

Primary Service Area: Inside

Parcel Size: .5 acres

Existing Zoning: R-1, Limited Residential

Comprehensive Plan: Low-Density Residential

Surrounding Zoning: All adjacent properties are zoned R-1, Limited Residential

Staff Contact: John Rogerson - Phone: 253-6685

STAFF RECOMMENDATION:

This application represents a continuation of a nonconforming situation with respect to the placement of a manufactured home in the R-1, Limited Residential Zoning District.

Staff currently recommends the Board of Supervisors defer this application until the applicant resolves all current County Code Violations on the property.

Currently there is one County Code Violation at this location; debris/refuse in the yard which includes two boats that are inoperable and without trailers. One boat is filled with rubbish.

History

The applicant is requesting permission to replace the existing manufactured home which is twenty-four feet wide and fifty-three feet long, and has four bedrooms and one and a half bathrooms. It was placed on the parcel in the 1970's.

Description of Project

The proposed manufactured home is a new Oakwood 2000 model which is twenty-eight feet wide by seventy-six feet long. It is a four bedroom model with two bathrooms. The existing manufactured home is nonconforming because it is located in a residential zoning district within the primary service area.

Surrounding Zoning

Adjacent properties are zoned R-1, Limited Residential. The immediate area is surrounded with single-family dwellings.

Surrounding Area

There are four manufactured homes within 2,000 feet. The nearest manufactured home is approximately 150 yards from the site.

Access

The parcel fronts on Hazelwood Avenue, which is a dirt road approximately 400 feet long. There are only two properties which use this road for access.

Public Utilities

The manufactured home is located within the Primary Service Area but will be served by the existing well and septic system. The Health Department will approve or require upgrades to existing system prior to issuance of a Building Permit.

Screening

The parcel is wooded however; staff recommends that the applicant plant five screening plants two-feet tall and three feet apart along the front of the new manufactured home. Plant type and location shall be approved by the Planning Director.

Recommendation:

The proposed manufactured home, with conditions, would meet the administrative guidelines for the placement of new manufactured homes. While this application represents a continuation of a nonconforming use with respect to placement of manufactured homes in the R-1, Limited Residential Zoning District, it does provide an improvement in living conditions for the applicant. However, staff recommends the Board of Supervisors defer this Special Use Permit application indefinitely, until the applicant corrects the County Code Violation on the property, discussed on the first page.

1. This permit shall be valid only for the 2000 Oakwood Model double-wide unit described on the Special Use Permit application. If the manufactured home is removed, this permit shall become

void. Any replacement shall require a new permit from the Board of Supervisors. If the permit is not exercised within one year from the date of approval it shall become void.

2. The manufactured home shall be skirted and meet the requirements of the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards.
3. The existing mobile home shall be removed prior to the placement of the new manufactured home.
4. The applicant shall plant five screening plants two-feet tall and three feet apart along the front of the new manufactured home within sixty days of receiving the final certificate of occupancy. Plant type and location shall be approved by the Planning Director.
5. This Special Use Permit is not severable; invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

John C. Rogerson

CONCUR:

O. Marvin Sowers, Jr.

JCR/tlc
sup1201.wpd

Attachments:

1. Map
2. Photographs
3. Resolution

RESOLUTION

CASE NO. SUP-12-01. ANNETTE HADEN MANUFACTURED HOME

WHEREAS, all requirements for the consideration of an application for a special use permit for the placement of a manufactured home have been met.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, that a special use permit be granted for the replacement of a manufactured home on property owned and developed by the applicant as described below.

Applicant: Annette Marie Haden

Real Estate Tax Map ID: (12-2)

Parcel No.: (4-7)

Address: 110 Hazelwood Avenue

District: Stonehouse

Zoning: R-1, Limited Residential

- Conditions:
1. This permit shall be valid only for the 2000 Oakwood Series double-wide unit applied for. If the manufactured home is removed, this permit shall become void. Any replacement shall require a new permit from the Board of Supervisors. If the permit is not exercised, it shall become void one year from the date of approval.
 2. The manufactured home shall be skirted and meet the requirements of the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards.
 3. The existing mobile home shall be removed prior to the placement of the new manufactured home.
 4. The applicant shall provide additional vegetative screening in front of the manufactured home. Plant type and location shall be approved by the Planning Director.

5. This 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 26th day of
June, 2001.

sup1201.res

M E M O R A N D U M

DATE: June 26, 2001

TO: The Board of Supervisors

FROM: Paul D. Holt, III, Senior Planner

SUBJECT: Case No. ZO-3-01. Planned Unit Development Districts

Attached is a proposed Zoning Ordinance text revision which adds "Golf Courses" to the list of permitted uses in the Planned Unit Development - Commercial (PUD-C) District.

Planned Unit Developments are either zoned PUD-C (for attached residential structures and all nonresidential type uses) or Planned Unit Development - Residential (or PUD-R which allows for single-family detached structures and a limited amount of nonresidential type uses). Golf courses are typically located within planned unit developments and "Golf Courses" are already listed as a permitted use in Planned Unit Development - Residential Districts (PUD-R).

In the case of Stonehouse, a Planned Unit Development located at the northern end of the County, the project is mostly zoned PUD-R, however, a portion of the development is zoned PUD-C. In 1995, the Legends Golf Course was planned and plans were submitted to the County for review and approval. The plans were approved and the course was subsequently built and the course has been in operation ever since.

During a recent title search of the property, it was found that golf course holes (six holes on four different parcels) were constructed in accordance with approved plans on PUD-C zoned property. Therefore, a portion of the golf course was developed in an area where it is not permitted. The attached Zoning Ordinance text amendment, if adopted, would correct this and would bring the entire golf course into a conforming status.

For the Board's information, other PUD-R zoned property includes Hiden, Toano Trace, the Powhatan Plantation Timeshares, South England Point, the Midlands, and Chambrel. Only two PUD-C zoned properties currently exist - Stonehouse and a portion of the Warhill Tract at the corner of Route 60 and Route 199. For the Board's convenience, a copy of the complete PUD ordinance is attached.

Staff finds that golf courses on PUD-C zoned property would be consistent with the intent of the PUD ordinance. Staff recommends approval of the ordinance change. On June 4, 2001, the Planning Commission recommended approval of the amendment by a vote of 5-1.

Paul D. Holt, III

CONCUR:

O. Marvin Sowers, Jr.

PDH/tlc
zo-3-01.mem

Attachments:

1. Minutes from the June 4, 2001, Commission meeting
2. Existing PUD ordinance
3. Stonehouse zoning map
4. Proposed ordinance

ORDINANCE NO.

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 14, PLANNED UNIT DEVELOPMENT DISTRICTS, SECTION 24-499(b), PERMITTED USES.

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 Section 24-499(b), Permitted uses.

Chapter 24. Zoning

Article V. District

Division 14, Planned Unit Development Districts

Sec. 24-499. Permitted uses.

- (b) In the planned unit development district, commercial (PUD-C), all structures to be erected or land to be used shall be for one or more of the following uses:
 - (1) Commercial uses: Same as paragraph (2) of subsection (a) above.
 - (2) Light industrial uses:
 - Printing and publishing.
 - Processing, assembly and manufacture of light industrial products or components, with all storage, processing, assembly and manufacture conducted in a fully enclosed building, with no dust, noise, odor or other objectionable effect.
 - Research, design and development facilities or laboratories.
 - Wholesale and warehousing, with storage in a fully enclosed building.
 - (3) Theme parks.
 - (4) Apartments, townhouses and condominiums.
 - (5) Private streets within "qualifying industrial parks" in accordance with section 24-55.
 - (6) *Golf courses.*

Ordinance to Amend and Reordain
Chapter 24. Zoning
Page 2

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 26th day of June, 2001.

zo-3-01.ord1.wpd