

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 14TH DAY OF AUGUST, 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. Andre Brooks, an eighth grade student at James Blair Middle School, led the Board and citizens in the Pledge of Allegiance.

C. PUBLIC COMMENT - None

D. PRESENTATIONS

1. Volunteer Recognition – International Year of Volunteers

Mr. **McGlennon** recognized the **Olde Towne** Medical Center Immunization Volunteers who work with Judy **Knudson**, Marsha Amory, and **WAMAC** staff. These 12 volunteers (Carolyn **Beckhoff**, Patty Clancy, Marilyn **Diehl**, **Bobbi Fairchild**, Margaret **Kwiatkowski**, Genevieve **Mastaler**, **Ann O'Brien**, Joan Porter, Hanni Sherman, Mary Joe Smith, Jean Taylor, and **Ann Yankovich**) generously donate over 1,000 hours monthly staffing a walk-in clinic every Tuesday which serves approximately 29 citizens each month issuing over 71 immunizations.

Ms. Knudson thanked the volunteers for providing a **service** to the citizens of the **County** that otherwise would be provided by a different jurisdiction.

2. NACo and NACPRO Awards

The Board of Supervisors recognized the following staff members for their innovative programs that were recently recognized by the National Association of Counties (**NACo**) and the National Association of County Parks and Recreation Officials (**NACPRO**):

Chris Gordon for the CAMPAIGN LEARN TO **SWIM** program that is an on-going program designed to increase the awareness of water safety among at-risk youth in James City County.

Seth **Benton** and **Zollie** Hayes for THE TEEN TOURNAMENT PROGRAM at James River Community Center that is a neighborhood-based program that serves youth at-risk and low-income populations in the Grove community.

Dan Smith for the PARK-TO-PARK program that is a special bicycle tour developed by James City County Parks and Recreation Division in cooperation with Williamsburg Area Bicyclists (WAB), York River State Park, and City of Williamsburg.

Rona Vrooman and Carole Norman for the ELECTRONIC FORM FILLER • JEFF is a tool that streamlined the New Employee Orientation process. JEFF eliminated the redundancy associated with completing forms by having employees enter **information** one time and then uses that information to populate several forms.

Renee **Dallman** for THE BLOCK BUDDIES: A NEIGHBORHOOD HEALTH PROMOTER PROGRAM that trains citizens to become **health** ambassadors in their communities.

Iris Street for the WOMEN OF THE FUTURE program that serves at risk girls, ages 11-17, in the **Centerville** area through Project: Excel.

Iris Street for THE FAMILY MEDIATION PROGRAM that serves all families involved in custody **and/or** visitation litigation before the **Williamsburg/James City County** Juvenile and Domestic Relations Court. Families are referred to an educational orientation and screening program. This approach has provided families with a less adversarial climate to **settle** family matters and appears to enhance settlement.

Denny Skiles for the JAMES CITY COUNTY INFORMATION MESSAGE BOARD that provides citizens with information via a video message board. Citizens can see the message board on County Government Channel 48 between scheduled programming.

E. HIGHWAY MATTERS

Mr. **Quintin Elliott**, Resident Engineer, Virginia Department of Transportation (VDOT), was available to answer questions from the Board.

Mr. **Goodson** requested information **regarding** the status of the Route 359 project.

Mr. Elliott stated that a public hearing and comment period has been held. VDOT is compiling and reviewing the comments for possible inclusion into the final report to be submitted to the Commonwealth Transportation Board (Transportation Board).

Mr. **McGlennon** requested to know how citizen and the Board's comments would be used in the formal recommendation to be made by VDOT to the Transportation Board.

Mr. Elliott stated that the recommendation will be presented to the Transportation Board who will review the recommendation for approval, or may suggest other avenues or development methods **for the** project.

Mr. **Goodson** requested a status update on the Grove interchange

Mr. **Elliott** stated that the deck pans on the bridge have been completed and a subcontractor is being solicited for the next phase of the bridge construction. Construction **will** be completed by December although communication avenues with the contractor are limited due to legal matters associated with the contractor.

Mr. **Goodson** requested temporary signage be placed on I-64 to route Busch Gardens traffic away from Route 60.

Mr. McGlennon requested an update on the intersection of **Jamestown** Road and Route 199.

Mr. **Elliott** stated that VDOT is reviewing the comments received from the County and City in response to the latest intersection design. VDOT anticipates being able to do a field inspection next month followed by a **final** design public hearing.

Mr. McGlennon requested information regarding the Route 5 sinkhole repair work near St. George's Hundred.

Mr. **Elliott** stated that repair work has been performed under the bridge to repair erosion damage under the bridge by Hurricane Floyd.

Mr. McGlennon requested VDOT perform maintenance on the ditches along Route 5; **Jamestown Road** near the Kingswood subdivision where berm and sidewalk erosion is occurring due to ~~the~~ problems associated with the ditches and at the intersections of Oxford and Jamestown Roads, and Spring and **Jamestown** Roads.

F. CONSENT CALENDAR

Mr. McGlennon inquired if a Board member wished to **pull** an item from the consent calendar.

Mr. Kennedy requested Item Number 2, Courthouse Maintenance Fund, be pulled

Mr. Kennedy made a motion to approve the remaining items on the consent calendar, including the amended minutes of July 24, 2001.

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

1. Minutes

a. July 10, 2001, Regular Meeting

b. July 24, 2001, Regular Meeting

c. July 25, 2001, Work Session

3. Powhatan Polling Place – Christian Life Center Lease

R E S O L U T I O N

POWHATAN POLLING PLACE - CHRISTIAN LIFE CENTER LEASE

WHEREAS, the James City County Electoral Board is required to conduct elections in the County of James City; and

WHEREAS, the Christian Life Center has offered to provide a polling place for the **Powhatan B** Precinct.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes and directs the County **Administrator** to execute a lease between James City County and the Christian Life Center for the establishment of a polling place for **Powhatan B** Precinct.

4. Capital Project Balances

R E S O L U T I O N

CAPITAL PROJECT BALANCES

WHEREAS, the Board of **Supervisors** of James City County adopts, as components **of the** County's Capital Budget, funding for individual capital projects; and

WHEREAS, once these projects are completed and capitalized, there is currently no provision to easily transfer outstanding project budget balances.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to transfer remaining budget balances from capital projects that are completed to Capital Contingency.

5. Department of Criminal Justice Services **Special** Request Fund Grant for School Resource Officer Program

R E S O L U T I O N

DEPARTMENT OF CRIMINAL JUSTICE SERVICES SPECIAL REQUEST FUND GRANT

FOR SCHOOL RESOURCE OFFICER PROGRAM

WHEREAS, the Virginia Department of Criminal Justice **Services** (DCJS) has awarded the Police Department a \$5,000 Special Request Grant, with no local match required, that will fund items needed in connection with substance abuse prevention as well as other SRO Program activities; and

WHEREAS, the grant funds must be obligated by September 30, 2001, and expended by November 15, 2001.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of the grant and makes the following appropriation to the FY 2001-2002 General Fund budget:

Revenue

State Revenue - School Resource Officer Grant	<u>\$5,000</u>
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Expenditure

Police Department	<u>\$5,000</u>
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6. U. S. Bureau of Justice Assistance Block Grant

RESOLUTION

U. S. BUREAU OF JUSTICE ASSISTANCE BLOCK GRANT

WHEREAS, the Bureau of Justice Assistance has approved a Block Grant providing \$19,117 to the Police Department for law enforcement equipment and technology; and

WHEREAS, local matching funds of \$2,124 are available in the Police Department Budget,

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby accepts the grant and authorizes the following appropriation to the Donation Trust Fund:

Revenue

Bureau of Justice Assistance	<u>\$19,117</u>
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Expenditure

2001-2002 Bureau of Justice Assistance Grant	<u>\$19,117</u>
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7. Extrinsic Structure Aereements for Stonehouse Subdivision - Golf Cart Tunnels

RESOLUTION

EXTRINSIC STRUCTURE AGREEMENTS FOR

STONEHOUSE SUBDIVISION - GOLF CART TUNNELS

WHEREAS, an agreement is required to address the legal requirement of the Virginia Department of Transportation ("VDOT") to accept the maintenance responsibility for three extrinsic structures, specifically golf cart path tunnels under a secondary road, in the Stonehouse Subdivision; and

WHEREAS, in order to induce the County to enter into an inspection and maintenance agreement with VDOT, the Tradition Golf Club at Stonehouse, LLC, the owner of the property served by the extrinsic structures, is willing to enter into an agreement with the County to assume any maintenance liability the County may have for the extrinsic structures; and

WHEREAS, the agreement with the Tradition Golf Club at Stonehouse, LLC, protects the interest of the County concerning liability for the extrinsic structures.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is hereby authorized and directed to execute an agreement on behalf of the County with the Tradition Golf Club at Stonehouse, LLC, for extrinsic structures, specifically golf cart path tunnels, in the Stonehouse Subdivision.

BE IT FURTHER RESOLVED that the County Administrator is hereby authorized and directed to enter into an agreement on behalf of the County with the Virginia Department of Transportation for the inspection and maintenance of extrinsic structures, golf cart path tunnels, in the Stonehouse Subdivision.

8. Chesapeake Bay Preservation Ordinance Violation – Civil Charge

RESOLUTION

CHESAPEAKE BAY PRESERVATION ORDINANCE VIOLATION - C M L CHARGE

WHEREAS, Charles J. **Bowen** ("Mr. **Bowen**") is the owner of a 1.68 ● acre parcel of land, commonly known as 2497 Sanctuary Drive, designated as Parcel No. (3-0019) on James City County Real Estate Tax Map No. (44-2) (the "Property"); and

WHEREAS, on or about November 20, 2000, contractors working for Mr. **Bowen** removed vegetation from approximately 6,500-square feet of area in the Resource Protection Area on the Property; and

WHEREAS, Mr. **Bowen** agreed to a Restoration Plan to replant 28 trees, 92 shrubs, and 26 ferns on the Property in order to remedy the clearing violation under the County's Chesapeake Bay Preservation Ordinance; and

WHEREAS, Mr. **Bowen** has completed the restoration of the Resource Protection Area on the property; and

WHEREAS, Mr. **Bowen** has agreed to pay \$3,000 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 accept the \$3,000 civil charge from Charles J. **Bowen** as full settlement of the Chesapeake Bay Preservation Ordinance Violation.

9. Award of Contract – Construction of Extension of Endeavor Drive

R E S O L U T I O N

AWARD OF CONTRACT -

CONSTRUCTION OF EXTENSION OF ENDEAVOR DRIVE

WHEREAS, bids have been publicly advertised and received for construction of an extension of Endeavor Drive and utilities into James River Commerce Center with the lowest responsive and responsible bid in the amount of \$251,235 from Stilley Company; and

WHEREAS, State Industrial Access Road Fund **Program money** has been awarded to pay for all or part of the construction if a **qualifying** user **locates** along the new roadway within five years; and

WHEREAS, a cost-sharing agreement exists between the park owners, James City County, and Williamsburg Developments **Inc.**, further reducing the County's potential costs.

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 **Stilley** Company, in the amount of \$251,235, for construction of roadway and utilities extending Endeavor Drive further into James River Commerce Center.

10. Erosion and Sediment Control Ordinance Violation – Civil Charge

R E S O L U T I O N

EROSION AND SEDIMENT CONTROL ORDINANCE VIOLATION - C M L CHARGE

WHEREAS, on July 27, 2001, Wayne Harbin of Wayne Harbin Builder, Inc., violated the County's Erosion and Sediment Control Ordinance by disturbing land without a permit at Lot 13 in the **Mulberry** Place subdivision, commonly known as 5435 William Ludwell Lee and designated as Parcel No. (13-13) on James City County Real Estate Tax Map No. (31-3) (the "Property"); and

WHEREAS, Mr. Harbin has abated the violation at the Property; and

WHEREAS, Mr. Harbin has agreed to pay \$300 to the County as a civil charge under the County's Erosion and Sediment Control Ordinance; and

WHEREAS, the James City County Board of Supervisors is willing to accept the civil charge in full settlement of the Erosion and Sediment Control Ordinance violation, in accordance with Section **8-7(f)** 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 accept the \$300 civil charge from Wayne Harbin of Wayne Harbin **Builder**, Inc., as **full** settlement of the Erosion and **Sediment** Control Ordinance violation at the Property.

2. Courthouse Maintenance Fund

The Board and staff discussed well irrigation for the Courthouse, mediation services and security within the Court Support Building, maintenance fund expenditures, and alternative irrigation systems for the Courthouse.

Mr. Kennedy made a motion to adopt the resolution.

The Board held further discussion regarding the proposed irrigation system.

Mr. Kennedy tabled his motion.

The Board requested the County Administrator convey the Board's concern about the proposed well irrigation system and requested reference to the irrigation and funds for the system be removed from the resolution.

Mr. Kennedy made a motion to adopt the resolution as amended.

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

R E S O L U T I O N

COURTHOUSE MAINTENANCE FUND

WHEREAS, the Board of Supervisors of James City County has previously authorized the assessment of a courthouse maintenance fee; and

WHEREAS, the County jointly operates the courthouse in partnership with the City of Williamsburg; and

WHEREAS, funds are available in a **City/County Courthouse Maintenance Fund** to allow for enhancements to the courthouse and to provide equipment and furniture for court service offices.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes, subject to a similar approval by the Council of the City of **Williamsburg**, an expenditure of up to \$137,000 from the current balance of the Courthouse Maintenance Fund for the following projects:

District Court Video Arraignment and	
Extension of Courthouse Telephone	
Switch to Court Support Building	\$102,000
Court Mediation Services Furniture/Equipment	<u>35,000</u>
	<u>\$137,000</u>

G. PUBLIC HEARINGS

1. Case No. Z-4-00/MP-01-01. Colonial Heritage at Williamsburg

Mr. Ben Thompson, Planner, stated that Mr. Alvin Anderson has applied to **rezone** five parcels of land to a **Mixed Use** designation to develop a 2,000 residential unit (1,200 **single-family** detached, 600 **single-family**

attached, and 200 multifamily dwellings), 18-hole golfcourse, gated, age-restricted community with 425,000 square feet of commercial development fronting on Richmond Road, on approximately 777 acres zoned A-1, General Agriculture, and M-1, Limited Business/Industrial, at 6175 Centerville Road, 6799, 6895, 6993, and 6991 Richmond Road, further identified as Parcels Nos. (1-21) (1-22), (1-32), (1-11), and (1-32a) on the James City County Real Estate Tax Map Nos. (23-4), (24-3), (31-1), and (24-3) respectively.

Staff found the master plan and rezoning application consistent with the Comprehensive Plan and compatible with surrounding land uses and zoning.

Mr. Thompson stated that on July 2, the Planning Commission voted 6-1 to recommend approval of this application.

Mr. Thompson stated that the applicant has requested a deferral of this item and recommended the Board grant the applicant's deferral request after opening the public hearing.

The Board and staff discussed the proposed development's impact on staffing for fire and police services, comparative build-out size and density, environmental impacts, anticipated revenue, proffers, water supply for golf course irrigation, proffer for water supply to the development, status of the desalinization and brine permits, employment opportunities, fiscal impacts, adequacy of public facilities and library resources, preservation of open space, proposed public greenspace as private greenway, and plans for the commercial property development.

The Board requested staff schedule a work session to discuss water supply and development impacts.

The Board suggested a condition be added to prevent the commercial land of this proposal from being developed as a single, large building.

Mr. McGlennon opened the public hearing

1. Mr. Greg Davis, attorney representing the applicant, provided the Board with an overview of the U. S. Home Corporation's proffers and proposed project, fiscal impacts of the project on the County during development and at build-out, and requested deferral of the applications.

The Board, staff, and Mr. Davis, held a discussion regarding the potential impacts of this planned community on existing medical services and providers; fiscal impacts proposed by the project hinging on tax rates; demographics and proffers offered vs. those offered to Prince William County; a revision of the traffic study to reflect a 2020 build-out and include construction traffic impacts during the development; golf fees; water supply for the development and irrigation; proffer contribution towards the desalinization plant; and limiting the number of traffic access points on Richmond Road.

Mr. McGlennon recessed the Board at 9:50 p.m.

Mr. McGlennon reconvened the Board at 9:55 p.m.

2. Mr. Jim Icenhour, 101 Shinnecock, stated that although superficially this project looks appealing, the basic problems have not been adequately addressed or resolved; including water supply issues, golf course irrigation needs, traffic impacts and road improvements to Richmond Road, the economic impact of low-wage employee jobs, and the resource impacts of the already constructed 18,000 residential units and 12,000 permitted residential units in the pipeline.

3. Mr. Richard Boggs, 105 Butler Place, stated residents are being encouraged to conserve water. Reports have been given that summer water demands exceed the JCSA's permitted water withdrawal, programs initiated such as "Let's Be Water Smart," yet the Board, by consistently approving more development, does not

demonstrate the need to conserve water; do citizens need not worry after all about conservation; reports are given on controlled growth in the County, but citizens see that if a developer pays enough money the development is viewed as no longer having an adverse impact; and requested the Board deny the application.

4. Mr. Berton J. Roth, 112 Winged Foot, stated that it has been his experience in making a long-term decision based on population and development projections made 20 years ago that the projections were wrong, there is a lack of supporting documentation that the water conservation numbers are accurate or that water conservation is effective; and stated concern that the wetlands downstream from the proposed development will be negatively impacted by the proposed retention ponds.

5. Mr. Curt Gault, 11 Settlers Lane, stated concern that this proposal will be setting a precedent that will negatively impact the unique character and feel of the County, that water captured for irrigation will have a negative impact on the wetland conservation area, requested the Board not be tempted by cash proffers in light of the good rating given to the County by Moody's, stated concern that the traffic survey does not reflect the weekend or summer high-volume traffic, and that 2,000 residential votes aged 55+ will skew voter results on school issues.

6. Mr. Bert Geddy, P. O. Box 363, Toano, stated support for the proposed project, confidence in the reputation and quality builder of the contractor, support for the project's positive economic impact on the County, the landowners sold the property to a responsible company for development, that this land is a prime site for development, and that the property is for sale and the Board should consider what they want developed on it.

7. Mr. Jim Tucker, 106 Blackheath Road, stated that the County taxpayers are concerned with the rising cost of living in the County, concern for the limited resources available, stated that U. S. Home is viewed as a good corporation with resources and reputation, stated support for a residential development in the County, requested the Board approve the application, and the taxes paid by the proposed project can be used by the County to build up resources and keep County taxes on citizens low.

8. Mr. John Labanish, on behalf of the James City County Historical Commission, stated concerns regarding the proposed project, including the need to preserve the County's rich historical heritage; the rate, scale, and quality of growth in the County is not being monitored; adjacent sites will be negatively impacted by the development of this project; the project will offer a president's that developers with money can get developments approved despite long-term impacts; requested the Board defer the case for further discussion on items such as the archaeological survey and the Historical Commission's input on the proposal.

9. Mr. Lawrence Bearer, 60 Main Street, Newport News, stated that he did not wish to see growth occur in a less than desirable manner, stated that the proposal is appropriate and of quality as a County development, and that only a national developer will be able to provide the adequate planning and development of a project of this size, that the proposal will provide positive revenue, and requested the County contact the Corps of Engineers if water is such a critical commodity and stress the need for adequate permitted water supply for the needs of current citizens and future generations.

10. Mr. Ed Oyer, 139 Indian Circle, stated the increasing demand on the water resources will cause wells to go dry and how will water be supplied, requested the Board deny rezoning cases in the County, stated that citizens have voiced the desire to have development limited to one home per three acres in this portion of the County, and that he has no objection to the project, but has concerns about the adequacy of water.

11. Mr. Dave Jarman, 117 Landsdown, stated that the proposed project would impact the County, traffic conditions, recreational facilities, and the environment; stated that the water supply shortage and environmental impacts by this project have not been adequately addressed; and requested the Board defer this case until the baseline study by the Center for Watershed Management has been completed on the Yarmouth Creek Watershed because the project is too big to approve without addressing the potential impacts.

As no one else wished to speak, Mr. **McGlennon** requested a motion to defer **until** September 25, 2001.

Mr. Goodson made a motion to defer the case **until** September 25.

The Board and **staff discussed the** potential water supply **from the desalinization** plant, plant **locations**, water demand projections, land use decisions impacts on County development and **resources**, and the Board's desire to address these **issues at** a work session prior to this case **coming** back before the Board.

On a roll call for the motion to defer **the case until** September 25, **the** vote was: AYE: Harrison, Kennedy, Nervitt, Goodson, **McGlennon** (5). NAY (0).

2. Case No. AFD-6-86. Cranston's Pond Agricultural and Forestal District (Ware Property Withdrawal)

Mr. Alvin **Anderson has** applied **on behalf of** L. Wallace **Sink**, Trustee of the Ware Estate to withdrawal 90.79 acres from the **Cranston's Pond Agricultural and Forestal** District, **zoned** A-1, General Agricultural, **at** 6991 Richmond Road, further **identified** as Parcel No. (1-21) on James City County Real Estate Tax Map No. (234).

Staff found the **proposed** withdrawal consistent with the surrounding zoning and development **and** with the **Comprehensive Plan**. **Staff also** found the application met all three criteria of **the** adopted Board policy regarding the withdrawal of lands **from Agricultural** and Forestal Districts (AFD) that **are inside** the Primary Service **Area**.

At its **meeting** held on April 20, 2001, the AFD Committee **voted** unanimously to recommend approval of the Ware Property Withdrawal **from** the Cranston's Pond AFD.

At **its** meeting held on July 2, 2001, the Planning Commission voted 6-1 to recommend approval of the withdrawal.

Mr. **Thompson** stated that the applicant has requested a deferral of this item and recommended the Board grant the applicant's deferral request **after opening** the public hearing.

Mr. McGlennon **o p e d** the public hearing

As no one wished to speak at this time, Mr. **McGlennon** requested a motion to **defer the case until** September 25.

Mr. Kennedy **made the** motion to defer the case until September 25

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

3. Case No. SUP-16-01. JCSA: New Town Water Storage Facility

Mr. Paul D. **Holt, III**, Senior Planner, stated that Mr. Larry Foster, General Manager of James City **Service** Authority, and Mr. **Gil** Granger, G-Square **Inc.**, have applied for a special use permit (SUP) to **construct** a 1-million gallon water storage facility at the intersection of Monticello Avenue and Ironbound Road, zoned R-8, General Residential, and **M-1, Limited Business/Industrial**, **further** identified as a portion of Parcel Nos. **(1-3E), (1-50), (1-2A)**, and (1-53) **on the** James City County Real Estate Tax Map No. (38-4).

Staff found the proposal, with conditions, to be compatible with surrounding zoning and uses. Staff also found the building architecture and site layout consistent with the recommendations **of the** Comprehensive Plan.

Mr. Holt stated that on August 6, the Planning Commission voted 5-0 to recommend approval.

Staff recommended approval of the application with the listed conditions in the resolution.

The Board and staff held a brief discussion concerning the storage **tanks**, visibility and landscaping of the tanks, and comparative size of the tanks to the storage tanks in Kristiansand.

Mr. McGlennon opened the public hearing,

1. Mr. Larry Foster, applicant, stated the water storage facility is **necessary to** isolate the eastern end **of the** County's water supply to accommodate the water purchased **from the Newport** News Water Works.

2. Mr. Chris Henderson, 427 Dogleg Drive, stated concern **for the** project's location and design, and stated the facility will be a visible blight at the entrance of New **Town**.

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

The Board held a brief discussion concerning the aesthetics of the facility and addressing concerns of Brookhaven residents.

Mr. Kennedy made a motion to adopt the resolution

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

RESOLUTION

CASE NO. SUP-16-01, JCSEA: NEW TOWN WATER STORAGE FACILITY

WHEREAS, the Board of **Supervisors** of James City County ha. 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 construction of a 1.0 million gallon water storage facility; and

WHEREAS, a portion of the property is currently zoned R-8, Rural Residential, with proffers, and a portion **of the** property is currently zoned **M-1, Limited Business/Industrial**; and

WHEREAS, the property is designated Mixed Use on the 1997 Comprehensive Plan Land Use Map, and

WHEREAS, the property is specifically identified as a portion of Parcel Nos. **(1-3E)**, (1-SO), **(1-53)**, and (1-2A) on James City County Real Estate **Tax** Map No. (38-4); and

WHEREAS, on August 6,2001, the Planning Commission recommended approval of the application by a vote of 5-0; and

WHEREAS, on August 6,2001, the Planning Commission found the proposal substantially consistent with the Comprehensive Plan, as required by §15.2-2232 of the Virginia State Code.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-16-01 as described herein with the following conditions:

1. Start of Construction on the Water Storage Facility, as **defined** in the Zoning **Ordinance**, shall commence within 24 months of approval of this special use permit, or the permit shall become void.
2. Prior to final site plan approval, a lighting plan shall be submitted to the Director of Planning for review and approval. All luminaries used shall be of the type with recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side.
3. Landscaping **for the** Water Storage Facility shall be in accordance with Article II, Division 4 of the James City County Zoning Ordinance and shall be consistent, as determined by the Director of Planning, with the plan labeled as "Street View - Front Elevation" submitted with the SUP application and included with the **staff report**.
4. The architecture, materials, and colors for the Water Storage Facility shall be consistent, as determined by the Director of Planning, with the rendering titled "Street Elevation" submitted with the SUP application and included with the staff report.
5. Any necessary re-subdivision of the property in order to accommodate the Water Storage Facility shall be approved and recorded prior to the issuance of **preliminary** site plan approval.
6. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

H. PUBLIC COMMENT - None

I. REPORTS OF THE COUNTY ADMINISTRATOR

The Board and staff discussed dates for a work session on water issues and land use impacts

The Board requested a work session be scheduled for September 12 at 4 p.m.

Mr. Wanner recommended that the Board consider the **appointments** of individuals to County Boards and Commissions during the Board Requests and Directives.

J. BOARD REQUESTS AND DIRECTIVES

Mr. Goodson stated that the staff presentation at the Local Governmental Officials Conference on Neighborhood Connections **was** well received and commended staff.

Mr. **Harrison** stated that many **citizens** along Route 5 lost power during the recent storms and **requested** a meeting with Dominion Virginia Power representatives to address **frequent** outage concerns.

Mr. Kennedy **commended** staff and volunteers for their work at the County Fair

Mr. **McGlennon** requested the Board provide direction to the County **Administrator concerning** an independent study for an assessment on the **community's** medical needs.


The Board directed the County Administrator to prepare a memorandum to the Board with the estimated wst of having an independent assessment performed on the community's medical needs.

Mr. **McGlennon** requested the Board act on the appointments of citizens to County Boards and Commissions.

Mr. Harrison made a motion to reappoint Evelyn Curd, Julie **Leverenz**, and Rita Davis to the Cable Television Advisory Committee for a four-year term, terms to **expire on** September 1, 2005; to reappoint William **Poggione**, David **Daigneault**, and Jonathan Weiss to the Colonial Criminal **Justice** Board for a **three-year term**, terms to expire on August **14, 2004**; and to reappoint John **Labanish**, James **Dorsey**, and David **Beals** to the Historical Commission for a three-year term, terms to **expire** on August 31, 2004.

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

Mr. **Kennedy** made a motion to adjourn at **11:28 p.m.**



Sanford B. Wanner
Clerk to the Board