

**MINUTES**  
**JAMES CITY COUNTY BOARD OF SUPERVISORS**  
**REGULAR MEETING**  
**COUNTY GOVERNMENT CENTER BOARD ROOM**  
**101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185**

**October 8, 2024**

**5:00 PM**

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**A. CALL TO ORDER**

Ms. Larson called the meeting to order at approximately 5:08 p.m. following the James City Service Authority (JCSA) Board of Directors Regular Meeting.

**B. ROLL CALL**

Barbara E. Null, Stonehouse District  
Michael J. Hipple, Powhatan District  
John J. McGlennon, Roberts District  
James O. Icenhour, Jr., Vice Chair, Jamestown District  
Ruth M. Larson, Chair, Berkeley District

Scott A. Stevens, County Administrator  
Adam R. Kinsman, County Attorney

Ms. Larson sought a motion to Amend the Agenda to bring Board Consideration(s) Item No. 1 Plan of Finance to be presented prior to Public Hearing(s).

A motion to Amend the Agenda was made by John McGlennon, the motion result was Passed.  
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0  
Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

Ms. Larson noted the Pledge Leader would be introduced by Supervisor Icenhour.

Mr. Icenhour introduced the Pledge Leader Charlie Schouff and gave highlights of his various interests and activities.

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE**

Charlie led the Board and citizens in the Pledge of Allegiance.

**E. PUBLIC COMMENT**

1. Mr. Clayton Tye, 12733 Sandpebble Circle, Apartment 7, Newport News, VA, addressed the Board in opposition of the recent announcement of Kongsberg Defence & Aerospace Inc., establishing a facility in James City County. He mentioned he served in the Army as a Forward Observer for 11 years, adding he felt firearms did not solve anything. He expressed the importance of diplomacy and peace and encouraged the Board to not support this partnership.

2. Ms. Peg Boarman, 17 Settlers Lane, addressed the Board to talk trash. She mentioned 45

**ADOPTED**

**DEC 10 2024**

**Board of Supervisors**  
**James City County, VA**

members of True Recovery RVA and WAR Foundation volunteered to clean up the Grove area, adding 0.41 tons of litter and debris was collected. Ms. Boarman stated the Good Neighbor Grant recently concluded noting there were 10 neighborhoods awarded. She further noted the Clean County Commission's (CCC) participation at the Harvest Festival at Chickahominy Riverfront Park and Ford's Colony Purple Day - glass-only recycling event. Ms. Boarman indicated the Annual Repair Fair & Recycling Expo would be held on November 16, 2024, at Lafayette High School from 9 a.m. to 1 p.m. She mentioned that fixers and individuals who needed items repaired were still needed. Ms. Boarman highlighted other services offered at the event, adding pre-registration was required. She advised for more information contact 757-259-5375 or visit the County's website at [www.jamescitycountyva.gov/3879](http://www.jamescitycountyva.gov/3879). Ms. Boarman stated the CCC would attend Boo Bash at Jamestown Beach Event Park on Saturday, October 12, 2024, and Halloween with Heroes on October 23, 2024. She further stated the CCC was still actively looking for Commissioners, specifically for the Powhatan and Jamestown Districts. Ms. Boarman thanked the Board for its time.

3. Mr. John Rodenberg, 5325 Center Street, addressed the Board noting he worked for VersAbility Resources, a nonprofit organization serving individuals with disabilities. He noted the organization served approximately 1,600 individuals per day and had 850 employees. Mr. Rodenberg further noted the organization had contracts with the United States (U.S.) Navy and U.S. Air Force to allow these individuals to load food onto Navy ships and sort mail at approximately 40 U.S. bases across the country. He mentioned VersAbility's 70th Anniversary Gala would be held on October 24 at The Mariners' Museum and Park to further its mission. He invited the Board to attend the event and thanked the Board for its time.

4. Ms. Jackie Morrell, 9 Autumn East, addressed the Board noting her long tenure as a local resident and the various committees she had served on over the years. She explained her unpleasant experience with the County's Police Department in relation to her home being broken into several times.

5. Mr. Isaiah Morton, 3127 Forge Road, addressed the Board noting this week was National 4-H Week. He mentioned he was the 4-H Youth Development Associate Extension Agent for James City County through the Virginia Cooperative Extension. Mr. Morton highlighted the positive impacts 4-H had on the County's youth. He noted there were over 130 County youth participants, 20 teen counselors, and 10 adults who attended the 4-H Junior Camp 2024. Mr. Morton further noted the organization co-hosted A Day of Science and Engineering Camp with the County's Parks & Recreation Department. He spoke about the MAKING WAVES 4-H Teen Leaders Club which focused on community service, leadership, public speaking, and preparation for life outside of high school. Mr. Morton stated the Green Thumb Exploration Camp would launch in April 2025 to expose more youth to the benefits and importance of agriculture. He further stated he was able to secure a grant for the Health Rocks! Program, an educational program that taught young people the life skills needed to make healthy choices and to resist tobacco, alcohol, and drugs. Mr. Morton mentioned his desire to expand the 4-H Program into Williamsburg-James City County (WJCC) Schools. He stated that by partnering with WJCC Schools the organization hoped to integrate hands-on learning into everyday education, fostering critical thinking, and practical skills. Mr. Morton acknowledged the County's continuous support. He highlighted the various services the organization provided to the community. Mr. Morton welcomed the Board and public to attend the Discover James City County 4-H Program Open House on October 20 from 3:30-5:30 p.m. at the James City County Recreation Center. He thanked the Board for its time.

**F. CONSENT CALENDAR**

None.

**G. PUBLIC HEARING(S)**

Ms. Larson acknowledged Mr. Scott Maye, the Planning Commission representative, at the meeting.

1. Z-23-0001/SUP-23-0031. Monticello Avenue Shops

A motion to Approve the Ordinance was made by Michael Hipple, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

A motion to Approve the Resolution was made by Michael Hipple, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

Mr. Ben Loppacker, Planner I, addressed the Board noting Mr. Timothy Trant, II, Kaufman & Canoles, P.C., on behalf of Mr. Brett Skinner of Verdad Real Estate Development, had submitted an application for a rezoning and a Special Use Permit (SUP) for the development of three properties located at 4744 Old News Road, 3897 Ironbound Road, and 3905 Ironbound Road. He stated the three parcels were currently zoned R-8, Rural Residential, and designated Neighborhood Commercial on the Comprehensive Plan Land Use Map. Mr. Loppacker further stated the proposal was to rezone 2.75 acres to B-1, General Business with Proffers. He indicated the SUP would allow a total of 12,000 square feet of commercial development. Mr. Loppacker advised the Master Plan proposed three 4,000-square-foot buildings fronting Monticello Avenue with shared parking. He noted the applicant had indicated that there was no specific commercial or office user at this point in time. Mr. Loppacker further noted the site would take access from the existing right-in-right-out intersection located between the project area and the existing Monticello Marketplace Shops. He stated the site was located along the Monticello Avenue Community Character Corridor (CCC) and within the New Town Community Character Area. Mr. Loppacker further stated the applicant had provided proffered design standards to ensure consistency with the character of the area. He noted staff found this proposal to be compatible with surrounding development and consistent with the Comprehensive Plan and Zoning Ordinance. Mr. Loppacker further noted at its August 7, 2024, meeting, the Planning Commission voted to recommend approval of this application with the proposed proffers and conditions, by a vote of 6-0. He stated staff recommended approval of this application to the Board of Supervisors, subject to the proposed proffers and SUP conditions and welcomed any questions the Board might have, adding the applicant was also available.

Mr. Icenhour asked Mr. Loppacker if the requirement for a sidewalk on the southern side of the site was removed. He mentioned constituent concern regarding the construction of the sidewalk would eliminate the buffer there.

Mr. Loppacker confirmed yes, adding that the applicant intended to appeal the construction of the southern side sidewalk upon the submittal of the site plan. He advised by not including it in the Master Plan it provided the opportunity to appeal this to the Development Review Committee (DRC).

Mr. Maye, Planning Commission representative, addressed the Board noting the Commission voted 6-0 to recommend approval of this application. He stated the Planning Commission had discussion regarding traffic and stormwater concerns. Mr. Maye further stated that the Commission felt it was a reasonable use for the property based on the current level of development in this area. He welcomed any questions the Board might have.

Ms. Larson asked if any Board members had questions.

The Board declined.

Ms. Larson thanked Mr. Maye.

Ms. Larson indicated since this case had been deferred the Public Hearing remained open.

1. Mr. Timothy Trant, II, Kaufman & Canoles, P.C., 4801 Courthouse Street, Suite 300, addressed the Board recognizing the Project Team on the PowerPoint presentation. He indicated the applicant's flexibility regarding limitations on types of uses to ensure a low-intensity use as well as keeping the aesthetics consistent with the character of the area and adhering to the traffic requirements. Mr. Trant touched on the sidewalk aspect noting the eastern side of Ironbound Road already had a sidewalk and with constituent concern on the impacts it would have to the buffer area it was decided to pull that requirement from the Master Plan and confirmed the applicant intended to appeal this component to the DRC. He highlighted the beneficial factors of the application and welcomed any questions the Board might have.

Mr. McGlennon asked Mr. Trant about the exit for the proposed project and whether there had been any discussion with the adjacent shopping center regarding cross traffic.

Mr. Trant replied it was a right-in-right-out access only. He stated the applicant was required to construct a right-turn lane into the site. Mr. Trant further stated the adjacent shopping center had concerns with the initial concept for the site which did not restrict cross traffic. He mentioned some curbing was incorporated on the Master Plan to discourage that cut-through traffic.

Mr. Icenhour expressed his appreciation to Mr. Trant and the applicant team for making significant improvements to the site plan to alleviate constituent concern. He expressed his concern with the rezoning as he felt there were better opportunities for the land use such as affordable housing and avoiding increased traffic. Mr. Icenhour mentioned he still had reservations regarding the proposed development.

Mr. McGlennon noted he was in support of the application.

2. SUP-24-0008. 135 Country Club Drive Two-Family Unit

A motion to Approve was made by Michael Hipple, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

Ms. Terry Costello, Senior Planner, addressed the Board noting that Mr. Benming Zhang of Kaufman & Canoles, P.C. had applied on behalf of Mr. Joseph and Ms. Rita Roney for an SUP to allow for a two-family dwelling located at 135 Country Club Drive. She cited the specifics of the SUP application included in the staff report in the Agenda Packet. Ms. Costello indicated that the property was served by public water and private sewer. She advised the three-bedroom residence was approximately 2,557 square feet and the second dwelling was approximately 648 square feet which brought the total square footage of the home to 3,205 square feet. Ms. Costello stated that a building permit was issued on September 2, 2022, to add an attached accessory apartment to a three-bedroom residence. She further stated at that time the proposal met all the criteria set forth in Section 24-32(a) of the Zoning Ordinance for attached accessory apartments. Ms. Costello advised during an inspection in April 2023 it was noted that the screening for the stairs was not installed as shown on the approved building plans. She noted the builder and owner then initiated discussion with Zoning staff about changing the previously approved plans to allow the stairs to remain as is without the screening. Ms. Costello further noted that staff determined that the appearance as is was not of a single-family residence and would be considered a two-family dwelling. She cited the specific requirements for two-family dwellings according to Section 24-260 of the Zoning Ordinance. Ms. Costello mentioned all criteria had been met excluding the requirement of the property being served by public sewer,

adding a waiver could be granted by the Board of Supervisors. She noted JCSA and the Virginia Department of Health (VDH) had approved the application; therefore, staff found that the proposal met all the requirements of Section 24-260. Ms. Costello further noted with the proposed conditions staff found the proposal to be compatible with surrounding development and consistent with the Comprehensive Plan and Zoning Ordinance. Ms. Costello mentioned staff recommended approval of this application to the Board of Supervisors, subject to the proposed conditions and recommended the Board of Supervisors approve the waiver to connect to public sewer. She welcomed any questions the Board might have, adding the applicant was available as well.

Mr. Icenhour asked if there were any other accessory apartments located within the neighborhood.

Ms. Costello replied she was unaware of any.

Mr. Icenhour asked what the zoning designation was for the property.

Ms. Costello replied R-2, General Residential.

Mr. Icenhour asked if an SUP was required for a duplex.

Ms. Costello confirmed yes.

Mr. Icenhour thanked Ms. Costello.

Mr. Maye addressed the Board noting there were two votes for this item. He stated the Planning Commission voted 6-1 to recommend approval of SUP-24-0008 and voted 7-0 to recommend approval of the waiver to connect the residence to public sewer. Mr. Maye further stated that County staff found this proposal compatible with surrounding development and consistent with the Comprehensive Plan. He advised the Planning Commission recommended approval of the application.

Ms. Larson asked if any Board members had questions.

The Board declined.

Ms. Larson opened the Public Hearing.

1. Mr. Benming Zhang of Kaufman & Canoles, P.C., 4801 Courthouse Street, Suite 300, addressed the Board noting the uniqueness of the situation. He noted the desire to create the accessory apartment was due to the unfortunate event of Ms. Roney's husband's unexpected passing. Mr. Zhang further noted that Ms. Roney's daughter and dog occupied the accessory apartment. He mentioned the adjacent property owners and neighbors were in support of this application and written correspondence was included in the Board's Agenda Packet for reference. Mr. Zhang noted positive collaboration during the SUP process. He spoke about the screening requirement which Ms. Roney had intended on pursuing; however, Ms. Roney and her builder could not come up with a design that would be aesthetically pleasing as it gave a boxy look. He further noted Ms. Roney received many compliments on the residence in its current visual state. Mr. Zhang requested the Board approve this application, adding he would turn it over to Ms. Roney, who had a few words she wished to share.

2. Ms. Rita Roney, 135 Country Club Drive, addressed the Board noting she had resided in the County for over 24 years. She mentioned she had served on the WJCC School Board in the Finance Department for 13 years and was proud to serve as Risk Manager. She elaborated on many accomplishments during her tenure with the WJCC School Board. Ms. Roney requested a wall not be built as many who had seen the existing structure had provided positive

compliments. She stated a solid wall with a second front door would produce an urban type appearance and the access to the backside of the wall could create a security issue since anyone could access from the backside. Ms. Roney further stated she and her builder kept going back and forth about how to construct the wall and how it would look. She expressed her belief that the wall would detract from the appearance of the home. She highlighted various positive remarks from her surrounding neighbors and noted none of them realized it was an additional unit. Ms. Roney advised Country Club Drive was a dead-end street and traffic was minimal, so exposure to the view was low. She mentioned all construction supplies had been ordered and were currently stored in her garage. Ms. Roney reiterated her concern of the wall detracting from the appearance and value of her home. She mentioned she had no intention of moving and requested the Board to support her request.

Mr. Zhang welcomed any questions the Board might have.

Mr. Hipple stated he had questions for Ms. Roney. He asked what transpired during the process that the requirements were not followed.

Ms. Roney replied during the process there was a lot of back and forth as the plans showed a very boxy appearance. She mentioned there was much consideration to try to make the appearance look better such as installing a window and it was advised that was not an option as it would show the stairs. Ms. Roney noted the builder suggested constructing the stairs in the garage but the Fire Department denied that option for safety reasons. She reiterated the door and supplies were still in her garage as she had every intent to fulfill the requirements but to find an alternative solution to the boxy look. Ms. Roney elaborated on her point in greater detail.

Mr. Hipple asked Ms. Roney if there were issues with the installation of the wall then why did the builder not come back before the Board and address the concerns.

Ms. Roney replied the architect was uncertain on how to even construct the wall.

Mr. Hipple expressed his concern with the situation as if it seemed deliberate.

Mr. Zhang expressed his desire to respond. He remarked he was not involved until midway through the process. Mr. Zhang mentioned from experience with various builders it may not have been known that the two-family dwelling SUP process was a viable option. He noted if the right advice and guidance was provided this issue may not have occurred.

Discussion ensued.

Mr. Hipple asked Ms. Costello the reasoning why the wall was not required now. He asked what changed.

Ms. Costello replied originally it was an accessory apartment, adding with it being an attached accessory apartment by-right, screening was required to ensure the appearance remained of a single-family dwelling. She advised that it was not required to go through the Public Hearing process as it was done by-right. She mentioned Zoning staff inspected the property to verify setbacks and that was when it was noticed there was no screening of the stairs. Ms. Costello noted staff had communicated with the builder of the door and screening requirements, adding that was when Ms. Roney got involved and requested plan changes. She further noted because the owner did not want the screening it was no longer considered an accessory apartment but a two-family dwelling with an SUP required. Ms. Costello stated County staff then evaluated the application based on the neighborhood, Comprehensive Plan, among other factors. She spoke to that point in further detail.

Mr. Hipple thanked Ms. Costello for the clarification.

Ms. Larson asked Ms. Costello if there was any compromise to the screening aspect in relation to the original accessory apartment application.

Ms. Costello replied the door was not required to be up front as it could be in a different location; however, the screening must be there due to the stairs.

Mr. Icenhour asked if this application went back to September 2022.

Ms. Costello replied correct.

Mr. Icenhour asked if this application originally came before the Board.

Ms. Costello replied no because it was an attached accessory apartment that was permitted by-right with certain criteria. She advised the Board evaluated detached accessory apartments.

Mr. Icenhour asked if the application originally came before the Board as a multifamily SUP application no screening would be required under the Ordinance.

Ms. Costello replied correct.

Mr. Icenhour asked if the property had septic.

Ms. Costello confirmed yes.

Mr. Icenhour asked if as long as the maximum number of individuals did not exceed the requirement it would be acceptable for septic.

Ms. Costello replied that VDH reviewed all applications even when an accessory apartment came in as a building permit and if the property was on septic VDH would review the application. She indicated VDH usually would request the applicant to conduct a study and/or evaluation to ensure the septic was compatible with an addition and/or another unit.

Ms. Larson asked if the maximum number of individuals was six.

Ms. Costello replied correct.

Ms. Larson asked if say the house sold and for example 10 people moved in, who would regulate that.

Ms. Costello replied VDH.

Ms. Larson asked how VDH would regulate that.

Ms. Costello replied she would leave that up to VDH. She mentioned she was unsure if it was complaint based and/or how it was monitored. Ms. Costello stated VDH had a Conditional Use Permit (CUP) that was recorded at the courthouse.

Mr. McGlennon expressed his appreciation for this discussion. He mentioned from his standpoint that the only difference between the two was whether there was a screening of the access requirement or not. He asked if that was correct.

Ms. Costello replied in this scenario yes, adding because it did not have the appearance of a single-family dwelling.

Mr. McGlennon questioned policing the number of individuals within a dwelling. He stated he was perplexed by that component.

Ms. Null understood the screening concern especially when it came to ensuring it was aesthetically pleasing. She mentioned if there was an exceeded number of individuals at the property the police could be called to rectify that issue.

Mr. McGlennon stated there was not a general rule about the number of individuals who could reside in a dwelling. He further stated individuals would have to have reference to this SUP condition which would require no more than six individuals living in a combined living space.

Ms. Null replied she was unsure about the County; however, in the City of Charlottesville the requirement was two people per bedroom.

Ms. Larson looked to Ms. Christy Parrish, Zoning Administrator, for the answer on that point.

Ms. Parrish stated there was no limit regarding blood relatives; however, there was criteria for households with non-relatives. She mentioned the County did not have a specific limit by bedroom. Ms. Parrish indicated it would be up to VDH to regulate that if it exceeded the occupancy limit for the septic permit. She expressed her belief that if a home was purchased that had a CUP, a reevaluation could be conducted and uprate it for the occupancy load.

Mr. Hipple replied if say 10 people moved into the dwelling was it possible to delete the septic system and conduct a sewer tie.

Ms. Parrish confirmed yes that was another viable option.

3. Ms. Ann Merkley, 136 Country Club Drive, addressed the Board noting she resided directly across from Ms. Roney. She confirmed that there were multiple multifamily housing noting when turning onto Country Club Drive there were eight apartments on the right side. Ms. Merkley indicated those apartments were considered part of the neighborhood, adding the apartments were all connected. She noted she had resided in her home since 1980 and those apartments were there prior to her moving in and were still occupied. Ms. Merkley explained that Ms. Roney's daughter sold her home to be a caretaker to her mother while she was battling cancer and grieving the loss of her husband. She mentioned the substantial stress this situation had caused the family. Ms. Merkley stated she had been in the accessory apartment and it was extremely small, adding she felt the Board should not be concerned with additional individuals in the unit.

4. Ms. Carrie Garves, 134 Country Club Drive, addressed the Board noting she was in support of the application.

5. Ms. Tammy Berryhill, 137 Country Club Drive, addressed the Board noting her property was adjacent to Ms. Roney's. She noted aesthetically she had no visual concerns of the property and that she was in support of this application.

Ms. Larson closed the Public Hearing as there were no additional speakers.

Mr. Icenhour desired to express his concerns regarding this application. He first thanked Ms. Roney for coming before the Board and being straightforward. He mentioned he drove by her property earlier in the day and complimented the property. Mr. Icenhour noted coming into this meeting he was not inclined to support this application. He further noted there were County policies and Ordinances and the plans were approved under the Ordinance; however, it was not built that way. Mr. Icenhour mentioned staff went back to the applicant and reiterated the requirements for this application which ultimately led to this process. He questioned exceptions and how the Board would go about handling similar type situations in the future. Mr. Icenhour elaborated on his point in further detail.



Mr. Hipple expressed the importance of understanding the circumstances in these particular cases. He understood confusion and/or mistakes could occur during these processes. Mr. Hipple expressed positive remarks of County staff as instant denial was not the route taken instead staff provided an alternative option that was better suitable for Ms. Roney and her situation.

Mr. McGlennon noted he understood the circumstances.

Ms. Larson commended Ms. Roney regarding her tenure working for WJCC Schools. She expressed her concern supporting this application. Ms. Larson complimented the property; however, there were other factors that had to be considered as well. Ms. Larson mentioned this circumstance presented an opportunity for the Planning Division to consider doing things differently regarding the design process.

At approximately 7:01 p.m., the Board recessed for a short break.

At approximately 7:09 p.m., the Board reconvened.

3. SUP-24-0017. 8936 Croaker Road, Baker Family Subdivision

A motion to Approve was made by Michael Hipple, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

Ms. Costello addressed the Board noting that Ms. Dianne Newman of P.W. Development, Inc., had applied for an SUP on behalf of Mr. James and Ms. Linda Baker to create one new parcel of 1.5 acres with a remainder parcel of 1.5 acres. She indicated that the new parcel would be owned by the parents of Ms. Baker. Ms. Costello cited the specifics of the SUP application included in the staff report in the Agenda Packet. She stated that the property was located outside the Primary Service Area (PSA) and would require private well and sewer systems. Ms. Costello further stated that VDH confirmed the soils would adequately accommodate these systems. She noted that staff had reviewed a preliminary plat and found that the proposal could meet the Subdivision Ordinance and Zoning Ordinance requirements. Ms. Costello further noted that staff found the proposal to be compatible with surrounding development, compliant with the Subdivision and Zoning Ordinances, and consistent with the Comprehensive Plan. She mentioned that staff recommended approval of this application to the Board of Supervisors, subject to the proposed conditions. Ms. Costello welcomed any questions the Board might have, adding the owner was available as well.

Ms. Larson indicated there was no Planning Commission report on this item.

Ms. Larson asked if any Board members had questions.

The Board declined.

Ms. Larson opened the Public Hearing.

Ms. Larson closed the Public Hearing as there were no speakers.

4. ORD-22-0001/Z-24-0008. Amendments for Scenic Roadway Protection

A motion to Approve the Ordinance to Create an Overlay District was made by Michael Hipple, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

A motion to Approve an Ordinance to Rezone the Affected Properties into the Newly Created

Overlay District was made by Michael Hipple, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

A motion to Approve an Ordinance Amending the Zoning Ordinance was made by John McGlennon, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

A motion to Approve an Ordinance Amending the Subdivision Ordinance was made by Michael Hipple, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

Ms. Morgan Risinger, Senior Planner, addressed the Board noting at its meeting on October 26, 2021, the Board unanimously adopted the 2045 Comprehensive Plan. She cited the Goals, Strategies, and Actions Land Use 6.3 strategy which focused on preserving scenic roadways. Ms. Risinger advised an Initiating Resolution was adopted by the Board on November 23, 2021, adding multiple Policy Committee, Planning Commission, and Board meetings were held to discuss potential Ordinance amendments to fulfill the strategy. She noted at its meeting on January 9, 2024, the Board requested additional time to consider the proposed amendments due to concerns of how the regulations would be applied. Ms. Risinger further noted during discussions in February and March 2024 the Board directed County staff to explore the possibility of the creation of an Overlay District to apply setback regulations to the parcels that were at least 40 acres in size, located outside the PSA along Forge Road, North Riverside Drive, and Diascund Road (from Forge Road to the CSX railroad right-of-way). She stated at its May 14, 2024, meeting, the Board adopted an Initiating Resolution directing staff to prepare an amendment to the Zoning Ordinance which would create an Overlay District to protect and preserve specific scenic roadways as noted previously. Ms. Risinger discussed the tiered setback approach would define unimproved parcels with a depth a greater than 500 feet, would have a setback requirement of 400 feet, unimproved parcels with a depth greater than 300 feet and up to and including 500 feet would have a setback requirement of 200 feet, and unimproved parcels with a depth of 300 feet or less and flag lots would continue to have setbacks of 75 feet as established in the A-1 Zoning District. She elaborated on that point in greater detail. Ms. Risinger stated at its September 4, 2024, meeting, the Planning Commission voted 7-0 to recommend denial of the proposed Overlay District Ordinance and the proposed rezoning of the parcels to the Overlay District. She further stated following the Planning Commission meeting, staff revised the proposed Overlay District language so that the setbacks would apply to dwellings rather than all structures. Ms. Risinger elaborated further on that point. She noted that staff had prepared draft Ordinance language of proposed amendments to the Zoning Ordinance to provide additional timber setback and landscape buffer requirements along Wooded CCCs. Ms. Risinger highlighted the proposed draft Ordinance language which included: 1) proposed landscape buffer requirements along Wooded CCCs located outside the PSA to include a 100-foot-wide buffer average for commercial projects; 2) proposed 200-foot-wide buffer average requirement for major residential developments along Wooded CCCs located outside the PSA; and 3) proposed a timber setback of at least 50 feet on properties along Wood CCCs outside the PSA. She noted staff had also prepared a proposed amendment to the Subdivision Ordinance so those regulations were incorporated in the subdivision review process. Ms. Risinger further noted at its September 4, 2024, meeting, the Planning Commission voted 6-1 to recommend approval of the proposed amendments to the Zoning Ordinance and Subdivision Ordinance regarding the timber setback and landscape buffer requirements along Wooded CCCs outside the PSA. She advised that staff found that the proposed amendments would fulfill the intent of the Initiating Resolutions and recommended that the Board of Supervisors approve the attached Ordinances. Ms. Risinger concluded her remarks and welcomed any questions the Board might have.

Mr. Hipple expressed his concern with the map displayed on the PowerPoint presentation which did not include all subject areas.

Ms. Risinger replied that the map designated the areas specific to the Overlay District rezoning for the setbacks. She explained and provided a visual on the PowerPoint presentation for better understanding.

Mr. Hipple asked if this map only reflected unimproved parcels.

Ms. Risinger replied correct.

Mr. Hipple asked if there was another map that showed the public the particular section of Diascund Road near the former Colonial Golf Course as that section was included.

Ms. Risinger asked if Mr. Hipple was referring to how the setback lines in green were shown.

Mr. Hipple replied yes.

Ms. Risinger replied if the Ordinance were adopted the regulations only applied to unimproved parcels. She indicated a total of four parcels highlighted on the PowerPoint map which had a depth greater than 500 feet to include a 400-foot-setback. Ms. Risinger explained the former Colonial Golf Course would not have the setback requirement unless there was a future request to subdivide the property.

Mr. Hipple expressed his confusion as he thought the intent was to include the entire CCC along Diascund Road, adding any new dwellings would then require the 400-foot setback. He explained his point in further detail and noted there were some parcels not included on the map presented. Mr. Hipple mentioned the objective of this was to maintain an open vista. He questioned the classification for the former Colonial Golf Course.

Ms. Risinger replied there were structures on the property; therefore, it was considered an improved parcel.

Mr. Hipple asked if say a property had 400 acres and a dwelling was located on the property then the setback requirements would not apply.

Ms. Risinger replied that was correct. She noted the objective was to limit impacts to those existing structures and avoid creating nonconformities.

Discussion ensued.

Ms. Larson asked if the item was ready for the Board's consideration regarding a vote.

Mr. Hipple stated no, adding he felt there was still much confusion on the subject matter. He explained any new dwellings developed and/or new division of land would incur the 400-foot setback. Mr. Hipple noted the purpose was to prevent property values from decreasing.

Ms. Parrish explained that based on prior discussions any parcel with a structure on it would be considered improved, which would then revert the regulations back to the A-1 Zoning District. She mentioned that the purpose of this was to ensure none of the existing structures became nonconforming. Ms. Parrish stated if the former Colonial Golf Course chose to demolish all the existing structures it would still follow the A-1 Zoning District regulations; however, if the intent was to subdivide the property, then the 400-foot setback would be required.

Discussion ensued.

Mr. Paul Holt, Director of Community Development, addressed the Board noting it was not feasible to visually show what Ms. Parrish articulated on the map. The rest of Mr. Holt's response was inaudible.

Ms. Null noted from her understanding while she was on the Planning Commission that the Overlay District would start at Forge Road, down by Richmond Road, and noted that there were certain lots shown in brown that were vacant and that it would apply to those lots as well. She asked for clarification on that point.

Ms. Risinger replied at that time, staff was looking at an amendment to the A-1 Zoning District opposed to the creation of an Overlay District. She expressed the challenges of implementing a uniform regulation due to the inability to designate particular parcels with those regulations. Ms. Risinger spoke to that point in further detail.

Ms. Null asked about certain unimproved parcels and if potential development occurred would those parcels be required to follow the 400-foot setback.

Ms. Risinger replied no, adding those parcels were not included as those parcels were under 40 acres.

Ms. Parrish stated only the blue and red shaded areas on the PowerPoint presentation map were the parcels that would be rezoned to the Overlay District.

Mr. McGlennon asked if this information would be accessible to a potential homebuyer and/or someone looking to subdivide.

Ms. Parrish confirmed yes.

Discussion ensued.

Mr. Maye addressed the Board noting the six impacted property owners were present at the Planning Commission meeting, adding all six were in opposition to the proposed amendments. He noted two votes were conducted on this item. Mr. Maye stated the Planning Commission voted 7-0 to recommend denial of this item as it applied to the scenic roadway protection. Mr. Maye further stated the Planning Commission voted 6-1 to recommend approval of the Ordinance regarding the timber setback and the subdivision buffering. He mentioned the Commission deemed the 400-foot setback excessive, adding those parcels were already impacted by the 20-acre lot minimum. Mr. Maye stated the Planning Commission could not recommend approval of the proposed amendments to the scenic roadway protection due to the perceived impacts to property owners. He remarked from his understanding the definition of structure was any structure not just a dwelling. Mr. Maye looked for clarity on that point.

Ms. Null responded that it was just dwellings.

Mr. Hipple discussed flag lot requirements in addition to minor and major subdivision aspects of the subject matter.

1. Ms. Patricia Hunter, 5801 Maple Green Circle, Richmond, VA, addressed the Board noting her family owned three parcels which would be impacted by this action. She stated her family had owned these properties since the 1600s. Ms. Hunter noted excessive fencing, equipment, and unappealing structures along the road. She further noted property values would decrease due to this action. Ms. Hunter questioned potential compensation for the 400 feet of land. She expressed her belief that this was an overreach.

2. Ms. Harriet Meader, P.O. Box 138, Goochland, VA, addressed the Board noting she was a member of the Cowles family, adding the properties shaded in red on the PowerPoint

presentation map belonged to her family. She mentioned her family had already been impacted by the density zoning and now by a potential 400-foot setback. Ms. Meader expressed her belief that these practices were unequitable. She echoed Ms. Hunter's comments regarding the lack of scenic views along Diascund Road and parts of Forge Road. Ms. Meader discussed how the setback only considered the road frontage not the land in its entirety, adding there was a significant amount of marshland which would cause further land limitations. She expressed her belief that landowners affected by this should be compensated.

Ms. Larson closed the Public Hearing as there were no additional speakers.

Mr. Hipple stated he understood constituent concern regarding this matter; however, he did not see it as a taking but rather trying to enhance the character of the area. He elaborated on his point in further detail. Mr. Hipple expressed the challenges with finding a viable solution to protect these areas.

Mr. McGlennon expressed his appreciation for County landowner stewardship; however, he mentioned at some point there would be consideration on selling which would impact the community. He mentioned the community's value of preserving rural lands and referenced the Purchase of Development Rights (PDR) Program. Mr. McGlennon suggested future discussions on that point and touched on the quality of life aspect.

Ms. Larson indicated there would be four separate motions on this item.

5. Disposal of County Property Located at 4601 Ironbound Road

Ms. Larson stated the Commonwealth of Virginia continued to work on the property intended for Colonial Behavioral Health; however, the agreement was taking longer than anticipated.

Ms. Larson indicated she would close the Public Hearing and readvertise this Public Hearing at a later date.

6. Disposal of County Property Located at 3175 Ironbound Road

A motion to Approve was made by John McGlennon, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

Mr. Jason Purse, Assistant County Administrator, addressed the Board noting in October 2022 the County purchased 1.98 acres of land located at 3175 Ironbound Road. He further noted the property was purchased because of the proximity to the Clara Byrd Baker Elementary School site and the potential for expansion. Mr. Purse stated that on June 11, 2024, the Board of Supervisors approved the SUP and Rezoning applications for a 41,326-square-foot Pre-Kindergarten center on the property. He further stated as a condition of the approval, a subdivision plat was necessary to combine 3175 Ironbound Road and 3131 Ironbound Road into one property to accommodate the development. Mr. Purse noted staff had also included a recommended a provision that would preserve the parking for the Powhatan Creek Trail through the property. He further noted staff recommended approval of the attached resolution and welcomed any questions the Board might have.

Ms. Larson asked if any Board members had questions.

The Board declined.

Ms. Larson opened the Public Hearing.

Ms. Larson closed the Public Hearing as there were no speakers.

## **H. BOARD CONSIDERATION(S)**

### **1. Plan of Finance - Capital Projects**

A motion to Approve was made by John McGlennon, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

Ms. Sharon McCarthy, Director of Financial and Management Services, addressed the Board noting before the Board was a resolution authorizing the Economic Development Authority to issue lease revenue bonds in the amount of approximately \$75.8 million. She further noted the proceeds from these bonds would cover the cost of a Pre-K space, the Jamestown High School cafeteria expansion, a new General Services Administration Building, and a new Government Center. Ms. McCarthy stated the resolution was prepared by the County's bond counsel and would authorize the sale of bonds as long as the interest rates on the bonds did not exceed 5% and would also approve the financing documents. She further stated Mr. David Rose of Davenport & Company, LLC, the County's financial advisor would present a summarized plan of finance. She concluded her remarks and turned the presentation over to Mr. Rose.

Mr. Rose addressed the Board to gain authorization to sell approximately \$75.8 million of lease revenue bonds to be paid back by the County. He touched on the County's policies and its AAA credit rating. Mr. Rose spoke highly of the County's financial good standing. He elaborated on that point in further detail. Mr. Rose displayed a visual representation of Recent Interest Rate Trends on the PowerPoint presentation noting very favorable fixed interest rates. He discussed the County's existing debt service noting that the County's current 10-Year Payout Ratio was approximately 89%, well above the County's policy of 50%. Mr. Rose indicated the County was in a very strong position and allowed new debt in a multi-year program without effecting the budget. He discussed the Debt to Assessed Value, Debt Service to Revenues, and Payout Ratios which all exceeded expectations. Mr. Rose highlighted the timeline and next steps on the PowerPoint presentation. He welcomed any questions the Board might have.

Ms. Larson asked if any Board members had questions.

Mr. McGlennon stated it seemed like a prudent plan, adding it was good to know the County's policies were working well.

Mr. Icenhour thanked Mr. Rose for adding the visual graph diagrams to the PowerPoint presentation as it helped County citizens better understand.

### **2. Designation of Voting Delegate for VACo Annual Conference**

A motion to Nominate Ms. Larson was made by John McGlennon, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

## **I. BOARD REQUESTS AND DIRECTIVES**

Ms. Null mentioned she had taken a tour of the Five Forks Water Treatment Plant and encouraged student tours to return. She mentioned that she and Supervisor McGlennon attended the ribbon-cutting ceremony for the newly renamed Waltrip Williamsburg Executive Airport. Ms. Null stated she and Mr. Brad Rinehimer, Assistant County Administrator, attended the Virginia Retail Matters Luncheon. She mentioned she attended the annual Chickahominy Parade.

Mr. Hipple mentioned the James City-Bruton Volunteer Fire Department Fish Fry was on Saturday, October 12. He encouraged County citizens to attend, adding it would be held from 3-7 p.m. at Fire Station 1 on Forge Road. Mr. Hipple noted he spoke to a former County employee Mr. Buck Stewart, adding his son currently worked for the County with 40+ years of service. He further noted Mr. Stewart had addressed some concerns about a dilapidated bridge near the Anderson's Corner veterinarian and asked if that was something the County could look into.

Mr. McGlennon mentioned he and Supervisor Larson attended the Community Action Agency Breakfast on Friday, October 4. He noted he attended the Scattered Site Housing Committee meeting. Mr. McGlennon further noted he attended the ribbon-cutting ceremony to celebrate the 54th Anniversary and the renaming of the Williamsburg Jamestown Airport to the Waltrip Williamsburg Executive Airport in honor of the Waltrip family who have been significant operators of the airport for many years. He indicated the airport was one of six privately-owned airports in the Commonwealth. Mr. McGlennon thanked the County Administrator and County staff who attended the Grove Community Meeting, adding it was very well attended and significant community engagement. He expressed positive remarks of the Planning Division and its desire to assist and navigate situations. Mr. McGlennon also recognized the Police Department, Fire Department, and Emergency Medical Services (EMS) for their exceptional work in responding to the recent Road Rage Shooting incident. Mr. McGlennon recognized Ms. Elizabeth Kostelny, Executive Director of Preservation Virginia, who had recently announced her retirement. He extended his thanks to her and highlighted many of her efforts and contributions to the County throughout her tenure. Mr. McGlennon recognized Ms. Janet Green, CEO of Habitat for Humanity Peninsula and Greater Williamsburg, who also recently announced her retirement. He mentioned the significant impact she had on the community.

Mr. Icenhour stated on September 25, he attended the Child Development Resources groundbreaking ceremony for its new headquarters. He further stated after that event he attended the JCSA Luncheon. Mr. Icenhour noted his best friend from high school invited him to The Pentagon for the retirement of his son, adding he retired from the U.S. Air Force Reserves as a Colonel. He further noted he had three opportunities to speak about the Home for the Holidays Program. Mr. Icenhour stated he spoke to the American Legion Post 39. He mentioned he managed to get his fellow Vietnam veterans to donate to the Vietnam Veterans of America (VVA) Chapter 957. Mr. Icenhour stated today he was invited to Patriots Colony at Williamsburg and speak to their residents.

Ms. Larson mentioned she attended a Habitat for Humanity ribbon-cutting ceremony, adding it was an incredibly moving event and spoke about the event in further detail. She noted she attended a presentation at the James City County Library on the new natural playground that would be built. She spoke highly of the future amenity and elaborated on that point in greater detail. Ms. Larson mentioned the Stonehouse development and the substantial growth in that area and requested the Board monitor that for school capacity purposes. She echoed Mr. McGlennon's remarks regarding the recent Road Rage Shooting incident and thanked County First Responders and citizens who helped successfully apprehend the suspect. Ms. Larson mentioned the abundance of community support and donations for the victims.

Mr. McGlennon expressed his desire to recognize Dr. Olwen Herron, Ed.D., who recently announced her retirement. He mentioned his appreciation for all the services she provided to the community and steady leadership.

Ms. Larson agreed. She mentioned if the Board was in agreement she felt it was unnecessary to go into Closed Session this evening.

## **J. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Stevens mentioned the region began supporting Hurricane Helene's response efforts prior to its landfall through the Regional Task Force. He highlighted areas of response and recovery efforts. Mr. Stevens recognized Fire Captain Brian Heinsman of the County's Fire and EMS Department, who was part of the search and rescue efforts and noted he was doing well. Mr. Stevens also recognized Assistant Fire Marshal Bob Mintern who deployed earlier in the day to replace one of the Communications Specialists on the team. He stated he was proud of the members of County Departments who were willing to serve and assist other communities and people in their time of need. Mr. Stevens extended his thanks to all the team members participating in these efforts and extended prayers to all the affected communities and individuals. He noted a Naval Weapon Station Commanding Officer had reached out to him and Ms. Larson this week in relation to the U.S. Navy soliciting ideas for nuclear energy. Mr. Stevens further noted the U.S. Navy issued a Request for Information (RFI) for Small Modular Reactors or other Power Generation Technology to serve Navy installations. He elaborated on that point in further detail. Mr. Stevens mentioned the Public Meeting on School Operations in James City County would be held Thursday, October 10 at 6 p.m. at the James City County Government Center Board Room. He encouraged the public to attend. Mr. Stevens mentioned the Halloween for Heroes event was on Wednesday, October 23 from 6-8 p.m. at the Law Enforcement Center and encouraged the public to attend. He noted he spoke with Ms. Dianna Moorman, General Registrar, who reported a good turnout with approximately 9,500 in-person votes casted and 2,500 vote-by-mail ballots, and others still coming. He noted the Office of Elections was open 8 a.m. through 5 p.m. and located at 4095 Ironbound Road.

Ms. Larson encouraged a future comprehensive discussion on Hurricane Preparedness to educate the public on County responsibilities, areas of support, and things of that nature.

#### **K. CLOSED SESSION**

1. Discussion of the award of a public contract involving the expenditure of public funds, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711(A)(29) of the Code of Virginia and pertaining to the contract for the joint operation of schools between the County and the City of Williamsburg.
2. Certification of Closed Session

#### **L. ADJOURNMENT**

1. Adjourn until 1 pm on October 22, 2024 for the Business Meeting

A motion to Adjourn was made by Barbara Null, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

At approximately 8:29 p.m., Ms. Larson adjourned the Board of Supervisors.

*Teresa J. Saeed*

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Deputy Clerk