

AT A SPECIAL MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY
OF JAMES CITY, VIRGINIA, HELD ON THE 20TH DAY OF FEBRUARY
NINETEEN HUNDRED EIGHTY-FIVE AT 7:30 P.M. IN THE AUDITORIUM OF
THE LAFAYETTE HIGH SCHOOL, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Jack D. Edwards, Chairman, Berkeley District
Thomas D. Mahone, Vice-Chairman, Jamestown District
Stewart U. Taylor, Stonehouse District
William F. Brown, Roberts District
Perry M. DePue, Powhatan District

James B. Oliver, Jr., County Administrator
Darlene L. Burcham, Assistant County Administrator
Frank M. Morton, III, County Attorney

B. PUBLIC HEARING - Proposed Zoning Ordinance Amendment

Mr. Edwards stated staff would not give a presentation at this meeting to afford maximum opportunity for citizen comment.

Mr. Edwards opened the public hearing.

1. Mr. John Pierce, 12 Dena Drive, stated he had no personal interest in this matter but he wanted to express his thoughts. Mr. Pierce stated he felt the Board of Supervisors and the Planning Commission were over stepping their power in deciding what was best for the public. He stated the Zoning Ordinance was economic discrimination based on geography.

2. Ms. Carolyn Lowe, 50 Summer East, President of the Williamsburg Area League of Women Voters, stated that on behalf of the League she was reaffirming support for the proposed revisions to the Zoning Ordinance. Ms. Lowe stated the League supported these revisions because they felt it would discourage growth patterns, allow for development of housing that would be within the means of most members of the community, provide protection for open, rural and environmentally sensitive areas by restricting the types of development not compatible with those areas, and help protect historic assets.

3. Mr. Robert L. Clifford, 109 Shellbank Drive, stated he supported the proposed revisions to the Zoning Ordinance. Mr. Clifford stated the revisions were in the best interest of the County and protected history and scenic beauty.

4. Mr. Claude Feigley, 135 First Colony, President of the First Colony Civic Association, stated the association supported the proposed revisions to the Zoning Ordinance. Mr. Feigley stated that adoption of these revisions was essential to carrying out the Comprehensive Plan. Mr. Feigley stated the points of agreement were: 1) it kept the historic values, 2) it controlled the explosive growth in James City County, and 3) it gave guidelines to the present/future development of James City County.

5. Mr. R. M. Hazelwood, Jr., Toano, stated that he had studied the A-1 and A-2 zoning districts. Mr. Hazelwood stated that historically A-1 has been a district of limited restrictions and free market should control the use of this land with permitted uses including duplexes and commercial. Mr. Hazelwood stated he wanted uses permitted generally without a special use permit. He also wishes to eliminate the requirement for private water systems for subdivisions of 5 or more lots. He opposes the 40,000 square feet requirement and recommends 30,000 square feet without water and sewer; he stated the Health Department should approve the lot size. He said height limits on accessory buildings should be dropped. He stated he agrees with the intent of A-2 but opposes it in the Route 60 corridor. He stated that there was no valid distinction between community recreation and commercial recreation. He objects to widening of streets and highways and to restrictions on the uses on each lot. He wants to have a motel in the A-1 district without a special use permit and has further questions regarding his own property. Mr. Hazelwood stated to the Board that they were to represent the wishes of the people correctly.

6. Mr. Robert S. Hornsby, 4794 Longhill Road, stated he had studied the proposed LB zoning and while the concept is good, he felt this rezoning would be detrimental to quality future growth for his interests, those of James City County and the lifestyle of the residents in the Longhill Road residential corridor. Mr. Hornsby stated he felt the B-1, General Business District, will play a very important role in providing future services and in localizing traffic currently utilizing congested intersections.
7. Mr. Larry Richardson, 3531 News Road, opposed rezoning from A-1 to A-2 in his community. He stated 69 property owners had petitioned to be left A-1 and that this petition should be honored.
8. Mr. Robert S. Hornsby, Sr., stated Longhill Road and Old Towne Road corridors protect the residents through its scenic easement. He stated the zoning should not be changed.
9. Mr. Jim Brewer, 2206 Jolly Pond Road, opposes the A-1 to R-6 zoning. Mr. Brewer stated there were no advantages and too many restrictions with R-6 zoning. His subdivision contains 1 - 3 1/2 acre lots and residents want horses and barns.
10. Mr. Jack W. Ford, 112 Burnham Woods, stated he opposes rezoning part of the community to R-1 and leaving the other part A-1. He stated property was bought in the community because of the A-1 zone and they want it left zoned A-1.
11. Mr. Bruce Daniels, 114 Burnham Woods, stated there were 58 houses in his subdivision and the residents of the community opposes zoning part of the property R-1. He stated the property should be left A-1. A new section of the subdivision is planned but not included in the zoning change.
12. Mr. Victor A. Liguori, 4549 Centerville Road, stated he opposes the rezoning and wants the property to remain as A-1. He stated the Board should represent the wishes of the community.
13. Mr. Andy Bradshaw, Toano, encouraged the Board to take time to review all the provisions and to listen to the Supervisor whose area is most affected by these changes. Mr. Bradshaw stated he had two objections to the proposed revisions: 1) the A-1 zone larger lot sizes, and 2) ban on mobile homes being placed within 300 feet of certain roadways. He stated it was not necessary to require larger lot sizes in the A-1 zone and the only people benefiting from the mobile home ban would be the travelling public. He also stated restrictive covenants can cover property uses. Mr. Bradshaw stated the Health Department should decide lot size.
14. Rev. J. B. Tabb, 4024 Ironbound Road, stated the Board needed to examine the new provisions thoroughly and consider all the people involved and not just some. Rev. Tabb advised the Board to be careful and not to overprotect the people.
15. Mr. William W. Fisher, 1782 Jamestown Road, stated he owned a campground and lodge on property zoned B-1. He stated with the new Zoning Ordinance, he would not be allowed to keep his current use and asked the Board if it was legal to down zone property and take away a family's income. Mr. Fisher advised the Board and the Planning Commission not to overstep themselves.
16. Mr. Carl E. Meadows, Toano, stated he opposes the new Zoning Ordinance and complained of rezoning of his property and stated it should be left A-1. He stated because Mr. Brown was on the Planning Commission and the Board of Supervisors he should withdraw his vote due to conflict of interest. Mr. Meadows stated that any major plan change should be in front of the public by referendum.
17. Dr. Robert P. McKeogh, Director of the Health Department, stated his major concern was lot size. Dr. McKeogh urged the Board to increase the minimum lot size to two acres if public water and sewer is not available. He recommended a one-acre minimum size if at least one utility is available. He stated the County could be forced to extend new sewer lines to remote areas if they did not permit sites to be large enough to adequately handle sewage disposal over a 50-year period.

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18. Mr. Sasha Digges, Ironbound Road, stated his thoughts were those of a single-family owner. He stated if the new Zoning Ordinance was passed, young people would not be able to afford to live in James City County. He stated that the Health Department should decide on lot sizes not the Planning Department.
19. Mrs. Vivian Morgan, Bush Springs Road, a single-family owner stated she was representing the Bush Springs residents. Mrs. Morgan stated residents oppose changing the A-1 zoning to A-2. She requested that all property on the east and west side of Bush Springs Road be rezoned from A-1 to R-1 stating it would be more consistent with the land around them.
20. Mr. Emerson Barrett, 112 Edgewood Lane, stated Williamsburg was a beautiful area and everyone should have the opportunity to live here. He stated that he bought property on Jamestown Road and if the new Zoning Ordinance was passed, he would lose approximately \$100,000. He also stated that moderate income homes were not going to be available under the proposed Ordinance.
21. Mr. Robert Brady, Star Route 1, Toano, stated he owned property on Bush Springs Road. He stated he bought this property because of its zoning and stated he opposes the rezoning. He stated he felt the Board was out of line in telling the people what they could and could not do with their property.
22. Mr. Larry Cooke, 202 Castle Lane, encouraged the Board not to close the public hearing tonight. He stated some of the special use permits were too broad and suggested new zoning classifications to save time and money. He stated the Boards and Developers should discuss developments which would enable people with incomes of \$10,000 to \$25,000 to afford homes. Mr. Cooke stated the median sales price for homes in the Williamsburg area was \$37,000 and the median family income of James City County was not enough to support this level of home.
23. Mr. Tom Laughlin, Elmwood Subdivision, stated he opposes changing his property from A-1 to R-6. He stated enough restricted covenants were in the deed and he did not need further protection from outside development.
24. Mr. Stokes, Grove, stated by changing the zoning and stipulating that when a trailer moves out of the mobile home park it cannot be replaced with another trailer takes away his mother's income. Mr. Stokes stated he did not see how the Board could pass this new Zoning Ordinance knowing it will take away from a family's income.
25. Mr. Bruce Denton, 115 Chinkapin Lane, stated he opposes the rezoning to R-6 in Elmwood. He stated this new Zoning Ordinance is not bringing things to the County which people can afford and the Board should consider it carefully.
26. Mr. Paul Carrithers who will be moving to James City County in the near future stated the purpose of the Zoning Ordinance was to protect the rights of the property owner and the rights of the public. He stated the Zoning Ordinance needed further study and that the price of the draft Zoning Ordinance was too high. He stated the Board should send it back to the Planning Commission with further instructions to appoint a committee with three property owner representatives from each district so all views could be considered. He also suggested a 3-year phasing in period for changes.
27. Ms. Patty Fox, Camelot Subdivision, said she was concerned with how long this new Zoning Ordinance would be in effect before more zoning changes were requested. She stated the Zoning Ordinance needed to be firmer and felt that at the present time, zoning had no real meaning in James City County.
28. Mr. John Pierce (1st speaker) stated there was a lack of clear cut standards as to what is best for the public. He stated this new Zoning Ordinance protected only a selected group and represented a lack of equal protection.
29. Mr. Lee Cogdill, representative of St. George's Corporation, stated they were working on a 5-year development on Route 5 and the new Zoning Ordinance would down zone the area from A-1 to A-2. He stated that even though they have water and sewer they could not stay at A-1 because the lot sizes are being changed to 40,000 square feet. He stated they had paid for the water and sewer for this development, and by changing everything, they will lose

money and time and will have to request a rezoning to R-1. He requested the Board leave the property zoned A-1.

30. Mr. Carl Meadows (16th speaker) stated that in order to have a Comprehensive Plan in 1975, the Planning Department and James City County had to make concessions. He stated that a referendum would be the best way to go on this issue and stated personal interests were involved and they should not be.

31. Mr. Paul Small stated he had written a letter for the record regarding two small properties in the County and requested the Board not to rezone them to LB. He stated by zoning it to LB it would restrict his uses and make them non-conforming.

32. Mr. Henry Branscombe stated there seemed to be no solution that would please everyone. He stated growth could not be stopped and the burden lies on the leaders of the Community. He stated schools, traffic, fire departments, etc., needed to be considered when making a decision. He said there would be isolated cases involved and those cases should be handled on a one on one basis.

33. Mr. Emerson Barrett, (20th speaker) advised the Board that when they down zone property they are in a sense confiscating private property and should be aware the owner has a right to seek reimbursement from the County.

34. Mr. Stewart Taylor of Toano stated that he has opposed zoning for 25-30 years, feeling that it takes away the individual's rights to develop his property as he wishes. He said people want less taxation and less restrictions and he will not vote for the Ordinance. He stated nothing will be left of the A-1 zone under the Ordinance and he values freedom above all else.

35. Ms. Nancy James, Robert's District, requested clarity on Mr. Brown's status and recommended he disqualify himself from voting.

Mr. Brown stated he would not withdraw from this issue. He stated the Board of Supervisors chose him as the Board representative on the Planning Commission.

36. Mr. William Brady, Powhatan District, stated the Zoning Ordinance has been changed too often and the public is unsure where it stands. He stated the public should be allowed to make comments on the revisions as the Board considers amendments and another public hearing should be held.

Mr. Edwards closed the public hearing.

Mr. Edwards advised the public that if a problem still existed that had not been addressed, they should notify the Planning Department as soon as possible. He stated the Board would begin discussion of this Ordinance at the next Board meeting but no vote would be taken then. He advised the public they should contact their supervisor to let their views be known if so desired. Mr. Edwards stated that all public comments made tonight would become part of the Board's future consideration.

Mr. DePue stated he would like the Board to continue the public hearing.

Mr. Edwards suggested that if a new issue were presented, the public could comment on it, but a public hearing would not be necessary. Mr. Edwards asked Mr. DePue if it would be acceptable to allow informal public comment on any of the changes suggested.

Mr. DePue stated the public should have the opportunity to express their concerns before the Board voted on any of the changes and stated he was agreeable to Mr. Edwards' suggestion.

Mr. Brown stated people with specific comments about a specific piece of property should submit their concerns in writing and address it to their Supervisor. Mr. Brown stated he was not in favor of continuing with public comment at the Board meetings and stated this issue could not go on indefinitely.

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Mr. Taylor stated it would be better for the public if they wrote a letter or statement with their concerns and their views to their respective Supervisor but that public comment should also be heard on all revisions before the Board voted on them.

Mr. Edwards stated that he felt the Board was in agreement that the public hearing would be closed tonight but an opportunity would be provided for the public to speak on any proposed revisions in the Ordinance prior to the meeting in which the final vote is taken.

A member of the audience asked the Board if the proposal would be passed as a whole package or in parts.

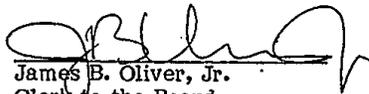
Mr. Edwards stated it would be passed as a whole package at some point in time.

Mr. DePue offered the following comments: He stated people did not understand Government in many cases in regard to public freedom. Mr. DePue stated people cannot do what they want with their property anymore. He is concerned about what will happen to the mobile home owners on Centerville Road if the Ordinance is passed. He thinks the Special Use Permit process for mobile homes is good. He stated he finds the 300-foot setback offensive. Mr. DePue stated the lot size in A-1 zoning is not right and 40,000 sq feet is too arbitrary, particularly when water and sewer are available. He said it was difficult to determine subdivision representation based upon public comment. He told the public that changing property from A-1 to an R zone protects and restricts development around them. He noted that he will take phone calls from any resident. As a final note, Mr. DePue stated that the Board had to make a decision, and the Ordinance will not be put on the shelf but will be discussed at the next few meetings and interested citizens should plan to attend those Board meetings.

Mr. Edwards made a motion to adjourn the meeting.

On a roll call, the vote was AYE: Brown, DePue, Edwards, Mahone, Taylor (5). NAY: (0).

The Board recessed at 10:45 p.m.


James B. Oliver, Jr.
Clerk to the Board