

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 22ND DAY OF FEBRUARY 2005, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Michael J. Brown, Chairman, Powhatan District
Jay T. Harrison, Sr., Vice Chairman, Berkeley District
Bruce C. Goodson, Roberts District
John J. McGlennon, Jamestown District
M. Anderson Bradshaw, Stonehouse District

Sanford B. Wanner, County Administrator
Michael Drewry, Assistant County Anomey

B. MOMENT OF SILENCE

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

C. PLEDGE OF ALLEGIANCE

Matthew Phillips, a first-grade student at D. J. Montague Elementary School, led the Board and citizens in the Pledge of Allegiance.

D. HIGHWAY MATTERS

Mr. David Steele, Williamsburg Resident Engineer, stated that he spoke with the Virginia Department of Transportation (VDOT), Richmond District offices, and requested a Public Hearing be held in James City County for the Route 5 bridge replacement project, and they have agreed to hold a hearing in the County.

Mr. Steele stated that M O T will be placing ads in *The Virginia Gazette* to alert commuters of the roadwork and associated ramp closures off Route 199 East onto I-64.

Mr. Steele provided an update on the Jamestown corridor work and stated that **Segment II, improve Route 199 to a four-lanesection from the Henry Street South Intersection to Brookwood Drive**, is progressing with soundwall improvements and grading work and it is anticipated this segment will be completed by December; **Segment III, improve turn lanes at the Jamestown Road and Route 199 intersection**, work on the right-turn lanes near SunTrust and McCardle Realty is underway, new traffic signals have been put up for the intersection, and the gas tanks have been removed from the 7-Eleven station; and **Segment IV, relocate existing Route 359 to improve access to the Jamestown facilities prior to the 2007 Commemoration**, has been completed except for planting/landscaping which will be completed by June.

Mr. **McGlennon** thanked the construction crew and VDOT for the corridor improvements and the investigation into the possibility of signalization at the intersection of Route 5 and Kingsway.

Mr. Steele stated that VDOT appreciates the patience of commuters as the corridor improvement progresses and commented that construction workers have gone beyond expectations in keeping traffic flowing smoothly at the intersection of Route 199 and Jamestown Road (Route 31).

Mr. Harrison asked what progress has been made in eliminating the use of Hickory Sign Post Road (Route 629) as a cut-through for commuters around the corridor project, reducing speed on the road, and had concerns about the bridge not being wide enough to handle two vehicles at once.

Mr. Steele stated that he has spoken to engineers about the issues and it is not feasible to widen the road or bridge to handle traffic flow, and will look at other alternatives as well as putting up appropriate signage on the road about the speed limit and bridge.

Mr. **Goodson** concurred with Mr. **McGlennon** regarding the corridor project and stated that a citizen voiced concern that an officer was not present at the intersection of Route 199 and Route 31 while the traffic signals were not functioning.

Mr. Steele stated that the construction crews promptly contacted the Sheriff's Office to have assistance with the traffic while the traffic signals were down and stated that an officer arrived quickly at the intersection to assist with traffic.

Mr. **Goodson** inquired what the procedures are for posting 25 mph speed limit signs within residential neighborhoods and requested a sign be posted for Monument Drive (Route 644).

Mr. Steele stated that speed limit signs for residential neighborhoods are generally posted at the entrances to the neighborhood and stated that he would have the engineers review the request for one to be posted for Monument Drive.

Mr. Bradshaw requested the encroaching brush along Church Lane (Route 1001) be trimmed and requested an update on the erosion problem off Richmond Road near Anderson's Comer.

Mr. Steele stated that staff members are being trained on the database software for recording, tracking, and running reports on road issues reported to VDOT and will have those reports to the Board in the near future.

Mr. Brown requested the south embankment at News Road (Route 613) near Old News Road (Route 742) be investigated for ways to correct and prevent erosion problems.

Mr. Brown requested updates on the requested concerns be emailed to the Board.

E. PRESENTATION

1. Hazard Mitigation Plan - Overview presented by Ed Copeland of AMEC

Richard Miller, Fire Chief, introduced Mr. Ed Copeland, AMEC Earth and Environmental.

Mr. **Copeland** provided an overview of the Peninsula All-Hazard Mitigation Plan and stated that the target date for completion of the planning process for the Plan is fall of 2005.

Mr. Brown thanked Mr. Copeland for the presentation.

F. PUBLIC COMMENT

1. Ms. Stephanie Smith, 113 Chinkapin Lane, representing the Active Williamsburg Alliance, requested the Board increase funding for greenways and other pedestrian- and biker-friendly routes in James City County, and also requested a referendum this fall on funding the greenways plans.

2. Mr. Timmons Roberts, 121 Chanco Road, supported Mr. Harrison's desire to keep Hickory Sign Post Road rural; requested the Board support funding for the greenways and bike-friendly trails; and requested the Board fund programs for safe alternatives for transportation methods in the County and for kids to get to activities.

3. Ms. Kathrine Preston, 137 Pintail Trace, stated that physical exercise should be part of our daily lives and the Board can support such activities by providing additional funding for the County's greenways and multiuse trails to move those projects forward; requested the Board permit citizens an opportunity to vote on a referendum for funding of the Greenways Master Plan; and presented a letter to the Board from the Active Williamsburg Alliance in support of the additional funding.

4. Mr. Ed Oyer, 139 Indian Circle, commended the Police Department for a job well done in clearing a murder case in the area; commented that the recently advertised Telecommunications Tax Ordinance change indicates to him that citizens will be getting a break in taxes and the language could have been clearer; commented on an article in the *Wall Street Journal* regarding education and teachers holding students accountable for educational experience; and also commented on a *Virginia Water Control* article and inquired if the County has reported to the Department of Environmental Quality regarding the water supply plan.

G. CONSENT CALENDAR

Mr. Brown inquired if any Board member wished to pull an item from the Consent Calendar.

Mr. Harrison requested Item No. 10, Reaffirmation of the Ironbound Square Redevelopment Plan, be pulled.

Mr. Bradshaw requested Item No. 3, Amendment - Household Chemical Collection Services, be pulled.

Mr. Harrison made a motion to adopt the remaining items on the Consent Calendar.

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

1. Minutes - February 8, 2005, Regular Meeting
2. James City County Road Construction Revenue Sharing Program - F 2006

RESOLUTION

JAMES CITY COUNTY ROAD CONSTRUCTION REVENUE SHARING PROGRAM - FY 2006

WHEREAS, the James City County Board of Supervisors has decided to participate in the Virginia Department of Transportation (VDOT) Revenue Sharing Program for FY 2006-07; and

WHEREAS, VDOT requires written notification of the County's intent to participate by March 1, 2005.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the **Chairman** is authorized to notify VDOT of the County's intent to participate in the Revenue Sharing Program for FY 2006-07, with an amount not to exceed \$500,000.

4. Award of Bid - Ironbound Village Office Buildings

RESOLUTION

AWARD OF BID - IRONBOUND VILLAGE OFFICE BUILDINGS

CONSTRUCTION AND RENOVATION

WHEREAS, competitive bids were advertised for the James City County Ironbound Village Office Buildings construction and renovations on Ironbound Road, vicinity of Palmer Lane; and

WHEREAS, bids were received with the low bidder being D.K. Nunnally Company with a bid of \$526,103; and

WHEREAS, previously authorized Capital Improvements Program (CIP) budgeted funds are not currently available to fund this contract bid award and construction: and

WHEREAS, funds in the amount of \$70,000 are needed to fund this bid award and are available from the Capital Contingency account.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator or his designee to transfer \$70,000 from Capital Contingency to the appropriate CIP project account and execute the necessary contract documents for the Ironbound Village Office Buildings Construction and Renovations in the total amount of \$526,103.

5. National Incident Management System

RESOLUTION

NATIONAL INCIDENT MANAGEMENT SYSTEM

WHEREAS, the President in Homeland Security Directive-5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS),

which would provide a consistent nationwide approach for Federal, State, and local governments to work together to prevent, prepare for, respond to, and recover from domestic incidents, regardless of cause, size, or complexity; and

WHEREAS, it is necessary and desirable that all Federal, State, and local emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management; and

WHEREAS, the NIMS standardized procedures for managing personnel, communications, facilities, and resources will improve the County's ability to utilize Federal funding to enhance local agency readiness, maintain first responder safety, and streamline incident management processes; and

WHEREAS, the Incident Command System components of NIMS are already an integral part of James City County's incident management activities, including current emergency management training programs.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia: hereby endorses the NIMS as the standard for incident management.

6. Chesapeake Bay Preservation Ordinance Violation - Civil Charge - Nice Associates

RESOLUTION

CHESAPEAKE BAY PRESERVATION ORDINANCE VIOLATION - CIVIL CHARGE -

NICE ASSOCIATES

WHEREAS, Robert D. and Tamara L. **McPherson** are the owners of a certain parcel of land commonly known as 8412 Anleborough Way, designated as Parcel No.(0-73) on James City Real Estate Tax Map (13-3), herein referred to as the ("Property"); and

WHEREAS, Nice Associates is the builder of the Property; and

WHEREAS, on or about September 10,2004, Nice Associates filled and graded approximately 1,600 square feet of the Resource Protection Area (RPA) on the Property; and

WHEREAS, Nice Associates 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 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 Nice Associates as full settlement of the Chesapeake Bay Preservation Ordinance Violation.

7. Budget Amendment - Department of Homeland Security Fire Grant - \$264.000

RESOLUTION

BUDGET AMENDMENT - DEPARTMENT OF HOMELAND SECURITY

FIRE GRANT - \$264.000

WHEREAS, the United States Government Department of Homeland Security has approved a Fire Grant (EMW-2004-FG-00373) providing \$264,000 to the Fire Department for the purchase of mobile and portable 800-MHz radios in FY 2005; and

WHEREAS, local matching funds of \$66,000 are available in the Capital Improvement Program Budget for FY 2005.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation amendment:

Revenue:

Fire Department	\$264.000
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Expenditure:

Capital Improvement Program for Match Funds	<u>\$264,000</u>
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8. Budget Amendment - Office of Emergency Medical Services Grant - \$45.885

RESOLUTION

BUDGET AMENDMENT - OFFICE OF EMERGENCY MEDICAL SERVICES GRANT - \$45.885

WHEREAS, the Commonwealth of Virginia Department of Health, Office of Emergency Medical Services has approved a Rescue Squad Assistance Grant (VP-C02/12-04) providing reimbursement of \$45,885 to the Fire Department for the purchase of a replacement ambulance in FY 2005; and

WHEREAS, local matching funds of \$45,885 are available in the Capital Improvement Program Budget for FY 2005.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation amendment:

Revenue:

Office of Emergency Medical Services	<u>\$45,885</u>
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Expenditure:

Capital Improvement Program for Match Funds	
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9. Creation of Hazard Mitigation Planning Committee

RESOLUTION

CREATION OF THE HAZARD MITIGATION PLANNING COMMITTEE

WHEREAS, residential and commercial property, businesses, and infrastructure are at risk from a variety of natural hazards, including floods, hurricanes, and tomadoes; and

WHEREAS, a Hazard Mitigation Planning Committee creates an operational framework for reducing losses from these hazards in a cost-effective, environmentally-sound manner; and

WHEREAS, a Hazard Mitigation Planning process must be undertaken in order to maintain eligibility for multiple sources of Federal mitigation funding programs that support loss-reduction activities; and

WHEREAS, a Hazard Mitigation Planning Committee will analyze the hazards that threaten our community, determine our vulnerability to those hazards, and evaluate alternatives to minimize or eliminate their impact; and

WHEREAS, as a benefit of being enrolled in the Community Rating System within the National Flood Insurance Program, formally establishing our Hazard Mitigation Planning Committee contributes towards lowering the cost of flood insurance across the entire community.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the creation of a Hazard Mitigation Planning Committee to develop an integrated hazard mitigation strategy and to periodically implement, evaluate, and update the strategy as required.

3. Agreement - Household Chemical Collection Services

Mr. Porter stated that the Virginia Peninsulas Public Service Authority (VPPSA) bid out the household chemical collection services for its member jurisdictions and will enter into an agreement with Clean Harbors Environmental Services for household chemical collection services following which the County will enter into an agreement with VPPSA for the service for County citizens.

Mr. Bradhsaw inquired what type of materials citizens can dispose of through the Household Chemical Collection Services.

Mr. Porter stated items such as batteries, paint, pesticide cans, and other household hazardous waste.

Mr. Bradshaw inquired what the cost is to homeowners to dispose of the items.

Mr. Porter stated that there is no fee assessed for the collection.

Mr. McGlennon inquired what dates the collection service will be offered.

Mr. Porter stated that collection dates are the second Saturday of the month in February, April, June, August, and October from 9 a.m. to 1 p.m. at the James City Service Authority employee parking lot at Tewning Road.

10. Reaffirmation of the Ironbound Square Redevelopment Plan

Mr. Richard B. Hanson, Housing and Community Development Administrator, stated that the Code of Virginia, Section 36-51, requires the Board to review and determine by resolution, within 36 months, whether to reaffirm the adopted Redevelopment Plan which the Board adopted on February 26, 2002.

To date, the Plan has provided the County the opportunity to clear 10 properties with blighted structures, the development of a Master Plan for the redevelopment area to include a 67-unit senior citizen apartment building and up to 45 new single-family homes, and substantial progress on the other objectives.

Mr. Harrison inquired what challenges the County has faced in meeting the seven objectives of the Plan.

Mr. Hanson stated that the program is very challenging and emphasizing dialogue with existing property owners is important.

Mr. Harrison inquired if there are time constraints on the funding associated with the Plan.

Mr. Hanson stated that the funding opportunities available through the Community Block Grant are about to expire.

Mr. Harrison inquired what the status is of the proposed development for the 67-unit senior citizen apartment building.

Mr. Hanson stated that closing is projected for one year from now, construction will be in fall of 2006 or early 2007 contingent upon Housing and Urban Development (HUD).

Mr. Harrison made a motion to adopt the resolutions for Agreement - Household Chemical Collection Services and Reaffirmation of the Ironbound Square Redevelopment Plan.

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

RESOLUTION

AGREEMENT - HOUSEHOLD CHEMICAL COLLECTION SERVICES

WHEREAS, the Virginia Peninsulas Public Service Authority (VPPSA) solicited bids for household chemical collection services for its member jurisdictions; and

WHEREAS, VPPSA has entered into an agreement with the company that submitted the lowest responsive and responsible bid for household chemical collection services; and

WHEREAS, the household chemical collection program is necessary for the proper disposal of household hazardous waste generated in the County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute the necessary Agreement with VPPSA for the provision of household chemical collection services in James City County.

RESOLUTION

REAFFIRMATION OF THE IRONBOUND SQUARE REDEVELOPMENT PLAN

WHEREAS, the Board of Supervisors, on February 26, 2002, adopted the **Ironbound Square** Redevelopment Plan ("Redevelopment Plan") to reduce or eliminate various blighted, insanitary, unsafe, and substandard housing conditions within the Redevelopment Plan area; and

WHEREAS, the Board of Supervisors, on February 26, 2002, authorized the County Administrator to enter into a contract with a housing authority in order to implement the Redevelopment Plan, as the conditions can best be remedied through the exercise of such housing authority's powers within the boundaries of James City County; and

WHEREAS, the Code of Virginia Section 36-51 states that no later than thirty-six months following the date of approval of a redevelopment plan, the locality shall review and determine by resolution whether to reaffirm the redevelopment plan; and

WHEREAS, the property acquisition, relocation, disposition, and related activities are being conducted in accordance with the Redevelopment Plan and an agreement dated July 25, 2002 ("Agreement") with the Williamsburg Redevelopment and Housing Authority.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, reaffirms its approval of the Ironbound Square Redevelopment Plan and approves continuation of the Agreement with the Williamsburg Redevelopment and Housing Authority.

H. PUBLIC HEARINGS

1. Case No. ZO-1-05, Chapter 24 Zoning Ordinance Amendment - Rural Residential Height Limits

Mr. Christopher Johnson, Senior Planner, stated that following a comprehensive review by a committee comprised of Planning Commissioners, members of the development community, and County citizens, the R-1, Limited Residential, and R-2, General Residential, zoning districts were amended by the Board in May of 1999 and the Board adopted a series of amendments to the R-8, **rural Residential**, zoning district in December of 1999. During this process, schools, houses of worship, and libraries were moved from the list of permitted uses in the R-1, R-2, and R-8 zoning districts to the list of uses permitted only with the issuance of a special use permit by the Board of Supervisors, and it was determined that there was not a need to require a height waiver for structures such as schools, churches, and libraries under 60 feet in height. Church spires, belfries, and cupolas over 60 feet continue to require the issuance of a height limitation waiver from the Board.

Staff recommended the Board amend the Zoning Ordinance, Section 24-345, to permit public or semi-public buildings such as schools, churches, or libraries to be erected to a height of 60 feet from grade, provided that the required front, side, and rear yards are increased one foot for each foot in height over 25 feet.

At its meeting on January 31, 2005, the Planning Commission Policy Committee recommended approval of the proposed ordinance amendments.

At its meeting on February 7, 2005, the Planning Commission recommended approval of the proposed ordinance amendment by a vote of 7 to 0.

Mr. Bradshaw recommended the proposed ordinance be amended in Section 24-345 (2) to read "A public or semipublic building..."

Mr. Brown opened the Public Hearing,

As no one wished to speak to this item, Mr. Brown closed the Public Hearing.

Mr. Goodson made a motion to adopt the amended ordinance as further amended by Mr. Bradshaw.

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

2. Case No. SUP-27-04. Williamsburg Community Chapel Expansion (continued from January 11, 2005)

Mr. Christopher Johnson, Senior Planner, stated that on January 11, 2005, staff requested a deferral of this application to rectify an inconsistency in the R-8 Rural Residential Zoning Ordinance. That having been resolved, the need for a Public Hearing on a Height Waiver associated with this case has been resolved and no longer needs to be addressed and the Public Hearing for the special use permit can be addressed.

Mr. Johnson stated that Mr. John Rhebergen of Gossen Livingston Associates, Inc., on behalf of Williamsburg Community Chapel, applied for a special use permit to allow an expansion of approximately 58,000 square feet of building footprint, approximately 48,000 square feet of second-floor space to the existing house of worship at 3899 John Tyler Highway, and 511 additional parking spaces to the rear of the site. The 15-acre site is zoned R-8, rural Residential, and can be further identified as Parcel No. (1-2A) on the James City County Real Estate Tax Map No. (46-1).

Staff stated that the conditions contained in this special use permit are reasonably related to the impacts caused by the use of the property and do not constitute a substantial burden on the free exercise of religion.

Staff found the proposed use to be consistent with surrounding zoning and development, and consistent with the Comprehensive Plan.

At its meeting on December 6, 2004, the Planning Commission recommended approval of the application by a vote of 6-0.

Staff recommended approval of the special use permit application with conditions.

Mr. Brown opened the Public Hearing.

As no one wished to speak to this matter, Mr. Brown closed the Public Hearing.

Mr. Harrison made a motion to adopt the resolution.

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

RESOLUTION

CASE NO. SUP-27-04. WILLIAMSBURG COMMUNITY CHAPEL EXPANSION

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, Mr. John E. Rhebergen of Gossen Livingston Associates, Inc., has applied on behalf of Williamsburg Community Chapel for a special use permit to allow an expansion to the existing house of worship located at 3899 John Tyler Highway; and

WHEREAS, the proposed expansion is shown on a plan prepared by AES Consulting Engineers, dated October 14, 2004, and entitled "Special Use Permit Plan for the Williamsburg Community Chapel, Route 5, James City County, Virginia"; and

WHEREAS, the property is located on land zoned R-8, Rural Residential, and can be further identified as Parcel No. (1-2A) on James City County Real Estate Tax Map No. (46-1); and

WHEREAS, the Planning Commission, following its public hearing on December 6, 2004, voted 6-0 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-27-04 as described herein with the following conditions:

1. If construction has not commenced on this project within 36 months from the issuance of a special use permit, the special use permit shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundation has passed required inspections.
2. All exterior lighting on the property shall be 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. Modifications to this requirement may be approved by the Planning Director if it is determined that the modifications do not have any negative impact on the surrounding properties.
3. A landscaping plan shall be approved by the Planning Director prior to final site plan approval for this project. A minimum of fifty percent of the plantings within the Community Character Comdor buffer and perimeter buffers adjacent to residential lots shall be evergreen.
4. The plan of development shall be in accordance with the "Special Use Permit Plan, Williamsburg Community Chapel" dated October 14, 2004, and prepared by AES Consulting Engineers with such minor changes as determined by the Development Review Committee that does not change the basic concept or character of the development.
5. Prior to final site plan approval, the Planning Director shall review and approve the final building elevations and architectural design of the expansion of the existing church building. Such approval shall ensure that the design, building materials, colors and scale of

the building expansion are compatible with the surrounding residential developments and scenic characteristics of Route 5.

6. The applicant shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority prior to final site plan approval. The standards may include, but shall not be limited to such water conservation measures as limitations on the installation and use of irrigation systems, the use of approved landscaping materials including the use of drought tolerant plants where appropriate, and the use of water conserving fixtures to promote water conservation and minimize the use of public water resources.
7. The applicant shall implement all road improvements recommended by the traffic study "Traffic Impact Study, Proposed Expansion of Williamsburg Community Chapel, James City County, Virginia" prepared by Wilbur Smith Associates, April 26, 2002. All traffic improvements, including the reconstruction of the existing entrance for right-in, right-out traffic shall be constructed prior to the issuance of any Certificate of Occupancy for the expansion.
8. The height of the proposed sanctuary building shall not exceed fifty-three feet from finished grade. Church spires, belfries, cupolas, and monuments would still be permitted to be erected to a total height of 60 feet from grade in accordance with the provisions of the Zoning Ordinance.
9. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

3. FY 2005-2011 Six-Year Secondary Road Construction Program

Mr. John T. P. Home, Development Manager, presented the Six-Year Secondary Road Plan and recommended approval of the associated FY 2005-2011 Six-Year Secondary Road System Construction Program Budget.

Mr. Brown opened the Public Hearing.

As no one wished to speak to this item, Mr. Brown closed the Public Hearing.

Mr. Harrison made a motion to adopt the resolution.

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

RESOLUTION

FY 2005-2011 SIX-YEAR SECONDARY ROAD SYSTEM CONSTRUCTION PROGRAM

WHEREAS, the Board of Supervisors of James City County has consulted with the Virginia Department of Transportation (VDOT) Resident Engineer to set priorities for road improvements on the County's secondary roads; and

WHEREAS, VDOT has produced a Six-Year Secondary System Construction Program Budget consistent with the Board's priorities.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the FY 2005-2011 Six-Year Secondary Road System Construction Program Budget.

4. Case No. ZO-5-04, Chapter 24 Zoning Ordinance Amendment -Public Water Storage Facilities

Ms. Karen Drake, Senior Planner, stated that since the James City Service Authority's (JCSA) charter in 1969, three elevated tanks were designed and dedicated at different times to serve the present-day water system, now JCSA is proposing the construction of two elevated tanks to serve future water demands and enhance water pressure throughout the entire JCSA system, and commented that three existing elevated tanks will be eliminated.

Water storage facilities and the associated transmission lines are a specially permitted use in the majority of the zoning districts; however there is a height restriction of 100 feet for water storage facilities and other structures with an approved height waiver. The final design of the two proposed tanks has not been completed; however it is anticipated the tanks will need to be between 150-feet and 175-feet tall.

Staff recommended amendments be made to the Zoning Ordinance to consistently make all public water storage facilities specially permitted use in all zoning districts and to eliminate the maximum height of public water storage tanks that can be permitted with a height waiver approved by the Board of Supervisors.

At its meeting on January 31, 2005, the Planning Commission Policy Committee recommended approval of the proposed Zoning Ordinance amendments.

At its meeting on February 7, 2005, the Planning Commission recommended approval of the proposal by a vote of 7-0.

Staff recommended approval of the Zoning Ordinance amendments.

The Board and staff briefly discussed use of cellular equipment on the towers and the need for antennas to conform to all zoning ordinance requirements.

Mr. McGlennon inquired how many elevated water tanks and associated facilities will be constructed that might exceed the existing height limitations.

Mr. Foster stated that for the next ten years, the water supply and storage needs are met; beyond that he is unsure of how many tanks may be needed, commented that three existing elevated water tanks are being removed, and requested the Board approve the amendments.

Mr. Brown opened the Public Hearing.

As no one wished to speak to this matter, Mr. Brown closed the Public Hearing.

Mr. Harrison made a motion to approve the Zoning Ordinance amendments.

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

I. BOARD CONSIDERATION

1. Award of Contract - Design and Construction of Site Improvements and Roadways at the Warhill Site

Mr. John E. McDonald, Manager of Financial and Management Services, stated that the Design and Construction of Site Improvements and Roadways at the Warhill Site Request for Proposals 05-0056 was issued as a "Solicited Proposal" pursuant to Virginia's Public Private Education Facilities and Infrastructure Act of 2002 (PPEA) and stated that Curtis Contracting Inc., was selected as the firm with the best proposal for the project.

Mr. McDonald requested the Board approve the resolution authorizing negotiation and award of a Comprehensive Agreement contract to Curtis Contracting, Inc., for Stage 1 of the Warhill Site Improvements which consist of preliminary engineering and permitting.

Mr. Harrison made a motion to adopt the resolution

Mr. Bradshaw thanked Mr. McDonald for the overview and review of the proposal.

Mr. Wanner thanked the Board for its vision years ago for adopting the PPEA, thanked staff for reviewing the proposals and interviewing the firms, and thanked Curtis Contractor, Inc., for the proposal as well as the current work underway on Route 199.

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

RESOLUTION

AWARD OF COMPREHENSIVE AGREEMENT CONTRACT FOR DESIGN AND

CONSTRUCTION OF SITE IMPROVEMENTS AND ROADWAYS AT THE WARHILL SITE

WHEREAS, a Public Private Education and Facilities and Infrastructure Act of 2002 (PPEA) request for proposals for Design and Construction of Site Improvements and Roadways at the Warhill Site was advertised, three interested firms submitted proposals, and

WHEREAS, staff reviewed all proposals, interviewed all three firms and selected Curtis Contracting, Inc., as the firm with the best proposal to provide the services associated with the project; and

WHEREAS, upon Board approval, staff is prepared to negotiate and execute a Comprehensive Agreement contract with Curtis Contracting, Inc. for Stage I of the Warhill Site improvements.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes negotiations and award a Comprehensive Agreement contract for Site Improvements at the Warhill Site to Curtis Contracting, Inc.

J. PUBLIC COMMENT

1. Mr. Curtis, Curtis Contracting, Inc., stated that it is an honor to partner with the County to develop the Warhill tract and thanked the County for the opportunity.

2. Mr. Ed Oyer, 139 Indian Circle, stated that athletic extra curricular activities will not solve the discrepancy about education and stated that more academics are needed, not sports.

K. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner recommended at the conclusion of this meeting the Board adjourn until 7 p.m. on March 8, that the JCSA Board of Directors convene for a brief meeting at the conclusion of the James City County Board of Supervisors meeting, and requested the Board consider the reappointment of Anthony Conyers to the Williamsburg Area Medical Assistance Corporation for another year.

L. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon made a motion to reappoint Anthony Conyers to a one-year term on the Williamsburg Area Medical Assistance Corporation.

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

Mr. Harrison commented that this week the County is hosting a Black History and Diversity program, and encouraged the members of the Board to attend.

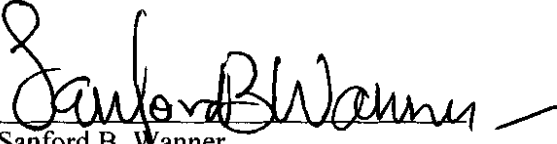
Mr. Wanner stated that the program begins at 11 a.m. on February 24 and will be held at the James City/Williamsburg Community Center on Longhill Road.

M. ADJOURNMENT

Mr. Goodson made a motion to adjourn

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

At 8:27 p.m. Mr. Brown adjourned the Board until 7 p.m. on March 8, 2005.


Sanford B. Wanner
Clerk to the Board

FEB 22 2005

ORDINANCE NO. 31A-215

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

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 8, RURAL RESIDENTIAL DISTRICT, R-8, SECTION 24-354, HEIGHT LIMITS.

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 24-354, Height limits.

Chapter 24. Zoning

Article V. Districts

Division 8. Rural Residential District, R-8

Section 24-354. Height limits

Structures may be erected up to two stories and shall not exceed 35 feet in height from grade, except that:

(1) The height limit for buildings may be increased to 45 feet and to three stories; provided, that the two side yards for the building are increased to a minimum of 15 feet plus one foot for each additional foot of the building's height over 35 feet.

(2) *A public or semipublic building such as a school, church or library may be erected to a height of 60 feet from grade, provided that the required front, rear and side yards shall be increased one foot for each foot in height above 35 feet.*

~~(2)~~ (3) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, home television antennas, home radio aerials, silos and other structures normally associated with and accessory to

farming operations and accessory and nonaccessory wireless communications facilities that utilize alternative mounting structures or are building mounted in accordance with division 6, Wireless Communications Facilities, may be erected to a total height of 60 feet from grade and camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade. Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver for these structures to exceed 60 feet in height but not to exceed 100 feet, from grade to the top of the structure, and for wireless communications facilities that utilize alternative mounting structures or are building mounted to exceed 60 feet in height but not to exceed 120 feet in grade to the top of the structure, upon finding that:

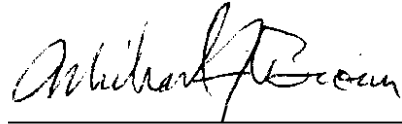
- a. Such structure will not obstruct light to adjacent property;
- b. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;
- c. Such structure will not impair property values in the surrounding area;
- d. Such structure is adequately designed and sewed from the standpoint of safety, **and** the county fire chief finds that the fire safety equipment to be installed is adequately designed and that the building is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property; and
- e. Such structure will not be conhary to the public health, safety and general welfare.

~~(3)~~ (4) No accessory building which is within 15 feet of any lot line shall be more than one story high.

All accessory buildings shall be less than the main building in height; provided, however, the height of an accessory building may exceed the height of the main building if the grade of the lot is such that the elevation of the main building exceeds the elevation of the accessory building. The elevation of the main building and accessory building shall be measured from the level of the curb or the established curb grade opposite the middle of the main building. In no case shall an accessory building be more than 45 feet in height; except that

silos, barns and other structures normally associated with and accessory to farming operations are controlled by subsection (2) above and may exceed the height of the main structure and may exceed 45 feet in height.

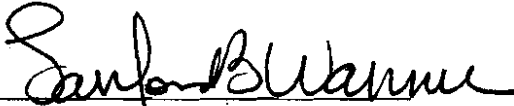
(4) (5) Communication towers permitted by a special use permit by the board of supervisors may be in excess of 35 feet in height.



Michael J. Brown
Chairman, Board of Supervisors

<u>SUPERVISOR</u>	<u>VOTE</u>
HARRISON	AYE
GOODSON	AYE
MCGLENNON	AYE
BRADSHAW	AYE
BROWN	AYE

ATTEST:



Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of February, 2005.

FEB 22 2005

ORDINANCE NO. 31A-216

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS, DNISION 1, GENERALLY, SECTION 24-200, PUBLIC UTILITES; DNISION 5, RESIDENTIAL PLANNED COMMUNITY DISTRICT, R-4, SECTION 24-289, UTILITIES; AND DNISION 14, PLANNED UNIT DEVELOPMENT DISTRICTS, SECTION 24-499, 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 24-200, Public utilities; Section 24-289 Utilities; and Section 24-499, Permitted uses.

Chapter 24. Zoning

Article V. Districts

Division 1. Generally

Section 24-200. Public utilities.

(a) Except where a public utility requires a special use permit, public utilities shall be allowed as a **permitted** use in each zoning district. Public utilities include poles, power lines, distribution transformers or substations, pipes, meters, telephone exchanges and other facilities necessary for the provision and maintenance of utilities, including water and sewer facilities, water storage ~~tanks~~ **facilities**, pumping or regular stations.

(b) The height of public water storage facilities may exceed the height limits specified by a zoning district upon the issuance of a special use permit and a height waiver by the board of supervisors.

The height waiver shall meet the requirements for a height waiver of the zoning district in which the public water storage facility is located.

~~(b.)~~ (c) The location of all utilities and utility easements shall be shown on the site plans, or subdivisions plats, as appropriate. New utilities are to be placed underground except for required transformers, switching equipment, meter pedestals, telephone pedestals, outdoor lighting poles and meter and service connections attached to buildings. In consideration of voltage requirements, existing overhead service, existing tree cover and physical features of the site and the surrounding area, the planning commission may waive requirements for underground utilities upon a favorable recommendation of the development review committee. Waivers in subdivisions must comply with section 19-18 of the subdivision ordinance.

Division 5. Residential Planned Community District, R-4

Section 24-289. Utilities.

(d) Water facilities (public) and sewer facilities (public), including but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions shall be a permitted use only after the issuance of a special use permit by the board of supervisors. However, the following are permitted generally and shall not require a special use permit!

(1) *Private connections to existing mains, that are intended to serve an individual customer and are accessory to existing or proposed development, with no additional connections to be made to the line;*

(2) *Distribution lines and local **facilities** within a development; including pump stations.*

Division 14. Planned Unit Development Districts

Section 24-499. Permitted uses.

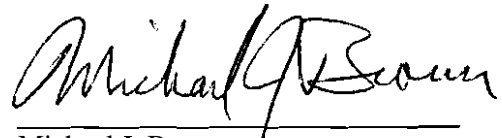
(c) In the planned unit development district, residential (PUD-R) or commercial (PUD-C), all structures to be erected or land to be used for the following uses shall be permitted only after the issuance of a special use permit by the board of supervisors.

(1) Tower mounted wireless communication facilities in accordance with division 6, Wireless Communications Facilities.

(2) ***Water facilities (public) and sewer facilities (public), including but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a special use permit:***

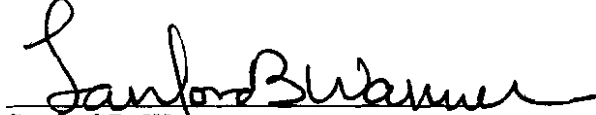
a. *Private connections to existing mains, that are intended to serve an individual customer and are accessory to existing or proposed development, with no additional connections to be made to the line;*

b. *Distribution lines and local facilities within a development; including pump stations.*



Michael J. Brown
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
HARRISON	AYE
GOODSON	AYE
MCLENNON	AYE
BRADSHAW	AYE
BROWN	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of February,
2005.