

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 10TH DAY OF JULY 2007, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.**

**A. ROLL CALL**

John J. McGlennon, Chairman, Jamestown District  
James O. Icenhour, Jr., Vice Chairman, Powhatan District  
Jay T. Harrison, Sr., Berkeley District  
Bruce C. Goodson, Roberts District, Absent  
M. Anderson Bradshaw, Stonehouse District

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

**B. MOMENT OF SILENCE**

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

**C. PLEDGE OF ALLEGIANCE - Mariah Minns, a sixth-grade student at James Blair Middle School led the Board and citizens in the Pledge of Allegiance.**

**D. PUBLIC COMMENT**

1. Ms. Marina Libro, 7242 Canal Street, requested the allowance of golf cart access in her community at Chickahominy Haven.

2. Mr. Ken Godsey, 3080 W. Riverside Drive, Lanexa, on behalf of Chickahominy Haven, presented a petition requesting allowance of golf carts in Chickahominy Haven.

3. Mr. Walt Wickham, on behalf of Chickahominy Haven civic organization, requested allowance of golf carts in Chickahominy Haven based on low speeds in the area, supporting the community, and protecting the environment.

4. Mr. Gene Farley, 4049 South Riverside Drive, presented a second petition to the Board, and requested allowance of golf carts in Chickahominy Haven.

5. Mr. Ed Oyer, 139 Indian Circle, commented on the Regional Transportation Authority and traffic on Route 60 East.

Mr. McGlennon stated the Board would direct staff to prepare a report on the issue of golf carts in Chickahominy Haven with the assistance of interested parties.

Mr. Wanner stated that names for a committee to address the issue of golf carts in Chickahominy Haven be sent to Police Chief Harmon.

Mr. McGlennon recognized Mr. Richard Krapf, from the Planning Commission, in attendance.

Mr. Bradshaw made a motion to adopt the Consent Calendar with the amendments to the regular meeting minutes.

On a roll call vote, the vote was: AYE: Harrison, Bradshaw, Icenhour, McGlennon. (4). NAY: (0).

**E. CONSENT CALENDAR**

1. Minutes –
  - a. June 26, 2007, Work Session
  - b. June 26, 2007, Regular Meeting as amended
2. Dedication of Streets in Lake Powell Pointe Subdivision, Phases 1-4

**RESOLUTION**

**DEDICATION OF STREETS IN LAKE POWELL POINTE SUBDIVISION, PHASES 1-4**

WHEREAS, the streets described on the attached Additions Form AM-4.3, fully incorporated herein by reference, are shown on plats recorded in the Clerk’s Office of the Circuit Court of James City County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation advised the Board that the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, the County and the Virginia Department of Transportation entered into an agreement on July 1, 1994, for comprehensive stormwater detention which applies to this request for addition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation to add the streets described on the attached Additions Form AM-4.3 to the secondary system of State highways, pursuant to §33.1-229 of the Code of Virginia, and the Department’s Subdivision Street Requirements.

BE IT FURTHER RESOLVED, the Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills, and drainage.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

3. Virginia Department of Alcoholic Beverage Control (ABC) Grant Award - \$4,999

**RESOLUTION**

VIRGINIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL (ABC)

GRANT AWARD - \$4,999

WHEREAS, the Virginia Department Alcoholic Beverage Control (ABC) has approved James City County Police Department's grant application for supplies and equipment for the Department's underage alcohol consumption enforcement and educational efforts in the amount of \$4,999; and

WHEREAS, the grant requires no match; and

WHEREAS, the grant will be administered by ABC, with a grant period of July 1, 2007, through May 31, 2008.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation amendment to the Special Projects/Grants Fund:

Revenue:

ABC Grant \$4,999

Expenditure:

ABC Grant \$4,999

4. Chesapeake Bay Restoration Fund Grant - \$3,720

**RESOLUTION**

CHESAPEAKE BAY RESTORATION FUND GRANT - \$3,720

WHEREAS, the Chesapeake Bay Restoration Fund, which is funded through the sale of Chesapeake Bay license plates, has made funds available for the restoration and education of the Bay; and

WHEREAS, funds are needed to provide an enriching and SOL based environmental component to the Division's REC Connect Camp Program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, accepts the \$3,720 grant awarded by the Chesapeake Bay Restoration Fund to help with the additions to the summer camp program.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby

authorizes the following appropriation to the Special Projects/Grants Fund:

Revenues:

From the Commonwealth \$3,720

Expenditures:

Special Projects/Grant Fund –  
Chesapeake Bay Restoration Fund \$3,720

5. Department of Criminal Justice Services Grant Award - \$62,801

**RESOLUTION**

**DEPARTMENT OF CRIMINAL JUSTICE SERVICES GRANT AWARD - \$62,801**

WHEREAS, the Virginia Department of Criminal Justice Services (DCJS) has approved a grant for the Police Department in the amount of \$62,801, with a State share of \$47,101 for the continuation of the Crime Analyst position and related expenses; and

WHEREAS, the grant requires a cash local match of \$15,700, which is available in the County’s Grants Match Account; and

WHEREAS, the grant will be administered by DCJS, with a grant period of July 1, 2007, through June 30, 2008.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation to the Special Projects/Grants Fund:

Revenues:

DCJS - Crime Analyst	\$47,101
County Grants Match Account	<u>15,700</u>
Total	<u>\$62,801</u>

Expenditure:

DCJS - Crime Analyst \$62,801

6. Department of Motor Vehicles (DMV) – Highway Safety Grant - \$28,299

**RESOLUTION**

**DEPARTMENT OF MOTOR VEHICLES (DMV) - HIGHWAY SAFETY GRANT - \$28,299**

WHEREAS, the Department of Motor Vehicles (DMV) has approved a grant in the amount of \$28,299 to the Police Department for traffic enforcement overtime and related equipment; and

WHEREAS, the grant only requires soft money local match, thus eliminating any additional spending by the Police Department, excluding court overtime and equipment maintenance; and

WHEREAS, the grant is administered by the DMV according to the Federal government fiscal year which runs from October 1 through September 30, thus allowing any unspent funds as of June 30, 2008, to be carried forward to the next fiscal year.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation amendment to the Special Projects/Grants Fund:

Revenues:

DMV – Highway Safety \$28,299

Expenditures:

DMV – Highway Safety \$28,299

**F. PUBLIC HEARINGS**

1. Case No. Z-3-07. 3435 Old Stage Road

Mr. Luke Vinciguerra, Planner, stated Mr. Todd Koob is requesting a rezoning of his currently vacant property from General Business (B-1), to Limited Residential (R-1), to build up to two single-family detached housing units on the parcel. The parcel is located at 3435 Old Stage Road, further identified as Tax Map/Parcel No.: 1220100011A, consisting of 1.23 acres, zoned B-1, General Business and designated by the Comprehensive Plan as Low Density Residential. The parcels in this area of Old Stage Road are zoned General Business but many have single-family detached houses on them. The area is designated low density residential on the Comprehensive Plan and the current conditions on the ground reflect the designation, though the current zoning does not support it. Single-family detached housing is not a permitted use in B-1. The adjacent parcel to the right of Mr. Koob’s property was rezoned to R-1 in May.

At its meeting on June 6, 2007, the Planning Commission voted 7-0 recommending approval of the application.

Staff found the proposal to be generally consistent with the land use policies of the Comprehensive Plan and the Comprehensive Plan Land Use Map designation.

Staff recommended approval of the rezoning application and acceptance of the voluntary cash proffers.

Mr. Icenhour asked if the water and sewer for the property was through the Villages at White Hall.

Mr. Vinciguerra stated this was correct.

Mr. Icenhour asked if water and sewer were being made available to the other properties.

Mr. Vinciguerra deferred the question to the applicant.

Mr. Harrison asked how many lots could be created.

Mr. Vinciguerra stated the lot size requirements for R-1 zoning was 30,000 feet without water and sewer, and with water and sewer, it would be 15,000 feet.

Mr. McGlennon stated there was potential for three lots.

Mr. Vinciguerra stated this was correct.

Mr. McGlennon opened the Public Hearing.

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

Mr. Bradshaw asked if the previous proffers stated that if more than one lot was subdivided, it would pay a fee for each additional lot.

Mr. Vinciguerra stated that the revised proffers indicated that if the applicant subdivided the property, he would pay a one-time fee.

Mr. Bradshaw asked if the applicant would pay the fee if it was subdivided or if it was subdivided into three lots.

Mr. Vinciguerra stated originally the proffers allowed for a fee for each subdivision of the lot, but at this time the applicant has revised the proffers to only pay the fee once.

Mr. McGlennon asked the applicant to come forward to answer questions.

Mr. Todd Koob, 8913 Oak Lawn Way, stated if the property was zoned R-1, it would not be allowed to be subdivided more than once.

Mr. McGlennon stated that the frontage would not allow for more than two lots.

Mr. Koob stated he would only offer one proffer because he would be unable to subdivide beyond two lots due to frontage requirements.

Mr. Icenhour stated the frontage requirement allowed only two lots, which answered his question.

Mr. Bradshaw made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: Harrison, Bradshaw, Icenhour, McGlennon. (4). NAY: (0).

## **RESOLUTION**

**CASE NO. Z-3-07. 3435 OLD STAGE ROAD**

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia, and Section 24-13 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Zoning Case No. Z-3-07; and

WHEREAS, Mr. Todd Koob has applied to rezone his property located at 3435 Old Stage Road, further identified on James City County Real Estate Tax Map No. 1220100011A (the "Property") from B-1, General Business, to R-1, Limited Residential, so that he may build up to two single-family houses on the Property; and

WHEREAS, the Property is designated Low Density Residential on the 2003 Comprehensive Plan Land Use Map; and

WHEREAS, on June 6, 2007, the Planning Commission recommended approval of the application by a vote of 7-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-3-07 with voluntary cash proffers as described herein.

2. Case No. SUP-14-07. Anderson's Corner Animal Care Facility

Ms. Kate Sipes, Planner, stated Mr. Matthew G. Burton has applied on behalf of ACAH, LLC for a special use permit (SUP) to allow for the construction of a veterinary hospital and kennel facility. This application proposes a facility approximately 12,000 square feet in size. SUP-17-06 was approved in July 2006, for a similar facility of no more than 6,200 square feet. The property is located at 8391 Richmond Road, further identified as Tax Map/Parcel No.: 1240100001 consisting of 30.12 acres zoned A-1, General Agriculture, and designated on the Comprehensive Plan as General Industry.

Staff found the proposal generally consistent with the 2003 Comprehensive Plan and believed the conditions would adequately mitigate impacts from this development.

At its meeting on June 6, 2007, the Planning Commission voted 7-0 recommending approval of the application.

Staff recommended approval of the resolution.

Ms. Sipes stated there was an alternative resolution with a modified condition requiring an archaeological study for the disturbed area rather than for the entire property.

Mr. Bradshaw asked if there would be an opportunity before development on the other acreage to require an archaeological study.

Ms. Sipes stated if the property was developed under a SUP then a study could be listed as a condition, but if it was developed by-right, then a study could not be required.

Mr. Icenhour stated there could be by-right development of three-acre lots on the remaining acreage. Ms. Sipes stated this was correct.

Mr. Icenhour asked why the amount of parking remained the same.

Ms. Sipes stated the applicant offered parking above the ordinance requirement. She stated this figure was based on the number of employees on a shift, which has not changed, so the parking requirement has not changed.

Mr. McGlennon opened the Public Hearing.

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

Mr. Bradshaw made a motion to adopt the resolution that requires an archaeological study on disturbed land only.

On a roll call vote, the vote was: AYE: Harrison, Bradshaw, Icenhour, McGlennon. (4). NAY: (0).

## **RESOLUTION**

### **CASE NO. SUP-14-07: ANDERSON'S CORNER ANIMAL CARE FACILITY**

WHEREAS, the Board of Supervisors of James City County has adopted by ordinances specific land uses that shall be subjected to a special use permit process; and

WHEREAS, the applicant has proposed to construct a 12,000 square foot veterinary hospital and kennel facility; and

WHEREAS, the property is currently zoned A-1, General Agriculture, and is designated General Industry on the 2003 Comprehensive Plan Land Use Map; and

WHEREAS, the property is located at 8391 Richmond Road on property more specifically identified as Parcel No. (1-1) on the James City County Real Estate Tax Map No. (12-4); and

WHEREAS, on June 6, 2007, the Planning Commission recommended approval of the application by a vote of 7-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-14-07 as described herein with the following conditions:

1. This Special Use Permit shall be valid for a 12,500 square foot veterinary hospital and kennel facility. Development of the property shall be generally in accordance with the submitted master plan as determined by the Development Review Committee of the James City County Planning Commission. Minor changes may be permitted by the DRC, as long as they do not change the basic concept or character of the development.
2. A Phase I Archaeological Study for the disturbed area shall be submitted to the Director of Planning for review and approval prior to land disturbance. A treatment plan shall be submitted and approved by the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation and/or identified as eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that

require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources' *Guidelines for Preparing Archaeological Resource Management Reports* and the Secretary of the Interior's *Standards and Guidelines for Archaeological Documentation*, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's *Professional Qualification Standards*. All approved treatment plans shall be incorporated into the plan of development for the site and the clearing, grading or construction activities thereon.

3. Prior to final site plan approval, architectural elevations, building materials and colors shall be submitted to the Director of Planning for review and approval for compatibility with Hickory Neck Church and the Village of Toano in terms of design, scale, materials, and colors.
4. Any new exterior site lighting shall be limited to fixtures which are horizontally mounted on light poles not to exceed 15 feet in height and/or other structures and 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. No glare defined as 0.1 footcandle or higher shall extend outside the property lines.
5. The owner 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 development 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 and irrigation wells, the use of approved landscaping materials including the use of drought tolerant plants where appropriate, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
6. If construction has not commenced on this project within thirty-six (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.
7. A landscaping plan shall be approved by the Director of Planning prior to final site plan approval for this project. The landscaping plan shall include enhanced landscaping within the fifty-foot Community Character Corridor buffer along Richmond Road so that the required size of plants and trees equals, at a minimum, 125 percent of the landscaping otherwise required in Chapter 24, Article II, Division 4 of the James City County Code. A minimum of fifty percent of the plantings within the Community Character Corridor buffer shall be evergreen. Community Character Corridor buffer plantings shall include one-for-one replacement of trees to be removed from the site as identified on the site plan.
8. Only one entrance shall be allowed onto Route 60.

9. All parking shall be located either behind the proposed building or to the side, behind the front building face line with a 42 inch non-chain link vinyl or wood fence.
10. The BMP shall be designed to enhance the removal of coliform bacteria in addition to the standard water quality provisions in accordance with the Powhatan Creek Stormwater Master Plan, pages 69 to 71.
11. The owner shall use Low Impact Development (“LID”) techniques such that the total extent of the LID on the property shall equal or exceed three unit measures as defined by *Special Stormwater Criteria in James City County* (adopted December 14, 2004). The proposed LID techniques to be implemented shall be approved by the Environmental Director prior to site plan approval. All approved LID techniques shall be constructed on the property prior to the release of the posted erosion and sediment control surety.
12. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

3. Case No. SUP-15-07. Precious Moments Playhouse, Inc. SUP Renewal

Mr. David German, Planner, stated Ms. Evangelina B. Crump has applied to renew an existing Special Use Permit (SUP-18-04), which expires on August 10, 2007, for the continued use of a children’s day care center in a residential area. The property is located at 103 Indigo Terrace and is further identified as Tax Map/Parcel Nos.: 3840200002, consisting of 0.494 acres, zoned R-2, General Residential, and designated on the Comprehensive Plan as Low Density Residential.

Staff found that this proposal creates no new significant burdens on neighboring properties or uses. The proposal seeks only to continue an existing use, which has been in operation since 1980 without recorded complaints or problems.

At its meeting on June 6, 2007, the Planning Commission recommended approval of the application.

Staff recommended approval of the application.

Mr. Bradshaw stated at the last meeting there was discussion about the reason for sunset clauses, and he said that it was because of untested uses in residential areas. He asked if staff could consider a resolution for an SUP of this kind without the sunset clause.

Mr. German stated that the process keeps with the Planning Commission’s policy for a three-year renewal.

Mr. Bradshaw stated he did not find reason to include the sunset clause, because he felt that this was a tested use. He stated he supported potentially removing the requirement to renew an SUP for this type of use.

Mr. McGlennon stated that in the past, sunset clauses were eliminated from SUPs for day care uses, and he stated his support for removing it from this case since there was a significant track record for this particular day care center.

Mr. McGlennon opened the Public Hearing.

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

Mr. Harrison stated he concurred with the removal of the sunset clause on tested day care facilities and stated a policy needed to be formulated to address benchmarks.

Mr. Harrison made a motion to adopt the resolution.

Mr. Icenhour asked if the sunset clause should be in place for at least one three-year period if the facility was new in a community and be removed once the community was accepting of the facility or if the logic was to remove the requirement for a particular facility or if the change should be made across the board.

Mr. McGlennon stated his preference was to remove them after a period of time that it has been proven acceptable as a tested use.

Mr. Icenhour stated he concurred with this.

Mr. Harrison stated there needed to be consideration of the community when evaluating this policy.

Mr. Wanner stated that if the Board did not want to require the SUP be renewed periodically, that requirement on the resolution would be struck, but the condition would retain the requirement for State permits.

Mr. McGlennon asked the applicant if there would be any kind of hardship if the application was deferred to remove the requirement for a sunset clause.

Ms. Crump replied that a deferral would be acceptable.

Mr. German stated the SUP expires August 10, 2007.

Mr. McGlennon stated this item would be brought as a Board Consideration on July 24, 2007.

Mr. Harrison made a motion to defer action on this item to July 24, 2007.

On a roll call vote, the vote was: AYE: Harrison, Bradshaw, Icenhour, McGlennon. (4). NAY: (0).

4. Case No. Z-09-06/MP-10-06. Ironbound Square Redevelopment Phase II (Continued from June 26, 2007)

Mr. Jose Ribiero, Planner, stated he understood this case was being deferred to July 24, 2007, and a presentation would be given at that time.

Mr. McGlennon opened the Public Hearing.

Mr. McGlennon continued the Public Hearing to July 24, 2007.

5. An Ordinance to Repeal Chapter 3, Animal Control, by Deleting Section 3-1 through Section 3-86; and Replacing them with new Section 3-1 through Section 3-61

Mr. Adam Kinsman, Assistant County Attorney, stated this was the first comprehensive revision of the County Code for Animal Control since 1994 to bring it into compliance with State Code in reference to animal control. Mr. Kinsman stated Animal Control Officer Shirley Anderson was involved in the revisions as well as the Heritage Human Society. He noted revisions due to moving Code changes many times. He recommended adoption of the ordinance with revisions.

Mr. Icenhour asked if there was any prohibition of chained animals.

Mr. Kinsman stated that was in the definitions, related to adequate space and tethering. He stated this portion was taken verbatim from the State Code.

Mr. McGlennon opened the Public Hearing.

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

Mr. McGlennon thanked Mr. Kinsman and Ms. Anderson for their work on the ordinance.

Mr. Icenhour made a motion to adopt the ordinance.

On a roll call vote, the vote was: AYE: Harrison, Bradshaw, Icenhour, McGlennon. (4). NAY: (0).

6. An Ordinance to Amend and Reordain Chapter 2, Administration, Article IV, Officers and Employees, Section 2-15.2, Homeownership Grants for County Employees

Mr. Leo Rogers, County Attorney, stated the Board of Supervisors requested that the General Assembly amend the Code requiring a separate ordinance each time an employee received a homeownership grant. This ordinance amendment removes that requirement. He recommended adoption of the ordinance amendment.

Mr. McGlennon opened the Public Hearing.

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

Mr. McGlennon made a motion to adopt the ordinance amendment.

On a roll call vote, the vote was: AYE: Harrison, Bradshaw, Icenhour, McGlennon. (4). NAY: (0).

7. Case No. ZO-4-07. Zoning Ordinance Amendment-Public Land Ordinance

Ms. Leanne Reidenbach, Planner, stated the zoning ordinance amendment was in response to an initiating resolution approved by the Board of Supervisors on April 24, 2007, to create a Public Land district as a special designation for public-owned or public-purpose land. She stated the land designation of these parcels would be clearer on the Comprehensive Plan and be given a clearer intention of use. She explained that creating this zoning district provided the greatest certainty of character and uses of the property and surrounding areas. She explained that the zoning ordinance amendment was the first step of a two-step process, and if the amendment was adopted, all publicly-owned land of size and use to impact the surrounding parcels would need to be rezoned. She stated this would require a rezoning, which is initiate by the first Board Consideration item. She stated that the rezoning for each of the parcels would have to be heard by the Planning Commission and the Board.

At its meeting on May 22, 2007, the Policy Committee voted 4-0 to recommend approval of this ordinance subject to conversations with the County Attorney.

At its meeting on June 6, 2007, the Planning Commission voted 7-0 recommending approval of this ordinance.

Ms. Reidenbach stated the ordinance was revised to eliminate the area requirement.

Staff recommended approval of the ordinance amendment.

Mr. McGlennon opened the Public Hearing.

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

Mr. Bradshaw made a motion to adopt the revised ordinance amendment.

Mr. Bradshaw noted that most all are by special use permit, which requires public uses to be at as high or higher standard than most uses.

On a roll call vote, the vote was: AYE: Harrison, Bradshaw, Icenhour, McGlennon. (4). NAY: (0).

## **G. BOARD CONSIDERATIONS**

### **1. Initiation of the Rezoning of Parcels to be Included in the Public Land District**

Mr. Jason Purse, Planner, stated due to the zoning ordinance amendment to create a Public Land district, staff has identified 122 parcels, over five acres, and under five acres with a use that is of significant impact to adjacent property to be rezoned to the new Public Land designation. He stated the rezonings involved no new development proposals and therefore no change in uses; but, would only serve to bring publicly-owned land into the correct zoning designation. He stated if the resolution was adopted, the process would start for rezoning for all 122 parcels, and staff would notify the parcel owners. He stated that adjacent property owner notifications would not be required, but staff would draft public hearing ads and place signs on the sites. He stated the rezoned parcels would not have any more impact on private land than what exists, and staff would be happy to assist citizens if they wanted to know more about the process.

Staff recommended approval of the resolution.

Mr. Icenhour asked if this category already existed in the Comprehensive Plan.

Mr. Purse stated there was a designation for County State and Federal Land.

Mr. Icenhour stated that by putting the parcels in this zoning designation it would match up with the Comp Plan.

Mr. Purse stated that three fourths of the land would match up, while some minority of the land would be zoned differently.

Mr. Icenhour asked if this would be incorporated in the Comp Plan update.

Mr. Purse stated this was correct.

Mr. Icenhour made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: Harrison, Bradshaw, Icenhour, McGlennon. (4). NAY: (0).

## **RESOLUTION**

INITIATION OF THE REZONING OF PARCELS TO BE INCLUDED IN

THE PUBLIC LAND DISTRICT

WHEREAS, on July 10, 2007, the Board of Supervisors adopted the Public Land District Zoning Ordinance, which created a new zoning classification to accommodate notable publicly owned land which is used for a public purpose; and

WHEREAS, the creation of the Public Land District requires certain parcels to be rezoned to become consistent with the requirements of the District; and

WHEREAS, staff has identified 122 relevant parcels that require rezoning to the new District; and

WHEREAS, the County is beginning the process of rezoning a number of parcels within the County from various Zoning Districts to PL, Public Land.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City, Virginia, that the rezoning of the following 122 parcels from their current zoning designation to PL, Public Land, shall be initiated and shall be considered by the Planning Commission and Board of Supervisors:

- a. James City County Real Estate Tax Map No. 4930100001, Colonial Parkway
- b. James City County Real Estate Tax Map No. 5610100002, Colonial Parkway
- c. James City County Real Estate Tax Map No. 4520100002, Greensprings National Historic Park
- d. James City County Real Estate Tax Map No. 4520100001, Greensprings National Historic Park
- e. James City County Real Estate Tax Map No. 5610100001, Jamestown
- f. James City County Real Estate Tax Map No. 5510100001, Jamestown
- g. James City County Real Estate Tax Map No. 4930100002, Colonial Parkway Buffer
- h. James City County Real Estate Tax Map No. 5510300036, Colonial Parkway Buffer
- i. James City County Real Estate Tax Map No. 5510300037, Colonial Parkway Buffer
- j. James City County Real Estate Tax Map No. 5510300038, Colonial Parkway Buffer
- k. James City County Real Estate Tax Map No. 5510300039, Colonial Parkway Buffer
- l. James City County Real Estate Tax Map No. 5510300040, Colonial Parkway Buffer
- m. James City County Real Estate Tax Map No. 5510300041, Colonial Parkway Buffer
- n. James City County Real Estate Tax Map No. 5510300042, Colonial Parkway Buffer
- o. James City County Real Estate Tax Map No. 5510300043, Colonial Parkway Buffer
- p. James City County Real Estate Tax Map No. 5510300044, Colonial Parkway Buffer
- q. James City County Real Estate Tax Map No. 5510300045, Colonial Parkway Buffer
- r. James City County Real Estate Tax Map No. 5510300046, Colonial Parkway Buffer
- s. James City County Real Estate Tax Map No. 5510300047, Colonial Parkway Buffer
- t. James City County Real Estate Tax Map No. 5510300048, Colonial Parkway Buffer
- u. James City County Real Estate Tax Map No. 5510300049, Colonial Parkway Buffer
- v. James City County Real Estate Tax Map No. 5520200030, Colonial Parkway Buffer
- w. James City County Real Estate Tax Map No. 5520200031, Colonial Parkway Buffer
- x. James City County Real Estate Tax Map No. 5520200032, Colonial Parkway Buffer
- y. James City County Real Estate Tax Map No. 5520200033, Colonial Parkway Buffer
- z. James City County Real Estate Tax Map No. 5520200034, Colonial Parkway Buffer
- aa. James City County Real Estate Tax Map No. 5520200035, Colonial Parkway Buffer

- bb. James City County Real Estate Tax Map No. 5520200001a, Colonial Parkway Buffer
- cc. James City County Real Estate Tax Map No. 5510200011a, Colonial Parkway Buffer
- dd. James City County Real Estate Tax Map No. 4610100013, Undetermined Federal Open Space
- ee. James City County Real Estate Tax Map No. 6220100001, Fort Eustis and Islands on Skiffes Creek
- ff. James City County Real Estate Tax Map No. 5240100001, Weapons Station
- gg. James City County Real Estate Tax Map No. 1640100004, Camp Peary
- hh. James City County Real Estate Tax Map No. 6010100012, Undeveloped parcel near jail
- ii. James City County Real Estate Tax Map No. 4630100015, Jamestown
- jj. James City County Real Estate Tax Map No. 3910100152, Eastern State
- kk. James City County Real Estate Tax Map No. 3910100151, W&M (Plumeri)
- ll. James City County Real Estate Tax Map No. 3910100004, VDOT (Tewning)
- mm. James City County Real Estate Tax Map No. 0830100002, York River State Park
- nn. James City County Real Estate Tax Map No. 0840100001, York River State Park
- oo. James City County Real Estate Tax Map No. 1510100005, York River State Park
- pp. James City County Real Estate Tax Map No. 1410100037, Undetermined/VDOT owned parcel
- qq. James City County Real Estate Tax Map No. 6010100011, Regional Jail
- rr. James City County Real Estate Tax Map No. 2120100001, Little Creek Reservoir
- ss. James City County Real Estate Tax Map No. 6010100003, Skiffes Creek Reservoir
- tt. James City County Real Estate Tax Map No. 0310100005, Undetermined parcel with structure
- uu. James City County Real Estate Tax Map No. 5920100046, James River ES
- vv. James City County Real Estate Tax Map No. 4710100058, Clara Byrd Baker ES
- ww. James City County Real Estate Tax Map No. 3210100012, District Sports Complex
- xx. James City County Real Estate Tax Map No. 4610100009, Greensprings Trail
- yy. James City County Real Estate Tax Map No. 4620100033, Greenspace-Chanco's Grant
- zz. James City County Real Estate Tax Map No. 4620100021, Greenspace-Nixon/Clara Byrd Baker
- aaa. James City County Real Estate Tax Map No. 3130100049, DJ Montague ES
- bbb. James City County Real Estate Tax Map No. 3040100003, DJ Montague ES
- ccc. James City County Real Estate Tax Map No. 5010100009, Government Complex
- ddd. James City County Real Estate Tax Map No. 3830100010, Mid-County Park
- eee. James City County Real Estate Tax Map No. 3830100027, Mid-County Park
- fff. James City County Real Estate Tax Map No. 4420100016b, Undetermined/Vacant Land
- ggg. James City County Real Estate Tax Map No. 4610100007a, Undetermined/Vacant Land
- hhh. James City County Real Estate Tax Map No. 4510100018, Undetermined/Vacant Land
- iii. James City County Real Estate Tax Map No. 4810600171a, Rawls Byrd ES
- jjj. James City County Real Estate Tax Map No. 2320100035, Norge ES
- kkk. James City County Real Estate Tax Map No. 3230100001, Lafayette HS
- lll. James City County Real Estate Tax Map No. 3240100029c, Lafayette HS
- mmm. James City County Real Estate Tax Map No. 3910100153, Recreation Center
- nnn. James City County Real Estate Tax Map No. 3820100002, Recreation Center

- ooo. James City County Real Estate Tax Map No. 4620100041, Undetermined-Greensprings Trail
- ppp. James City County Real Estate Tax Map No. 4640500001a, Undetermined-Greensprings Trail
- qqq. James City County Real Estate Tax Map No. 4610100011, Undetermined-Greensprings Trail
- rrr. James City County Real Estate Tax Map No. 4620100039, Undetermined-Greensprings Trail
- sss. James City County Real Estate Tax Map No. 3220100047, Greenspace-Scott's Trust
- ttt. James City County Real Estate Tax Map No. 4610100002d, Jamestown HS
- uuu. James City County Real Estate Tax Map No. 1330100016, Undetermined/JCC
- vvv. James City County Real Estate Tax Map No. 3210100013, Warhill HS
- www. James City County Real Estate Tax Map No. 4520100012, Greenspace-Exxon Property
- xxx. James City County Real Estate Tax Map No. 1230100027, Fire #1
- yyy. James City County Real Estate Tax Map No. 3240100029a, Human Services Building
- zzz. James City County Real Estate Tax Map No. 3130100006, Human Services Building
- aaaa. James City County Real Estate Tax Map No. 3840100038b, Undetermined/JCC Vacant Land
- bbbb. James City County Real Estate Tax Map No. 3630100001, Matoaka ES
- cccc. James City County Real Estate Tax Map No. 1310100020, Stonehouse ES
- dddd. James City County Real Estate Tax Map No. 1240100051, Toano MS
- eeee. James City County Real Estate Tax Map No. 2240100009, School Operations
- ffff. James City County Real Estate Tax Map No. 1340100023a, JCC Library
- gggg. James City County Real Estate Tax Map No. 3010100004, Transfer Station
- hhhh. James City County Real Estate Tax Map No. 3030100001, Transfer Station
- iiii. James City County Real Estate Tax Map No. 3010100007, Transfer Station
- jjjj. James City County Real Estate Tax Map No. 1120100001, Upper-County Park
- kkkk. James City County Real Estate Tax Map No. 1120100003, Upper-County Park
- llll. James City County Real Estate Tax Map No. 3010100009, Freedom Park
- mmmm. James City County Real Estate Tax Map No. 3020100010, Freedom Park
- nnnn. James City County Real Estate Tax Map No. 3430100002, Chickahominy Riverfront Park
- oooo. James City County Real Estate Tax Map No. 2110100026, Little Creek Reservoir Park
- pppp. James City County Real Estate Tax Map No. 1410100013a, JCC vacant land
- qqqq. James City County Real Estate Tax Map No. 4510100016, JCC vacant land
- rrrr. James City County Real Estate Tax Map No. 4420100016e, Governor's Land Buffer
- ssss. James City County Real Estate Tax Map No. 0740100015, JCC vacant land
- tttt. James City County Real Estate Tax Map No. 3910100003, JCSA (Tewning Road offices)
- uuuu. James City County Real Estate Tax Map No. 5820100003, HRSD Wastewater Treatment Facility
- vvvv. James City County Real Estate Tax Map No. 4640100009a, Jamestown Parking Area
- wwww. James City County Real Estate Tax Map No. 5920100048, Juvenile Detention Center
- xxxx. James City County Real Estate Tax Map No. 3240100027, Fire #4
- yyyy. James City County Real Estate Tax Map No. 3630100023, Fire #5

- zzzz. James City County Real Estate Tax Map No. 5230100001, Fire #2
- aaaaa. James City County Real Estate Tax Map No. 3911300001b, Ironbound Village Offices
- bbbbbb. James City County Real Estate Tax Map No. 3911300001a, Ironbound Village Offices
- ccccc. James City County Real Estate Tax Map No. 3911300002b, Ironbound Village Offices
- dddddd. James City County Real Estate Tax Map No. 3911300003, Ironbound Village Offices
- eeeee. James City County Real Estate Tax Map No. 3911300004, Ironbound Village Offices
- fffff. James City County Real Estate Tax Map No. 1240100013h, JCC Convenience Center (Hankins)
- ggggg. James City County Real Estate Tax Map No. 3910100156, Recycle Center
- hhhhh. James City County Real Estate Tax Map No. 4730100001, Canoe Access
- iiiiii. James City County Real Estate Tax Map No. 4721500001, Law Enforcement Center
- jjjjj. James City County Real Estate Tax Map No. 4720100001a, Fire #3
- kkkkk. James City County Real Estate Tax Map No. 1920100018a, JCC Parks (Brickyard Rd)
- lllll. James City County Real Estate Tax Map No. 1240100017d, Elevated Storage Tank
- mmmmm. James City County Real Estate Tax Map No. 3820100002a, Elevated Storage Tank
- nnnnn. James City County Real Estate Tax Map No. 3210100001a, Elevated Storage Tank
- ooooo. James City County Real Estate Tax Map No. 3910100155, Residual Eastern State
- ppppp. James City County Real Estate Tax Map No. 3810100003, Residual Eastern State
- qqqqq. James City County Real Estate Tax Map No. 3910100154, Residual Eastern State
- rrrrr. James City County Real Estate Tax Map No. 4610100012, Mainland Farm

2. Initiation of Consideration to Revise Section 24-16, Proffers of Conditions, of the James City County Code

Mr. Adam Kinsman, Assistant County Attorney, stated the resolution allows staff to make a consideration on amending Section 24-16 since the General Assembly passed HB 2500, permitting high-growth localities such as James City County the option of adopting an alternate form of conditional zoning. He stated although the two forms of conditional zoning are similar, the alternate form appears to afford applicants greater flexibility in what they may legally proffer to the County in conjunction with a proposed rezoning.

Mr. Icenhour asked if this action initiated a process that turns into a public hearing.

Mr. Kinsman stated this would initiate a public hearing, which would go before the Planning Commission and the Board.

Mr. McGlennon asked if this was a permissive option or if this was a different way to consider proffers.

Mr. Kinsman stated this would not change the system a great deal, but would allow additional flexibility that a developer can offer to the County.

Mr. Harrison asked if this could be geared toward affordable housing.

Mr. Kinsman stated this would allow staff and developers to come up with more unique proffers for the County to offer something they could not with the current statutes.

Mr. McGlennon stated this was just to initiate the process and there would be time to review what is done by staff.

Mr. Harrison made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: Harrison, Bradshaw, Icenhour, McGlennon. (4). NAY: (0).

## **RESOLUTION**

### **INITIATION OF CONSIDERATION TO REVISE SECTION 24-16,**

### **PROFFER OF CONDITIONS, OF THE JAMES CITY COUNTY CODE**

WHEREAS, the Board of Supervisors of James City County, Virginia, is authorized by Virginia Code §15.2-2286 to initiate amendments to the Zoning Ordinance; and

WHEREAS, the Board of Supervisors is of the opinion that the public necessity, convenience, general welfare, and good zoning practice warrant the consideration of the proposed Zoning Ordinance amendment.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby initiate consideration of amendments to Section 24-16 of the Code of James City County to adopt an alternate form of conditional zoning as permitted by §15.2-2298 of the Code of Virginia.

## **H. PUBLIC COMMENT**

1. Mr. Ed Oyer, 139 Indian Circle, commented on development and increased population in the County.

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

Mr. Wanner recommended the appointments to the Regional Issues Committee be made during the Board's Requests and Directives.

Mr. Wanner stated on Saturday, July 21, 2007, at 5:30 p.m. the James City County Stadium at Warhill would be formally open with tours of the facility.

He stated that when the Board completes its business it should adjourn to 5 p.m. on July 24, 2007, due to the Board being in the Richmond area for a land use summit. He stated the Board would convene at that time for a joint work session with the Planning Commission and the annual evaluation of the County Administrator.

**J. BOARD REQUESTS AND DIRECTIVES**

Mr. Bradshaw made a motion to reappoint Mr. Adrian G. "Casey" Duplantier, Jr., for a two-year term that will expire on January 31, 2009, and Mr. William Frymoyer for a three-year term that will expire January 31, 2010.

On a roll call vote, the vote was: AYE: Harrison, Bradshaw, Icenhour, McGlennon. (4). NAY: (0).

**RESOLUTION**

**REGIONAL ISSUES COMMITTEE APPOINTMENTS**

WHEREAS, Mr. Adrian G. "Casey" Duplantier, Jr., has served on the Regional Issues Committee Board for three years and desires reappointment for a two-year term; and

WHEREAS, Mr. William Frymoyer has served on the Regional Issues Committee Board for three years and desires reappointment for a three-year term; and

WHEREAS, the service of Mr. Duplantier, Jr., and Mr. Frymoyer has been beneficial not only to the Committee, but also to the community.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoints Adrian G. "Casey" Duplantier, Jr., to a two-year term on the Regional Issues Committee set to expire January 31, 2009, and Mr. William Frymoyer to a three-year term on the Regional Issues Committee set to expire on January 31, 2010.

Mr. Bradshaw asked that the County Administrator present a more comprehensive plan for addressing the golf cart issue in Chickahominy Haven and in other communities.

Mr. Wanner stated this could be done.

Mr. Harrison asked how the information would be presented to the Board.

Mr. Wanner stated initially it would come forward as a staff report for further direction from the Board.

Mr. Icenhour presented Mr. Wanner with a commendation from the Jamestown 2007 Stamp and Cachet committee for the County's contribution to the campaign.

Mr. Icenhour asked staff to look at the Mixed Use ordinance and create a more clearly defined degree of integration between residential and commercial use to make sure mixed-use developments meet the expectations of the County.

Mr. Icenhour thanked staff for providing information when asked for significant development requests. He commented on the number of approved but unbuilt homes in the County and requested a map and brief update from staff about the backlog.

Mr. McGlennon stated the Virginia Transit Association has recognized Mr. Richard Drumwright, the

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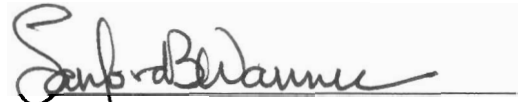
Mr. McGlennon stated the Virginia Transit Association has recognized Mr. Richard Drumwright, the County's Transit Director, for his role as Transportation Planner for the 400th Anniversary Commemoration events.

**K. ADJOURNMENT**

Mr. Harrison made a motion to adjourn.

On a roll call vote, the vote was: AYE: Harrison, Bradshaw, Icenhour, McGlennon. (4). NAY: (0).

At 8:16 p.m. Mr. McGlennon adjourned the Board to 5 p.m. on July 24, 2007.



Sanford B. Wanner  
Clerk to the Board