

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 7TH DAY OF APRIL NINETEEN HUNDRED EIGHTY-SIX AT 7:30 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

William F. Brown, Chairman, Roberts District
 Stewart U. Taylor, Vice-Chairman, Stonehouse District
 Jack D. Edwards, Berkeley District
 Thomas D. Mahone, Jamestown 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. MINUTES - March 17, 1986 - Regular Meeting

Mr. Mahone made a motion to approve the minutes as presented.

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

Mr. Brown publicly thanked Norm Beatty, Colonial Williamsburg Foundation; David Otey, Busch Properties; R. T. Johnson, Owens-Illinois; and the Blue Ribbon Transportation Commission, who attended the Route 199 public hearing in Richmond last week and indicated their support of Route 199, as well as the area businessmen who had written letters of support.

Mr. Brown informed the public that the Board had approved a resolution designating Child Safety Week from April 7 - April 13. Mr. Brown explained that the KIDS Program was being held nationwide and that the James City County Police Department and the Outlets Limited Mall were taking part in the program. Mr. Brown encouraged citizens to go to the Outlets Limited Mall and have their children fingerprinted for free.

C. PUBLIC HEARINGS

Mr. Brown informed the public that the Service Authority had held the Utility Water Rates and Fees public hearing at 7:00 p.m. and that now Sanitary District No. 2 would hold its public hearing. Mr. Brown called the Sanitary District No. 2 into session at 7:40.

Mr. John McDonald explained to the public that Sanitary District No. 2 starts from Newport News city limits up to but excluding Busch Gardens.

1. Public Hearing - Water Rates and Fees

Mr. Brown opened the public hearing, and as no one wished to speak, he closed the public hearing.

Mr. Brown informed the public that the Board would not make a decision on this matter until after the Budget Work Sessions.

2. Proposed FY87 Budget

- a. Ordinance Amendment, Sect. 18-7.1, Revoke Provisions for Special Assessment for Land Preservation for Real Property Devoted to Forest Use
- b. Ordinance Amendment, Sect. 8-9 and 8-10, Increase County Landfill Fees and Charges
- c. Ordinance Amendment, Sect. 20-6, Increase Planning and Zoning Fees

- d. Ordinance Amendment, Sect. 17-54, Increase Review of Subdivision Plan Fees
- e. Ordinance Amendment, Chapt. 4, Establish and Increase Code Compliance Fees
- f. Ordinance Amendment, Sect. 19A-4(c), Increase Processing of Wetlands Permit Fees

Mr. Oliver stated he felt that this was the most important Budget since he had been with the County and that the proposed Budget attempted to show the major decisions that exist for the County.

Mr. John McDonald, Director of Financial and Management Services, stated that this was the final public hearing scheduled for public comments on the FY87 Budget and encouraged citizens to attend the Budget Work Sessions. Mr. McDonald then presented a brief summary of how and why the Budget was created.

Mr. Brown opened the public hearing.

1. Reverend J. B. Tabb, 4024 Ironbound Road, spoke in opposition to increased landfill fees. Rev. Tabb stated that he felt the rates requested were unreasonable and would force the small commercial haulers out of business. Rev. Tabb suggested a tax be imposed to make the costs equitable.
2. Mr. Ken Kinsinger, 106 Argall Town Lane, Co-Chairman of the Coalition for Quality Growth, spoke in favor of the Environmental Protection Fund and spoke in opposition to the repeal of land use taxes. Mr. Kinsinger requested James City County review the Comprehensive Plan and the Zoning Ordinance simultaneously to insure quality growth and to continue land use taxes to protect the County's water supply and to deter development.
3. Mr. Ken Smith, 116 Stanley Drive, Chairman of the Williamsburg-JCC School Board, spoke in favor of the School Board's budget request, stating that the School Board presented a "lean" budget and that if the request was not fully funded, programs and facilities would suffer the consequences.
4. Mr. Steve Montgomery, 120 Jordans Journey, Vice-President of Williamsburg Hospice Program. Mr. Montgomery stated that it was difficult and impractical to charge patients for services offered by the Hospice program and encouraged the Board to provide funds for the Hospice Program.
5. Ms. Barbara Mephram, 261 Neck-O-Land Road, representing Steve Turner, read a letter written by Mr. Turner indicating his desire that the Board support the School Board's budget request.
6. Mr. Fred Lederer, 121 Justice Grice, representing the Williamsburg Area Association for the Gifted and Talented, spoke in favor of the School Board's budget request. Mr. Lederer requested the Board consider the impacts of not fully funding the budget request, and encouraged the Board to fund air conditioning for the schools.
7. Ret. Col. Theodore K. Stokes, 21 Hampton Key, spoke in opposition to the property tax increase. Ret. Col. Stokes stated the family budget needed to be considered and encouraged the Board to eliminate the unnecessary and fund only the essential. Ret. Col. Stokes further stated that he felt implementing a State Lottery and naming school rooms after people contributing funds to schools would help take the burden off taxpayers. Ret. Col. Stokes requested the media make all pertinent budget decisions known and stated he felt the burden had been placed on the elderly for too long.
8. Dr. Richard Nelson, 105 Maxwell Place, spoke in favor of the School Board's budget request, stating he felt the request was fair, would help to maintain quality education, and serve as a magnet for growth and industry.
9. Mr. Kevin P. Kelly, 7 Fenwyck Court, Chairman of the James City County Historical Commission, spoke in favor of the Environmental Protection Fund and requested the Board consider allocating \$50,000 a year into this fund "as a small step toward protecting our priceless heritage and environment."
10. Mr. Albert L. White, IV, 4108 4-A Club Road, President of the James City County Agriculture Committee, stated his opposition to the repeal

of land use taxes. Mr. White asked the Board what was the conclusion by the consultant hired to evaluate land use.

Mr. Brown responded that the recommendation was too complicated to explain and that a copy of the report would be provided him.

11. Mr. Bill Apperson, 4904 Fenton Mill Road, spoke in opposition to the repeal of land use taxes. Mr. Apperson noted that 982 acres had been reforested in the past two years.

12. Ms. Carolyn Lowe, 50 Summer East, Williamsburg Area League of Women Voters, spoke in favor of the Environmental Protection Fund and requested the Board continue their support of this item in future budgets. Ms. Lowe requested the Board provide funds in the Capital Improvements Fund to cover future drainage studies. Ms. Lowe further stated that repeal of the land use taxes would promote sales of forestry and agriculture land and rapid development of these lands.

13. Ms. Jerri Millican, 3750 Ironbound Road, Coordinator of Bright Beginnings, spoke in favor of the School Board's budget request. Ms. Millican described for the Board some of the positive results of Bright Beginnings and encouraged the Board to fund the program.

14. Mr. Joel Zimmerman, representative of the Williamsburg-James City County PTA Council, spoke in favor of the School Board's budget request, stating the community's reputation for education draws new people here.

15. Ms. Debbie Williams, 585-6 McMorro Drive, Newport News, President of the Williamsburg-JCC Education Association, spoke in favor of the School Board's budget request stating it was a "no frills" budget request.

16. Mr. H. Jackson Darst, 210 Indian Springs Road, Chairman of the Soil and Conservation Board, stated his opposition to the repeal of land use taxes and stated the general recommendation of the Land Use Study was to retain forestry land use in James City County.

17. Mr. J. C. Richardson, 25 Monument Drive, stated his opposition to the repeal of land use taxes and stated the County needed to protect its timberlands.

18. Dr. Steve Cummings, 124 Tanbark Lane, Co-Chairman of the Williamsburg Task Force on Battered Women, urged the Board to support the Task Force's funding request, stating that charging victims was tried but it was found to inhibit victim use. Most users did not have the funds to pay. Mr. Cummings informed the Board that the program had increased its services by 50%. Mr. Cummings stated that the Task Force felt strongly about government support.

19. Mr. R. M. Hazelwood, Jr., Toano, stated his opposition to the repeal of land use taxes and the increase in development fees. Mr. Hazelwood stated that if the County abolishes the land use tax, he will sell his property, as will others, and more development will occur. Mr. Hazelwood stated that increasing fees will increase the cost of buying a house. Mr. Hazelwood suggested the Board consider cuts to County Departments and elimination of County breakfasts at Kingsmill as the breakfasts do not benefit taxpayers.

20. Mr. Don J. Burke, 109 Peyton Road, spoke in favor of the School Board's budget request and urged the Board to help maintain the quality of education. Mr. Burke stated that with interests rates as low as they are now, this is the most opportune time to invest in new schools.

21. Ms. Linda Dunnigan, 306 Elmwood Lane, spoke in favor of the School Board's budget request stating that quality education is one of the most important interests in a community.

22. Mr. Charles W. Dozier, 103 Warrens Pond Road, Toano, stated he had three questions for the Board: 1) How much money does James City County have in savings; 2) How much money in the last 3-5 years has been spent on consultants; and 3) How do you get a 7% pay increase in 4% inflation? Mr. Dozier stated times are tight and the Federal and County Government needed to be more responsive to the public. Mr. Dozier suggested the Board eliminate County breakfasts at the Kingsmill Restaurant.

Mr. Brown closed the public hearing.

Mr. Brown complimented all public speakers on their comments and informed them that \$110,000 is received in revenues for each one cent on the tax rate.

The Board recessed at 10:02 p.m. and reconvened back into public session at 10:18 p.m.

3. Case No. Z-1-86. Charles Sheppard/Douglas Kinley

The Planning Commission recommends approval of the rezoning.

Mr. Brown opened the public hearing, and as no one wished to speak, he closed the public hearing.

Mr. DePue made a motion to approve the rezoning.

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

RESOLUTION

Of Approval - Zoning Case

No. Z-1-86, Charles A. Sheppard/Douglas L. Kinley

WHEREAS, in accord with Section 15.1-431 of the Code of Virginia, and Section 20-14 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Zoning Case No. Z-1-86 for rezoning approximately 6.6 acres from A-1, General Agricultural to R-1, Limited Residential on property identified as portion of parcel (1-38) on James City County Real Estate Tax Map No. (12-3), and;

WHEREAS, the Planning Commission following its public hearing on February 25, 1986 unanimously recommended approval of Zoning Case No. Z-1-86.

THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby approve Zoning Case No. Z-1-86 as described herein.

4. Case No. Z-3-86/SUP-3-86. E. M. Hooker

The Planning Commission recommends denial of the rezoning, however, a proffer statement was received after the Planning Commission public hearing and recommendation and staff recommends the case be referred back to the Planning Commission.

Mr. Brown opened the public hearing.

1. Mrs. E. M. Hooker, wife of the applicant, urged the Board to support the request to send the case back to the Planning Commission.

Mr. Brown closed the public hearing.

Mr. Taylor stated that he felt an auto parts store was not detrimental to the area and he would support the rezoning.

Mr. Edwards stated he could not support the rezoning and felt the use was not consistent with other land uses in the area.

Mr. Taylor made a motion to approve the rezoning.

Mr. Mahone and Mr. DePue stated they agreed with staff's recommendation.

Mr. Brown stated he questioned whether this type of rezoning should be allowed in an area that is being attractively developed.

Mr. Taylor withdrew his motion.

Mr. DePue made a motion to refer the case back to the Planning Commission.

On a roll call, the vote was AYE: DePue, Mahone, Taylor (3). NAY: Brown, Edwards (2). The motion carried by a 3-2 vote.

5. Case No. Z-4-86. La Grange Farm

The Planning Commission recommends approval of LB, Limited Business zoning. Staff recommends denial due to conflicts with the Comprehensive Plan and the lack of utilities.

Mr. Brown opened the public hearing.

1. Mr. Andrew Bradshaw, attorney for the applicant, spoke in favor of the application and urged the Board to approve the rezoning.

Mr. Brown closed the public hearing.

Mr. DePue stated he was not in favor of expanding uses in the future in that area without the availability of utilities.

Mr. Edwards stated he felt land should not be rezoned until it was known what would be developed.

Mr. Mahone stated that it was uncertain what would be developed on the property and stated he would prefer to wait until utilities were there before deciding on rezoning.

Mr. Brown stated that because the parcel requested to be rezoned was only a small part of a much larger tract, he felt it was not inappropriate to rezone the smaller area.

Mr. DePue made a motion to approve the rezoning.

On a roll call, the vote was AYE: Brown, DePue, Taylor (3). NAY: Edwards, Mahone (2). The motion passed by a 3-2 vote.

RESOLUTION

Of Approval - Zoning Case

No. Z-4-86. La Grange Farm

WHEREAS, in accord with Section 15.1-431 of the Code of Virginia, and Section 20-14 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Zoning Case No. Z-4-86 for rezoning approximately 36 acres from A-1, General Agricultural to B-1, General Business on property identified as parcels (1-38) and (1-22) on James City County Real Estate Tax Map No. (12-1), and a portion of parcel (1-1) on James City County Real Estate Tax Map No. (12-2) and;

WHEREAS, the Planning Commission following its public hearing on February 25, 1986 voted to recommend approval of LB, Limited Business zoning for the property described herein and in Case No. Z-4-86.

THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby approve the rezoning of property described herein from A-1, General Agricultural to LB, Limited Business.

Due to young family members present for item C-12, Mr. Brown moved this item forward on the agenda.

12. Land Acquisition - Moses Lane

Staff recommends adoption of the resolution.

Mr. Brown opened the public hearing.

1. Mr. James Davis, 1237 Oak Drive and owner of the property, stated his land was not for sale. Mr. Davis stated he gave up 20 feet of his property to develop the existing road.

Mr. Brown stated that acquisition of the property was required to bring the road to a certain width to meet State road standards.

Mr. Edwards inquired if more property would be needed in the future.

Mr. Wayland Bass, Director of Public Works, responded that more property would not be required in the future.

Mr. Taylor stated he felt the County should offer the owner \$300 for the property.

Mr. Brown responded the price would depend on negotiations with the owner and the appraiser's report.

Mr. Brown closed the public hearing.

Mr. Brown made a motion to approve the resolution and to have staff continue negotiations with the owner.

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

R E S O L U T I O N

ACQUISITION OF CERTAIN REAL PROPERTY

WHEREAS, in the opinion of the Board of Supervisors of James City County, Virginia, a public necessity exists for the acquisition of certain real property hereafter more particularly described in James City County, Virginia, for the construction, altering, maintaining and repairing a roadway in James City County, Virginia, for public purposes, and the preservation of the health, safety, peace, good order, comfort, convenience, morals and welfare of James City County, Virginia.

NOW, THEREFORE, BE IT RESOLVED:

Section 1. That the County Attorney and/or the law firm of Stone, Bland and Pugh, P.C., be, and they are hereby authorized and directed to acquire in the manner provided by Title 15.1, Chapter 7, Article 1 of the 1950 code of Virginia, as amended, and by Title 33.1, Chapter 1, Article 7 of the 1950 Code of Virginia, as amended, certain real property in James City County, Virginia, together with all rights and appurtenances thereto.

Section 2. That the County Administrator is authorized and directed to act for and on behalf of the County in agreeing or disagreeing with the owner of the property upon the compensation and damages, if any, to be paid within the limit of the funds provided as set out in Section 4 of this Resolution which has been authorized and appropriated.

Section 3. That the name of the present owner of the land to be acquired as provided in Section 1 of this Resolution together with a substantial description of the parcel is as follows:

OWNER: James and Eva Mae Davis, husband and wife, if living; if not, heirs or devisees at law and/or successors in interest.

DESCRIPTION: All that certain lot, piece or parcel of land, situate in Roberts District, James City County, Virginia, shown and designated as: Parcel "D" (area = 82.63 sq. ft.) on that certain plat entitled, "Plat of Survey, Portions of Kearney Subdivision on Moses Lane," made by Buchart-Horn, a professional corporation, Williamsburg, Virginia. Said Parcel "D" is also known as a portion of Tax Parcel (41-4) (8-20) which contains approximately 12,675 square feet.

Section 4. Upon the appraisal by the Department of Real Estate Assessments, the County Administrator is authorized to offer FORTY-TWO AND NO/100 DOLLARS (\$42.00) as compensation and damages, if any, for the parcel described herein.

Section 5. The County Attorney and/or the law firm of Stone, Bland & Pugh, P.C., shall notify the property owner of the compensation and damages offered by the County forthwith on or before May 7, 1986.

Section 6. That in the event the property described in Section 3 of this Resolution has been conveyed to any other party, the County Attorney and/or the law firm of Stone, Bland & Pugh, P.C., are authorized and directed to institute proceedings against the successors in title.

An emergency is hereby declared to exist and this Resolution shall be effective from the date of its passage.

6. Case No. Z-5-86. Amendment to B-1 and LB Zoning Districts

The Planning Commission recommends approval of the ordinance amendments.

Mr. Brown opened the public hearing, and as no one wished to speak, he closed the public hearing.

Mr. DePue made a motion to approve the amendments.

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

7. Case No. SUP-1-86. Charles E. Lewis

The Planning Commission recommends approval of seven duplexes on the four-acre tract subject to two conditions. Staff recommends approval of five duplexes on the four-acre tract.

Mr. Brown opened the public hearing.

1. Mr. Alvin Anderson, attorney for the applicant, spoke in favor of the permit and stated that the owner would finance bringing in water, sewer and a paved road which would meet State requirements.

Mr. Brown closed the public hearing.

Mr. Edwards stated he was concerned with the density in comparison with Longhill Gate's densities with bonuses.

Mr. DePue made a motion to approve the permit for seven duplexes.

On a roll call, the vote was AYE: DePue, Taylor (2). NAY: Brown, Edwards, Mahone (3). The motion failed by a 2-3 vote.

Mr. Brown made a motion to approve the permit for five duplexes.

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

RESOLUTIONOf Approval on Special Use Permit
No. SUP-1-86. Charles E. Lewis

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

WHEREAS, Mr. Alvin Anderson on behalf of Charles E. Lewis has submitted an application for a special use permit authorizing the construction of seven duplexes on four acres in the R-2, Limited Residential zoning district on property located north of Longhill Road and identified as parcels (1-4A), (1-6) and a portion of parcel (1-5) on James City County Real Estate Tax Map No. (31-4); and

WHEREAS, the Board of Supervisors has carefully considered the recommendation of the Planning Commission and has determined that approval of five instead of seven duplexes on the four acre tract will serve to lessen traffic congestion on Longhill Road and is more in keeping with the low density character of the surrounding area; and

WHEREAS, approval of five duplexes developed on the Lewis property at 2.5 dwellings per acre is more consistent with the density guidelines for low density areas established by the Comprehensive Plan.

THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby approve the issuance of Special Use Permit No. SUP-1-86 as described herein with the following conditions.

1. This permit shall be limited to no more than five duplexes on the four acre tract.
2. The duplexes shall front on a road which is to be constructed to VDH&T standards and such road shall be dedicated to VDH&T for maintenance.
3. If construction of the duplexes has not begun within two years from the date of the issuance of the special use permit, this permit shall be void.

Mr. Taylor stated he felt it was not fair that the small developer gets less than a large developer.

8. Case No. SUP-2-86. Stadium Oil Sales, Inc.

The Planning Commission recommends the special use permit, height waiver and side yard setback waivers be approved subject to conditions. Staff recommends four conditions be applied to the permit.

Mr. Brown opened the public hearing.

1. Mr. J. Lee Mershon, the applicant, spoke in favor of the application and urged the Board to support his application.
2. Mr. John Holt, representative for Virginia Power, stated his company did not see any problems with the applicant's request; however, Virginia Power requests the applicant let them know in advance if any leasing is contemplated in order to check for possible interference.
3. Mr. Mark Stephenson, Chief Engineer for Williamsburg Communications, stated the applicant had equipment which would identify frequency problems.

Mr. Brown inquired if the tower were to fall, would it land on adjacent properties.

Mr. Lee Mershon stated a free-standing tower was less likely to fall than a guy wire tower; but if it were to fall, it would fall on adjacent properties.

Mr. Brown closed the public hearing.

Mr. DePue stated Paul Spacek, Systems Manager of Continental Cablevision, had contacted him and appeared not to be concerned with the application.

Mr. DePue made a motion to approve the permit.

Mr. Mark Stephenson noted that he had talked with Continental Cablevision engineers and discussed the structure and materials to be used for the tower with them and stated he understood there were no objections from them.

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

RESOLUTION

Of Approval on Special Use Permit No. SUP-2-86. Stadium Oil Sales, Inc.

- WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and
- WHEREAS, the Planning Commission of James City County has recommended approval of Case No. SUP-2-86, by a vote of 11:0, a special use permit for the construction of an 180-foot communications tower on 1.09 acres located on the north side of Ironbound Road approximately 350 feet east of New Quarter Drive; and
- WHEREAS, the Planning Commission has also recommended that the Board of Supervisors grant a height limitation waiver and side yard setback waivers for the tower in accordance with Sections 20-359 and 20-359(a) of the Zoning Ordinance; and
- WHEREAS, the Board of Supervisors has carefully considered the recommendation of the Planning Commission and has determined that the request for a height limitation waiver meets the criteria required by Section 20-359 of the Zoning Ordinance.
- THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County does hereby approve the issuance of Special Use Permit No. SUP-2-86 as described herein with the following conditions.

1. The operation of the communications tower shall not interfere with operation of the County's communication systems or the operation of Continental Cablevision of James City County's cable system. Stadium Oil Sales, Inc. shall be responsible for ensuring that, in the event space on the proposed tower is leased to other communication companies for the placement of additional equipment, the signal(s) from this equipment shall not interfere with the County's radio communication system or the Continental Cablevision of James City County's cable system. Upon notice from the County or from Continental Cablevision of James City County that interference is being received, Stadium Oil Sales, Inc. shall terminate such interference immediately.
2. If construction of the tower has not begun within two years from the date of issuance of this special use permit, this permit shall be void.
3. The tower shall be painted silver to blend in with the skyline.
4. The height of the tower with the antennae shall be less than 200 feet above ground level.

BE IT FURTHER RESOLVED, that the Board of Supervisors hereby grants the requested height limitation waiver thereby allowing the construction of the 180-foot communications tower on the property and also grants the requested setbacks waiver thereby reducing the required side yard setback to 60 feet.

9. Case No. SUP-4-86. William M. Lee

The Planning Commission recommends approval of the permit subject to one condition.

Mr. Brown opened the public hearing, and as no one wished to speak, he closed the public hearing.

Mr. Taylor made a motion to approve the permit.

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

RESOLUTION

Of Approval on Special Use Permit
No. SUP-4-86. William M. Lee

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

WHEREAS, the Planning Commission of James City County, in accordance with the staff recommendation, has recommended approval of Case No. SUP-4-86 for a special use permit authorizing the use of a portion of an existing single-family dwelling as a tourist home in the A-2, Limited Agricultural zoning district on property located on the north side of Longhill Road between Season's Trace and Lafayette Manor and identified as parcel (1-2) on James City County Real Estate Tax Map No. (32-3); and

WHEREAS, the use of the existing residence as a tourist home does not conflict with the intent of the Comprehensive Plan for the area, and is generally consistent with the character of existing development and the zoning pattern in the area.

THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County does hereby approve the issuance of Special Use Permit No. SUP-4-86 as described herein with the following condition.

If a Certificate of Occupancy for the tourist home has not been secured within 24 months from the date of issuance of this permit, this permit shall become void.

10. Case No. SUP-6-86. C. Lewis Waltrip

The Planning Commission recommends approval of the application subject to five conditions.

Mr. Brown opened the public hearing, and as no one wished to speak, he closed the public hearing.

Mr. DePue made a motion to approve the application.

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

RESOLUTION

Of Approval on Special Use Permit
No. SUP-6-86. C. Lewis Waltrip

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

WHEREAS, the Planning Commission of James City County, in accordance with the staff recommendation, has recommended approval of Case No. SUP-6-86 for a special use permit to allow the construction of a 12-inch gravity sewer line for a distance of approximately 910 feet on property identified as parcels (1-1) and (1-2) on James City County Real Estate Tax Map No. (46-1).

THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County does hereby approve the issuance of Special Use Permit No. SUP-6-86 as described herein with the following conditions.

1. The developer shall comply with all State erosion and sediment control regulations as specified in the 1980 Virginia Erosion and Sediment Control Handbook.
2. The developer shall acquire all required permits and easements prior to commencement of construction.
3. Adequate dust and mud control measures shall be taken to prevent adverse effects on adjacent property.
4. The James City Service Authority shall be notified 48 hours in advance of the proposed sewer main tying into the existing Authority sewer main.
5. If construction has not commenced on this project within a period of 24 months from the date of issuance of this permit, it shall become void. Construction shall be defined as the clearing, grubbing and excavation of trenches necessary for the construction of the sewer main.

11. Case No. CP-1-86. Amendment to the Public Facilities Plan

The Planning Commission recommends adding one primary/elementary school to the Public Facilities element of the Comprehensive Plan to be located in the John Tyler Highway/Centerville Road/Greensprings Road vicinity.

Mr. Mahone inquired if the School Board would buy the property.

Ms. Kay Robertson, Planner, responded a definite school site had not been determined at this time.

Mr. Brown opened the public hearing, and as no one wished to speak, he closed the public hearing.

Mr. DePue made a motion to approve the application.

Mr. Mahone stated he supports the school but felt this was not a proper location as there were no utilities and poor road conditions; these roads are the first and last to be covered with ice and snow making them unsafe for traffic. Mr. Mahone stated he felt Ironbound Road was a more suitable location.

Mr. Taylor stated he agreed with Mr. Mahone and further stated that the site should be owned by the County and in a more centralized location.

Mr. DePue withdrew his motion.

Mr. Edwards made a motion to defer the issue for a later date.

Mr. Brown stated he opposed the location because of poor road access and further stated that County growth was in the Stonehouse and Roberts Districts and that needed to be considered.

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

D. CONSENT CALENDAR

Mr. Brown asked Board members if they wished to remove any items from the Consent Calendar. As no items were removed, Mr. Brown made a motion to approve all items on the Consent Calendar.

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

1. Budget Requests to State Compensation Board - Constitutional Offices

RESOLUTION

Budget Requests to the State Compensation Board

WHEREAS, the Constitutional Offices make application to the State Compensation Board for reimbursement of salaries and office expenses required to perform the functions of those offices, and

WHEREAS, the Board of Supervisors of James City County wishes to endorse the 1987 fiscal year requests of those offices in view of the State requirements for services.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia hereby endorses the budget requests of the following offices and urges the State Compensation Board to consider these requests favorably:

1.	Clerk of the Circuit Court	
	Total Salaries	\$176,164
	Office Expenses	26,892
		<u>\$203,056</u>

Included within the office expense category is a request for microfilm costs that is more reflective of the activity volume of this office.

2.	Commissioner of the Revenue	
	Total Salaries	\$151,559
	Office Expenses	17,840
	Data Processing	15,803
	Mileage	765
	Capital Outlay	12,360
		<u>\$198,327</u>

The request includes approval of a full-time position now fully supported by local funds and an upgrade of a part-time position to full-time.

3.	Commonwealth Attorney	
	Total Salaries	\$129,409
	Office Expenses	11,385
		<u>\$140,794</u>

Included in this request is the request for funds to fully establish this office as full-time.

4.	Treasurer	
	Total Salaries	\$148,626
	Office Expenses	25,892
	Data Processing	11,446
	Mileage	410
	Capital Outlay	77,040
		<u>\$263,414</u>

This request includes State funds for two additional positions, reimbursement for data processing services, and an upgrade/replacement of the cash register system.

5.	Sheriff	
	Total Salaries	\$123,703
	Office Expenses	3,756
	Mileage	18,125
	Capital Outlay	1,510
		\$147,094

The salaries and capital outlay reflect the addition of one clerical position; the office has no clerical position approved at this time.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to the State Compensation Board at its next scheduled meeting.

2. Grove Interchange - Location Public Hearing

RESOLUTION

Grove Interchange Location

WHEREAS, the James City County Board of Supervisors has repeatedly supported construction of an interchange connecting Interstate 64 with Pocahontas Trail in the vicinity of Busch Gardens; and

WHEREAS, the Environmental Assessment prepared by Tippetts-Abbett-McCarthy-Stratton for Virginia Department of Highways & Transportation specifies a location for the Grove Interchange that appears to provide needed linkages with minimal impacts.

THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County endorses the general location of the Grove Interchange as proposed by the Virginia Department of Highways & Transportation in the Environmental Assessment for the project dated February 10, 1986.

3. Fair Housing and Equal Opportunity Month

RESOLUTION

Fair Housing and Equal Opportunity Month

WHEREAS, it is the policy of James City County that Fair Housing and Equal Opportunity is the right of all citizens, regardless of race, color, religion, national origin or sex; and

WHEREAS, this policy is continually implemented in all federal, state, and local housing programs sponsored by the County; and

WHEREAS, the County makes efforts to promote the practices and principles of Fair Housing and Equal Opportunity through education of consumers and providers in the housing market, and

WHEREAS, the month of April, 1986, has been nationally proclaimed as Fair Housing and Equal Opportunity Month.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia that the month of April, 1986, be and it hereby is designated as Fair and Equal Opportunity Month in James City County, Virginia.

E. BOARD CONSIDERATIONS

1. Route 199 Corridor Recommendation

Staff recommends adoption of the revised resolution.

Mr. Brown indicated a revised resolution had been distributed and asked Board members to review it.

It was the consensus of the Board to amend the resolution by deleting the word "alignment" in the third paragraph, third line, and adding "variation of that alignment."

Mr. DePue made a motion to approve the amended resolution.

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

RESOLUTION

Recommended Corridor - Route 199

WHEREAS, the James City County Comprehensive Plan, the Peninsula Planning District's Major Thoroughfare Plan, and the State Transportation Plan conclude that the extension of Route 199 to Interstate 64 is essential to permit the safe and efficient movement of traffic in the James City County-Williamsburg area; and

WHEREAS, Alignment "A" is in agreement with the James City County Comprehensive Plan and has been relied upon by citizens and public officials since its endorsement by the Highway Commission in 1979.

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that alignment "A" or an environmentally acceptable variation of that alignment be designated as the Route 199 corridor in James City County by the State Highway and Transportation Board.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia unanimously endorses that:

1. Route 199 be constructed along its entire length as a controlled access facility, and
2. Corridor alignment, design, and construction be carried out as quickly as possible.

F. PUBLIC AUDIENCE - none

G. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Oliver informed the Board that Ford's Colony was requesting a variation to the A-1 proposal for the Route 199 Corridor. Mr. Oliver stated the request was sent to the Department of Highways and Transportation for their review and recommendations.

Mr. Oliver requested the Board recess at the appropriate time until 7:00 p.m., April 8, 1986 for a Budget Work Session.

H. BOARD REQUESTS AND DIRECTIVES

Mr. Mahone and Mr. Brown requested staff to prepare a report on the County's Incentive Awards Program for the last three years, including how many awards were given and how much money was awarded.

Mr. Brown requested staff to obtain an opinion from a traffic engineer on what the impact of the Longhill Connector Road would be.

Mr. Brown informed the Board that on April 9, 1986, at 4:00 p.m. the James City Service Authority will activate the new water system for James Terrace.

Mr. Oliver informed the Board that Mr. Frank Hall, Resident Engineer, indicated he would be available to discuss the Six-Year Road Plan at a Work Session with the Board on April 21, 1986 if the Board felt it was necessary.

It was the consensus of the Board to meet on April 21, 1986 at 1:00 p.m. to hold a Work Session with Frank Hall, Resident Engineer.

Mr. Brown informed the Board that he would be out-of-town on April 15, 1986 and inquired if the Board desired to move the Budget Work Session to be held that day to another day.

It was the consensus of the Board to move the Budget Work Session to April 16, 1986 at 7:00 p.m.

Mr. DePue made a motion to recess until April 8, 1986 at 7:00 p.m.

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

The Board recessed at 11:53 p.m.



James B. Oliver, Jr.
Clerk to the Board

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, ARTICLE IV. DISTRICTS, DIVISION 11. LIMITED BUSINESS DISTRICT, LB. SECTION 20-307. PERMITTED USES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Zoning, is hereby amended and reordained by amending Section 20-307. Permitted Uses.

Chapter 20

Zoning

ARTICLE IV. DISTRICTS

Section 20-307. Permitted Uses

In the Limited Business District, LB, buildings or structures to be erected or land to be used shall be for one or more of the following:

- Retail food stores, bakeries and fish markets.
- Dry cleaners and laundries.
- Department stores, wearing apparel, furniture, carpet, shoe, tailor, dressmaking, candy, ice cream, florist, furrier, locksmith, gunsmith (excluding shooting range), pet, picture framing, stamp and coin, travel bureau, upholstery, yard goods, toys, music and records, tobacco and pipes, jewelry sales and service, books, greeting cards and sporting goods stores.
- Drug stores, barber shops and beauty shops.
- Restaurants, tea rooms, and taverns.
- Banks and other financial institutions.
- Plants and garden supply, hardware and paint, and home appliance sales and service stores.
- Feed, seed, and farm supply stores.
- Photography studios and sales, artist and sculptor studios, art and crafts and handicraft shops, antique shops, reproduction and gift shops.
- Office supply stores, secretarial and duplicating services.
- Business, governmental, and professional offices.
- Doctors, dentist and other medical clinics or offices.
- Schools, fire stations, post offices, houses of worship and libraries.
- Lodges, civic clubs, fraternal organizations and service clubs.
- Funeral homes.
- Off-street parking as required by this Chapter.
- Day care and child care centers.
- An apartment or living quarters for a guard, caretaker, proprietor or the person employed on the premises, which is clearly secondary to the commercial use of the property.
- Health clubs, exercise clubs, fitness centers.
- Contractor's Offices without the storage of construction equipment or building materials.
- Convenience stores with the sale of fuel in accordance with Section 20-89.
- Plumbing supply (with storage limited to a fully enclosed building).
- New and-or rebuilt automotive parts sales (with storage limited to a fully enclosed building).

ORDINANCE NO. 31A-96

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, ARTICLE IV. DISTRICTS, DIVISION 12. GENERAL BUSINESS DISTRICT, B-1. SECTION 20-329, PERMITTED USES, AND SECTION 20-330, USES PERMITTED BY SPECIAL USE PERMIT ONLY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Zoning, is hereby amended and reordained by amending Section 20-329, Permitted Uses, and Section 20-330, Uses Permitted by Special Use Permit Only.

Chapter 20

ZONING

ARTICLE IV. DISTRICTS

Section 20-329. Permitted Uses.

In the General Business District, B-1, structures to be erected or land to be used, shall be for one or more of the following uses:

Retail food stores, bakeries and fish markets.

Dry cleaners and laundries.

Department stores, wearing apparel, furniture, carpet, shoe, tailor, dressmaking, candy, ice cream, florist, furrier, locksmith, pet, picture framing, stamp and coin, travel bureau, upholstery, yard goods, toys, music and records, tobacco and pipes, jewelry sales and service, books, greeting cards and sporting goods stores.

Drug stores, barber shops and beauty shops.

Restaurants, fast food restaurants, tea rooms, and taverns.

Banks and other financial institutions.

Plants and garden supply, hardware and paint, and home appliance sales and service stores.

Lumber and building supply (with storage limited to a fully enclosed building).

Plumbing and electrical supply (with storage limited to a fully enclosed building).

Automobile service stations, subject to the special requirements of this Chapter.

Hotels, motels, tourist homes, and convention centers.

Machinery sales and service (with storage and repair limited to a fully enclosed building).

Photography studios and sales, artist and sculptor studios, art and crafts and handicraft shops, antique shops, reproduction and gift shops.

Corporate, business, governmental, and professional offices.

Doctors, dentist and other medical clinics or offices.

Indoor theaters, museums, and public meeting halls.

Schools, fire stations, post offices, houses of worship and libraries.

Lodges, civic clubs, fraternal organizations and service clubs.

Funeral homes.

Cemeteries.

Gunsmith (excluding shooting ranges).

Feed, seed and farm supply stores.

Wholesale and warehousing (with storage limited to a fully enclosed building).

Marinas, docks, piers, yacht clubs, boat basins, and servicing, repair and sale facilities for the same with sale of fuel in accordance with Section 20-89.

Public billiard parlors, arcades, pool rooms, bowling alleys, dance halls and other indoor centers of amusement.

Wholesale and retail marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce, or seafood receiving, packing or distribution.

Radio and television stations, and accessory antenna or towers which are 60 feet or less in height.

Printing and publishing.

Off-street parking as required by this Chapter.

Day care and child care centers.

Apartment or living quarters for a guard, caretaker, proprietor or the person employed on the premises, which is clearly secondary to the commercial use of the property.

Telephone exchanges and telephone switching stations.

Office supply stores, secretarial, and duplicating services.

Health clubs, exercise clubs, fitness centers.

Convenience stores with sale of fuel in accordance with Section 20-89.

Parking lots and garages.

Veterinary offices.

New and-or rebuilt automotive parts sales (with storage limited to a fully enclosed building).

Section 20-330. Uses Permitted by Special Use Permit Only.

In the B-1, General Business District, buildings to be erected or land to be used for one or more of the following or similar uses shall be permitted only after the issuance of a Special Use Permit by the Board of Supervisors:

Hospitals and nursing homes.

Antennas and towers in excess of 60 feet in height.

Campgrounds.

Drive-in theaters.

Processing, assembly and manufacture of light industrial products or components; with all storage, processing, assembly and manufacture conducted indoors and under cover; with no dust, noise, odor or other objectionable effect.

Design, research and evaluating laboratories.

Airports.

Sanitary landfills in accordance with Section 20-97, waste disposal, and publicly-owned solid waste container sites.

New or expansion of water impoundments for public or private use of 50 acres or more and dam heights of 25 feet or more.

Outdoor sport facilities.

Theme parks of ten acres or more.

Outdoor centers of amusement.

Petroleum storage.

Vehicle and trailer sales and services (with major repair limited to a fully enclosed building).

Tire, transmission, glass, body and fender and other automotive repair and service (with storage and major repair limited to a fully enclosed building).

Flea markets.

Public or private water and sewer facilities, including but not limited to treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, private connections to existing mains which are intended to serve an individual customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a development, are permitted generally and shall not require a Special Use Permit.

Public or private transmission pipelines, including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, extensions for private connections to existing pipelines, which are intended to serve an individual customer and which are accessory to existing or proposed development, are permitted generally and shall not require a Special Use Permit.

Public or private electrical generation facilities, electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.

Railroad facilities including tracks, bridges and stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way and track and safety improvements in existing railroad rights-of-way, are permitted generally and shall not require a Special Use Permit.