

**MINUTES**  
**JAMES CITY COUNTY BOARD OF SUPERVISORS**  
**REGULAR MEETING**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**November 8, 2016**  
**6:30 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

John J. McGlennon, Vice Chairman, Roberts District  
Ruth M. Larson, Berkeley District  
Kevin D. Onizuk, Jamestown District  
P. Sue Sadler, Stonehouse District  
Michael J. Hipple, Chairman, Powhatan District

Bryan J. Hill, County Administrator  
Adam R. Kinsman, County Attorney

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE**

1. Pledge Leader - Mackenzie Britt, a 3rd-grade student at Stonehouse Elementary and a resident of the Stonehouse District.

**E. PUBLIC COMMENT - Until 7 p.m.**

No registered speakers.

**F. PRESENTATIONS**

At 6:55 p.m., Mr. Hipple recessed the Board for a brief break.

At 7 p.m., Mr. Hipple reconvened the Board of Supervisors.

**G. CONSENT CALENDAR**

A motion to Approve was made by Ms. Larson and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

1. Minutes Adoption - October 25, 2016, Regular Meeting
2. Grant Award - Naloxone for Law Enforcement
3. Grant Award - Office of Emergency Medical Services System Initiative Award - \$2,856

**ADOPTED**

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Board of Supervisors  
James City County, VA

4. Grant Award - Citizen Preparedness - \$18,420
5. Personnel Policy & Procedure Manual Chapter 4 Update

**H. PUBLIC HEARING(S)**

1. Case No. SUP-0025-2016. Richardson Family Subdivision

Ms. Savannah Pietrowski, Planner I, addressed the Board giving an overview of the staff report included in the Agenda Packet.

As there were no questions for staff, Mr. Hipple opened the Public Hearing.

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

A motion to Approve was made by Mr. McGlennon and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

2. Case No. ZO-0002-2016. B-1, General Business District. Amendments to Setback Requirements and Building Coverage Limits; and Case No. ZO-0003-2016. LB, Limited Business District. Amendments to Setback Requirements and Building Coverage Limits

Mr. Paul Holt, Planning Director, addressed the Board stating that these are the cases that the Board had previously deferred. Staff continues to work on the requested information and recommends an indefinite deferral. At such a time as these items are ready for Board consideration, the cases will be re-advertised and a public hearing held.

As there were no questions for staff, Mr. Hipple opened the Public Hearing.

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

A motion to Approve the Deferral Request was made by Ms. Larson and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

3. Case No. ZO-0010-2016. Zoning Ordinance Amendments to Allow Mobile Food Vending Vehicles (Food Trucks) in the M-1, Limited Business/Industrial District, the M-2, General Industrial District, the PUD-C, Planned Unit Development-Commercial District and the PL, Public Land District

Ms. Roberta Sulouff, Planner I, addressed the Board giving an overview of the staff report included in the Agenda Packet.

Mr. John Wright, Planning Commission Representative, echoed the comments made by Ms. Sulouff. The item was unanimously approved by the Planning Commission.

As there were no questions for staff, Mr. Hipple opened the Public Hearing.

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

Mr. Onizuk stated that he is excited to see these changes go through. The area is trying to become a food and beverage destination and this will be a big compliment to what we currently offer.

Mr. McGlennon thanked the Planning Commission and staff for their work on bringing this item to fruition.

A motion to Approve was made by Ms. Sadler and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

4. Case No. ZO-0011-2016. Wireless Communications Facilities and Towers

Ms. Savannah Pietrowski, Planner I, addressed the Board giving an overview of the staff report included in the Agenda Packet.

Mr. McGlennon stated that to clarify, the majority of these changes are being driven by changes to Federal Regulations.

Ms. Pietrowski stated correct.

Mr. John Wright, Planning Commission Representative, echoed the comments made by Ms. Pietrowski. The item was unanimously approved by the Planning Commission.

As there were no other questions for staff, Mr. Hipple opened the Public Hearing.

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

A motion to Approve was made by Mr. McGlennon and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

5. Case No. Z-0009-2016. 124 and 130 Riverview Plantation Drive

Mr. Alex Baruch, Planner I, provided a video presentation overview of the staff report included in the Agenda Packet.

Mr. Wright, Planning Commission Representative, stated that this case is very unique as it is a request to rezone about five acres from residential to agricultural in the middle of a planned neighborhood. He stated that the Planning Commission was divided and approved the application by a vote of 4 to 3.

As there were no other questions for staff at this time, Mr. Hipple opened the Public Hearing.

1. Drs. Teresa and Chris Dewitt, 124 Riverview Plantation Drive, applicants, provided a history of the property, noting its agricultural origins and that the original Riverview Subdivision plan included a riding stable among the recreational amenities. Dr. Teresa Dewitt discussed the conservation easement on 130 Riverview Plantation Road and noted that the conditions proffered with this rezoning would formalize the status of the easement. Dr. Teresa Dewitt shared

details of the proposed barn and noted that the barn would be kept architecturally consistent with the existing buildings. Dr. Teresa Dewitt noted that waste and soiled bedding would be bagged and removed from the property twice weekly to minimize odor and proliferation of vermin. Dr. Teresa Dewitt further stated that the barn would not require extensive clearing or grading and that the paddocks would be rotated and managed to allow recovery of the grass.

Ms. Larson asked if the applicants were aware of the zoning of the property and the Homeowners Association (HOA) Covenants when they purchased the property.

The applicants stated yes.

Mr. McGlennon asked what guarantee is there that any future owners will follow the same management and care plan for the property.

The applicant stated that the farm narrative is part of the proffers and would convey with the property to future owners.

2. Ms. Morgan Dewitt, 124 Riverview Plantation Drive, addressed the Board in support of the application by sharing the request she submitted to the HOA. Ms. Dewitt noted that the property and the horses would be well maintained and would be an asset to the community.
3. Mr. Kenneth Barnhart, 220 Sherwood Forrest, representing the Riverview Plantation HOA, addressed the Board in opposition of the request to rezone the properties. Mr. Barnhart noted that the HOA has no question about the applicants' maintenance of their property or their ability to care for the horses. Mr. Barnhart stated that the HOA does not agree with the analysis that the use is compatible with the location and the surrounding development. Mr. Barnhart noted there has been a substantial outpouring of concerns from the community about impact on the surrounding properties and the precedent that the rezoning would set. Mr. Barnhart stated that the HOA Board requests that the Board of Supervisors recommend denial of the rezoning application.

Mr. Onizuk asked if the applicants are members of the HOA and if the covenants apply to the subject property.

Mr. Barnhart stated that the deeds for the two subject parcels do not have the covenants on them. Mr. Barnhart stated that the deeds for all the other parcels do have the covenants. Mr. Barnhart noted that the properties are part of Section III of Riverview Plantation and there are covenants for Section III. Mr. Barnhart stated that it is not clear if the Section III covenants apply to the subject properties; however, it is clear that the intent is for Riverview Plantation to be a residential community.

Mr. McGlennon asked if membership in the HOA was voluntary.

Mr. Barnhart stated yes, it is voluntary.

Ms. Sadler asked how many homes are in the community.

Mr. Barnhart stated around 107 lots and 95 homes.

4. Ms. Jane Nichols, 102 Four Mile Tree, addressed the Board in opposition to the rezoning. Ms. Nichols presented a petition signed by 87 homeowners which

represents a majority of the residents. Ms. Nichols expressed concerns about the appropriateness of the use in the community, the impacts on individuals allergic to horses, impacts on air quality. Ms. Nichols requested that the Board recommend denial of the rezoning request.

5. Ms. Faye Dillman, 127 Wichita Lane, addressed the Board in support of the rezoning and the voluntary proffers. The voluntary proffers demonstrate the applicant's desire to continue the historic preservation and their commitment to the setting.
6. Mr. William Jaissle, 126 Four Mile Tree, addressed the Board in opposition to the rezoning. Mr. Jaissle opposes the introduction of horses into a residential community and would argue that an agricultural use in the very center of an R-1 zone does not conform to residential development standards contained in the James City County Comprehensive Plan.
7. Ms. Angie McDonough, 712 E. Tazewells Way, addressed the Board in opposition to the rezoning. Ms. McDonough does not believe that having horses in the middle of the community will be an enhancement to the community. She asked if any other residential communities have been subjected to spot rezoning's to agriculture.
8. Ms. Karen Greenwood, 2875 Forge Road, addressed the Board in support of the rezoning and voluntary proffers. She stated that the applicants have proven themselves to be conscientious and responsible horse owners.
9. Ms. Kate Diehl, 216 Riverview Plantation Drive, addressed the Board in support of the rezoning and voluntary proffers. She believes that the applicants should be allowed to use their property as they see fit and the horses would be a nice addition to the neighborhood.

As no one else was registered to speak, Mr. Hipple closed the Public Hearing.

Questions were raised about the easement on the property and whether or not it is valid and enforceable.

Mr. Baruch stated that there is a recorded scenic easement attached to the Deed of the 3.5 acre parcel.

General discussion ensued about the uses inherent to A-1 versus R-1 that would follow by the rezoning.

The Board discussed the expectations that are set by zoning designations, versus the right to petition for a zoning change. It was recognized that it is a balancing act between the individual property owner and the other residents of the neighborhood. The general consensus of the Board was to side with the expectations of the residents of the community.

A motion to Deny was made by Mr. Onizuk and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

**I. BOARD CONSIDERATION(S)**

1. Renaming Mid County Park to Veterans Park

Mr. John Carnifax, Director of Parks & Recreation, addressed the Board giving an overview of the memorandum included in the Agenda Packet. He highlighted the results of the public input, in which the majority was in favor of the renaming.

A motion to Approve was made by Mr. Onizuk and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

2. Initiating Resolution - Group Homes

Mr. Jason Purse, Assistant County Administrator, addressed the Board giving an overview of the memorandum included in the Agenda Packet.

A motion to Approve was made by Mr. Onizuk and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

**J. BOARD REQUESTS AND DIRECTIVES**

Mr. McGlennon gave a brief overview of the community events that he attended during the past two weeks.

Ms. Larson asked that Mr. Hill discuss the application Pulse Point with Fire Chief Ashe. She highlighted the School Liaison Committee meeting that was held the previous week. She also briefly discussed the School's Capital Improvements Program and that the entrance and exit to the School's Administrative Offices had been corrected.

Ms. Sadler echoed Ms. Larson's comments about the School Liaison meeting. She briefly discussed her community appearances during the past two weeks, including the Volunteer Fire Department banquet at Fire Station 1.

Mr. Hipple stated that the Richmond Transportation Planning Organization invited him to join its recent meeting to learn what has worked well for the Hampton Roads Transportation Planning Organization and Hampton Roads Planning District Commission. He also stated that the Organizational meeting will be coming up soon and asked the Board members to think about any changes to the meeting organization that they would like to bring forward and discuss.

**K. REPORTS OF THE COUNTY ADMINISTRATOR**

1. County Administrator's Report

Between November 5-20, 2016 and January 2-15, 2017, James City County residents may drop-off leaves free of charge at the Jolly Pond Convenience Center daily between 7 a.m. and 5 p.m. Leaves will only be accepted in clear bags no larger than lawn or leaf-size (40 gallons or less). Leaves from commercial lawn service companies will be accepted by

Convenience Center staff with a letter from the resident containing the resident's name, address and telephone number.

The County will provide one round of curbside leaf collection. Please note that the schedule has changed from previous years. An interactive map can be found on the website where residents can type in their address to determine the appropriate collection date.

The Williamsburg Harvest Festival has been going on all week. Over 35 events are happening in the community, including the County's event, Bountiful Brews & Bites.

**L. PUBLIC COMMENT**

1. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board in regard to the boat ramp at the Brickyard down in Chickahominy Haven off Forge Road. It is owned by the County and is offered as a public boat ramp, but there is not a dock. He questioned the liability to the County if someone was to be injured by inadequate facilities.

Mr. Hipple asked Mr. Hill and Mr. Kinsman to look into the issue with the boat ramp to assess the potential liability.

**M. CLOSED SESSION**

**N. ADJOURNMENT**

1. Adjourn until 4 p.m. on November 22, 2016, for the Work Session

A motion to Adjourn was made by Mr. McGlennon and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0  
Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

At 8:55 p.m., Mr. Hipple adjourned the Board.



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Bryan K. Hill  
County Administrator