

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE SECOND DAY OF MARCH, NINETEEN HUNDRED EIGHTY-SEVEN, AT 7:00 IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

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

Darlene L. Burcham, Acting County Administrator
 Frank M. Morton, III, County Attorney

B. PRESENTATIONS

1. Historical Commission

Mr. Hugh DeSamper, Vice-Chairman of the Historical Commission and Chairman of Subcommittee, reported that the Oral History Project is not moving forward. Interviews are still needed with older County residents.

The Historical Commission's proposed costs include securing a part-time interviewer for an estimated \$1251, 7 hours per week for 25 weeks, with interviews being completed by the end of 1987. Funding is also needed for separate research, newspaper articles and transcription of tapes. The total requested is \$6,031.

Mr. Brown stated that some of the tapes appeared old and some of the persons interviewed are now deceased.

Mr. Mahone stressed the need for a skilled interviewer who uses the correct equipment for good quality.

Mr. DeSamper said the person the Commission has in mind has a Master's Degree in Folk Lore History with good training, lives in the area and knows the people in the County.

Mr. Mahone made a motion to fund \$1251 and consider the remainder of the request during the regular budgetary process.

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

2. Grass Roots Petition Group

Mr. Stan Brown, 1 Brandon Circle, said he was asked to present the statement on behalf of the Grass Roots group, an unorganized group of citizens and land owners concerned with growth issues. The petition has approximately 1,000 signatures urging the Board of Supervisors to impose a moratorium on applications for multi-family residential rezoning until the regional growth commission recommendations can be considered.

Mr. Brown stated that there appear to be 500 vacant townhouses and apartments on the market and over 400 units in various stages of construction or already approved.

The petition requests the Board of Supervisors to adopt a policy under which R-5 multi-family residential district will not be enlarged or altered for a definite period of time. Citizens are concerned about the direction of growth and hope that consideration will be given to the petition.

Mr. DePue asked the County Attorney about the possibility of a moratorium being imposed based on case law in Virginia.

Mr. Morton said a Virginia case decided by the Virginia Supreme Court in 1975 did not permit a moratorium. A recent opinion from Attorney General Mary Sue Terry cited the 1975 case and said that was the law in Virginia at this time.

Mr. Brown stated the Board appreciated the petition, but has to act on one case at a time.

Mr. Mahone said the Board, like citizens, has the same concerns and appreciates their support in decision-making.

Mr. Taylor did not agree with the vacancy rate stated by the group, and said a moratorium on building would put citizens out of work and middle-income earners would not be able to buy homes.

Mr. DePue said the Board had done things to slow growth and tried to balance property rights and public rights. The Board cannot legally impose a moratorium.

C. PUBLIC HEARINGS

1. Case No. Z-35-86. Busch Corporate Center

Mr. Brown asked to be excused from meeting.

Mrs. Gussman reported that the applicant has applied for rezoning of approximately 17.78 acres from PUD-R, Planned Unit Development-Residential, to M-1, Limited Industrial. The property was previously rezoned in 1983 from M-1 to PUD-R for a proposed retirement community which is no longer under consideration. On January 27, the Planning Commission recommended approval of proposed rezoning.

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

Mr. Taylor made a motion to approve the rezoning application.

On a roll call, the vote was AYE: Taylor, Mahone, DePue, Edwards
(4). ABSENT: Brown.

RESOLUTION

CASE NO. Z-35-86. BUSCH CORPORATE CENTER

WHEREAS, in accordance 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-35-86 for rezoning approximately 17.78 acres from PUD-R, Planned Unit Development - Residential, to M-1, Limited Industrial, on property identified as parcel (1-77) on James City County Real Estate Tax Map No. (50-2); and

WHEREAS, the Planning Commission following its public hearing on January 27, 1987, recommended approval by a unanimous vote.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Zoning Case No. Z-35-86.

2. No. AFD-13-86. Gospel Spreading Church Farm (Gilley Addition)

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

Mr. Mahone stated that inclusion in an agricultural and forestal district is a commitment by the landowners to put their land in a land bank and not to develop or allow it to be developed for a period of four years.

Mr. Mahone made a motion to adopt the ordinance.

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

ORDINANCE NO. _____

GOSPEL SPREADING CHURCH FARM (GILLEY ADDITION)
AGRICULTURAL AND FORESTAL DISTRICT
(AFD-13-86)

WHEREAS, an application for the creation of an Agricultural and Forestal District in the Gospel Spreading Church Farm area has been filed with the James City County Board of Supervisors; and

WHEREAS, in accordance with Sections 15.1-1511(B), (C) and (D) of the Code of Virginia, public notices have been filed, public hearings have been advertised, and public hearings have been held on the application for an Agricultural and Forestal District in the Gospel Spreading Church Farm area; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its meeting on December 30, 1986 recommended approval of the application; and

WHEREAS, the Planning Commission following its public hearing on January 27, 1987 recommended approval of the application.

NOW THEREFORE BE IT ORDAINED:

1. That the Gospel Spreading Church Farm Agricultural and Forestal District is hereby amended by the addition of the following parcels:

(47-4)(1-42A)	JoAnn H. & R. E. Gilley	18.02 ac.
(47-4)(1-40)(part)	JoAnn H. Gilley	33
(47-4)(1-41)(part)	JoAnn H. Gilley	49
(47-3)(1-67)	John R. & Helen J. Rees	25
(47-3)(1-66)	John R. & Helen J. Rees	83.698

provided, however, that all land within 25 feet of Neck-0-Land Road (Route 682) shall be excluded from the district.

2. That pursuant to Title 15.1, Chapter 36, Section 15.1-1512 (D) of the Code of Virginia of 1950, as amended, the Board of Supervisors requires that no parcel in the Gospel Spreading Church Farm Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

- (a) The subdivision of land is to be limited to parcels of 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family; provided, however, that one dwelling may be constructed on either parcel, (47-4)(1-42A), (47-4)(1-40), or (47-4)(1-41), within the Agricultural and Forestal District, in accordance with all applicable building code and zoning regulations.

- (b) No land within the Agricultural and Forestal District may be rezoned to any residential, business, or industrial zone.

- (c) No Special Use Permit shall be issued except for agricultural and forestal activities which are not in conflict with the policies of this district.

3. Case No. Z-28-86. Henry Armistead Estate

Mrs. Gussman reported that the applicant requests rezoning approximately 25 acres from A-2, Limited Agricultural to B-1, General Business and R-5, Multi-family Residential. The plan shows 64 townhouse units on 18.2 acres at proposed density of 3.5 units per acre. Proffers submitted with application provide for upgrading of sewage pump station #4-7 to serve the project.

Applicant has submitted an entrance design to Virginia Department of Transportation. VDOT will not indicate acceptance until applicant has resolved other technical issues.

Ms. Gussman stated that staff recommends sending the R-5 proposal back to the Planning Commission for a recommendation on the revisions, and to defer action on the B-1 proposal until there is resolution of site issues with the VDOT.

Mr. Garrett said the Planning Commission concurred with the staff's recommendations, as density was too high and setbacks were not sufficient. The Commission would like to come to the Board with its recommendation on the specifics of a case. Developers should be aware that the Planning Commission closely follows the Comprehensive Plan.

Mr. Edwards opened the public hearing.

1. Mr. Fred Calhoun, 4536 The Foxes, stated some of the concerns of the citizens were heavy traffic on Ironbound Road; the road should be widened and the speed limit reduced.

Mr. Calhoun said he was also concerned about the County services needed with growth, and he wanted to save the atmosphere and appearance of the beautiful countryside.

2. Ms. Jane Tyler, the Colony, spoke in opposition to townhouses and multi-family dwellings, citing concerns about traffic on Ironbound Road and Route 5, both two-lane roads.

3. Lynn Evans showed the proposed plan with the existing traffic problem on Rt 638. He stated the Highway Department has the plans for all of the proposals, and some are approved, but the applicant will not request site plan approval for any portion without prior Highway approval.

Mr. Evans stated that the reduction from 4.6 units per acre to 3.5 units per acre is reasonable and offers an 85' greenbelt. He stated construction will be primarily brick, three level homes for moderate income families.

David Otey, attorney for the applicant, requested approval of B-1 zoning. He also stressed there is a need for multi-family housing. It gives young adults an opportunity to stay in the community. Issues with the Highway Department can be resolved. The project buffers for R-5 are sufficient, with 35' minimum area alongside adjacent property, and an open field directly across the road from the property.

4. Elizabeth Vaiden, 10 The Foxes, stated she had lived in the area many years, and the land she owns was rezoned R-6 ten years ago there is a minimum lot size of three acres for single family homes. The 85' greenbelt for the adjacent eighteen acres being considered for rezoning is not compatible. She stated housing is not needed because there are 500 multi-family units vacant in James City County at this time.

Ms. Vaiden further stated that there is land available for multi-family housing which is already properly zoned, and she asked that the Ironbound Road area be allowed to remain rural and scenic.

5. Cliff Henderson, developer of Graylin Woods, said that landowners are not opposed to development, but are opposed to a particular kind of development. The proposed land being considered for rezoning should be developed as single family residential.

6. J.E. Vaiden, 960 Woodrow Avenue, Norfolk, commented that this particular project would increase traffic, could adversely affect other development, and might inhibit property values. He mentioned the surplus of multi-family housing. Mr. Vaiden requested the Board to vote against the rezoning.

7. Sashe Digges, the applicant, noted that he lives on Ironbound Road. He stated that construction of multi-family housing makes affordable housing available for middle income families and these houses will appreciate in value over the next few years.

Mr. Edwards closed the public hearing.

Mr. DePue asked if the proffers would be binding on one piece of property.

Mr. Morton noted there were separate proffers for the two properties.

Mr. Taylor made a motion to approve the B-1 rezoning.

Mrs. Gussman stated that staff recommended deferral of the B-1 rezoning so that the Highway Department could give a response to the proposed entrance changes, as early indications are that it may not be possible for the site distance to be met by the developer.

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

Mr. Brown made a motion to deny the R-5 proposal because it is inconsistent with the Comprehensive Plan. He commented that he disagreed with the statement that there were 500 vacant townhouses and apartments.

Mr. Taylor stated his agreement that the proposal should be returned to the Planning Commission as recommended by staff.

Mr. DePue made a substitute motion to return the R-5 rezoning request to the Planning Commission for reconsideration.

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

Mr. Edwards called a short recess at 8:40 p.m.

Mr. Edwards reconvened the Board at 8:52 p.m.

D. CONSENT CALENDAR

Mr. Edwards asked if any member of the Board wished to remove any of the items from the list.

Mr. Edwards made a motion to approve the Consent Calendar.

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

1. Commission for the Arts Grant

R E S O L U T I O N

COMMISSION FOR THE ARTS GRANT

WHEREAS, the Board of Supervisors has been requested to apply for a \$5,000 grant from the State Commission for the Arts on behalf of the Williamsburg Music Association (Williamsburg Symphonia).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County hereby authorizes a grant submission for \$5,000 to the State Commission for the Arts on behalf of the Williamsburg Music Association.

2. Donations - Highway Beautification

R E S O L U T I O N

DONATION TRUST FUND

WHEREAS, the Board of Supervisors of James City County receives donations for certain activities; and

WHEREAS, these donations will include funds for highway beautification.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County requests the Treasurer to deposit funds donated for highway beautification in the Donation Trust Fund, account for them separately, and disburse them on request when approved by the Treasurer, the County Administrator and a member of the Board of Supervisors authorized to approve the disbursement.

3. Williamsburg Landing

R E S O L U T I O N

APPROVING ISSUANCE OF REFUNDING BONDS - WILLIAMSBURG LANDING, INC.

WHEREAS, the Industrial Development Authority of the County of James City, Virginia (the Authority), has considered the request of Williamsburg Landing, Inc. (the Corporation), for the issuance of the Authority's retirement community refunding revenue bonds in an amount estimated not to exceed \$37,500,000 (the Bonds) to refund \$31,090,000 of the Authority's Retirement Community First Mortgage Gross Receipts Bonds (Williamsburg Landing, Inc.), Series 1984, issued to finance the acquisition, construction and equipping of a facility for the residence and care of the aged in James City County, Virginia (the Project), and has held a public hearing thereon on February 25, 1987; and

WHEREAS, the Authority has requested that the Board of Supervisors (the Board) of James City County, Virginia (the County), approve the issuance of the Bonds to comply with Section 147(f) of the Internal Revenue Code of 1986 (the Code); and

WHEREAS, a copy of the Authority's resolution approving the issuance of the Bonds, a record of the public hearing and a "fiscal impact statement" with respect to the Project have been filed with the Board.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that:

1. The Board hereby approves the issuance of the Bonds by the Authority for the benefit of the Corporation to the extent required by Section 147(f) of the Code, to permit the Authority to assist in the refinancing of the Project.
2. Approval of the issuance of the Bonds as required by Section 147(f) of the Code does not constitute an endorsement of the Bonds or the creditworthiness of the Corporation, but, as required by Section 15.1-1380 of the Code of Virginia of 1950, as amended, the Bonds shall provide that neither the County nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and monies pledged therefor, and neither the faith or credit nor the taxing power of the Commonwealth, the County nor the Authority shall be pledged thereto.
3. This resolution shall take effect immediately upon its adoption.

E. BOARD CONSIDERATIONS

1. Denial of For-Hire Permit

Mr. Brown mentioned that the permit being granted was an annual permit, and that should any problems arise, the matter would be brought up again.

Mrs. Burcham stated that Ms. Williams was unable to supply additional reference material during the past week, and that, according to the ordinance, a decision has to be made at this meeting unless Ms. Williams requests an extension.

Mr. DePue said he felt letters of reference were necessary for his approval to grant the permit.

Mr. Taylor made a motion to grant the for-hire permit.

Mr. Brown stated that he would support the motion because Ms. Williams had been candid and open.

Mr. Mahone said he could not support the motion because he supports the wording of the ordinance.

Mr. Edwards commented that Ms. Williams spoke clearly and honestly about the situation and he would support the motion.

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

2. Dirt Street Program

Mr. Bass presented the Dirt Street Program. He commented that Annex A is an inventory of 37 substandard streets in the County, and Annex B, a proposed funding schedule. He stated the schedule is flexible, and when non-county funds are available, streets may be moved forward.

Mr. DePue inquired as to the criteria used for ranking roads on the list.

Mr. Bass replied that the number of dwellings, condition of the road, and cost were the factors used.

Mr. Taylor noted that the list is used as a guide and staff proceeds based upon acquisition of right-of-way from land owners.

Mr. DePue made a motion to approve resolution.

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

R E S O L U T I O N

DIRT STREETS

WHEREAS, the number and severity of unimproved streets in James City County requires a Dirt Street Improvement Program.

NOW, THEREFORE, BE IT RESOLVED that the following documents are hereby adopted to establish construction and funding priorities for the Dirt Street Improvement Program.

The dirt street inventory Annex A attached is hereby included in this resolution. The proposed funding schedule Annex B attached is also hereby included in this resolution.

F. PUBLIC COMMENT

There were no public statements.

G. REPORTS OF THE ACTING COUNTY ADMINISTRATOR

Mrs. Burcham stated an Executive Session would be needed for personnel and legal matters.

H. BOARD REQUESTS AND DIRECTIVES

Mr. Edwards asked for an update on the HRSD major force main break on March 1, 1987 and what might be done in future situations.

Mrs. Burcham replied that the County was advised Sunday afternoon of the main force break and contact was made with HRSD and other concerned citizens. Up to Monday evening, the sewage spill had been contained but it would take two working days for the replacement pipe to be fabricated and put in place. JCSA will assist in providing containment until such time as the break is repaired. JCSA employees verified the breakage was in a HRSD line and were on standby if help was needed.

Mrs. Burcham also stated that the County needs the ability to provide immediate notification to HRSD in such situations.

Mr. Edwards stated he had difficulty contacting HRSD personnel and asked that a representative from HRSD attend the next Board meeting.

Mrs. Burcham said she would immediately write a letter to Mr. James Borberg regarding the lack of timely response to the emergency and inquire about ways to handle an emergency in the future. Mrs. Burcham further stated that she would request a representative attend the next Board meeting.

Mr. Brown reported that he had tried unsuccessfully to arrange a meeting with the taxicab company for some time and suggested that the taxi ordinance be postponed indefinitely.

Mr. Brown also mentioned that the Growth Conference would be held on March 6-7 at the College of William and Mary.

Mr. DePue asked if the conference would be videotaped.

Mrs. Burcham said that it would be videotaped in its entirety for replay.

Mr. Edwards made a motion to go into Executive Session to discuss a personnel matter and legal matter pursuant to Section 2.1-344(a)(1)(6) of the Code of Virginia, 1950, as amended.

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ANNEX A

Dirt Street Inventory
1986 Update

<u>Street Name/ Location</u>	<u>Dwellings</u>	<u>Condition</u>	<u>Miles</u>	<u>Construction Cost</u>	<u>R/W</u>	<u>Ranking</u>
1. Off Rt. 657	9	10	0.15	\$ 59,400	None	1.51
2. Forest Heights Road	14	6	0.20	79,200	15'	1.21
3. Hicks Island Road	13	7	0.25	101,300	None	0.90
4. Off Chickahominy Road (Past Church)	3	10	0.09	36,000	50'	0.83
5. Douglas Lane	6	6	0.11	43,600	30'	0.83
6. Off Hickory Signpost Road (Smith's Mt.)	14	7	0.30	117,800	Private 40' & 50'	0.77
7. Robinson Town Road	3	8	0.08	31,700	None	0.76
8. Lexington Drive	1*	7	0.02	9,800	50'	0.71
9. End of Spring Road	3	5	0.05	21,000	50'	0.71
10. River Drive (Cedar to White Oak)	4	6	0.09	36,000	50'	0.67
11. Neighbors Drive	5	7	0.15	60,800	20'	0.58
12. Off Rt. 30	5	6	0.13	52,500	Private 15'	0.57
13. Route 699 - Camp Road	5	9	0.22	68,900	None	0.51
14. Off Mooretown Road (Taylor Property)	4	10	0.20	78,700	None	0.51
15. Edgewood/Canham Road	15	3	0.23	92,200	40'	0.49
16. Joanne Court	2	9	0.10	39,600	50'	0.45
17. Saddle town Road	13	6	0.47	185,200	None	0.42
18. Clark Lane	5	10	0.31	124,500	None	0.40
19. Rich Neck Road	6	5	0.21	\$ 82,500	50'	0.36
20. Cedar Drive	4	3	0.09	33,800	50'	0.36
21. Welstead Street	4	5	0.14	54,800	50'	0.36
22. Off Route 30	4	5	0.15	59,400	None	0.34
23. Red Oak Landing Road	3	6	0.15	58,500	40'	0.31
24. Off Mooretown Road (William's Property)	3	8	0.22	87,000	None	0.28
25. Off Chickahominy Road	2	10	0.20	79,200	Private 50'	0.25

946 26. Off Jolly Pond Road	7	6	0.45	176,200	Private 50'	0.24
27. Off Centerville Road	3	6	0.19	75,000	35'	0.24
28. Off Route 657 - Hill Lane	2	10	0.25	99,000	None	0.20
29. Louise Lane	3	7	0.32	126,000	50'	0.17
30. Waltrip Lane	10	3	0.45	178,200	Private 30'	0.17
31. End of Bush Springs Road	4	2	0.12	48,700	25'	0.16
32. Skillman Drive	3	6	0.34	136,500	Private 50'	0.13
33. Hockaday/ Arlington Island/ Brewry Roads	16	6	1.62	720,700	50'	0.13
34. Off Ironbound Road (Branscome)	4	1	0.11	43,600	Private 30'	0.09
35. Off Ware Creek Road	2	2	0.14	55,100	50'	0.07
36. Off Riverview Road	1	2	0.14	\$ 54,800	50'	0.07
37. Farmville Lane	<u>1</u>	6	<u>0.16</u>	<u>63,000</u>	40'	0.06
Totals	206		8.80	\$3,490,200		

* Lexington Drive has 12 dwellings on 1,000 L.F. of good paved road with drainage. The street is not in the VDH&T system because it needs a cul-de-sac which serves one dwelling.

37C

Proposed Funding Schedule
1986 Update

ANNEX B

<u>Street Name/ Location</u>	<u>Dwellings</u>	<u>Condition</u>	<u>Miles</u>	<u>Construction Cost</u>	<u>R/W</u>	<u>Ranking</u>
<u>FY 87</u>						
1. Hicks Island Road	13	7	0.25	\$101,300	None	0.90
		Totals	0.25	\$101,300		
<u>FY 88</u>						
2. Off Hickory Signpost Road (Smith's Mt.)	14	7	0.30	\$117,800	Private 40' & 50'	0.77
		Totals	0.30	\$117,800		
<u>FY 89</u>						
3. Lexington Drive	1	7	0.02	\$ 9,800	50'	0.71
4. End of Spring Road	3	5	0.05	21,000	50'	0.71
5. River Drive (Cedar to White Oak)	4	6	0.09	36,000	50'	0.67
		Totals	0.16	\$ 66,800		
<u>FY 90</u>						
6. Neighbors Drive	5	7	0.15	\$ 60,800	20'	0.58
7. Off Route 30	5	6	0.13	52,500	Private 15'	0.57
		Totals	0.28	\$113,300		
<u>FY 91</u>						
8. Route 699 - Camp Road	5	9	0.22	\$ 88,900	None	0.51
		Totals	0.22	\$ 88,900		
<u>FY 92</u>						
9. Edgewood/Canham Road	15	3	0.23	\$ 92,200	40'	0.49
		Totals	0.23	\$ 92,200		
<u>FY 93</u>						
10. Saddle town Road	13	6	0.47	\$185,200	None	0.42
		Totals	0.47	\$185,200		

94d

<u>Street Name/ Location</u>	<u>Dwellings</u>	<u>Condition</u>	<u>Miles</u>	<u>Construction Cost</u>	<u>R/W</u>	<u>Ranking</u>
<u>FY 94</u>						
11. Clark Lane	5	10	<u>0.31</u>	<u>\$ 124,500</u>	None	0.40
			Totals	0.31	\$ 124,500	
<u>FY 95</u>						
12. Cedar Drive	4	3	0.09	\$ 33,800	50'	0.36
13. Welstead Street	4	5	0.14	54,800	50'	0.36
14. Red Oak Landing Road	3	6	<u>0.15</u>	<u>58,500</u>	40'	0.31
			Totals	0.38	\$ 147,100	
<u>FY 96</u>						
15. Off Mooretown Road (William's Property)	3	8	<u>0.22</u>	<u>\$ 87,000</u>	None	0.28
			Totals	0.22	\$ 87,000	
<u>FY 97</u>						
16. Off Jolly Pond Road	7	6	<u>0.45</u>	<u>\$ 176,200</u>	Private 50'	0.24
			Totals	0.45	\$ 176,200	
<u>FY 98</u>						
17. Off Centerville Road	3	6	0.19	\$ 75,000	35'	0.24
18. Louise Lane	3	7	<u>0.32</u>	<u>126,000</u>	50'	0.17
			Totals	0.51	\$ 201,000	
<u>FY 99</u>						
19. End of Bush Springs Road	4	2	0.12	\$ 48,700	25'	0.16
20. Skillman Drive	3	6	<u>0.34</u>	<u>136,500</u>	Private 50'	0.13
			Totals	0.46	\$ 185,200	
Grand Total			4.24	\$1,686,500		

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

The Board convened into Executive Session at 9:20 p.m.

The Board reconvened at 10:10 p.m.

Mr. Edwards made a motion to adjourn.

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

The Board adjourned at 10:10 p.m.


Darlene L. Burdham
Clerk to the Board

mls
0137w

ADOPTED

MAR 2 1987

ORDINANCE NO. 173A-1

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

GOSPEL SPREADING CHURCH FARM (GILLEY ADDITION)
AGRICULTURAL AND FORESTAL DISTRICT
(AFD-13-86)

WHEREAS, an application for the creation of an Agricultural and Forestal District in the Gospel Spreading Church Farm area has been filed with the James City County Board of Supervisors; and

WHEREAS, in accordance with Sections 15.1-1511(B), (C) and (D) of the Code of Virginia, public notices have been filed, public hearings have been advertised, and public hearings have been held on the application for an Agricultural and Forestal District in the Gospel Spreading Church Farm area; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its meeting on December 30, 1986 recommended approval of the application; and

WHEREAS, the Planning Commission following its public hearing on January 27, 1987 recommended approval of the application.

NOW THEREFORE BE IT ORDAINED:

1. That the Gospel Spreading Church Farm Agricultural and Forestal District is hereby amended by the addition of the following parcels:

(47-4)(1-42A)	JoAnn H. & R. E. Gilley	18.02 ac.
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(47-3)(1-66)	John R. & Helen J. Rees	83.698

provided, however, that all land within 25 feet of Neck-0-Land Road (Route 682) shall be excluded from the district.

2. That pursuant to Title 15.1, Chapter 36, Section 15.1-1512 (D) of the Code of Virginia of 1950, as amended, the Board of Supervisors requires that no parcel in the Gospel Spreading Church Farm Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

- (a) The subdivision of land is to be limited to parcels of 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family; provided, however, that one dwelling may be constructed on either parcel, (47-4)(1-42A), (47-4)(1-40), or (47-4)(1-41), within the Agricultural and Forestal District, in accordance with all applicable building code and zoning regulations.
- (b) No land within the Agricultural and Forestal District may be rezoned to any residential, business, or industrial zone.
- (c) No Special Use Permit shall be issued except for agricultural and forestal activities which are not in conflict with the policies of this district.



 Jack D. Edwards, Chairman
 Board of Supervisors

ATTEST:


 Darlene L. Burcham
 Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
Brown	Aye
Taylor	Aye
Mahone	Aye
DePue	Aye
Edwards	Aye

Adopted by the Board of Supervisors of James City County, Virginia, this 2nd day of March, 1987.

0110w

PROFFER OF CONDITIONS FOR APPLICATION OF REZONING HENRY ARMISTEAD ESTATE

WHEREAS, the Digges Bros., Inc., (hereinafter called the "Owner") own certain real property in James City County (hereinafter called the "Property") and more particularly described as follows:

All that certain lot, piece or parcel of land situate in James City County, Virginia, more fully shown and described on a plat prepared by The DeYoung-Johnson Group, Inc., dated February 6, 1987, a copy of which is attached hereto.

BEING the same property conveyed to The Digges Bros., Inc., by Deed from William R. Bland, Special Commissioner on Behalf of all the Heirs At Law of Henry Armistead, Deceased, dated November 17, 1986, and recorded in James City County Deed Book 320, page 690.

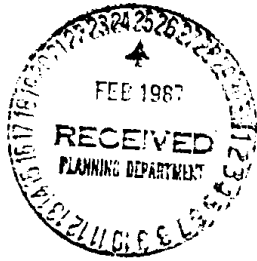
AND, WHEREAS, the Owner has applied for rezoning of 7.03 acres of subject Property (herein referred to as "Parcel A") to be rezoned from A-2, Limited Agricultural, to B-1, General Business; and

WHEREAS, the Owner is desirous of offering certain conditions for the protection of the community that are not applicable to land similarly zoned in addition to the regulations provided for General Business;

NOW, THEREFORE, THIS AGREEMENT WITNESSETH that for and in consideration of the County of James City rezoning Parcel A from Limited Agricultural District to General Business District, and pursuant to Section 15.1-491.1, et seq., of the Code of Virginia of 1950, as amended, and Section 20-17, et seq., Chapter 20, of the Code of James City County, Virginia, the Owner agrees that in addition to the regulations provided for in the General Business District, he will meet and comply with all the following conditions for the development of the Property.

CONDITIONS

(1) Lift pump station #4-7 is to be improved at the owner's expense to the James City Service Authority's specifications as required by the James City



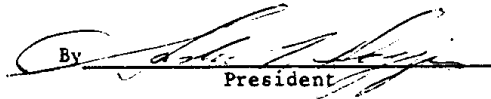
Service Authority. This upgrading of lift pump station #4-7 shall be in a capacity sufficient to handle the 25.241+ acres of land shown on a plat entitled "Plat Showing Boundary Survey of Property Standing in the Name of Henry Armistead Estate, Being 25,241+ Acres, Located James City County, Virginia", dated June 22, 1984, and made by Spearman & Associates, Inc., recorded in James City Plat Book 43, page 95.

(2) Automobile service stations and automobile repair shops will not be allowed.

(3) All activity and storage is limited to fully enclosed buildings.

(4) Owner will design and construct the entrance and turn lanes to the Property so as to meet the desired improvements on Ingram Road and Route 5 as required by the Virginia Department of Transportation.

THE DIGGES BROS., INC.

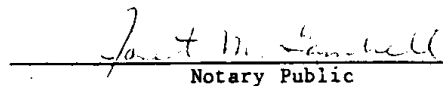
By 
President

STATE OF VIRGINIA AT LARGE

COUNTY OF JAMES CITY, to-wit:

The foregoing instrument was acknowledged before me this 25th day of February, 1987, by Sasha L. Digges as President of The Digges Bros., Inc., a Virginia corporation, on behalf of the corporation.

My Commission Expires: August 1, 1989


Notary Public