

MINUTES
KING WILLIAM COUNTY
BOARD OF SUPERVISORS
MEETING OF APRIL 24, 2006

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF KING WILLIAM COUNTY, VIRGINIA, HELD ON THE 24TH DAY OF APRIL, 2005, AT 7:00 P.M. IN THE BOARD ROOM OF THE COUNTY ADMINISTRATION BUILDING AT KING WILLIAM COURT HOUSE, THE MEETING WAS CALLED TO ORDER WITH THE FOLLOWING PRESENT:

T. G. SMILEY, CHAIRMAN
O. O. WILLIAMS, VICE-CHAIRMAN
C. T. REDD III
W. F. ADAMS
E. J. RIVARA

L. M. CHENAULT, COUNTY ATTORNEY
FRANK A. PLEVA, COUNTY ADMINISTRATOR

RE: APPROVAL OF MEETING AGENDA

On motion by C. T. Redd III, seconded by W. F. Adams and carried unanimously, the Board adopted the agenda for this meeting as presented by the County Administrator, with three changes – (1) under Consent Agenda, Item 6h, Authorization for Public Hearing, Zoning Case Z-07-06, Request to Change Zoning District Classification from A-C (Agricultural-Conservation) to B-1 (Suburban Residential)(Conditional), Applicant/Contract Purchaser: R. P. James River Investment Group, LLC, Owners: Emmett M. and Marion F. Upshaw, was deleted and moved to the Board's next regular meeting; (2) under Consent Agenda, Item 6k was added, Declaration of the week of May 14-20, 2006, as Business Appreciation Week in King William County, and (3) Item 11c was added – Announcement concerning dedication of new Lord Delaware Bridge over the Mattaponi River into King and Queen County set for Saturday, July 29th.

RE: PUBLIC COMMENT PERIOD – SPEAKERS: ONE OPPORTUNITY OF 3 MINUTES PER INDIVIDUAL OR 5 MINUTES PER GROUP ON NON-PUBLIC HEARING MATTERS

a. LaVerne Abrams made the Board aware of a section of corrugated metal pipe lying along the right side of Route 30 just prior to Route 617, and requested the Board, if possible, to obtain assistance from VDOT to remove this debris. This Friday,

April 28th, is the Historic Garden Week Home Tours in King William County and she would to see this debris removed prior to this event.

b. Pete Glubiak, Attorney, indicated to the Board that he and a group of others recently brought Mr. Randall Arendt, a nationally known Resource Conservationist, to King William County to put on a conference regarding resource conservation zoning, and actually now there is a resident in the County, Mr. Ronnie McGhee, who is actively pursuing the project. Mr. Arendt made a full day visit to the County several weeks ago, drew up a sketch of this project, and will be coming back on Friday, June 23, 2006, probably 10:00 a.m. to noon, to do a site walk-over. Mr. Glubiak invited members of the Board, the Planning Commission and the Board of Zoning Appeals to participate in this walk-over. He indicated that a written invitation and materials will follow, but, at this time he wanted to advise everyone of the date. The expressed intent of this is to highlight this idea. It is very popular in Hanover County, Goochland County and some other counties, and he would like to see it as a proposed amendment to the King William County Zoning Ordinance. This is an opportunity to spend a little bit of time with a nationally known and world-wide expert, reviewing this project. Mr. Arendt will point out some things that he feels are appropriate, and some that aren't, and discuss these with the group in attendance.

RE: CONSENT AGENDA

On motion by C. T. Redd III, seconded by W. F. Adams and carried unanimously, the Board approved the following items on its consent agenda:

a. Minutes of the FY-07 Budget Work Session of March 11, 2006, Minutes of the Regular Meeting of March 27, 2006, and Minutes of the Reconvened Meeting of April 3, 2006, as written

b. Claims against the County for April, 2006, in the amount of \$655,772.15 as follows:

(1) General Fund Warrants #61723-61931 in the amount of \$418,388.50; Manual Checks #14098-14099 in the amount of \$4,612.75; Direct Deposits #8376-8479 in the amount of \$174,567.59; and Electronic Tax Payment in the amount of \$58,203.31

(2) For informational purposes, Social Services expenditures for the month of March, 2006, Warrants #304952-305020 in the amount of \$51,206.80; Direct Deposits #1398-1419 in the amount of \$26,844.70; and Electronic Tax Payment in the amount of \$8,833.36

(3) For informational purposes, Circuit Court expenditures for the month of March, 2006, Warrants #61697-61702 in the amount of \$3,223.97; Direct Deposits #180-191 in the amount of \$7,591.68; and Electronic Tax Payment in the amount of \$2,815.78

(4) For informational purposes, Comprehensive Services Act Fund expenditures for March, 2006, Warrants #61704-61721 in the amount of \$51,852.80

(5) Tax Refunds for the month of March, 2006, in the amount of \$182.01

c. Authorized advertisement of a public hearing to be held during the Board's regular May 22, 2006, meeting beginning at 7:00 p.m. to consider an amendment to the Code of King William County changing the General Reassessment cycle from every four years to every two years

d. Approved employment of the following persons by the Parks and Recreation Department for the Summer Playground staff, 2006 season – Christopher Harris, Sebrina Weckerly, Jennifer Ramirez, Cathy Mitchell, Larry Frazier, and, as alternates, if needed, Valerie Wilhelm and Cori Rivara

e. Authorized advertisement for a public hearing to be held during the Board's regular May 22, 2006, meeting beginning at 7:00 p.m. to consider Zoning Case Z-02-06, Request to Change Zoning District Classification from A-C (Agricultural-Conservation) to R-1 (Suburban Residential); Applicant: Clements Farm, Inc.

f. Authorized advertisement for a public hearing to be held during the Board's regular May 22, 2006, meeting beginning at 7:00 p.m. to consider Zoning Case Z-03-06, Request to Change Zoning District Classification from A-C (Agricultural-Conservation) to R-1 (Suburban Residential); Applicant: Clements Farm, Inc.

g. Authorized advertisement for a public hearing to be held during the Board's regular May 22, 2006, meeting beginning at 7:00 p.m. to consider Zoning Case Z-04-06, Request to Change Zoning District Classification from A-C (Agricultural-

Conservation) to B-1 (General Business)(Conditional); Applicants: Harold J. and Rose M. Robeson

h. Authorized advertisement for a public hearing to be held during the Board's regular May 22, 2006. meeting beginning at 7:00 p.m. to consider Zoning Case Z-08-06, Request to Amend Proffers and Other Conditions; Applicant: Upper Mattaponi Indian Tribe, Inc.

i. Adopted a resolution accepting a Deed of Dedication for the McCauley Park Public Water Supply Well Lot

j. Declared the week of May 14 – 20, 2006, as Business Appreciation Week in King William County

RE: VDOT MATTERS – CHARLES STUNKLE, RESIDENCY ADMINISTRATOR

Charles Stunkle, VDOT Residency Administrator, addressed the Board to provide an update.

a. Route 600 (West River Road) Between Route 30 (King William Road) and Route 360 (Richmond-Tappahannock Highway) – Request to Restrict Through Truck Traffic - Mr. Stunkle reported that the proper signage has been posted indicating the restriction of through truck traffic on Route 600 between Route 30 and Route 360, as was approved by the Commonwealth Transportation Board.

b. Intersection of Route 360 and Route 600 at Aylett – Installation of Stop Light - Mr. Stunkle reported that the District Traffic Engineer has indicated that the full traffic signal and signage on Route 360 at Aylett should be up within the next 90 days.

c. 15th Street in Town of West Point - It was indicated by Mr. Stunkle that 15th Street in the Town of West Point has been looked at as a potential detour, as requested by Mr. Redd at the Board's March meeting, but determined that problems would be created, particularly with trucks, turning at Lee Street, so this was not pursued by VDOT.

d. Dangerous Curve – Route 600 (West River Road) Between Route 30 (King William Road) and Route 360 (Richmond-Tappahannock Highway) - Request for Assistance for Correction of Situation - Mr. Stunkle reported that VDOT has looked at the curve on Route 600 and determined that the speed limit on this entire

section of road is 45 MPH, and the curve itself is posted for maximum safe speed of 30 MPH, plus chevrons are in place. He would maintain not doing any fix to this curve, because there is no simple fix to this situation. The curve has super elevation. The real problem is the fact that the curve is a decreasing radius curve heading west towards Aylett. He feels that living with this curve the way it exists is better than going in and rebuilding it completely because if you do that curve, then you have to ask the question – do we want to stop there or do we want to go to its partner, back to the east, which is also posted for 30 MPH. All of this would involve a significant amount of funds, probably in the half-million dollar range. Mr. Stunkle reported that VDOT did see some places in the vicinity of this curve where there are low shoulders, and they plan to correct these. It was Mr. Stunkle's recommendation, at this time, to live with the curve as it now exists.

e. Response to Question Raised In Opening Public Comment Period Regarding Removal of Corrugated Metal Pipe Reportedly Lying Alongside Route 30 near Route 617 - Mr. Stunkle responded to a request the Board received in its opening public comment period regarding removal of corrugated metal pipe indicating that he has made a note of this request. He advised that it was probably left from a former logging entrance, and if the pipe is no longer serving any purpose, VDOT will remove it.

g. Transportation Budget Not Yet Adopted by the General Assembly - Mr. Stunkle made the Board aware that if the General Assembly does not adopt a Transportation Budget, VDOT can anticipate getting approximately 45% less for Secondary Road Funds over four years, than what is currently in the Six Year Plan adopted in 2005. The current Six Year Plan has \$2.87 million over those four years. The new plan will have about \$1.98 million over that same period. More information regarding the funding will be available before the time to consider and adopt the 2006 Six Year Plan.

h. Drainage Problem - 13th Street and Kirby Street in Town of West Point - C. T. Redd III discussed a continuing drainage problem on 13th Street and Kirby Street which he has previously discussed and viewed with Mr. Stunkle, approximately two years ago, and at that time, the end of the pipe was found and it was totally plugged.

At that time, it was thought that when 14th Street was fixed, this would also fix the 13th Street drainage problem. He questioned whether or not this matter is still in the VDOT plans. Mr. Redd indicated that water still stands at this location. Mr. Stunkle responded that VDOT will take another look at this area.

i. Drainage Problem Created by Resurfacing – Route 30 from 21st Street - Town of West Point - C. T. Redd III inquired whether or not any type of work has been done to correct the drainage problem created by resurfacing and filling up the gutters along the way. Because of this, water stands at every intersection, on both sides of Route 30 from the Armory all the way out of Town. There is no place for the water to drain because the intersections are lower than the gutters. Mr. Stunkle indicated that VDOT can correct a number of intersections by paving in the entrance gutter pan. This work will probably be done after the first of July.

j. Route 648 – White Bank Road - W. F. Adams indicated he has received complaints from residents on Route 648 (White Bank Road) indicating that since Route 648 has been paved, a problem with speeding has developed. Several residents have lost pets because of this. They are requesting that VDOT lower the speed limit on this route. Mr. Stunkle indicated that a traffic study will be performed.

k. Route 654 – Indian Church Road – W. F. Adams reported that he has also received complaints regarding the same issue with speeding on Route 654, Indian Church Road, since this roadway was paved, and requested that VDOT also perform a traffic study on this route.

l. Route 30 – Large Water Hole at Entrance to King William Post Office - W. F. Adams made Mr. Stunkle aware of a large water hole located at the entrance to the King William Post Office, just off of Route 30, and asked that VDOT put some gravel at this location.

m. Traffic Pattern - Intersection of Route 360 and Route 30 at Central Garage - W. F. Adams stated that the traffic pattern at the intersection of Routes 360 and 30 at the stoplight at Central Garage seems like it is carrying more and more truck traffic, and all traffic has to get into the left lane whether they are turning left towards Richmond or going straight across Route 30 towards Interstate 95/Kings Dominion. He questioned Mr. Stunkle about the possibility of VDOT making the right turn lane

into a straight through lane as well as a right turn lane, so that some of the traffic will be taken out of the left lane. Presently, if a vehicle is trying to get out of one of the business establishments located there and back into the flow of traffic, it is very congested, and the situation appears to be getting worse. Mr. Stunkle indicated he would have this intersection looked at again. He stated that basically, the lane assignments are established based on the percentage of traffic making right and left turns and going straight through.

RE: PLANNING MATTERS – LEE YOLTON, COMMUNITY DEVELOPMENT

DIRECTOR

a. Public Hearing – Zoning Case #Z-05-06, Request to Change Zoning District Classification from B-1 (Local Business) (Conditional) to B-2 (General Business) (Conditional), Applicant: Howard Townsend - Lee Yolton, Community Development Director, presented and reviewed the application of Howard Townsend for a zoning classification change from a B-1 (Local Business) (Conditional) District to a B-2 (General Business) (Conditional) District. This parcel contains 10.5 acres and is located on the north side of Route 360 (Richmond-Tappahannock Highway), approximately one mile east of Route 604 (Dabneys Mill Road), and 0.8 mile west of Route 605 (Mansfield Road). This property is designated on the King William County Tax Maps as Parcel 33-9.

Mr. Yolton explained that a year ago, Mr. Townsend received a rezoning of this property from an A-C District to a B-1 (Local Business) District with proffered conditions, and that now, he has indicated that he has obtained a possible user for the site – a manufactured home sales/display facility. This specific use, however, is first permitted in the B-2 (General Business) District, and thus he is seeking the rezoning on the property from B-1 to B-2.

During the Planning Commission's public hearing, concerns were received about landscaping the property, and the need for a fence around the pond on the property for safety reasons. Continuing, Mr. Yolton indicated that after the Planning Commission meeting, the applicant added an additional proffer to address fencing at the rear of the property. This property lies within the Transportation Corridor Overlay (TCO) District, and the application includes a set of six (6) proffered conditions. These

proposed proffers are submitted in conjunction with the design standards contained in the TCO District, and are, therefore, significantly different than the existing proffers approved one year ago, prior to the adoption of the amended TCO District. Mr. Yolton reviewed these proposed proffers indicating that the limitation on uses of the property contained in Proffer #1 limits the uses that could occur on the property, uses that otherwise would be permitted in the B-2 District. The list of uses “proffered out” includes a number of automobile-oriented uses that probably are not harmonious with the intent of the goals and policies for new development along this section of the Route 360 corridor, however, the applicant has indicated that the option to develop the site for an auto service garage is desired. If an auto service garage locates on the property, the proffers indicate that it must be at least 250 feet from Route 360. Mr. Yolton continued reviewing this application, indicating that Proffer #2 provides for appropriate design of any storm water detention pond that may be required as the site develops. Proffer #3 limits the number of permitted entrances on Route 360 to one, and provides for a right turn/deceleration lane at the future entrance. Proffer #4 remains the same as the previous rezoning a year ago because the applicant is willing to provide wider buffer areas than those required by the TCO District. Proffer #5 also remains from before since it refers to the need to analyze the geology of the site due to the former mining/quarrying that occurred there. Proffer #6 provides for the installation of a fence as a safety precaution related to the pond that occupies a large portion of the property.

It was the recommendation of the Planning Commission and the staff to the Board of Supervisors to approve this request with the submitted proffers.

Thereupon, the Chairman declared the public hearing open for comments. The applicant, Howard Townsend, addressed the Board of Supervisors indicating that the model manufactured home to be located permanently on this site will be brick, and the front home will be used for the sales office, and will also be permanent on the site. Some display homes will be located to be back of the site but will not be visible from Route 360.

There being no other persons appearing to speak for or against this application, the public hearing was declared closed.

b. Consideration of Zoning Case #Z-05-06 - On motion by C. T. Redd III, seconded by O. O. Williams and carried unanimously, the Board approved the request of Howard Townsend for a zoning classification change from a B-1 (Local Business) (Conditional) District to a B-2 (General Business) (Conditional) District with proffered conditions, on a 10.5 acre parcel located on the north side of Route 360, approximately one mile east of Route 604, and 0.8 mile west of Route 605. This parcel is further described as Parcel 33-9 on the King William County Tax Maps.

c. Public Hearing – Zoning Case #Z-06-06, Request to Change Zoning District Classification from A-C (Agricultural-Conservation) and B-2 (General Business) to B-2 (General Business) with Proffered Conditions - Community Development Director, Lee Yolton presented and reviewed the application of AC Properties of Virginia, LLC, contract purchaser/ Andy Stampley and Curtis Grubbs, and Queenfield Farm/James P. Townsend and H. Barnes Townsend, Jr., partners/ owners. This parcel contains 8.2 acres and is located at the northeast corner of Route 360 and Route 604 (Dabneys Mill Road). This property is located within the Transportation Corridor Overlay District, and the application includes a set of three (3) proffers.

Mr. Yolton explained that the property is currently under contract for purchase by AC Properties, LLC from the owner, Queenfield Farm, James P. Townsend and H. Barnes Townsend, Jr., partners. The applicants propose to develop a childcare center at this location, as well as a hardware store and associated rental center for a variety of equipment.

At the Planning Commission's public hearing, one member of the audience spoke with questions regarding the status of the Queenfield Golf Course sign located on this property.

Mr. Yolton indicated that a one-acre portion of this property, lying directly at the intersection of Routes 360 and Route 604 was rezoned to the B-2 (General Business) district in April, 2002 (Zoning Case #Z-02-02). This rezoning was to accommodate a commercial sign for the Queenfield Golf Course, however, there are no proffered conditions as part of that rezoning. Since the applicant wishes to obtain a conditional rezoning of the property, the one acre portion of the property also included in this request.

Continuing, Mr. Yolton reviewed the proffers submitted with the application which are intended to address certain aspects of the proposed development of the property that, in addition to the standards contained in the TCO District will help ensure a high quality commercial development at this location. In particular, Proffer #1 states that the property will be developed for a hardware store/rental center, and for a childcare center. On the remainder of the property, the applicants desire to attract other future uses. The applicants, in Proffer #1 agreed to “proffer out” five specific uses otherwise permitted in the B-2 District. With respect to a possible mini storage warehouse, Proffer #1 states that any mini storage warehouse could only locate toward the rear of the site, no less than 300 feet from the frontage on Route 360. Proffer #2 ensures that any on-site detention pond(s) are designed in an appropriate fashion. Proffer #3 provides for access considerations, limiting the property to only one entrance on Route 360 and provides for needed right-of-way and road improvements.

Various Board members questioned Mr. Yolton regarding the increased traffic that would be generated at this intersection with these two proposed businesses and the possible need for installation of a traffic stop light. Mr. Yolton reported that this application has been reviewed by VDOT and no recommendation was made for installation of a stop light or that a traffic study be conducted.

It was the recommendation of the Planning Commission and the staff to the Board of Supervisors to approve this request with the submitted proffers.

The public hearing was declared open by the Chairman. The following persons appeared to speak:

Andrew Stampley a resident of 1605 Milan Road in Greensboro, North Carolina, and CEO of the Southern Group, which owns and operates EduCare Children Centers throughout Virginia, addressed the Board, along with Curtis Grubbs, Mr. Stampley’s partner, who reside on Venter Road in Aylett. They own AC Properties of Virginia, LLC. Mr. Grubbs is President of Grubbs Construction and Maintenance Company. Mr. Stampley indicated that in January, 2006, he and Mr. Grubbs entered into a contract with Kathy and Alan Campbell to purchase the NAPA and Tru Value Hardware. He explained that this business venture is a family commitment as Mr.

Grubbs, wife, Anita Sawyer, has been named General Manager of the NAPA and Mr. Stampley's son, Drew Stampley, moved his family here from South Carolina to go into the hardware business after many years of experience working with 84 and Carter Lumber, etc. It was determined that the viability of the NAPA and the Tru Value could not continue at its present location, therefore, they entered into a contract on January 25th with James and Barnes Townsend to purchase the property subject to this rezoning request and a feasibility study was performed. If this request for rezoning is approved, plans are for construction of a 12,000 sq. foot hardware store to be known as "360 Hardware" with an anticipated opening in March, 2007. At that time, the NAPA will be expanded and occupy the entire existing building. In addition, plans are to build an Edu Care Children's Center for pre-school and after-school care. The Edu Care Children's Center will be a 6,000 sq. ft. building, and would employ 17 people. Mr. Stampley indicated that the full capacity of the Edu Care Center will be 156 children, but, probably will only have 130, or approximately 85% capacity, which will range in age from 6 weeks to 12 years.

The Board expressed great concern about the volume of incoming and outgoing traffic at this intersection to enter and exit the proposed child care center and other businesses planned. The Board was very concerned about sight clearance distance for traffic traveling eastbound on Route 360, making a left hand turn to go onto Route 604, and discussed the need with Mr. Stampley for installation of a stop light at this intersection. They felt this is a great safety issue.

John Morris of 1919 Old Newcastle Road indicated that a recent traffic fatality occurred at this intersection and felt that the developer of this proposed business should set aside money for installation of a stop light at this location. He indicated that he is not against development, but, he is in favor of controlled development. He feels this intersection is going to become extremely dangerous very quickly with the addition of the proposed hardware store and the day care business. He asked the Board to consider this request before making its decision to approve this request for rezoning.

Thomas Kaufmann of 1108 Old Newcastle Road stated that at times, his wife has to wait as long as five minutes in the mornings to cross over Route 360 to the west bound lane, when coming out of North Carolina Road. She travels this route every

day to and from work. He also indicated that when going eastbound you have to drive at least 70 MPH and hit that cutoff or you will be pushed off the side of the road. When you come off the Pamunkey River Bridge, you come straight up a hill, and there is a total blind spot. There is no lane to turn left, and with the addition of increased traffic turning left to enter these proposed businesses, there is going to be a serious problem. Mr. Kaufmann also discussed the fact that located on North Carolina Road, there is a quarry already established, and large commercial trucks go in and out of North Carolina Road every day. He asked the Board to consider all of this to assure the safety of County citizens when this rezoning request is before them.

Herb White of 1186 Mill Road, addressed the Board regarding the issue of safety at this intersection, citing that in the afternoon between the hours of 3:00 p.m. to 6:00 p.m. traffic on Route 360 westbound is heaviest, and that will be the timeframe children will be picked up from the proposed day care center. He, too, discussed the high rate of speed of traffic coming through Broaddus's flats in Hanover County and the dip and the hill just after the Pamunkey River Bridge, and that all of this creates a very dangerous situation for turning traffic.

In addition, Mr. White, as a member of the Board of Zoning Appeals, explained that a Special Exception was granted for the erection of the Queenfield Golf Course sign on this subject property, and that the Special Exception goes away with the sale of the property. As there has been no mention of this at this public hearing, he questioned what happens to this sign if this rezoning request is approved.

James Townsend of 1042 Dabney's Mill Road, one of the owners of the property on which this rezoning is being requested, stated that for some reason a lot of people have a lot of fear about this intersection. He advised that he has been living in this area for 61 years, and there is no more danger at this particular intersection than at any of the others. He indicated that VDOT is only going to put a stop light at an intersection only after a problem, and compared the upcoming installation of a stop light at the intersection of Route 360 and Route 600 at Aylett with this situation. The need at the Aylett intersection has been going on for many years. He requested the Board to approve this rezoning request and everyone work in the future to make this intersection as safe as possible.

Mr. Townsend addressed the issue of Queenfield Golf Course sign located on this property. He reported that the County does not have a problem with the sign, only that VDOT has a problem with it. He has a VDOT permit for the sign. The contract he has with the purchasers of this property states they will assist with signage to the Golf Course. He plans to work with the purchasers and with VDOT, and when the sign is requested to be taken down, he will take it down, otherwise, it will stay.

W. F. Adams questioned the County Attorney about the Special Exception granted for placement of the Queenfield sign on this property. L. M. Chenault, County Attorney, responded that he would have to review the minutes of the Board of Zoning Appeals regarding this matter, but, usually when a Special Exception is granted, there is a limit or a time frame as to when that Special Exception goes away.

Frank A. Pleva, County Administrator, inquired as to whether the Special Exception granted would run with the land or with the applicant. The County Attorney indicated that he will investigate this matter.

Alyson Morris of 1919 Old Newcastle Road, also advised of the large commercial truck traffic on North Carolina Road.

There being no other persons appearing to speak for or against this request, the public hearing was declared closed by the Chairman.

d. Consideration of Zoning Case #Z-06-06 - O. O. Williams requested that consideration on this application be tabled until the Board's May meeting in order to obtain more information regarding the safety issues discussed in public hearing. C. T. Redd III added to Mr. Williams's request to table action, and suggested that the applicants consider the possibility of adding \$100,000.00 in escrow for a future stoplight. The County Attorney advised that proffers are voluntary, but, he feels the applicants would like some direction from the Board as to what information they would like to see. Continuing, Mr. Redd stated that he has no problem with the day care center coming into the County, as he feels this is a much needed service, but, he is concerned about traffic safety.

In addition, the Board discussed the establishment of lower speed limits on Route 360 coming into this intersection, the installation of turn lanes, traffic signs warning of turning vehicles, the need for more concrete information regarding the site

clearance distance. Mr. Adams indicated he feels that VDOT does have some responsibility to help control traffic and to take care of safety issues.

In reviewing discussions by the Board, the Chairman summarized suggestions made to the applicants to consider types of traffic controls, and having a site distance study performed.

C. T. Redd III advised that if any additions or changes are made to the proffers submitted with the application, it will be necessary to advertise for and conduct another public hearing on the new proposed proffers. He wanted to make the applicants aware of this.

County Attorney, L. M. Chenault, suggested that the Board at this time, authorize advertisement for a potential second public hearing on this case to be conducted at the Board's May meeting, if the applicants desire to do so.

Thereupon, on motion by C. T. Redd III, seconded by E. J. Rivara and carried unanimously, the Board authorized advertisement for a potential second public hearing on this application (Case #Z-06-06) to be conducted at its May 22, 2006, regular meeting, if the applicants submit a changed set of proffered conditions. All action on this application was tabled until the Board's May 22, 2006, meeting.

e. Public Hearing – Zoning Case #Z-06-05, Request to Change Zoning District Classification from A-C (Agricultural-Conservation) to B-1 (Local Business) (Conditional); Applicant: James D. Kellum - Lee Yolton, Director of Community Development, presented and reviewed the application of James D. Kellum for a change in zoning district classification from an A-C (Agricultural-Conservation) District to a B-1 (Local Business)(Conditional) District on a parcel containing 6.6 acres located on the southwest side of Route 30 (King William Road) approximately three miles southeast of the intersection of Route 30 and Route 360. This property is designated on the King William County Tax Maps as Parcel 29-80 (part).

Mr. Yolton explained that James D. Kellum submitted this application in May, 2005 to request rezoning of this 6.6 acre tract, and at Mr. Kellum's request, the application was placed "on hold". In December, 2005, the applicant requested the application be brought forward for consideration. He indicated that the application is a request to rezone the property from A-C to B-1 with proffered conditions. A number of

uses otherwise permitted in the B-1 zoning district are excluded by virtue of the proffered conditions. Mr. Kellum has indicated that the property will be developed for office use and that the remainder of Parcel 29-80, about 21 acres, will be donated to a non-profit civic organization. The transfer of the 21 acres to the King William Ruritan Club has been completed.

The Planning Commission has conducted a public hearing and only received comments in favor of the application. No persons spoke in opposition to this request.

Continuing, Mr. Yolton advised that since this application originally was filed, the County has adopted an amended Transportation Corridor Overlay (TCO) District that emphasizes commercial design standards. The adopted TCO district applies to this site and helps ensure that any site plan submitted on this property is designed to meet high-quality standards for commercial building and development. The applicant has submitted a set of four proffered conditions, and probably the most significant proffer, Proffer #1, ensures that the uses of the property would be strictly limited to office-type uses. This proffer precludes any retail establishments from being developed on this site. Proffer #2 addresses the design of any on-site detention pond that may be necessary, ensuring that there will be a landscaped perimeter around the pond. Proffer #3 speaks to the design of the entrance to the property and provides for the dedication of any needed right-of-way for road improvements to Route 30. Proffer #4 ensures that the existing structures on the property would be removed before any new development of the site occurs.

Continuing the review, Mr. Yolton reported that the current Land Use Plan Map recommends this property be used for agricultural conservation use, whereas, the applicant desires to develop a small office park. There is no precedent for commercial type use at this location since it previously contained a store and a post office. The decision was made during the 2002/03 Land Use Plan update that this site was no longer appropriate for local retail type use. This request, however, since it is strictly limited to an office use, may be a more acceptable alternative. Mr. Yolton also advised that another consideration in this matter concerns the proposed development of the 21 acres immediately behind this property. If the Board should grant a conditional use permit to enable the lodge/meeting facility proposed by the King

William Ruritan Club, a small office park at the front, adjacent to Route 30, could be a complimentary, compatible use; probably more so than the logical alternative, a single family dwelling.

It was the recommendation of the Planning Commission and the staff to the Board of Supervisors to approve this request with the submitted proffers.

Thereupon, the Chairman declared the public hearing open for comments. The applicant, James D. Kellum, addressed the Board and presented a conceptual plan of what he would like to do on this site. He explained that there will be only one entrance into the property from Route 30. Entrance into this property will be coming off of Ruritan Road and turn right into the business park. The deceleration lane will serve the Ruritan Park as well as the business park. He indicated that he envisions constructing two story brick office buildings, maximum height of 25 to 30 feet, comparable to what he now has on Sharon Road.

There being no other persons appearing to speak for or against this proposal, the public hearing was declared closed by the Chairman.

f. Consideration of Zoning Case #Z-06-05 - On motion by W. F. Adams, seconded by E. J. Rivara and carried with the following vote, the Board approved the request of James D. Kellum for a zoning district classification change from an A-C (Agricultural-Conservation) District to a B-1 (Local Business) District with proffered conditions, on a 6.6 acre parcel located on the southwest side of Route 30 (King William Road), approximately three miles southeast of the intersection of Route 30 and Route 360. This parcel is further described as Parcel 29-80 (part) on the King William County Tax Maps.

T. G. Smiley	Aye
O. O. Williams	Nay
C. T. Redd III	Aye
W. F. Adams	Aye
E. J. Rivara	Aye

g. Public Hearing – Zoning Case Z-01-06, Request to Change Zoning District Classification from A-C (Agricultural-Conservation) to B-2 (General Business) (Conditional); Applicant: King William Land Developers - Lee Yolton, Community Development Director, presented and reviewed the application of King William Land Developers, Inc. (owner); William M. Pohlig, III (applicant) for zoning district

classification change from an A-C (Agricultural-Conservation) District to a B-2 (General Business) District, with proffers. This parcels contains 42 acres and is located adjacent to the west side of Route 605 (Old Newcastle Road) across from Watkins Farm, approximately 0.5 mile southeast of Route 360 (Richmond-Tappahannock Highway). This property is designated on the King William County Tax Maps as Parcel 34-7G and 7I.

Mr. Yolton indicated that the proposed use of this property would be for a continuation/extension of the King William Commerce Park. The property is suited for commercial type use as long as access is provided only from Route 360, because as an expansion of the existing commerce park, the property is a logical addition, however, as a stand-alone commercial development, its access on Route 605 (Old Newcastle Road) would be a serious problem. At present, Old Newcastle Road is too narrow to accommodate commercial traffic. The applicant has provided a proffered condition that eliminates access from this property directly onto Old Newcastle Road. The submitted proffers also address design considerations for the proposed development and meet the County's goals and policies for commercial development in the Route 360 corridor.

In reviewing the ten proffers submitted with this application, Mr. Yolton indicated that the limitations on uses of the property contained in Proffer #1 basically eliminates all the uses that could be objectionable or incompatible at this location that otherwise would be permitted in the requested zoning district. In continuing his review of the submitted proffers, Mr. Yolton indicated that the proffers address the type of signs, building materials, lighting, and parking features to be provided as the site is developed. Proffer #4 ensures that a natural buffer area of at least 50 feet in width is provided around the perimeter of the property adjacent to existing residential/agricultural uses. Proffer #7 requires a perimeter buffer around any future detention ponds to enhance their appearance. Proffer #8 eliminates any permanent access directly on Old Newcastle Road. At the Planning Commission public hearing, the applicant agreed to conduct a study of the need for a traffic signal at the entrance to the Commerce Park on Route 360. Proffer #9 has been added to address such traffic study. Proffer #9 also commits the developer to post a monetary contribution of

\$100,000 to the cost of a traffic signal at the entrance to the Commerce Park. Proffer #10 addresses the removal of the two existing homes on the property.

It was the recommendation of the Planning Commission and the staff to recommend approval of this request to the Board of Supervisors.

Thereupon, the public hearing was declared open for comments by the Chairman, and the following persons appeared to speak:

William M. Pohlig, III, applicant, reviewed his request and addressed concerns of the Board. He reported that the site plan for this development has been approved by the County.

Thomas Kaufmann, a resident of 1108 Old Newcastle Road, stated that his property is directly adjacent to this application site and when he opens his front door, he will be able to see this commerce park, and he lives a mile off of Route 360. He feels this is a situation in which someone is taking advantage of a very cheap rate of property and turning it around to a general business and attaching it to the business corridor on Route 360. There is so much commercial property available on Route 360 that it is unthinkable to him that the Board would allow this commercial park to go right through the middle of a farming/residential neighborhood, and basically, dividing he and his neighbors from each other. He questioned what type of buffer proffers such as spruce trees or some type of fence line, etc. will be set up to provide a screen to the front of his property. He also was concerned about the lighting coming across to his property. At the present, he can already see an amber glow on his property coming from the existing development. Another concern Mr. Kaufmann discussed was the narrowness of Old Newcastle Road and it has extremely deep ditches. As a firefighter, Mr. Kaufmann stated that in order to access this property right now, it can only be done off of Route 360. If an emergency entrance is rebuilt off of Old Newcastle Road, the road is extremely narrow and some of the fire trucks are extremely long and will be very hard to get in there. If a turn lane is installed and the road widened, that would be great. Some type of study needs to be done to see if Old Newcastle Road from the emergency entrance to the main road is going to be widened. He stated that he highly opposes this request for rezoning.

There being no other persons appearing to speak for or against this case, the public hearing was declared closed.

h. Consideration of Zoning Case #Z-01-06 - On motion by E. J. Rivara, seconded by W. F. Adams and carried unanimously, the Board approved the request of King William Land Developers, Inc. (owner) and William M. Pohlig, III (applicant) for a zoning district classification change from an A-C (Agricultural-Conservation) District to a B-2 (General Business) (Conditional) District with proffered conditions, on a 42 acre parcel located adjacent to the west side of Route 605 (Old Newcastle Road) across from Watkins Farm, approximately 0.5 mile southeast of Route 360 (Richmond-Tappahannock Highway). This parcel is further described as parcel 34-7G and 7I on the King William County Tax Maps.

RE: FY-07 BUDGET ADOPTION

a. Adoption of Proposed FY-07 Budget, Excluding School Fund - A motion was made by C. T. Redd III to adopt the proposed General Fund portion of the FY-07 Budget as presented in public hearing, with the addition of \$41,000.00 to the Sheriff's Department line item, to adopt the Resolution setting levies for the General Fund portion of the FY-07 Budget for tax year, 2006, and to adopt the Resolution appropriating funds for the General Fund portion of the FY-07 Budget. This motion was seconded by W. F. Adams and carried with the following roll call vote:

T. G. Smiley	Aye
O. O. Williams	Aye
W. F. Adams	Aye
C. T. Redd III	Aye
E. J. Rivara	Aye

b. Adoption of Proposed FY-07 Budget – School Fund - A motion was made by W. F. Adams to adopt the School Operating Fund portion of the FY-07 Budget as presented in public hearing, to adopt the Resolution setting levies for the School Operating Fund portion of the FY-07 Budget for tax year, 2006, and to adopt the Resolution appropriating funds for the School Operating Fund portion of the FY-07 Budget. This motion was seconded by C. T. Redd III and carried with the following roll call vote:

T. G. Smiley	Aye	E. J. Rivara	Abstain
O. O. Williams	Aye		
W. F. Adams	Aye		
C. T. Redd III	Aye		

RE: REQUESTS FOR SUPPLEMENTAL APPROPRIATIONS – FY-06

BUDGET

a. Social Services Department – Ben Owen, Director - On motion by T. G. Smiley, seconded by C. T. Redd III and carried with the following vote, the Board approved the request of the Department of Social Services for a supplemental appropriation in its FY-06 Budget in the amount of \$5,940.00.

T. G. Smiley	Aye
O. O. Williams	Aye
C. T. Redd III	Nay
W. F. Adams	Aye
E. J. Rivara	Aye

b. Special Magistrate – Beth Dandridge - The request from Special Magistrate, Beth Dandridge, for a supplemental appropriation in that office's budget for FY-06 in the amount of \$519.00 was presented and considered by the Board. A motion was made by E. J. Rivara to approve this supplemental appropriation. No second was put forth on this motion. The motion died.

c. Building Department – Lewis Heath, Building Official - On motion by C. T. Redd III, seconded by W. F. Adams and carried unanimously, the Board approved the request for supplemental funds in the amount of \$11,530.00 for FY-06 for the Building Department.

d. Planning Department – Lee Yolton, Director - On motion by W. F. Adams, seconded by E. J. Rivara and carried unanimously, the Board approved the request for supplemental funds in the amount of \$20,000.00 for FY-06 for the Planning Department.

e. Electoral Board – Carol Wright, Voter Registrar - On motion by E. J. Rivara, seconded by C. T. Redd III and carried unanimously, the Board approved the request for supplemental funds in the amount of \$19,000.00 for FY-06 for the Electoral Board.

RE: UPDATE ON COUNTY PROJECTS – FRANK A. PLEVA, COUNTY

ADMINISTRATOR

a. Regional Animal Shelter - The County Administrator, Frank A. Pleva, reported that he has been working with the County Attorney's office and Grand Metro Builders, the contractor, and a signed contract should be completed by the end of this

week. At that time, application can be made to obtain the necessary building permits for the project.

b. Mt. Olive Community Improvement Project - Work is being done modifying getting an amendment to the scope of work on this project that will be submitted to the Department of Housing and Community Development. Basically, the proposed amendment would allow for submitting a request to acquire grant funds for additional land to put up 7 or 8 structures where the conditions are just not feasible to rehabilitate, or in some cases, where there are title issues that can't be resolved or would be extremely expensive to resolve. This grant request would be for Indoor Rehabilitation funds for the construction.

c. New Lord Delaware Bridge Dedication - The County Administrator informed the Board of the upcoming dedication for the new Lord Delaware Bridge over the Mattaponi River at West Point. The dedication ceremony and a 5K run and 1-mile walk over the bridge will take place on Saturday, July 29, 2006. Participants and those in attendance will have the opportunity to walk to the top of the new bridge and enjoy the view before it is open to traffic. At this time, VDOT does not know that actual construction will be complete, so the bridge may not be open to traffic on that date.

RE: APPOINTMENTS

a. Building and Code Appeals Board – One Member to Complete Unexpired Term of Tom Hardyman (Deceased 3/2/06) – Said Term to Expire March 1, 2010 - On motion by W. F. Adams, seconded by O. O. Williams and carried unanimously, the Board appointed Michael R. Porch, Jr. to complete the unexpired term of Mr. Hardyman on the Building and Code Appeals Board. Said term will expire March 1, 2010.

RE: PUBLIC COMMENT PERIOD – SPEAKERS: ONE OPPORTUNITY OF 3 MINUTES PER INDIVIDUAL OR 5 MINUTES PER GROUP ON NON-PUBLIC HEARING MATTERS

Herb White addressed the Board again regarding the dangerous curve on Route 600 and stated his concern regarding the number of accidents occurring at this location over the years, particularly involving young people, and the fact that, earlier in

this meeting, Mr. Stunkle, VDOT Residency Administrator, mentioned a figure of \$500,000 to fix this, which seems exorbitant, but, isn't a child's life worth \$500,000?

The County Administrator advised that the appropriate time to look at funding for a situation of this nature, would be during the Board's update of the Secondary Road Six Year Plan, which will come up again in the fall.

RE: BOARD OF SUPERVISORS' COMMENTS

W. F. Adams announced that the Upper Mattaponi Pow Wow will be held on May 27 & 28, 2006, at the Upper Mattaponi Tribal Grounds on Route 30 and invited everyone to attend.

RE: ADJOURNMENT

There being no further business to come before this Board, the meeting was adjourned.

COPY TESTE:

Frank A. Pleva
County Administrator