MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
May 16, 2006

6:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 6:00 p.m., Tuesday, May 16, 2006, in the Board Room, York Hall, by Chairman Walter C. Zaremba.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zaremba, Sheila S. Noll, Kenneth L. Bowman, James S. Burgett, and Thomas G. Shepperd, Jr.

Also in attendance were James O. McReynolds, County Administrator; J. Mark Carter, Assistant County Administrator; and James E. Barnett, County Attorney.

Invocation. Greg Davy, Public Information Officer, gave the Invocation.

Pledge of Allegiance to the Flag of the United States of America. Chairman Zaremba led the Pledge of Allegiance.

HIGHWAY MATTERS

Mr. Mike Cade, representing the Virginia Department of Transportation (VDOT), appeared to discuss highway matters with the Board of Supervisors. He stated that Mr. Bowman had asked for information about the adopt-a-highway program and the information had been provided to him. He added that the program is successful in this area, and there are a large number of volunteers who contribute to its success in conjunction with VDOT's own forces and contractors who also provide this type of service. He added there are still a number of areas that need volunteers to provide this service, and he would be happy to provide the information to anyone who was interested in the program, along with an application and the routes that are available.

Mr. Burgett asked for an update on the funding for the widening of Route 17. He stated he thought there was $13 million in the out years

Mr. Cade stated his understanding was that there were some issues with the funding, and it was going to be so far out that the process was stopped because the plans would be outdated by the time the design process was complete and it would be ready to go to construction.

Mr. Burgett asked if this plan would be going beyond 2011 because funding is not available to continue the design.

Mr. Cade said that it was his understanding but he would check on the information and get back to the Board.

Mr. Shepperd asked Mr. Cade to let Mr. Brewer know that he had asked about and would like an update on the status of the intersections of Big Bethel Road and Victory Boulevard with Route 134 at the meeting next month.

Mrs. Noll stated the Board is very interested not only in Big Bethel Road but also in Route 17 and the funding for secondary roads, which had recently been cut. She added she is very concerned to hear it said that now there is no planning or continued design for Route 17 because the funding is not there. She asked if the money had been diverted and to where.

Mr. Cade said he was not sure the money had been diverted; he thought the funds were just not there.

Mrs. Noll said that with Route 17 there was not only the design but also the environmental study that needed to be done, and she was assuming those are not being done.

Mr. Cade said that to his knowledge the project had been shelved.

Mr. Bowman asked about the grass cutting schedule, stating someone had been down Seaford Road, and that was appreciated; but there are still a number of roads, including Back Creek Road, in the outlying areas that still need to be cut.

Mr. Cade stated that, unfortunately, the amount of recent rain had delayed the cutting schedule. He added that VDOT has contractors that are currently doing mowing, and they have completed one round of mowing. He said VDOT also has employees doing mowing in a lot of areas. He stated the rounds are being made, but it takes a while to complete a round of mowing.

PRESENTATIONS

EMPLOYEE RECOGNITION PROGRAM

Chairman Zaremba congratulated the following employees for their years of service with the County, and presented them each with service pins and certificates:

James K. Rindfleisch	Environmental & Development Services	25 years
Randall J. Yokum	Environmental & Development Services	20 years

OUTSTANDING YOUTH AWARDS

Chairman Zaremba commended the following award recipients on their accomplishments, and presented them with bound and sealed copies of their respective resolutions, as well as an engraved Jefferson Cup recognizing their achievements:

Lindsey Carver	Outstanding Youth for Courage
Brian Dress	Outstanding Youth for Community Service
Eric Olson	Outstanding Youth for Compassion
Paul Diorio	Outstanding Youth for Overall Achievement

Meeting Recessed. At 6:56 p.m., Chairman Zaremba declared a short recess.

Meeting Reconvened. At 7:10 p.m. the meeting was reconvened in open session by order of the Chair.

PUBLIC HEARINGS

LEASE AGREEMENT FOR CONCRETE CRUSHING OPERATION

Mr. McReynolds stated that the County was approached by Triad Demolition, which has a contract with the Navy for removal of concrete structures on the Naval Base, and they were looking for a site where they could crush the debris. The County was able to locate a site for them and have worked out an arrangement where Triad will provide the County with sufficient quantities of the crushed material to more than offset the amount of rent that would be charged for the land use that will be used for storage, and the material will be used to maintain roads, the old landfill area, and the solid waste center at a cost savings to the County of about $18,000. Mr. McReynolds noted that Mr. Hudgins and Mr. Woodward from the Department of Environmental and Development Services were present to answer any questions the Board might have.

Chairman Zaremba called to order a public hearing on proposed Resolution R06-65 which was duly advertised as required by law and is entitled:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ENTER INTO A LEASE AGREEMENT BETWEEN THE COUNTY AND TRIAD DEMOLITION, LLC, FOR A PORTION OF PROPERTY OWNED BY THE COUNTY AND LOCATED AT THE YORK COUNTY WASTE MANAGEMENT CENTER AT 145 GOODWIN NECK ROAD, CONSISTING OF APPROXIMATELY FOUR (4) ACRES OF LAND, FOR USE AS A TEMPORARY FACILITY FOR A CONCRETE CRUSHING OPERATION

There being no one present who wished to speak concerning the subject resolution, Chairman Zaremba closed the public hearing.

Mr. Hudgins stated the Navy approached the Department of Environmental and Development Services and the Waste Management Center for a location for a crush and run operation, and staff saw an opportunity to get some materials in return for letting the Navy use an area that is not being used at this time. He noted that stipulations had been put into the proposed lease in case there were an emergency and the site needed to be used following a storm or that type of event, and the proposed lease is contingent on the Board's approval.

Discussion followed concerning the possibility of the materials to be crushed containing some hazardous components.

Mr. Hudgins said that the County has not done a study or analysis on the materials, but staff did ask if the material had been cleared for this type of operation, and the answer from Triad was yes.

Mr. Bowman asked if there was anything in writing or anything from the Navy to verify that the material is safe.

Mr. Hudgins stated he was sure they could get this in writing.

Mr. Bowman moved to table proposed Resolution R06-65 until the paperwork needed from the Navy was received to assure the Board that the material is cleared for accepting into the County.

On roll call the vote was:

Yea: (5) Noll, Bowman, Burgett, Shepperd, Zaremba
Nay: (0)

APPLICATION NO. UP-677-06, 7-ELEVEN, INC.

Mr. Carter gave a presentation on Application No. UP-696-06 requesting a special use permit to authorize the establishment of a convenience store with accessory gas pumps on two parcels located at the northwest corner of Hampton Highway and Big Bethel Road. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of denial by a vote of 7:0, and staff also recommends denial of the application. He stated the proposal does not conform with the newly adopted Comprehensive Plan in its limited business designation, it is not compatible with the surrounding residential uses which are very near to the site, and both staff and VDOT believe that there could be some serious traffic safety issues associated with the entrances as they would have to be configured because of the size and shape of the parcel.

Mr. Shepperd asked about the relationship between VDOT's plans to widen and add some turn lanes at the intersection at Big Bethel Road and Route 134 and the proposed full service entrance of Big Bethel Road.

Mr. Carter said the intersection improvement plan would add left turn lanes on both the north and south bound approaches to the Route 134 intersection. He added that north bound and south bound, it would be widened out enough to accommodate both left turn lanes.

Mr. Shepperd asked if the lanes would extend back to the full service entrance.

Mr. Carter stated he did not remember the details of the intersection improvement plan, and it would have to be carefully looked at during the site plan review process if the application was approved. He added that one of the concerns of the proposal was that the improvement plan is a $4 million plan to improve not only the Big Bethel intersection but also the intersection at Route 171, and the high traffic generator of a convenience store would have the potential to negate some of the improvements that would be made in the project.

Discussion followed regarding the impact the proposed project would have on the Big Bethel Road/Route 134 improvements project.

Mr. Shepperd asked if a traffic study had been done for this project. He stated that the recommendation under the new Comprehensive Plan for this area is for a 9-5 business. He asked about the peak traffic area northbound on Big Bethel Road.

Mr. Carter said he did not know the spread of the peak hours, but one of the things the traffic study showed was that there would be about 4,000 trips per day generated by this use, and at least half would be pass-by trips that would be attracted into the site. He stated it would simply mean more opportunities for vehicular conflict at the driveways of the intersections and there would be the potential to degrade the functioning of the intersection and add to the potential for crashes and injuries.

Mr. Shepperd asked if there had been any proposal for making the entrance just a right-in, right-out and blocking left turns.

Mr. Carter stated if the application was approved, staff's recommendation would be that there be a use permit condition requiring there be only a right-in, right-out type of driveway on Big Bethel Road.

Mr. Shepperd asked if there had been a proposal to ask VDOT to reduce the speed limits.

Mr. Carter said that reducing the speed limit with VDOT had not been explored.

Mr. Steve Romine, attorney representing 7-Eleven, Inc., stated the 7-11 is a traffic interceptor, not a traffic generator. He indicated that national studies show that 85 percent of the business to a 7-11 site comes from people leaving the existing highways, and they put their stores at high-traffic intersections for that sole purpose. Mr. Romine spoke of the engineering challenges they had with the site, and he noted they met with the neighboring residents and offered a bus shelter for their children on the rear side of Swain Lane because they were concerned about the kids waiting at the bus stop. He stated the entire site is heavily landscaped and can hardly be seen from Hampton Highway going south. Mr. Romine then addressed entrances to the site which created another challenge. He noted the Hampton Highway entrance is as far away from the intersection as possible, and anyone who uses the site on a general business basis is going to have an access on Hampton Highway. The Big Bethel entrance was moved as far away from that intersection as it could be. He agreed that based on the Board's conversation earlier tonight they have decided that they can agree to a right in, right out. He stated they prefer a full access because it is best for circulation, but they realize it is a major concern, and they are willing to make a concession to agree to a right in, right out only on the Big Bethel entrance. Mr. Romine then provided the Board members copies of a handout on the economic impact of the project which shows that the proposed commercial development on this site will generate at least $30,000 a year in real estate, business license, and meal taxes and will also generate another $132,000 from sales and gas taxes, bringing the net positive impact over 20 years to approximately $4 million. He addressed the fact that the Comprehensive Plan reduced the zoning from general business to limited business, and stated that many times 7-11s across South Hampton Roads are located in a neighborhood business district, which is an even lesser intensity district than a limited business district. He stated they maintain that it is currently zoned general business, but they would be comfortable in a limited business zone or a neighborhood business zone because they do not believe the project is a high intensity use. Mr. Romine also noted that the store on Hampton Highway will remain open and will not be negatively impacted by this new store. He asked the Board to approve the application with three modifications: to allow the Citgo logo on the canopy; a reduction of the buffer on Big Bethel Road from 35 feet to 20 feet, and reduce the buffer on Swain from 35 feet to 20 feet.

Mr. Bill Cashman, URS Corporation, discussed the traffic study that was conducted for the applicant. He reviewed access, alternative uses, and safety, and he stated they expect that about 75 percent of the traffic to the business will be intercept trips from Route 134 and Big Bethel Road. He also reviewed how this project compared to alternative uses which showed the 7-11 as generating fewer new trips than other uses. From the safety aspect, Mr. Cashman stated that from 2002 to 2005 there were 45 accidents. It is clear that the accident types are mainly the morning commuters and evening commuters and people not paying attention as they are coming up on a traffic signal.

Chairman Zaremba then called to order a public hearing on Application No. UP-677-06 that was duly advertised as required by law. Proposed Resolution R06-66 is entitled:

> A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE A CONVENIENCE STORE WITH GASOLINE PUMPS ON PROPRTY LOCATED AT 3215 BIG BETHEL ROAD AND 2117 HAMPTON HIGHWAY

Mr. Tessema Berga, 115 Tinette Drive, owner of the 7-11 site, stated he understood that just recently the Board zoned it from general business to limited business development. He added it was also his understanding that the general business zoning still prevailed, and whatever decisions were made would have to be made with it still being zoned general business. He said that when he purchased the property it was with the understanding that it was general business, and he had expected to make some money on it and the value of the land had increased by the fact that it is now general business. Mr. Berga stated that if this designation was now altered, he would be losing a large amount of money. He stated that until the Board officially changes the designation, it should remain general business. He asked the Board to approve the application for the 7-11 store.

Mr. Ulysses Robinson, 2105 Hampton Highway, said he thought, along with other residents in other areas such as Running Man, that the proposed 7-11 store would be a travesty. He said there were two schools in that immediate area, and the speed limit on Bethel Road was already 45 miles per hour. He stated he taught driver's education in the City of Newport News and York County with the peak hours for driver's ed being in the morning between 5:00 a.m. and 9:00 a.m. and the afternoon peak hours from 2:30 pm through 6:30 p.m., which is the highest volume of traffic that goes through the intersection where the proposed 7-ll store would be located. He said he was concerned about there being constant 24-hour traffic. He said there has been a lot of talk about elevated driveways, fences, and buffers that would block out the view, but if a child came out on his bicycle or walking down the street, with no sidewalks the child would be at a high risk of being bumped. He said he did not see a need for the County to approve such a store when there was a 7-11 less than a quarter of a mile headed southeast and also the Exxon Service Station. He stated that for the purpose of safety and keeping the crime down in that immediate area, the Board should vote along with the Planning Commission and deny 7-11 the use permit.

There being no one else present who wished to speak concerning the subject application, Chairman Zaremba closed the public hearing.

Mr. Shepperd talked about the problems in the past with stores being franchises and coming and going and how this presented problems. He said he gets a lot of complaints and thought perhaps Mrs. Noll and Mr. Burgett got them as well. He also noted that the traffic light there causes problems with traffic. Mr. Shepperd indicated he had tried to balance out the great design 7-11 had done, and also noted they had done a lot with the traffic safety issue which was his biggest concern. He added that he did not know whether that piece of property would ever be able to provide something as proposed today for a valid business because of the traffic issues. Mr. Shepperd stated the shortage of pull-off on Hampton Highway is a big negative, and he did not think the residents in the area would appreciate a 7-11 or any particular store that would generate more traffic during the traffic rush.

Mr. Burgett voiced concerns about previous 7-11 closings and the buildings remaining vacant and causing an eyesore in the community. He noted there was a 7-11 one-half mile away and further down Hampton Highway towards Hampton there is also 7-11 that sells gas. He noted the 7-11 would operate 24 hours a day, and it would be one bright light on the corner all night

long. He addressed the changes to the Comprehensive Plan, stating times change, people change, ideals change, and the Comprehensive Plan was not drawn up in a vacuum. He added that the Comprehensive Plan Committee had 37 seven meetings to work on the plans and 15 public meetings, and there was plenty of information to get residents to come out and look and see how the plan would impact their property. He said the result of the Comprehensive Plan and the public input is that this would be zoned limited business. Mr. Burgett also noted that later this summer the zoning ordinance would be amended to implement the Comprehensive Plan.

Mrs. Noll stated she did not support this application because of the safety issues. She said there had always been difficulty with Big Bethel Road on both sides of Route 134, and there had been plans to widen the road for years, but there was never money in the transportation plan for it. She noted the closed 7-11 stores and stated she did not think this was the time to open one on Hampton Highway. Mrs. Noll stated she liked the architecture of the plans, but it was not a good location.

Mr. Bowman stated there was a traffic signal at the 7-11 on Route 17 at Washington Square to control the traffic, and it seemed to generate a lot of business. He added that if the 7-11 on Route 17 was not set back from the street and did not have a traffic light, it would probably be a hazard. Mr. Bowman noted his major concern with the application is the safety issue, and he did not feel the applicant had the land area necessary to put this type of business on that location.

Mrs. Noll then moved the adoption of proposed Resolution No. 06-66 that reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE A CONVENIENCE STORE WITH GASOLINE PUMPS ON PROPRTY LOCATED AT 3215 BIG BETHEL ROAD AND 2117 HAMPTON HIGHWAY

WHEREAS, 7-Eleven, Incorporated, has submitted Application No. UP-677-05, which requests a Special Use Permit, pursuant to Section 24.1-306 (Category 12, No. 2), of the York County Zoning Ordinance to authorize a 2,807-square foot convenience store with an 8-station gasoline pump facility on property located at 3215 Big Bethel Road (Route 600) and 2117 Hampton Highway (Route 134) and further identified as Assessor's Parcel Nos. 37-81 (Hampton Highway) and 37-90 (Big Bethel Road) (GPIN Nos. U02a-1480-4138 and U02a-1496-4009); and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends denial of the application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 16th day of May, 2006, that Application No. UP-677-05 be, and is hereby, approved to authorize a 2,807-square foot convenience store with an 8-station gasoline pump facility on property located at 3215 Big Bethel Road (Route 600) and 2117 Hampton Highway (Route 134) and further identified as Assessor's Parcel Nos. 37-81 (Hampton Highway) and 37-90 (Big Bethel Road) (GPIN Nos. U02a-1480-4138 and U02a-1496-4009); subject to the following conditions:

1. This use permit shall authorize a 2,807-square foot convenience store with an 8-station gasoline pump facility on property located at 3215 Big Bethel Road (Route 600) and 2117 Hampton Highway (Route 134) and further identified as Assessor's Parcel Nos. 37-81 (Hampton Highway) and 37-90 (Big Bethel Road).

2. A site plan prepared in accordance with the provisions of Article V of the York County Zoning Ordinance shall be submitted to and approved by the York County Department

of Environmental and Development Services, Division of Development and Compliance prior to the commencement of any construction activities on the subject parcel. Except as modified herein, said plan shall be in substantial conformance with the plan titled "7-Eleven Corporation, Convenience Store w/Gas, Preliminary Concept Plan," prepared by Blakeway Corp, dated January 3, 2006, revised March 16, 2006 and received by the Planning Division March 17, 2006.

3. Except as modified herein, building elevation plans shall be in substantial conformance with the plan titled, "7-Eleven Inc., prepared by URS, dated January 5, 2006, and received by the Planning Division on February 1, 2006. Freestanding signage shall be in substantial conformance with the sign plan prepared by Dowling Signs, Inc. and received by the Planning Division on June 30, 2005.

4. Freestanding identification signage shall be limited to a single monument sign, and fascia used on the base of the sign shall match that of the building façade.

5. All site lighting shall be designed with shielded, full cutoff fixtures and directed downward at a 90-degree angle to the ground to prevent off-site glare on to abutting properties and the road right-of-way. Illumination levels shall not exceed 0.5 foot-candle at the south and east property lines, and shall not exceed 0.1 foot-candle at the north and west property lines. All lighting fixtures shall be consistent with the lighting recommended by the Illumination Engineering Society of North America (IESNA). A photometric plan detailing all proposed fixtures and ground illumination levels shall be submitted for approval by Environmental and Development Services at time of application for site plan approval.

6. All parking spaces shall be located a minimum of ten (10) feet from the face of the building.

7. In accordance with Section 24.1-245, there shall be no disturbance of the 35-foot greenbelt buffer along Hampton Highway.

8. The gasoline pump island canopy shall not contain signage or logos of any kind, and colors shall be limited to a single solid color.

9. The Transitional Buffer along the eastern side of the site (adjacent to Big Bethel Road) shall be 35 feet in width and shall meet full planting standards of Zoning Ordinance Section 24.1-243(2) (i.e., Type 35 standards).

10. The Transitional Buffer along the northern property line shall be 35 feet in width and the site design shall be modified to remove the encroachment by the proposed parking lot, dumpster pad, and BMP.

11. Landscaping along the western and northern borders shall consist of 100% evergreen trees and shrubs meeting planting credits equivalent to a 35-foot buffer in accordance with Zoning Ordinance Section 24.1-242(1). Said landscaping shall be supplemented with opaque fencing at least six (6) feet high installed along the inside border of the Transitional Buffer or landscape yard and constructed of materials meeting the approval of the Zoning Administrator.

12. Rooftop HVAC, electrical and similar utilities shall be screened from view of adjacent properties and road rights-of-way.

13. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, prior to application for site plan approval, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

BE IT FURTHER RESOLVED that this Special Use Permit is not severable and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

On roll call the vote was:

Yea: (0)
Nay: (5) Bowman, Burgett, Shepperd, Noll, Zaremba

APPLICATION NO. UP-687-05, RALPH L. ENGLISH, SR.

Mr. Carter gave a presentation on Application No. UP-687-05 requesting a special use permit to authorize an automobile junkyard on approximately 12.49 acres of land located at 2321 Wolf Trap Road approximately 2,350 feet north of the intersection of Wolf Trap Road and Goodwin Neck Road. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R06-67.

Mr. Shepperd asked if the 200-foot setback would stay in its natural wooded state, with a paved road and a sign of some type.

Mr. Carter said the applicant would probably want a business sign, and that would be controlled by industrial district regulations as far as size and height.

Mr. Shepperd asked about the 6-foot fence with the 20 foot landscaped buffer around the property.

Mr. Carter said there was some existing vegetation, and one of the performance standards in the zoning ordinance says that the landscape plan for that perimeter buffer has to be prepared by a certified landscape architect, which would insure that the correct species are selected for the maximum screening benefit and that they are adaptable to that type of environment.

Mr. Shepperd asked if the property had been zoned for industrial use since 1955.

Mr. Carter said it has been zoned heavy industrial since 1957 when zoning was first established in the County.

Mr. Shepperd asked how long the closest subdivisions had been in existence.

Mr. Carter stated the nearest residential home is 2,500 feet away, and some of them pre-exist zoning.

Mr. Burgett asked if the applicant would produce much noise.

Mr. Carter said the car crusher was the machine that would cause the greatest possibility of noise, yet crushing is only done on a periodic basis as the applicant accumulated enough vehicles to make it economically feasible.

Mr. Burgett asked if that had been taken into consideration in making the recommendation.

Mr. Carter stated it had.

Mr. Burgett asked if the fence could be a chain link fence, the type with slats in it.

Mr. Carter said the resolution repeats the wording in Chapter 5 of the County Code stating that chain link is not one of the allowable fence types. He stated it was his understanding that there was a consent agreement reached between the County and some of the junkyard operators on Route 17 allowing them to use the chain link and slats because it was a retroactive type of situation with the 1978 ordinance, but the basic ordinance requirement says it is not a possibility.

Discussion followed concerning the car crushing operation.

Mr. Bowman said the memorandum talked about recording a deed restriction on the property on Route 17 stipulating that the property cannot be used as an automobile junkyard or graveyard again once the applicant has moved from the property. He asked if the same deed restriction could be imposed on the new property.

Mr. Carter said that the junkyard permit could conceivably be authorized for the applicant only. He said it had rarely been done but it has been done with a few other use permits such as the recent private kennel, which was limited to a specific applicant.

Discussion followed on current regulations for salvage yards/junkyards.

Mr. Bowman asked who would monitor the proposed conditions that were outlined in the presentation.

Mr. Carter said Mr. Hudgins' department, the zoning and code enforcement staff, would do the primary monitoring because it is a use permit and because the requirements are under the County Code. He said there would also be some monitoring by the Virginia Department of Environmental Quality.

Chairman Zaremba said the Board was delighted to hear that there was an initiative to eliminate a major junkyard from Route 17. He stated his first concern was what was the County's assurance that the owner of the business can accomplish the move in the timeline he indicated in a cost effective manner, and what happens if halfway through the move, the contractor goes belly-up, and cannot afford to make the move. He also asked what the assurances are that the original site will be cleaned to environmental standards. He said it was one thing to assure that the vehicles do not have gasoline or oil left in the vehicle but what about the 30 or 40 years that this junkyard has been in existence in terms of seepage into the ground and the associated contamination. Mr. Zaremba stated those things bother him, and in the past the County had required that the contractors put up a surety so that if for whatever reasons the move could not be accomplished, it would not be the County that would have to pick up the tab. He indicated the County wants to clear up Route 17, especially the several junkyards, but it should make sure the County has assurance that it is going to be done properly.

Mr. Paul Garman, representing the applicant, said that the business is not a 24-hour a day business, and that presently there are 2,500 cars on the existing site on Route 17, of which approximately half or less will be moved to the new site. The ones that go to the new site are the ones that have a retail value to them. He added the cars would not be stacked on top of one another because of their value. He said if the cars were not valuable and were going to be treated as scrap, they would be crushed before the move. Mr. Garman noted there had been no complaint calls to the County about the crushing operation. He stated the Planning Commission has asked for an 8-foot fence, but the difference in the 8-foot fence and the 6-foot fence offered by the applicant would be about $30,000. He noted the fence would be far away from the road and screened by trees; and because of the difference in elevation, the applicant did not think anyone could see the operation even with a 6-foot fence. Mr. Garman noted the entrance would be paved and signed and would be landscaped to look good for the auto salvage business. He said bonding would not be an issue, and at the rate the applicant was crushing cars now, the remainder of the cars to be crushed could be completed in the 6-month period. Mr. Garman also noted the Planning Commission discussed a provision stipulating that if something happened at the end of 6 months, the County could extend the time.

Mr. Carter stated there was still a proposal in the use permit conditions that states if the applicant comes back to the Board for whatever reason stating he has not been able to complete the move, the Board would have the ability to extend that time period.

Mr. Garman said the reason the applicant had agreed to the deed restriction to the property on Route 17 was because both he and the applicant are on the Route 17 Revitalization Committee, and they want the property to look good. The proposed location is in an industrial district, and this proposal would finally put the use where it really belongs. He added that while the citizens may have some complaints about the relocation of the business, there is no perfect place in the County to put this type of use; but this type of use is allowed to exist by right and by demand, and the applicant thinks this is the best site in the entire County to put the business.

Mrs. Noll noted that Mr. Carter had mentioned that the Board would have oversight of the facility, and he mentioned that the Department of Environmental Quality (DEQ) would be checking on the site periodically. She asked if she were correct in that the DEQ permit was renewed every five years.

Discussion followed concerning the renewal of the DEQ permit every five years and how often the permit was reviewed.

Mr. Burgett asked if the cars going to the Wolf Trap location would have any fluids in them.

Mr. English stated no, that the engines are pulled out and put in the warehouse, and the gas tanks are drained. He said recyclers pick up antifreeze and stale gas if there is gas that is not useable.

Mr. Bowman said the application was very contentious, especially in District 3. He noted his concern that Mr. English serves on the Route 17 Revitalization Committee and he was curious as to why the applicant was not cleaning up his own business. He stated that when he had gone by the business this morning there had been a huge backhoe with a for sale sign on it. Mr. Bowman stated he had passed out to the Board members pictures that were taken today from the front of the business. He stated there were automobiles that were sitting in front of the screen area, and there were cars that did not look like they would run. He noted that just about the whole front of the building showed cars for sale, and he asked Mr. English if he had a dealer's license.

Mr. English said he did have a dealer's license.

Mr. Bowman said these were things that he was concerned with because a lot of effort and County money had gone into the revitalization, and Mr. English was on the committee, yet his own business is probably the worst one on Route 17. He stated Keeners down the road set the standards all the junkyards should follow. He asked Mr. English to tell him and the citizens why he had not taken care of his own business.

Mr. English said he did not have a response, that what Mr. Bowman saw was what he has.

Discussion followed on the disposition of any hazardous materials and fluids from the junkyard sites.

Chairman Zaremba stated he was not sure he had gotten the answers to his two major issues--what assurance does the County have that Mr. English and his company are capable of making the move from an economic standpoint, and what assurance does the County have that the move is going to be completed and does not end up as two junkyards instead of one. He stated he thought 6 months was not a realistic timeframe from what he could see at the current junkyard, and the citizens did not want to see the Board giving extension every six month. Mr. Zaremba also stated he was not assured to hear the clean up of the property would be left to the successors who purchase the property on Route 17. He said if the property is contaminated in any shape or form, the acreage might lie fallow forever because there may not be a company out there willing to undertake the expense to do what is necessary.

Mr. Garman said that since this was a conditional permission to do this, and Mr. English is well aware of all the conditions that will be placed upon him, he would be agreeable to posting a bond to guarantee his performance.

Chairman Zaremba asked if that bonding would include the coverage of the vacated property.

Mr. Garman said the intent of the applicant was never to clean up the property from an environmental standpoint. He said Mr. English has talked to hundreds of people who have an interest in his property. Mr. Garman said that he had talked to an interested prospective buyer who had just finished reclaiming a steel yard, foundry, and mill that has been converted into a huge town center. He said that reclaiming that type of property is what they do, and it is not a problem to them anymore. Mr. English would much rather leave that end of the clean up to someone who really knows that business.

Mr. Burgett asked if there were any major retailers looking at purchasing Mr. English's property.

Mr. Garman stated there were.

Mr. Burgett said he was in the commercial real estate business and he heard of things that were going on and he was hearing that the people who were interested in purchasing the property were more than capable of cleaning up the property.

Mr. Garman stated the interested parties were on par with Giant Oil or Smithfield Foods.

Mrs. Noll asked if the intent was to operate two junkyards simultaneously. She asked if he would operate the one he was moving the salvage material to at the same time he was operating the site on Route 17 and moving materials from it.

Mr. English said he visualized that he would be selling at the location on Route 17 until most of the material is moved to the new location, and then he would start selling at the new location.

Mr. Garman asked that the Board keep in mind that most of Mr. English's business was not done on site; it was done over the phone and by facsimile.

Mrs. Noll said they would be selling materials and where would be materials be located at Route 17 or the new site.

Mr. Garman said it would depend on where the particular vehicle was located at the time of the purchase request. He said there would have to be staging time allowed.

Mrs. Noll said that essentially he would be running two junkyards.

Mr. Garman said the intent is not to run both because they only have one staff.

Mr. Shepperd said if there are 25,000 cars and half are moved to one lot, and there is still half on the other lot, there has to has a transition period to be able to move a particular part if someone is calling for it.

Mr. Garman said Mr. English would have one sales area and one office area that will be in operation until such time as he is ready to move it to the other location. When he moves it to the other location, some of the vehicles will still be left behind, but he would be working out of the new location.

Mr. Shepperd asked if there would be walk-ins at both sites.

Mr. English said he would like to have this at both sites.

Mr. Shepperd said he would say the answer should be no.

Mr. Carter said the proposed use permit condition says that prior to a land disturbing permit for the new site, the deed restriction has to be put in place which says that no later than 6 months after the issuance of a certificate of occupancy for the new site, everything has to be gone from the old site.

Discussion followed concerning whether or not Mr. English could be running his business from both of his sites.

Mr. Carter said condition number 9 could be clarified to address this issue.

Mr. English said he would like to clarify the 6 months. He said he had asked for 6 months with an opportunity for extension because he had never moved a business before, and he had a lot of things to move and it would be almost impossible for him to say he could make the move in 6 months. He said he thought the agreement was for 6 months with the extension if he needed more time to finish moving the cars.

Mr. Shepperd asked Mr. English how he would move the cars. He asked if he would move them on a flatbed.

Mr. English said he could possibly move four at a time using a big flatbed and a forklift, perhaps 20 cars a day. He stated he would crush the cars that were not worth moving.

Mr. McReynolds stated if the performance was not met under the terms of the use permit for the deed restriction, the County would have the right to go in and complete the work and put a lien against the property. He asked Mr. Carter if that was correct.

Mr. Carter indicated that one of the things that was proposed to be written into the deed restriction was that the County's enforcement ability would include the right to seek a court order that would enable the County to go on to the property and clean it up and place a lien against the property for any costs that the County occurred in doing that clean up. He said that was the County's intention to have that enforcement mechanism written into it.

Chairman Zaremba then called to order a public hearing on Application No. UP-687-05 that was duly advertised as required by law. Proposed Resolution R06-67 is entitled:

> A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE AN AUTOMOBILE GRAVEYARD/JUNKYARD AT 2321 WOLF TRAP ROAD (ROUTE 630)

Mr. John Race, 105 Tignor Court, on behalf of the Port Myers Home Owners Association, appeared to voice strong objection to the relocation of English Motors Limited from Route 17 in Tabb to a site on Wolf Trap Road. He spoke of the association's concerns about assessment values being impacted by a junkyard, stating the business would be a potential eyesore, a source of hazardous waste, flammable material, and a source of undesirable noise and increased vehicular traffic on a very narrow road. He stated the move of this business would negatively impact any York County resident in this area when it came to marketing their homes for resale and deter any future development of new residential construction. Mr. Race requested that the Board of Supervisors disapprove this special use permit.

Mr. Greg Horner, 313 Hornsbyville Road, expressed his concern about the impact of having a junkyard in this location on the overall potential of the area. He said this was the road that leads to his house and the road that he takes to his kids' school. Mr. Horner indicated another concern is the zoning around the proposed junkyard which is industrial. He noted what the County has done to the south where they put in a nice buffer from the Operations Center for the residents across Goodwin Neck Road, and he asked why there is no proposal to do the same for the area residents. He added that the road is a highly used road by bicyclists and people going to Wolftrap and Chisman Creek arks. Mr. Horner asked the Board to preserve something that is highly valued by citizens of York County.

There being no one else present who wished to speak concerning the subject application, Chairman Zaremba closed the public hearing.

Mrs. Noll said she appreciated all that had been said, and Mr. Carter had made the point that Tabb Lakes came after the junkyard was built. Kiln Creek also was built after the junkyards were there, and it did not affect the value of the property. She said even though no one likes the look of the junkyards, it has not affected property value, but has affected the aesthetic values.

Mr. Shepperd indicated there are worse things than a junkyard that can occur, and it will not generate a lot of noise. He noted there is essentially no pollution, and it is already regulated by the DEQ. The traffic generated would be very low as the type of sales does not generate a lot of walk-in traffic. Mr. Shepperd asked the Board to add a stipulation to the use permit that, if the application is to be approved, there be only one operation going on at a time.

Mr. Bowman noted that the junkyards on Route 17 have been a particular area of concern for the Board for a long time. His answer is to close them and not move them to another location in York County. He expressed his objection to closing this junkyard and opening it at another location in the county, citing reasons such as the need for further resources to monitor another site. He stated that based on what he had already heard, the site visits are not on a regular basis even though the DEQ is required to come at certain intervals to make their visits. He stated the Board cannot count on the visit happening, and it cannot count on the County doing what it is supposed to do according to the County's own ordinance because there are few resources with which to do so. Mr. Bowman indicated the residents of Port Myers and Waterview have some serious concerns, and he agreed with them. Even though the homes are 2,500 feet away from the proposed junkyard site, there are still half-million dollar investments that will be

affected. He noted the people in the Waterview and Hornsbyville areas still are part of a watershed and are still on wells. He stated there will be other people coming in to develop in close proximity to where the junkyard is located because there is still available land there, and the complaints are going to increase. Mr. Bowman then addressed the extension of Fort Eustis Boulevard, noting the first phase of it will be completed by December of this year, and it will also run very close to where this proposed junkyard will be, which will also generate future problems. He also addressed the narrowness of Wolf Trap and Hornsbyville Roads and the potential traffic hazards that could be created. He stated VDOT still needs to upgrade these roads no matter what business establishes in this area. He reiterated that the junkyards should be kept in their current location on Route 17 and deal with them were they are. He stated he also has real concerns about the possibility of a simultaneous operation of two businesses. Mr. Bowman concluded his remarks, stating that after listening to the staff, Mr. English, and Mr. Garman, he still has questions about the proposal. He said in his opinion, the language was still very ambiguous and it needs to be reviewed, refined, and rewritten to cover all the points that were brought up tonight, and they need to be understood.

Mr. Zaremba stated that in the 11 years he had been on the Board, he never thought he would hear members of the Board of Supervisors actively support the establishment of a junkyard. He said he understood that the issue was not necessarily establishing a brand new junkyard, but moving an existing one. He stated he felt that if York County today had no junkyards in its 100 square miles of area, this Board and staff would have long ago excised any right to anyone to establish a junkyard within the County's boundaries. He added that York County has junkyards, and they are established, viable businesses, providing employment and services to the citizens of the County as well as those who live outside the County's boundaries, so the County has to live with the issue. He said he found it difficult to solve this problem by just moving it to another area of the County, and he did not feel it was a satisfactory solution. Mr. Zaremba said the issue that bothered him is the clean up, and he reiterated that Mr. Garman had said the seller had no intention of making sure the property is cleaned up for a subsequent purchaser. He said he agreed that if the application was approved, there needs to be something in the conditions that requires a surety or bond to ensure that the move actually takes place.

Mr. Shepperd proposed that it be incorporated in the motion as a statement that the business will be operated from one site and that a surety will be offered. He then moved the adoption of proposed Resolution No. 06-67(R) that reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE AN AUTOMOBILE GRAVEYARD/JUNKYARD AT 2321 WOLF TRAP ROAD (ROUTE 630)

WHEREAS, Ralph L. English, Sr., has submitted Application No. UP-687-05 to request a Special Use Permit, pursuant to Section 24.1-306 of the York County Zoning Ordinance (Category 12, No. 19), to authorize an automobile graveyard/junkyard on approximately 12.49 acres of land located at 2321 Wolf Trap Road (Route 630) approximately 2,350' north of the intersection of Wolf Trap Road and Goodwin Neck Road (Route 173) and further described as Assessor's Parcel Nos. 24-259 (GPIN# R08b-4924-4060) and 24-258 (GPIN# S08a-0061-3407); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 16th day of May, 2006, that Application No. UP-687-05 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize an automobile graveyard/junkyard on approximately 12.49 acres of land located at 2321 Wolf Trap Road (Route 630) approximately 2,350' north of the intersection of Wolf Trap Road and Goodwin Neck Road (Route 173) and further described as Assessor's Parcel Nos. 24-259 (GPIN# R08b-4924-4060) and 24-258 (GPIN# S08a-0061-3407), subject to the following conditions:

1. This Special Use Permit shall authorize an automobile graveyard/junkyard on approximately 12.49 acres of land located at 2321 Wolf Trap Road (Route 630) approximately 2,350' north of the intersection of Wolf Trap Road and Goodwin Neck Road (Route 173) and further described as Assessor's Parcel Nos. 24-259 (GPIN# R08b-4924-4060) and 24-258 (GPIN# S08a-0061-3407).

2. A site plan prepared in accordance with the provisions of Article V of the York County Zoning Ordinance shall be submitted to and approved by the Department of Environmental and Development Services, Division of Development and Compliance, prior to the commencement of any land clearing or development activities on the subject property.

3. Said site plan shall be in substantial conformance with the concept plan titled "Future English Motors" and dated February 6, 2006, except as modified herein.

4. An opaque privacy fence no less than six feet (6') in height, and with the finished side facing abutting properties, shall be constructed along the perimeter of all storage areas to fully shield such areas from view from adjacent properties and Wolf Trap Road. Said fence shall be set back a minimum of twenty feet (20') from the perimeter property lines and the 20' wide strip shall be landscaped in accordance with the requirements of the Zoning Ordinance. The fence shall be constructed of one or more of the following materials and shall be subject to the approval of the Zoning Administrator as to style and design:

   a) Salt-treated or creosote-treated pine, cedar, cypress, or similar decay-resistant material,

   b) Protected metals, such as Teflon-coated steel, anodized aluminum or similar materials (but not including chain link fencing with metal slats), or

   c) Masonry construction such as brick, glazed terra cotta or cinder block, when protected by an epoxy coating.

5. At no time shall junk vehicles in the storage yard be stored or stacked on top of one another. This shall not preclude the temporary placement of vehicles on trailers for the purpose of transporting them to and from the junkyard.

6. The driveway and all off-street customer and employee parking areas shall be constructed of asphalt, concrete, or any equivalent permanent dustless paving material. The entrance drive shall be so paved between the parking lot and Wolf Trap Road.

7. The automobile graveyard/junkyard shall be constructed and operated in conformance with the provisions contained in Sections 24.1-475, Standards for all motor vehicle and transportation related uses, and 24.1-476, Standards for automobile graveyard, junkyard, of the York County Zoning Ordinance and Chapter 5, Automobile Graveyards and Junkyards, of the York County Code.

8. Prior to the commencement of any land disturbance or construction activity on the property, the developer shall submit a Natural Resources Inventory, including a Perennial Stream Determination, in accordance with Section 23.2-6 of the County Code. If any stream is determined to be perennial, then a 100-foot Resource Protection Area (RPA) buffer shall be maintained landward of the stream and any adjacent wetlands.

9. Prior to the issuance of a Land Disturbing Permit for an automobile graveyard/junkyard on the above-referenced property and prior to the lease, sale, or other conveyance of any of the properties listed below, the applicant shall prepare and record with the Clerk of the Circuit Court, at his expense, a deed restriction on the properties described below stipulating that:

   a) all junkyard/automobile graveyard activities shall be discontinued and all junk shall be removed from said properties within six months following the issuance of a Certificate of Occupancy for the Wolf Trap Road facility, provided, however, that the Board of Supervisors may by resolution extend this period by up to six

months upon receipt of a written request from the applicant, said request to be processed as a minor modification of this Special Use Permit in accordance with the provisions set forth in Section 24.1-115(d)(2) of the Zoning Ordinance;

b) none of the below listed properties shall be used after said six-month period for the establishment, operation, or maintenance of an automobile graveyard or junkyard, absent express authorization from the York County Board of Supervisors; and

c) that once the Certificate of Occupancy is issued for the Wolf Trap Road facility and business operations (i.e., sales, receipt of salvage vehicles, office operations, etc.), all business operations shall cease at the Route 17 properties and activities there shall be limited to actions associated with removal of the vehicles and junk, and provided further that no retail or wholesale parts sales shall be conducted thereafter from that site.

The restriction shall be in the form of a restrictive covenant running with the land, enforceable by the County, and shall be approved as to form by the County Attorney. The restriction shall cover the properties listed below:

- 2312 George Washington Memorial Highway (Assessor's Parcel No. 37-36, GPIN# S03d-3958-2150)
- 2314 George Washington Memorial Highway (Assessor's Parcel No. 37-37, GPIN# S03d-4316-2302)
- 2316A George Washington Memorial Highway (Assessor's Parcel No. 37F-2-1A, GPIN# S03b-4317-2657)
- 2318 George Washington Memorial Highway (Assessor's Parcel No. 37-35, GPIN# S03d-4290-1932)

For the purposes of enforcement of this condition, operation or maintenance of an automobile graveyard or a junkyard, as defined in the York County Zoning Ordinance, on any of the above-named parcels (unless expressly authorized by the Board of Supervisors), either individually or collectively, shall be reason for the County seeking to enforce the covenant.

In addition to the deed restrictions described above, the applicant shall execute a performance agreement to guarantee the removal of the vehicles and junk from the subject properties. The content and form of such agreement shall be approved by the County Administrator and County Attorney and it shall be secured by Surety posted by the applicant in an amount approved by the County Administrator and in a form approved by the County Attorney.

10. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

BE IT FURTHER RESOLVED that this Special Use Permit is not severable, and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

On roll call the vote was:

Yea: (3) Burgett, Shepperd, Noll
Nay: (2) Bowman, Zaremba

Meeting Recessed. At 9:53 p.m., Chairman Zaremba declared a short recess.

Meeting Reconvened. At 10:05 p.m. the meeting was reconvened in open session by order of the Chair.

APPLICATION NO. UP-699-06, MARK AND BETH SAUNDERS

Mr. Carter gave a presentation on Application No. UP-699-06 requesting a special use permit authorizing a detached accessory apartment on a .64-acre parcel of land located at 114 August Drive approximately 725 feet west of its intersection with Old Seaford Road. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R06-68.

Chairman Zaremba called to order a public hearing on Application No. UP-699-06 that was duly advertised as required by law. Proposed Resolution R06-68 is entitled:

> A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE A DETACHED ACCESSORY APARTMENT AT 114 AUGUST DRIVE

There being no one present who wished to speak concerning the subject application, Chairman Zaremba closed the public hearing.

Mr. Bowman then moved the adoption of proposed Resolution R06-68 that reads:

> A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE A DETACHED ACCESSORY APARTMENT AT 114 AUGUST DRIVE

WHEREAS, Mark and Beth Saunders have submitted Application No. UP-699-06 to request a Special Use Permit, pursuant to Section 24.1-407(b)(2) of the York County Zoning Ordinance, to authorize a detached accessory apartment in conjunction with a single-family detached dwelling on a 0.64-acre parcel of land located at 114 August Drive (Route 1292) and further identified as Assessor's Parcel No. 25M-8-4-5 (GPIN #U08b-3062-4690); and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of the application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 16th day of May, 2006, that Application No. UP-699-06 be, and it is hereby, approved to authorize a Special Use Permit, pursuant to Section 24.1-407(b)(2) of the York County Zoning Ordinance, for a detached accessory apartment in conjunction with a single-family detached dwelling on a 0.64-acre parcel of land located at 114 August Drive (Route 1292) and further identified as Assessor's Parcel No. 25M-8-4-5 (GPIN #U08b-3062-4690) subject to the following conditions:

1. This use permit shall authorize a detached accessory apartment in conjunction with a single-family detached dwelling to be contained in an existing detached structure on a 0.64-acre parcel of land located at 114 August Drive (Route 1292) and further identified as Assessor's Parcel No. 25M-8-4-5 (GPIN #U08b-3062-4690).

2. The apartment shall be contained within the existing structure located on the western side of the subject property as indicated on the sketch plan submitted by the applicant titled "Seaford Shores, Section four, York County, Virginia" prepared by Campbell Land Surveying, Inc. dated 6/12/96 and received by the Planning Division on February 24, 2006.

3. Not more than one (1) accessory apartment shall be permitted in conjunction with the principal dwelling unit.

4. Habitable floor area of the accessory apartment unit shall not contain in excess of 386 square feet.

5. The accessory apartment unit shall contain no more than one (1) bedroom.

6. Adequate provisions shall be made for off-street parking of motor vehicles in such a fashion as to be compatible with the character of the single-family residence and adjacent properties.

7. The accessory apartment shall not be rented separate from the principal dwelling and shall be occupied only by family members or guests of the occupant of the single-family dwelling.

8. In accordance with Section 24.1-407(k) of the County Zoning Ordinance, prior to issuance of a building permit for the accessory apartment, the applicant shall be responsible for recording a deed restriction document with the Clerk of the Circuit Court stipulating that the subject accessory apartment will be used, occupied and maintained in accordance with standards and restrictions set forth in Section 24.1-407 of said Ordinance. A Court-certified copy of the document shall be submitted to the County at the time of building permit application.

9. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the Resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to application for site plan approval or issuance of a Certificate of Occupancy, whichever occurs first.

BE IT FURTHER RESOLVED that this Special Use Permit is not severable and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

On roll call the vote was:

Yea: (5) Shepperd, Noll, Bowman, Burgett, Zaremba
Nay: (0)

CONSENT CALENDAR

Mrs. Noll moved that the Consent Calendar be approved as submitted, Item Nos. 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15, respectively.

On roll call the vote was:

Yea: (5) Noll, Bowman, Burgett, Shepperd, Zaremba
Nay: (0)

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 5. APPROVAL OF MINUTES

The minutes of the April 18, 2006, meeting of the York County Board of Supervisors were approved.

Item No. 6. COMMENDATION OF 2005-2006 YORK COUNTY YOUTH COMMISSION: Resolution R06-50

A RESOLUTION TO COMMEND THE 2005-2006 YORK COUNTY YOUTH COMMISSION AND TO EXPRESS THE APPRECIATION OF

THE BOARD OF SUPERVISORS TO EACH MEMBER FOR THEIR DEDICATED SERVICE TO YORK COUNTY

WHEREAS, the Board of Supervisors established the York County Youth Commission in 1983; and

WHEREAS, the following youth,

Brownlee Bakkum, Chairman	Tiara Hicks
Jeri Dilts, Vice Chairman	Kyle Messick
Aagya Mathur, Secretary	Crystal Palting
Ben Abel	Jennifer Rosso
Kelsey Andleton	Nick Swanson
Kristen Ashby	Sarah Trimble
Adrienne Beaumont	Lauren Watkins
Jaeeun Cho	

have served with distinction on the 2005-2006 York County Youth Commission; and

WHEREAS, the Board of Supervisors is extremely pleased with the worthwhile activities undertaken by the Youth Commission this past year and wishes to publicly recognize the members for their accomplishments, which include:

Preparing for the year by attending training and teambuilding sessions during a two-day orientation last August;

Assisting with the community effort in late September for the "York Katrina Benefit Day" event that raised funds towards the hurricane relief effort helping people recover from the devastating Gulf Coast disaster;

Presenting quarterly activity reports to the Board of Supervisors and praying the invocation at these meetings, and also assisting at certain County functions, such as distributing American flags and programs during the 2005 Yorktown Day Celebration and assisting at the annual York County Tree Lighting Ceremony by handing out programs and luminaries;

Co-sponsoring the County's Sixth Annual "Youth Week" event focusing on character development and featuring a nationally known youth speaker who spoke to high school students in assemblies throughout the week and to parents at an evening community meeting;

Assisting the Senior Center of York with its annual Christmas Dinner Dance and co-hosting with Parks and Recreation the Annual Valentine's Party at the Senior Center, providing fun, prizes, and refreshments for all;

Assisting the Historical Committee with its reception welcoming the 2006 exchange students from the county's sister city of Zweibrucken, Germany;

Conducting road cleanups along Goodwin Neck Road as part of VDOT's "Adopt-a-Highway" program;

Voting to increase awareness of the Youth Commission's web site by beginning to advertise it under a shorter, more youth-oriented web address that will be easier for students to remember;

Continuing to provide communication opportunities between the county's youth and elected officials by hosting the third ever "Town Hall Meetings" in each of the County's public high schools this spring, bringing members of the Board of Supervisors and School Board together with high school students, presenting information about local government and current items of interest, and answering student questions and concerns; and

Diligently working for months to analyze data from the Youth Commission's tri-

ennial countywide high school student opinion survey that was administered in the schools during December's Youth Week, and scheduling to present the *Survey 2005* results and recommendations to the Board of Supervisors at its first meeting in June;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors on this the 16th day of May, 2006, that the 2005-2006 York County Youth Commission members be, and they hereby are, congratulated for their dedicated service to York County and commended for an outstanding year.

BE IT FURTHER RESOLVED that the York County Board of Supervisors hereby extends its best wishes for continued success to these leaders of today and tomorrow.

Item No. 7. COMENDMENT TO THE REGIONAL JAIL AGREEMENT: Resolution R06-73

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A PROPOSED FIRST AMENDMENT TO AMENDED AND RESTATED COOPERATIVE SERVICE AGREEMENT BETWEEN THE VIRGINIA PENINSULA REGIONAL JAIL AUTHORITY, THE COUNTY OF JAMES CITY, THE COUNTY OF YORK, THE CITY OF POQUOSON AND THE CITY OF WILLIAMSBURG, ADJUSTING THE FORMULA BY WHICH EACH MEMBER JURISDICTION CONTRIBUTES TO THE OPERATING EXPENSES OF THE JAIL AUTHORITY

WHEREAS, the County of York, together with the County of James City, the City of Poquoson, and the City of Williamsburg entered into a Cooperative Service Agreement with the Virginia Peninsula Regional Jail Authority dated November 14, 1994, whereby each of the four member jurisdictions agreed to, among other things, a funding formula whereby each of the member jurisdictions would contribute to the net operating expenses of the Jail Authority, such Cooperative Service Agreement having been amended as of March 1, 1995, and further amended and restated as of August 1, 1995; and

WHEREAS, the Regional Jail Authority now proposes a further amendment, entitled the "First Amendment to Amended and Restated Cooperative Service Agreement," whereby the funding formula would be readjusted so that each of the member jurisdictions would be assessed a member jurisdiction charge expressed as a percentage of net expenses based on a rolling average of each member jurisdiction's percentage share of the total prisoner population over the most recent five fiscal years, rather than a per diem charge as is currently assessed; and

WHEREAS, it appears in the public interest that York County should approve and execute the proposed amendment;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 16th day of May, 2006, that the County Administrator is authorized to execute on behalf of the County the proposed First Amendment to Amended and Restated Cooperative Service Agreement with the Virginia Peninsula Regional Jail Authority, consistent with the draft amendment attached to the County Administrator's memorandum dated May 2, 2006, such amendment to be approved as to form by the County Attorney.

Item No. 8. SPONSORSHIP OF AMENDMENTS TO THE YORK COUNTY ZONING ORDINANCE: Resolution R06-72

A RESOLUTION TO SPONSOR AN APPLICATION TO AMEND SECTION 24.1-104, DEFINITIONS, SECTION 24.1-306, TABLE OF LAND USES, SECTIONS 24.1-483 AND 484, AND SECTION 24.1-606(n) OF CHAPTER 24.1, ZONING (YORK COUNTY CODE): TO REVISE THE DEFINITON OF THE TERM "MINI-WAREHOUSE"; TO REVISE THE DISTRICTS IN WHICH SUCH USES MAY BE PERMITTED AND THE PERFORMANCE STANDARDS APPLICABLE THERETO; AND, TO REVISE THE PARKING STANDARDS

FOR SUCH USES; AND FIRTHERMORE, TO AMEND SECTION 24.1-261(a) TO REVISE THE SCREENING STANDARDS FOR DUMPSTERS TO REQUIRE SCREENING ON ALL FOUR SIDES

WHEREAS, the terms of Chapter 24.1, Zoning, of the York County Code define the term mini-warehouses, stipulate the districts in which such uses are allowed, establish performance standard for the design and development of such uses and requirements for off-street parking; and

WHEREAS, the Board has determined that adjustments in the existing provisions should be considered in order to: establish a distinction between mini-warehouse units that are arranged in single-story, externally-accessed designs versus those in multi-story, internally accessed arrangements; limit the location of traditional single-story designs to industrially zoned properties; and decrease the off-street parking ratio to better match the actual parking demand for such uses; and

WHEREAS, the Board has also determined that adjustment of the screening requirements for dumpsters should be considered in order to ensure attractive development sites; and

WHEREAS, the Board finds that consideration of the proposed amendments would be consistent with good zoning practice;

NOW, THERFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 16th day of May, 2006, that it does hereby sponsor an application to amend Sections 24.1-104, 261, 306, 483, 484 and 606(n) of the Zoning Ordinance to read as set forth below;

BE IT FURTHER RESOLVED that the following proposed wording be, and it is hereby, forwarded to the York County Planning Commission for review and recommendation in accordance with applicable procedures.

Regarding Mini-Warehouses:

***

Section 24.1-104. Definitions

Mini-storage warehouse. A type of warehousing ~~structure~~ consisting of individual, small, self-contained storage spaces which may be owned, leased or rented to individuals. Such facilities may also be known as self-storage warehouses. For the purposes of this chapter, the two types of mini-storage warehouse/self-storage facilities are:

- *Single-story*: Facilities in which the storage units/cubicles typically are arranged in long, narrow single-story buildings with the majority of the individual units accessed through doors that open directly to the outside.
- *Multi-story*: Facilities in which the storage units are arranged in a multi-story structure with all of the individual storage units/cubicles accessed through doors that open to interior corridors.

***

Section 24.1-306. Table of Land Uses

P=PERMITTED USE S=PERMITTED BY SPECIAL USE PERMIT	RESIDENTIAL DISTRICTS						COMMERCIAL AND INDUSTRIAL DISTRICTS						
	RC	RR	R20	R13	R7	RMF	NB	LB	GB	WCI	EO	IL	IG
USES	CATEGORY 14 - WHOLESALING / WAREHOUSING												
1. Wholesale Auction Establishment a) without outdoor storage/activity									P			P	P
b) with outdoor storage									S			P	P
2. Warehousing, Including Moving and Storage Establishment									S		S	P	P

3. Wholesale Trade Establishment (May include accessory retail sales) a) without outdoor storage									P		P	P	P
b) with outdoor storage									S		S	P	P
4. Seafood Receiving, Packing, Storage										P		S	P
5. Petroleum Products Bulk Storage/Retail Distribution												S	P
6. Mini-Storage Warehouses a. Single-story									~~S~~			~~S~~ P	P
b. Multi-story									S			P	P

***

Sec. 24.1-483. Standards for all wholesaling and warehouse uses.

(a) Warehouses and similar structures of thirty thousand (30,000) square feet ~~[2700m²]~~ or greater shall have fire lanes surrounding the structure(s) unless approved otherwise by the director of public safety.

(b) Outdoor storage shall be screened from view from adjacent residential properties.

(c)

Outdoor storage shall not be located closer than twenty-five feet (25') ~~[7.5m]~~ to any property line.

(d) Bay doors shall be oriented away from streets and residential properties or screened from direct view by landscaping means.

(e) Such uses shall be designed to minimize the noise impact of trucks, forklifts, and other heavy equipment on adjacent properties and to prevent such noise from being audible on adjacent or nearby residential properties at any greater level than typical for residential areas.

Sec. 24.1-484. Standards for mini-storage warehouses.

(a) All storage for mini-storage warehouses shall be within a completely enclosed building provided, however, that the outdoor accessory storage of recreational vehicles on the same site is acceptable if such storage is screened from view from adjacent streets and residential properties. However, no outdoor RV storage or parking shall be permitted in conjunction with any mini-warehouse facility located in a GB-General Business zoning district.

(b) Loading docks shall not be permitted as part of the storage buildings. At least two exterior service doors shall be provided for any multi-story mini-warehouse facility. Such doors shall be at ground/sidewalk level. Exterior service doors for any multi-story mini-warehouse facility in a GB District shall not be located on any building exposure facing a public street and shall be limited to a maximum of one (1) each for other facades.

(c) Except for purposes of loading and unloading, there shall be no parking or storage of trucks, trailers, and moving vans.

(d) The minimum distance between warehouse buildings shall be twenty feet (20') ~~[6m]~~. Where vehicular circulation lanes and parking and loading spaces are to be provided between structures, the minimum separation distance shall be increased accordingly in order to ensure vehicular and pedestrian safety and adequate emergency access.

(e) No activities such as sales or servicing of goods or materials shall be conducted from such storage units. The operation of such a facility shall in no way be deemed to include a transfer and storage business where the use of vehicles is a part of such business.

(f) Storage of hazardous and flammable materials shall not be permitted.

(g) The maximum length of any single single-story mini-storage building shall be two hundred (200') ~~[60m]~~ feet.

(h) If proposed in the GB-General Business district, multi-story mini-storage warehouse structures shall be designed to include retail or office space occupying at least 80% of the total floor area on the ground floor of the structure and not related to the mini-warehouse operation. Such retail and or office space shall be designed to occupy the entire first floor width of any building façade facing a public street. The remaining 20% of the first level floor area may include the entrance corridors, service elevator(s), manager's office and other non-storage components associated with the self-storage units located on the upper levels of the structure.

In the GB District, all building facades of multi-story mini-storage warehouse structures shall be designed and constructed to meet the architectural design standards specified for the Route 17 Corridor Overlay District (section 24.1-378), whether or not said structure is located in the Route 17 overlay area. Consideration should be given to incorporating faux windows in the street-facing facades of the upper level storage areas to give the appearance of office space provided, however, that other appropriate design techniques may also be proposed and considered.

***

Section 24.1-606(n) Category 14 – *Wholesaling/Warehousing*

USE	OFF-STREET PARKING SPACES	OFF-STREET LOADING SPACES
(1) Seafood receiving, packing, storage	One (1) space for every 500 square feet of processing or office area	One space; plus One space per loading bay or dock
(2) Mini-storage warehouses	One ~~(1) and one-half (11/2)~~ spaces for each twenty (20) ~~ten (10)~~ cubicles; plus Two (2) spaces for the manager's quarters; plus Two (2) spaces for the ~~or~~ office.	None
(3) Warehousing, distributing, or wholesale trade establishment and all other Category 14 uses	One (1) space for each 10,000 square feet of floor area; plus One (1) space for each 350 square feet of office, sales or similar space; or, subject to appropriate documentation and approval of the zoning administrator, one and one-third (1.3) spaces for every employee on the largest shift.	One space; plus One (1) space per loading bay or dock

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Regarding Dumpster Screening Requirements:

Sec. 24.1-261. Public service facility standards.

(a) *Refuse and recyclables collection.* Dumpsters, or an alternate method of collection for recyclables and for nonrecyclable refuse approved by the zoning administrator, shall be required for mobile home parks and for multi-family, commercial and industrial developments. The following standards shall apply:

(1) Dumpsters or other approved collection receptacles shall be located on a site so that service vehicles will have convenient and unobstructed access to them. The location shall be such that encroachment by service vehicles upon bicycle and pedestrian ways, parking spaces, or vehicular circulation drives will be mini-

mized. Dumpsters shall not be located closer than fifty feet (50') to any residential structure.

(2) Dumpsters or other approved collection receptacles shall be screened from both on-site and off-site views by wooden or masonry fencing, supplemented by landscaping.~~on at least three (3) sides with landscaping, shrubbery, or~~ B~~b~~uilding walls ~~supplemented where necessary by wooden or masonry fencing except where the zoning administrator determines that such screening is not necessary because other screening, such as buildings, fences or landscaping, is in place.~~may serve as part of the required screening. ~~A gated~~ The enclosure ~~providing screening on four sides~~ shall be gated or otherwise configured ~~required wherever necessary~~ to ensure that the dumpster is not visible from any adjoining public rights-of-way, adjoining properties or from any areas on the site which are normally accessible by residents, customers or the general public.

(3) Where dumpsters are to be utilized, dumpster pads, constructed in accordance with all applicable health department standards for construction and drainage, shall be provided.

***

Regarding private motor vehicle sales from various types of property, create a new Section 24.1-608 as follows:

Sec. 24.1-608. Parking for certain purposes permitted and prohibited.

The following provisions shall apply to the parking or placement of automobiles, trucks, trainers. Recreational vehicles, motorcycles, boats, tractors, heavy construction equipment or other types of motorized vehicle or equipment with the intent to offer such vehicles or equipment for sale or rent. For the purposes of this section, the presence of signs, lettering, papers, flyers, or other visible advertisement or information on or within the vehicle indicating it to be for sale or rent shall be deemed evidence of such intent.

(a) It shall be unlawful for any person to park or place any such vehicle for sale or rent upon or in any street or street right-of-way.

(b) The owner or occupant of a parcel on which an occupied residential structure is located may park an automobile, light-duty truck, recreational vehicle or trailer, boat or cargo trailer on the property for the purpose of selling or offering the vehicle for sale, provided that:

(1) The vehicle is owned by the owner or occupant of the property, or a member of the owner/occupant's immediate family. For the purposes of this section, the term "immediate family" shall be deemed to include natural or legally defined offspring or parents or grandparents of the owner or occupant of the premises.

(2) The vehicle is parked in a driveway or other all-weather-surfaced parking space on the property, and shall not be parked on grassed or landscaped portions of the property.

(3) Signs or lettering advertising the vehicle to be "for sale," if any, shall be attached to or applied to the vehicle and shall not exceed three (3) square feet in area.

(4) Not more than one vehicle shall be parked/displayed "for sale" at any time and not more than two (2) vehicles may be parked/displayed "for sale" on any premises within the same calendar year.

(c) The owner or occupant of a parcel on which an occupied commercial or industrial structure is located may park an automobile, light-duty truck, recreational vehicle or trailer, boat or cargo trailer on the property for the purpose of selling or offering the vehicle for sale, provided that:

(1) The vehicle is owned by the owner or occupant of the property, or a member of the owner/occupant's immediate family. For the purposes of this section, the term "immediate family" shall be deemed to include natural or legally defined offspring or parents or grandparents of the owner or occupant of the premises.

(2) The vehicle is parked on a paved or graveled parking space on the property, and shall not be parked on grassed or landscaped portions of the property.

(3) Any signs or lettering advertising the vehicle to be "for sale" shall be attached to or applied to the vehicle and shall not exceed six (6) square feet in area.

(4) Not more than two (2) vehicles shall be parked or displayed "for sale" at any time and not more than five (5) vehicles may be parked or displayed "for sale" on any premises within the same calendar year.

(5) In the event the commercial or industrial use occupying the property is authorized to include the on-premises parking or storage of heavy construction equipment, large trucks, and similar vehicles/equipment, the above-noted limitation to "light-duty trucks" shall be waived.

(d) Parking of vehicles or equipment for sale or rent on undeveloped or vacant property, or on property on which the principal structure(s) are unoccupied, shall be prohibited.

(e) Violations of the terms of this section shall be enforceable against the owner of the property and the owner of the vehicle.

(f) The provisions of this section shall not be deemed to prohibit the sale or rental of vehicles or equipment when conducted from a site which has been authorized, pursuant to the terms of this chapter, for the conduct of vehicle or equipment sales/rental as a principal use of the property.

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Item No.9. FUNDING FOR LOCAL ARTS ORGANIZATIONS: Resolution R06-55

A RESOLUTION TO APPROVE FY2007 COUNTY AND STATE FUNDING FOR LOCAL ARTS ORGANIZATIONS

WHEREAS, the Board of Supervisors appropriated $64,000 in support of local cultural arts organizations in the FY2007 budget and the County is expected to receive an estimated $5,000 grant from the Virginia Commission for the Arts to supplement the County's appropriations for the arts; and

WHEREAS, the York County Arts Commission was appointed by the Board of Supervisors to review funding requests from cultural arts organizations and to make recommendations to the Board concerning the distribution of budget appropriations to the arts; and

WHEREAS, the Arts Commission has undertaken a careful and thorough review of all applications from arts groups, in some cases interviewing and otherwise observing and interacting with these organizations; and

WHEREAS, the Arts Commission has completed its review of the funding requests for FY2007 and has developed recommendations for funding allocations for each organization using the total available arts-related funds contained in the approved FY2007 York County Budget; and

WHEREAS, allocations from grant funding from the Virginia Commission for the Arts, will be made to the Fifes and Drums of York Town, the Yorktown Arts Foundation, Virginia Symphony, Celebrate Yorktown Committee, Peninsula Community Theatre, and the York County Historical Museum upon receipt of those funds from the Commonwealth;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 16th day of May, 2006, that the determination made by the York County Arts Commission be, and they hereby are, approved and that the following organizations receive funding in the following amounts under the York County Arts Commission Grant Program:

Arc of Greater Williamsburg	$ 1,600
Art Song Of Williamsburg	$ 1,000
Celebrate Yorktown Committee/Art Show	$ 250
Celebrate Yorktown Committee/Concerts	$ 1,300
Celebrate Yorktown Committee/Eventful Affair	$ 1,100
Celebrate Yorktown Committee/Symphony	$ 1,700
Chesapeake Bay Wind Ensemble	$ 200
City of Williamsburg/Merchants Square	$ 700
Coventry Elementary School PTA	$ 250
Cultural Alliance	$ 500
Eastern Virginia Brass	$ 300
Ferguson Center for the Arts	$ 300
Fifes and Drums of York Town	$ 8,200
First Night of Williamsburg	$ 850
Flute Frenzy	$ 300
Institute for Dance	$ 400
Jamestown/Yorktown Foundation	$ 5,000
Peninsula Community Theatre	$ 400
Peninsula Youth Orchestra	$ 400
Playwrights Premiere Theatre	$ 300
Poquoson Island Players	$ 700
Public Times Chorus	$ 1,800
Riverwalk Landing Business Association	$ 2,500
Senior Center of York	$ 200
Stagelights	$ 1,000
Theatre IV	$ 2,600
This Century Art Gallery	$ 1,500
Thomas Nelson Community College	$ 200
Virginia Opera	$ 6,000
Virginia Shakespeare Festival	$ 2,000
Virginia Stage Company	$ 1,500
Virginia Symphony	$ 3,150
Watermen's Museum	$ 3,900
WHRO	$ 800
Williamsburg Area Chamber of Commerce (Arts Map)	$ 500
Williamsburg Choral Guild	$ 400
Williamsburg Consort	$ 800
Williamsburg Music Club	$ 800
Williamsburg Players	$ 1,500
Williamsburg Regional Library	$ 750
Williamsburg Symphonia	$ 1,000
Williamsburg Youth Orchestra	$ 1,400
York County Historical Museum	$ 300
York River Orchestra	$ 1,200
Yorktown Arts Foundation	$ 4,250
Young Audiences of Virginia	$ 2,500
TOTAL:	$69,000

Item No. 10. ADDITIONAL FUNDING FOR COMPREHENSIVE SERVICES ACT: Resolution R06-63

A RESOLUTION TO AUTHORIZE AND APPROPRIATE ADDITIONAL FUNDS FOR FISCAL YEAR 2006 FOR THE COSTS OF THE VIRGINIA COMPREHENSIVE SERVICES ACT FOR AT-RISK YOUTH AND FAMILIES PROGRAM

WHEREAS, the Comprehensive Services Act for At-Risk Youth and Families (CSA), adopted by the Virginia General Assembly, requires local government to provide certain services to troubled youth as defined by the Virginia Department of Social Services and the special education programs of the public school divisions; and

WHEREAS, in meeting all such requirements, the County of York provides only those services that are mandated by the CSA and serves only those youth and families that are defined by the Act as mandated populations and does not provide any services that would be classified as discretionary under the Act; and

WHEREAS, an additional appropriation of $100,000 is required in the Virginia Public Assistance Fund as the local match to support the additional allocation to be received from the Commonwealth of Virginia for the York-Poquoson Department of Social Services' share of the program; and

WHEREAS, these costs are not discretionary but rather are mandated by the Commonwealth of Virginia, and it is therefore necessary to authorize additional funds for the payment of such expenditures through the end of the current fiscal year;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 16th of May, 2006, that $100,000 be, and hereby is, appropriated in the Virginia Public Assistance Fund for the Fiscal Year 2006 Comprehensive Services Act;

BE IT FURTHER RESOLVED that $100,000 be, and it is hereby, authorized to be expended from the General Fund contingency reserve for the local match for the Fiscal Year 2006 Comprehensive Services Act.

Item No.11. CHILD DEVELOPMENT RESOURCES (CRD) SUPPORT AGREEMENT: Resolution R06-42

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A SUPPORT AGREEMENT WITH CHILD DEVELOPMENT RESOURCES, INC., A NONPROFIT VIRGINIA CORPORATION, PROVIDING $175,655 IN ANNUAL FUNDING FOR THE OPERATION OF EARLY CHILDHOOD CARE AND DEVELOPMENTAL SERVICE IN THE GRIFFIN-YEATES CENTER LOCATED ON GOVERNMENT ROAD

WHEREAS, it is in the public interest to continue to make available an early childhood educational experience and positive learning opportunities on behalf of economically disadvantaged and other qualified County citizens; and

WHEREAS, Child Development Resources, Inc., a nonprofit Virginia corporation, has provided such services by operation of a program called First Steps;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 16th day of May, 2006, that the County Administrator be, and he is hereby, authorized to execute a Support Agreement approved as to form by the County Attorney with the Child Development Resources, Inc., for the operation of the First Steps program for the period July 1, 2006, until July 1, 2007.

Item No.12. AMENDMENT TO THE STORMWATER ADVISORY COMMITTEE CHARTER: Resolution R06-53

A RESOLUTION TO AMEND THE STORMWATER ADVISORY COMMITTEE'S ORGANIZATIONAL STRUCTURE AND DUTIES TO ALLOW MEMBERS TO SERVE MORE THAN TWO CONSECUTIVE TERMS

WHEREAS, in light of the recent success of the Stormwater Advisory Committee members, and the continuing need to maintain programs for citizen input and public participation

mandates of the National/Virginia Pollution Discharge Elimination System Phase II MS4 regulations; and

WHEREAS, the current organizational structure was established per R02-7 and requires members to serve no more than two terms; and

WHEREAS, several members are willing to serve more than two terms and recruitment of citizen volunteers to fill all positions on the committee have, to date, been only marginally successful; and

WHEREAS, continuity of membership is needed to maintain current program and educational initiatives;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 16th day of May, 2006, that the County Administrator be, and hereby is, authorized to amend the following Stormwater Advisory Committee's organizational structure and duties as follows:

1. The Committee is chartered to monitor the drainage improvements plan as adopted by the Board of Supervisors, develop goals, objectives, and implementation strategies to enhance the County's stormwater program, to advise the Board of Supervisors of the County's drainage problems, and to meet the public education, public outreach, and public involvement and participation components of the Phase II regulations; and

2. The committee is formed to advise the Board and shall not perform administrative duties; establish policy; enter into contracts or incur any obligations which bind the County; hire, fire, or discipline employees, or advise on personnel matters; and

3. The committee shall consist of 12 members with two members from each election district and two at-large members:

   - It is preferred that the members of the committee possess at least one of the following qualifications:

     - good interpersonal skills

     - good verbal and written communication skills

     - working knowledge of drainage issues in the community

   - It is preferred that one of the at-large members be educated or experienced in stormwater engineering activities and that one be educated or experienced in public relations activities

4. The 12 members will serve at the pleasure of the Board and may serve for a term of two years; reappointment to subsequent terms shall be at the discretion of the Board; and

5. The committee shall have the authority to form citizen subcommittees to assist them in their duties; and

6. Staff support for the committee shall be comprised of:

   - One or more staff members from the Department of Environmental and Development Services,

   - One staff member from VDOT, with VDOT's consent; and

7. The committee will meet at least quarterly or more frequently as the need dictates, and shall hold its first meeting no later than July 30, 2002.

Item No.13. STREET ACCEPTANCES: Resolutions R06-60 and R06-61

Resolution R06-60:

A RESOLUTION REQUESTING THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE CERTAIN STREETS IN SKIMINO LANDING ESTATES, PHASE II AND PHASE 3-A, INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the following streets, which are shown on plats recorded in the Clerk's Office of the Circuit Court of York County, have been constructed to standards equal to the Virginia Department of Transportation's Subdivision Street Requirements as a requisite for acceptance for maintenance as part of the Secondary System of State Highways; and

WHEREAS, the Residency Administrator for the Virginia Department of Transportation has inspected these streets and found them to be acceptable for maintenance; and

WHEREAS, the York County Board of Supervisors does hereby guarantee unencumbered rights of way, as described on the following Form AM-4.3, plus the necessary easements for cuts, fills, and drainage for these streets;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 16th day of May, 2006, that the Virginia Department of Transportation be, and it hereby is, requested to add and maintain the streets described on the following Form AM-4.3 as part of the Secondary System of State Highways, pursuant to Section 33.1-229, Code of Virginia, 1950 amended, and the regulatory requirements of VDOT.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the developer of Skimino Landing Estates, Phase II and Phase 3-A, and to the Residency Administrator of the Virginia Department of Transportation.

In the County of York

By resolution of the governing body adopted May 16, 2006

The following Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

Report of Changes in the Secondary System of State Highways

Form AM-4.3 (11/28/2005)
Asset Management Division

Project/Subdivision
Skimino Landing Estates, Phase II and Phase 3-A

Type of Change: **Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested, the right of way for which, including additional easements for drainage as required, is guaranteed:

Reason for Change: Addition, New subdivision street
Pursuant to Code of Virginia Statute: **§33.1-229**

Route Number and/or Street Name

Trails End Drive, State Route Number 1416

Description: ***From:*** Route 1413 (Skimino Landing Drive)
To: Route 1417 (Back Forty Loop)
A distance of: 0.16 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on

5/22/2000 in P.B. 13, Pgs. 137-140, and on 11/4/2003 in Instrument # 030034782, with a width of 50 feet.

Trails End Drive, State Route Number 1416

Description: ***From:*** Route 1417 (Back Forty Loop)
To: End of cul-de-sac
A distance of: 0.03 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on 11/4/2003 in Instrument # 30034782, with a width of 50 feet.

Back Forty Loop, State Route Number 1417

Description: ***From:*** Route 1416 (Trails End Drive)
To: Route1418 (Levinson Pass)
A distance of: 0.20 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on 11/4/2003 in Instrument # 030034782, with a width of 50 feet.

Levinson Pass, State Route Number 1418

Description: ***From:*** Route 1413 (Skimino Landing Drive)
To: Route 1417 (Back Forty Loop)
A distance of: 0.27 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on 5/22/2000 in P.B. 13, Pgs. 137-140, and on 11/4/2003 in Instrument # 030034782, with a width of 50 feet.

Resolution R06-61:

A RESOLUTION REQUESTING THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE A CERTAIN STREET IN HOLLY POINT, SECTION A, INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the following street, which is shown on plats recorded in the Clerk's Office of the Circuit Court of York County, has been constructed to standards equal to the Virginia Department of Transportation's Subdivision Street Requirements as a requisite for acceptance for maintenance as part of the Secondary System of State Highways; and

WHEREAS, the Residency Administrator for the Virginia Department of Transportation has inspected this street and found it to be acceptable for maintenance; and

WHEREAS, the York County Board of Supervisors does hereby guarantee unencumbered rights of way, as described on the following Form AM-4.3, plus the necessary easements for cuts, fills, and drainage for this street;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 16th day of May, 2006, that the Virginia Department of Transportation be, and it hereby is, requested to add and maintain the street described on the following Form AM-4.3 as part of the Secondary System of State Highways, pursuant to Section 33.1-229, Code of Virginia, 1950 amended, and the regulatory requirements of VDOT.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the developer of Holly Point, Section A, and to the Residency Administrator of the Virginia Department of Transportation.

In the County of York

By resolution of the governing body adopted May 16, 2006

The following Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

Report of Changes in the Secondary System of State Highways

Form AM-4.3 (11/28/2005)

Asset Management Division

Project/Subdivision

Holly Point, Section A

Type of Change: **Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested, the right of way for which, including additional easements for drainage as required, is guaranteed:

Reason for Change: Addition, New subdivision street

Pursuant to Code of Virginia Statute: **§33.1-229**

Route Number and/or Street Name

Franklin Road, State Route Number 1098

Description: ***From:*** Route 620 (Holly Point Road)
To: End of cul-de-sac
A distance of: 0.14 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on 9/19/1961 in P.B. 6, Pg. 145, and on 8/5/2003 in Instrument Number 030024369, with a width of 40 feet.

Item No. 14 PUBLIC SEWER EXTENSION AGREEMENT-RIVERWLAK TOWNES: Resolution R06-69

A RESOLUTION TO AUTHORIZE AN EXTENSION OF THE COUNTY'S SANITARY SEWER SYSTEM TO A PROPOSED DEVELOPMENT KNOWN AS RIVERWALK TOWNES, LOCATED AT THE INTERSECTION OF OLD WILLIAMSBURG ROAD AND GOOSLEY ROAD, AND AUTHORIZING EXECUTION OF THE NECESSARY PUBLIC SEWER EXTENSION AGREEMENT

WHEREAS, Yorktown Land Development, L.L.C. has requested that the County enter into a public sewer extension agreement pursuant to § 18.1-53 (b) of the York County Code to serve 194 single family attached residential units; and

WHEREAS, the plan for the proposed project has been reviewed by the County; and

WHEREAS, prior to final approval of these plans and the initiation of any construction activity, it is necessary that a determination be made as to whether the Board will authorize the extension of the public sewer facilities of the County to serve the proposed development; and

WHEREAS, it has been determined that sufficient capacity exists in the County's existing sewer system to serve the proposed development, or will exist when the facilities proposed by the developer are constructed; and

WHEREAS, in accordance with the terms of Chapter 18.1 of the York County Code the total connection fee to be paid to the County for the proposed extension to serve this development has been determined to be $209,300;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 16th day of May, 2006, that the Board approves the extension of the County's public sewer system to serve the proposed development, Riverwalk Townes, and that the County Administrator be, and he hereby is, authorized to execute a public sewer extension agreement with Yorktown Land Development, L.L.C., for the proposed extension; such agreement to be approved as to form by the County Attorney.

Item No.15 PUBLIC SEWER EXTENSION AGREEMENT-BOUNDARY HOMES: Resolution R06-70

A RESOLUTION TO AUTHORIZE AN EXTENSION OF THE COUNTY'S SANITARY SEWER SYSTEM TO A PROPOSED DEVELOPMENT KNOWN AS BOUNDARY HOMES, LOCATED ON BOUNDARY ROAD IN LACKEY, AND AUTHORIZING EXECUTION OF THE NECESSARY PUBLIC SEWER EXTENSION AGREEMENT

WHEREAS, Howard W. Moore, trading as H. W. Moore Properties, has requested that the County enter into a public sewer extension agreement pursuant to § 18.1-53 (b) of the York County Code to serve four residential lots; and

WHEREAS, the plan for the proposed project has been reviewed by the County; and

WHEREAS, prior to final approval of these plans and the initiation of any construction activity, it is necessary that a determination be made as to whether the Board will authorize the extension of the public sewer facilities of the County to serve the proposed development; and

WHEREAS, it has been determined that sufficient capacity exists in the County's existing sewer system to serve the proposed development, or will exist when the facilities proposed by the developer are constructed; and

WHEREAS, in accordance with the terms of Chapter 18.1 of the York County Code the total connection fee to be paid to the County for the proposed extension to serve this development has been determined to be $9,200;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 16th day of May, 2006, that the Board approves the extension of the County's public sewer system to serve the proposed development, Boundary Homes, and that the County Administrator be, and he hereby is, authorized to execute a public sewer extension agreement with Howard W. Moore, trading as H. W. Moore Properties, for the proposed extension; such agreement to be approved as to form by the County Attorney.

NEW BUSINESS

PREMIER PROPERTIES CONCEPT PLAN REVISION

Mr. Carter gave a presentation on Application No. UP-703-06 requesting a minor amendment of the previously approved use permit to amend the concept plan for the proposed retail center at the intersection of Route 199 and I-64. He added this was the concept plan that was approved by the Board on December 20, 2005, when the application was initially approved for the use permit for the retail center of greater than 80,000 square feet. He stated the revised design maintains the cross street approach although one of the legs of the intersecting corridors would now be a pedestrian way as opposed to a vehicular street. The other major change that is being proposed is that the junior anchors, which were arranged in several different isolated locations around the site in the original proposal, are now being proposed to be lined up in a more typical power center type of an arrangement with the stores interconnected and with a large parking field in front of the stores.

Mrs. Noll asked if the design would still be pedestrian friendly.

Mr. Carter said it would be.

Mr. McReynolds added that language had been added to the resolution to insure that the curvilinear drive aisle, and more streetscaping would be included in front of the "junior anchors."

Mr. Carter noted that the version of the resolution in the Board's package did not have that language. He stated the language to be added, as stated by Mr. McReynolds, could be included by amending the resolution and by virtue of referencing the concept plan.

Chairman Zaremba asked if Marquis had agreed to that language

Mr. Carter stated that the applicant submitted the concept plan and explained to staff in detail that the treatment would be present in front of the stores. He stated staff sent them a correct copy of the resolution that included that language. Mr. Carter stated the purpose of the language was to reiterate what was shown on the concept plan.

Chairman Zaremba asked if the square footage of the retail space was the same as the original plan.

Mr. Carter said the original concept plan approval was for up to 800,000 square feet, and it was his understanding that the applicants are now looking somewhere in the 600,000 to 700,000 square foot range for the amount of retail space, and that would be dependent upon the tenants that they are actually able to sign to the center.

Discussion followed regarding the design and parking for the center.

Chairman Zaremba asked what the rationale was for the applicant moving from the original plan to the proposed plan.

Mr. Carter said their explanation for the change was simply that the negotiations with their prospective tenants had indicated that it was the only way they would be able to attract some of the sought after retailers.

Chairman Zaremba stated he did not want to have a linear series of retail shops such as Prime Outlet. He said he was concerned about the size of the parking lot. He asked if there were detailed drawings, and he asked what broke up the big parking lot between Target and J.C. Penny.

Mr. Carter said there are requirements in the County's basic zoning ordinance for landscape islands and dividers between parking bays. He added that the County is reviewing the detailed site plan currently for Target and J.C. Penny, including the parking field between the two buildings. The original concept plan required that there be pedestrian connections between those two buildings, and they are being built into the site plan that is under review.

Discussion followed regarding pedestrian access under the new design.

Mrs. Noll stated she was greatly concerned that there would no longer be a parking terrace.

Mr. Carter said one of the things the new design will do is allow people to park in one spot and not have to get in their car and drive to another location in the development and park again. He stated the new deign makes walking to the various shops within the town center easier than it would have been in the original concept. It is a more compact design; and even though it looks like a parking field, it will be broken up by landscaping as well as by full-length dividers down between the bays that run at various frequencies.

Chairman Zaremba asked about the exterior façade of the buildings that gives it the town center look.

Mr. Carter said the new concept would be subject to the same requirements as the initial one that included the representative photographs of the types of architecture that the Board desired. It also mandates that any design go through the review committee process, and it also includes all the original requirements about making sure that the backside of the building is done in materials that are quality material versus plain cinderblocks so that it has 360 degree architecture versus just the front face of the building. He also indicated all of those requirements will be in effect for the junior anchors as well.

Chairman Zaremba referred to the proposed revised concept plan in the area that was marked future development and asked if Board had approved anything for that area.

Mr. Carter said that nothing had been approved, and it would have to go through the same process as the initial application.

Mrs. Noll then moved the adoption of proposed Resolution No. 06-74(R) that reads:

A RESOLUTION TO AMEND THE CONDITIONS OF APPROVAL FOR A PREVIOUSLY APPROVED SPECIAL USE PERMIT BY AUTHORIZING MINOR MODIFICATIONS TO THE DESIGN AND LAYOUT OF A PROPOSED RETAIL CENTER – TO BE KNOWN AS "THE MARQUIS" – LOCATED ON PROPERTY AT THE INTERSECTION OF INTERSTATE 64, ROUTE 199 AND WATER COUNTRY PARKWAY

WHEREAS, Premier Properties USA, Inc., received approval on December 20, 2005, of Application No. UP-686-05, which requested authorization to establish a retail center of more than 80,000 square feet on property located at the intersection of Interstate 64, Route 199 and Water Country Parkway and further identified as Assessor's Parcel No. 11-91 and a portion of Assessor's Parcel No. 11-4-3; and

WHEREAS, pursuant to Section 24.1-115(d)(2) of the York County Zoning Ordinance, Premier Properties has submitted Application No. UP-703-06, which requests amendment of the conditions of approval set forth in the above-referenced resolution to authorize minor modifications to the conceptual design and layout of the approved retail center;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 16th day of May, 2006, that Application No. UP 703-06, be, and it is hereby, approved to amend the conditions of approval set forth in Resolution R05-201(R) by authorizing minor modifications to the conceptual design and layout of the above-described retail center, subject to the following conditions:

1. Modifications to the design and layout of the proposed "Marquis" retail center depicted on the plan titled "The Marquis – York County, Va." Prepared by Landform and dated May 1, 2006 shall be permitted. The ultimate site layout shall include the special pavement treatments in front of the "junior anchor" buildings (curvilinear driveways; wide, landscaped pedestrian areas in front of the buildings with brick or paver inserts; at least three major pedestrian connections between the "junior anchors" and the "town center" area).

2. All other conditions as set forth in Resolution No. R05-201(R) shall remain in full force and effect.

3. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

On roll call the vote was:

Yea: (5) Bowman, Burgett, Shepperd, Noll
Nay: (0) Zaremba

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett reported his office was occupied with reviewing the legislation adopted by the General Assembly and determining which of the amended statutes may require the Board to adopt legislation, as opposed to a statute that simply grants greater authority to a local government should they choose to take advantage of the statute. He said there are some statutes that are being reviewed by staff, and he would try to get them before the Board for the second meeting of next month so they can become effective as of July 1. Mr. Barnett stated that with respect to cable television he would be attending a meeting in Richmond convened by the Virginia Municipal League for a number of attorneys and technical people to try and hammer out a model for a local government cable ordinance in light of the new legislation. He said that given there are rumors that at least one cable company is beginning to wire portions of York County to provide services under the new legislation, he would not be surprised if not long after July 1 the County is given notice that it has 45 days to negotiate or adopt an ordinance. He stated he

thought the County would have until November 1 or possibly later to actually adopt an ordinance. He said he had made contact with the private attorney who had helped the County some years ago with the County's current cable ordinance and franchise, and that firm is standing by to assist as needed.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. McReynolds pointed out that the County is making incremental improvements in Yorktown and noted that the monument sign at Five Points at the end of the Parkway has recently been installed. He then indicated that the County is making big plans for the 225th anniversary of the victory at Yorktown that effectively ended the Revolutionary War and established the United States as an independent nation. He added that one of the things that was going along in association with the 225th and the 400th anniversary of Jamestown was the dedication of the Godspeed that took place last night. He said it was quite an event that was kicking off some major events here in the region and up and down the East Coast. He reminded the Board of the joint meeting with the Planning Commission on May 23 and the next Regular Meeting scheduled for June 6. He said the second meeting in June would be June 27 rather than June 20, and the only meeting in July will be July 18.

MATTERS PRESENTED BY THE BOARD

Mr. Bowman said he wanted to remind the Board and the viewing public that Natasha House was going to hold its groundbreaking ceremony on Saturday, May 20, at 10:00 a.m. on Goodwin Neck Road, and all were invited to stop by.

Meeting Adjourned. At 10:57 p.m. Chairman Zaremba moved that the meeting be adjourned.

James O. McReynolds, Clerk
York County Board of Supervisors

Walter C. Zaremba, Chairman
York County Board of Supervisors