

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 8TH DAY OF OCTOBER, 2002, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

James G. Kennedy, Chairman, Stonehouse District
Jay T. Harrison, Sr., Vice Chairman, Berkeley District
John J. McGlennon, Jamestown District
Michael J. Brown, Powhatan District
Bruce C. Goodson, Roberts District

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

B. MOMENT OF SILENCE

Mr. Kennedy requested the Board and citizens observe a moment of silence.

C. PLEDGE OF ALLEGIANCE

Ms. Natalie Fort, a Junior at Lafayette High School, led the Board and citizens in the Pledge of Allegiance.

D. PUBLIC COMMENT

Mr. Ed Oyer, 139 Indian Circle, requested an anti-loitering ordinance for the County, the Country Village fence line needs to be extended at the west end of the development to the I-64 right-of-way, commented on the cost of the proposed third high school, stated that his cable bill has increased by 26 percent over the past year, and that the letters to the Editor resound with messages of no new taxes and for the schools to raise standards in the schools without increasing funding.

E. PRESENTATION

Mr. James L. Eason, President and CEO of Hampton Roads Partnership, presented the Board with an overview of the Partnership's transportation referendum campaign and efforts to educate the region on the impacts of the proposed referendum

Mr. McGlennon thanked Mr. Eason for his leadership in the Partnership, stated that as a region there are serious transportation concerns, inquired in what ways the referendum would assist in improving the regional situation: including the widening of I-64 and air quality standards.

Mr. Eason stated that in addition to improving transportation through the region, the per capital income of the region **may** benefit from the passing of the referendum, the air quality should improve and if the referendum were to fail, the area could become a non-attainment area and costs to citizens would increase due to increased inspections and would decrease federal **funding** to the region.

Mr. **McGlennon** inquired about the sales tax associated with the referendum.

Mr. Eason clarified that the sales tax would not be on food and prescription drugs.

Mr. **Goodson** inquired about the preservation of the 1-64 mediums

Mr. Eason stated that the County and City's voice **has** been heard on the issue and that **commitments** have been made to preserve the medium and the character of the 1-64 **corridor**.

F. CONSENT CALENDAR

Mr. Kennedy asked if a member wished to pull an item from the Consent Calendar.

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

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

I. Minutes:

- a. September 24, 2002. Work Session
- b. September 24, 2002. Regular Meeting

2. Williamsburg Area Transport

RESOLUTION

APPROPRIATIONS - WILLIAMSBURG AREA TRANSPORT

WHEREAS, Williamsburg Area Transport (WAT) **has** implemented two significant service enhancements.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriations to the FY 03 James City County Transit Company Fund:

Revenues:

College of William and Mary (Operations)	\$ 55,950
College of William and Mary (Full-Time Personnel)	24,787
Special Trips	122,000
City of Newport News	<u>23,500</u>
Total	<u>\$226,237</u>

Expenditures:

College of William and Mary	\$ 80,737
Special Trips	122,000
HRT Connection	<u>23,500</u>
 Total	 <u>\$226,237</u>

RESOLUTION

NEW POSITIONS - WILLIAMSBURG AREA TRANSPORT

WHEREAS, Williamsburg Area Transport (WAT) has implemented two significant **service** enhancements

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby establishes one full-time limited-term bus driver position to provide service to the College of William and **Mary**.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the establishment of 4,300 on-call hours to provide special trips.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, establishes two part-time (1,040 hours each) limited-term bus driver positions to operate the connections with Hampton Roads Transit.

G. PUBLIC HEARINGS

1. **Establishment of Carter's Grove Agricultural and Forestal District (AFD-1-02)**

Ms. Karen Drake, Senior Planner, stated that the Colonial Williamsburg Foundation has applied to create a new Agricultural and Forestal District (**AFD**) containing 320 acres, zoned R-2, General Residential; R-8, Rural Residential; and LB, Limited Business, and identified as Parcel No. (1-2) on the James City County Real Estate Tax Map No. (58-2) and Parcel Nos. (1-21) and (1-30A) on the James City County Real Estate **Tax Map No. (59-1)**.

Staff found the proposal to be compatible with surrounding zoning and land **uses**.

Staff recommended the Board approve the establishment of the 320-acre Agricultural and Forestal District for a four-year term with conditions, and also recommended that the **AFD** exclude all land within 50 feet of the existing right-of-way on both sides of Route 60 (Pocahontas Trail), all land within the Colonial Pipeline Easement; all land within the Hampton Roads Sanitation District Easement; and all land within ten feet adjacent to both sides of the Hampton Roads Sanitation District Easement be excluded from the District as needed for future improvements and expansion.

Mr. Kennedy opened the Public Hearing.

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

Mr. **Goodson** made a motion to adopt the Ordinance establishing the Carter's Grove Agricultural and Forestal District (**AFD-1-02**).

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

2. Case No. SUP-16-02. Williamsburg Honda

Ms. Karen Drake, Senior Planner, stated that John Dodson has applied to amend the existing special use permit conditions in SUP-2-87 and SUP-31-89 to permit the sale and repair of utility trailers in addition to the sale and repair of vehicles on about 3.75 acres, zoned B-1, General Business, at 7277 Richmond Road and **further** identified as Parcel No. (1-42) on the James City County Real Estate **Tax** Map No. (23-2).

Staff found the proposed amendment to be a valid commercial enterprise and complementary land use, and believes that through conditions limiting the display of the trailers, the Dealership will retain its current degree of conformity to the Neighborhood Commercial Land Use Designation and compliment the **Norge** Community Character Area.

On September 9, 2002, the Planning Commission recommended approval of the application by a vote of 7-0.

Staff stated that the applicant has requested an amendment to the resolution in Condition Number 4 to include the statement "or landscaping agreement."

Staff has reviewed the requested and is agreeable that the proposed change would still permit the landscape plan to be reviewed for approval by the Planning Director.

Staff recommends approval of the amendment to the existing special **use** permit with conditions and with the noted amendment proposed by the applicant.

Mr. Kennedy opened the Public Hearing

1. Mr. **John Dodson**, applicant, stated that the landscaping plan previous presented **with the** other two **SUPs** will remain the same and that landscaping work to be performed will be in the replacement of shrubs and greenery that was previously planted in accordance with the approved landscaping plan but has died as a result of the drought.

Mr. Dodson stated concern about the County's water conservation requirements impacting **the** landscaping plans in a manner not favorable to applicants, and requested the Board align the two requirements.

Mr. McGlennon stated support for the application and proposed amendment, and stated that the Board will consider the aligning the landscape requirements with water conservation requirements.

Mr. Harrison concurred with Mr. McGlennon.

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

Mr. Harrison made a motion to adopt the resolution with the amendment to include the phrase "or landscaping agreement."

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

R E S O L U T I O N

CASE NO. SUP-16-02. WILLIAMSBURGHONDA

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 sale and repair of automobiles and trailers are a specially permitted use in the **B-1**, General Business, zoning district; and

WHEREAS, the Planning Commission of James City County, following its public hearing on September 9, 2002, recommended approval of Case No. SUP-16-02 by a vote of 7 to 0 to permit the sale and repair of automobiles and trailers at 7277 Richmond Road and further identified as Parcel No. (1-42) on James City County Real Estate Tax Map No. (23-2).

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-16-02 as described herein with the following conditions that replaces conditions in Special Use Permit No. SUP-02-87 and Special Use Permit No. **SUP-31-89**:

1. This special use permit shall allow the sale of new and used automobiles and trailers. All automobile and trailer repairs shall take place within an enclosed building.
2. There shall be no more than seven trailers displayed at any given **time** in the front row of **parking** directly adjacent to Richmond Road. All such trailers should be located in the first seven parking spaces closest to the northeast property corner of the site and the trailers shall be parked perpendicular to Richmond Road. All other trailers shall be stored in the **parking** spaces located adjacent to the north property line with no enclosed trailers located in the first five parking spaces closest to Richmond Road. Of the seven trailers displayed in front of the dealership in the spaces perpendicular to Richmond Road, no more than three shall be an enclosed trailer at any given time and none of the seven trailers on display shall be longer than twenty feet. No signs or banners shall be placed on any trailers. All trailers will be placed on existing paved areas and no additional areas may be paved unless approved by the Planning Director through an approved site plan.
3. The entire site of the Williamsburg Honda Dealership shall have at least 30 percent **of the** total lot area as landscaped open space. The landscape plan shall exceed the **minimum** landscaping requirement as necessary to provide a visual effect so as to make the Williamsburg Honda Dealership compatible with adjacent properties and to provide a reasonable buffer between properties. The Development Review Committee shall review and approve any future changes to the landscaping.
4. Within sixty days of approval of this special use permit, the applicant will **arrange** a meeting on-site with Planning Division **staff to** verify that all landscaping on the approved site plan has been planted. Any approved landscaping material that is missing from the site must be planted or bonded within ninety days of approval of this special use permit. The owner shall submit a replacement landscape plan or landscaping agreement for existing

landscape material that is dead or dying prior to final site plan approval **for the** trailers and said landscape plans shall be approved by the Planning Director prior to final site plan approval for the trailers.

5. The owner **shall** be responsible for developing and enforcing water **conservation** standards which shall be submitted to and approved by the James City **Service** Authority. The standards may include, but shall not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells; the use of approved landscaping materials, including the use of drought tolerant plants, if and where appropriate; and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. Irrigation wells shall only draw water from the Upper Potomac or Aquia Aquifers. The water conservation standards shall be approved by the James City **Service** Authority within three months of adoption of this special use permit and shall apply to any future building construction or renovation and any new landscaping plans.
6. The Williamsburg Honda Dealership shall be limited to the two existing **ingress/egress** ways onto Richmond Road. The existing **ingress/egress** ways may be relocated on the property with an approved site plan.
7. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

3. Sale of Surplus Property at 115 Hazelwood Avenue

Mr. John T.P. Home, Development Manager, stated that staff has negotiated and executed a contract of sale for 115 **Hazelwood** Avenue, further identified as Parcel No. (4-3) on the James City County Real Estate **Tax** Map No. (1-22), to David G. and Patricia Byerly in the amount of \$9,000. Mr. Home stated that **part** of the contract for the property is that no dwelling unit may be built on the property.

Staff recommends the Board approve the resolution authorizing the County Administrator to execute a deed and other documents that are necessary to convey the property.

Mr. Kennedy opened the Public Hearing.

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

Mr. Harrison made a motion to adopt the resolution.

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

RESOLUTION

SALE OF SURPLUS PROPERTY AT 115 HAZELWOOD AVENUE

WHEREAS, James City County currently owns a **certain** 0.76-acre parcel at 115 **Hazelwood** Avenue, **further** described as Lot 3, Section 2, Temple Hall Estates; and

WHEREAS, staff can identify no need for the County to retain ownership of this property; and

WHEREAS, David G. Byerly and Patricia M. Byerly, neighboring property owners, have offered to pay \$9,000 for this property and have executed a contract of sale **dated** July 19, 2002, that is contingent upon approval of the Board of Supervisors; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion the County should convey this property to David G. Byerly and Patricia M. Byerly, their successors, or assigns for the agreed-upon price.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, **does** hereby approve the contract of sale for 115 **Hazelwood** Avenue **dated** July 19, 2002, and authorizes and directs Sanford B. Wanner, County Administrator, to execute a deed and any other document needed to convey the property at 115 **Hazelwood** Avenue to David G. Byerly and Patricia M. Byerly, their successors, or assigns for the sum of \$9,000.

H. PUBLIC COMMENT - **None**

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated that the Annual Virginia Association of Counties Business Meeting will be held in November and stated that the County needs to submit its Voting Credentials Form and **requested nominations** for the voting delegate and alternate delegate

Mr. **McGlennon** made a motion to nominate Mr. **Goodson** as the voting delegate and Mr. Wanner as the alternate delegate.

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

Mr. Wanner stated that at 7 p.m. on October 9, 2002, there will be a Growth Forum at the library and citizens are invited to attend.

Mr. Wanner stated that another economic development success will be the groundbreaking ceremony of Avid Medical **Inc.** on October 9, 2002.

Mr. Wanner recommended that at the conclusion of the agenda, the Board adjourn until 4 p.m. on October 22, 2002.

J. BOARD REQUESTS AND DIRECTIVES

Mr. **Kennedy** requested staff contact the Virginia Department of Transportation (VDOT) regarding the request for **signage** along **Chickahominy** Road.

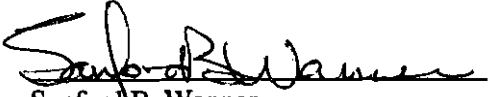
Mr. Porter stated that Mr. Brewer, VDOT, sent staff an **Email** indicating that the **signage** request has been submitted and should be installed **shortly**.

K. ADJOURNMENT

Mr. Harrison made a motion to adjourn until 4 p.m. on October 22, 2002

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

Mr. Kennedy adjourned the Board at 7:52 p.m.



Sanford B. Wanner
Clerk to the Board

OCT 8 2002

ORDINANCE NO. 197

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

ESTABLISHMENT OF CARTER'S GROVE

AGRICULTURAL AND FORESTAL DISTRICT (AFD-01-02)

WHEREAS, in accordance with Sections 15.24307 and 15.24309 of the Code of Virginia, property owners have been **notified**, public notices have **been filed**, public hearings have **been** advertised, and public hearings have **been** held on the application for an Agricultural and Forestal District in the Carter's Grove area; and

WHEREAS, **the Agricultural** and Forestal Districts Advisory Committee at its meeting on July 22, 2002, unanimously **recommended** approval of the application for a term of four **years**; and

WHEREAS, the Planning Commission, following its public hearing on September 9, 2002, by a vote of 6-0 with one abstention, **recommended** approval of the application for a term of four years.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Supervisors of James City County, Virginia, that:

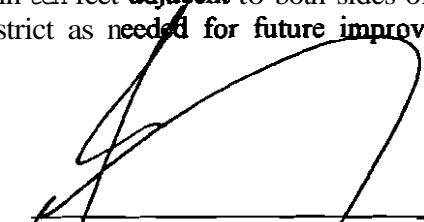
- 1. **The** Carter's Grove Agricultural and Forestal District has been created for a period of four years beginning the 8th day of October, 2002, and includes the following parcels:

(58-2)(1-2)	Colonial Williamsburg Foundation	76.50 acres
(59-1)(1-21)	Colonial Williamsburg Foundation	1.56 acres
(59-1)(1-30A)	Colonial Williamsburg Foundation	<u>242.30 acres</u>

Total: 320.36 acres

- 2. Pursuant to the Virginia Code, Sections 15.2-4312 and 15.24313, **as** amended, the Board of Supervisors requires that no parcel in the Carter's Grove Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
 - a. The subdivision of land is to be limited to parcels of 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, **may** be subdivided for the siting of communications towers and related equipment, provided: a) The subdivision does not result in the total acreage **of the** District to drop below 200 acres and b) The subdivision does not result in a remnant parcel of less than 25 acres.

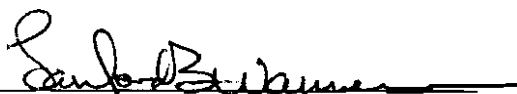
- b. No land outside the Primary Service Area and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Land inside the Primary Service Area and within the Agricultural and Forestal District may be withdrawn from the district in accordance with the Board of Supervisors' policy pertaining to the Withdrawal of Lands from Agricultural and Forestal Districts within the Primary Service Area, adopted September 24, 1996.
 - c. No special use permit shall be issued except for agricultural, forestal or other activities, and uses consistent with State Code Section 15.2-43.12 et. seq., which are not in conflict with the policies of this district. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities or for underground water and sewer lines.
3. All land within 50 feet of the existing right-of-way on both sides of Route 60, Pocahontas Trail; all land within the Colonial Pipeline Easement; all land within the HRSD Easement; and all land within ten feet adjacent to both sides of the HRSD easement be excluded from the district as needed for future improvements and expansion.



James G. Kennedy
 Chairman, Board of Supervisors

SUPERVISOR	VOTE
MCGLENNON	AYE
BROWN	AYE
GOODSON	AYE
HARRISON	AYE
KENNEDY	AYE

ATTEST:


 Sanford B. Wanner
 Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 8th day of October, 2002.