

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE FIFTEENTH DAY OF JUNE, NINETEEN HUNDRED EIGHTY-SEVEN, AT 1:03 P.M. 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

David B. Norman, County Administrator
Darlene L. Burcham, Assistant County Administrator
Frank M. Morton, III, County Attorney

B. MINUTES - June 1, 1987

Mr. Edwards asked if there were any additions or corrections to the minutes.

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

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

C. PRESENTATION

Bill Bryant of the Williamsburg/James City County Constitution Bicentennial Committee reported that our area has received State and Federal recognition as an officially designated Bicentennial community, and presented a certificate to the Board. Constitution Day will be observed September 17 nationwide. The Virginia Commission is attempting to organize networking of several communities for local civic education.

The Williamsburg/James City County Constitution Bicentennial Committee is requesting \$2,000 each from the City and the County for operational expenses through the end of 1987.

Mr. Edwards requested that staff provide a recommendation at the next meeting.

Mr. Mahone asked that a resolution be drafted.

D. HIGHWAY MATTERS

Jim Kelly attended for Frank Hall, and said the signal installation at Route 60 and 607 should be started in July or August.

Mr. Taylor inquired if the Racefield request for speed reduction had been reviewed.

Mr. Kelly replied that this request had been referred to the Suffolk office, and that he would follow up for an answer.

Mr. Brown asked what funds were being used for the addition of a fifth lane on Route 143, and if additional right-of-way would be required.

Mr. Kelly said the funds were from safety improvement funds which are allocated to correct hazardous situations, and the present right-of-way will accommodate a fifth lane.

Mr. Edwards requested Mr. Kelly have Mr. Hall call him about his recent letter regarding the intersection at Route 5, Strawberry Plains Road, and Route 199.

E. PUBLIC HEARINGS

1. Case No. Z-26-86. Mill Creek Landing, Ltd.

This case was deferred from the June 1, 1987 Board of Supervisors meeting. Mrs. Gussman indicated that the staff and Planning Commission recommend R-6 zoning.

As no one wished to speak, Mr. Edwards closed the public hearing.

Mr. Mahone spoke in favor of the staff's recommendation saying he had reviewed the material, and that he felt the Board had a significant responsibility to protect the County from overcrowding of land in relationship to existing community facilities and transportation.

Mr. Mahone made a motion to rezone the property to R-6.

Mr. Brown asked Mr. Morton whether the property could be rezoned R-6 since the applicant requested R-1.

Mr. Morton replied that the Board has the flexibility to rezone the property to the R-6 classification.

Mr. Brown said his preference would have been to rezone the property to R-1 with proposed plans and appropriate proffers; however, no plans or proffers were received with the rezoning request.

Mr. Taylor mentioned that the middle income family does not always need or want a two acre lot.

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

RESOLUTION

CASE NO. Z-26-86. MILL CREEK LANDING, LTD.

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 and conducted on Zoning Case No. Z-26-86 for rezoning approximately 179 acres from A-2, Limited Agricultural, to R-1, Limited Residential, on property identified as Parcel (1-42) on James City County Real Estate Tax Map No. (47-4); and

WHEREAS, in accord with the Planning Department's recommendation, the Planning Commission voted to recommend rezoning of the subject property to R-6, Residential Agriculture, instead of R-1, Limited Residential.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the rezoning of the property described above to R-6, Residential Agriculture.

2. Case No. CP-3-87. Neck-0-Land Road Area Plan

This case was deferred from the June 1, 1987 Board of Supervisors meeting. Mrs. Gussman stated that the staff recommends deferral at this time.

As no one wished to speak, Mr. Edwards closed the public hearing.

Mr. Mahone commented that the staff had done a remarkable job on the Neck-0-Land area study, and his preference was to support the staff recommendations.

Mr. Mahone made a motion to defer action until the next Board of Supervisors meeting.

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

F. CONSENT CALENDAR

Mr. Edwards asked if any Board member wished to remove any items from the Consent Calendar.

Mr. Edwards requested that Item 4 and Item 5 be removed.

Mr. Norman noted there were two additional street dedication resolutions for Item 1.

Mr. Edwards made a motion to approve the Consent Calendar by adding the two street dedication resolutions to Item 1, and by removing Item 4 and Item 5.

Mr. Brown, commenting on Item 2, said that it was encouraging to see the positive results from the improvements made to the fourteen homes in Forest Glen.

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

1. Dedication of Streets in Westray Downs, The Meadows, Season's Trace, Windsor Forest, Powhatan Subdivisions, Powhatan Shores, and Graylin Woods

R E S O L U T I O N

DEDICATION OF STREETS IN WESTRAY DOWNS SUBDIVISION

WHEREAS, the developer of Westray Downs, Sections I, IIA and IIB, has requested the Board of Supervisors to include certain streets in the State Secondary Highway System; and

WHEREAS, the Board of Supervisors desires certain streets in Westray Downs, Sections I, IIA, and IIB, to be included in the State Secondary Highway System, provided these streets meet with the requirements of the Virginia Department of Transportation, and providing that any alterations, corrections, or other matters that might be found desirable by the Virginia Department of Transportation are made within a ninety (90) day period from the date that the Virginia Department of Transportation makes its final inspection.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Virginia Department of Transportation be, and is hereby respectfully requested, contingent on the above, to include the following streets in the Westray Downs, Sections I, IIA, and IIB, Jamestown Election District, James City County, in the State Secondary Highway System:

1. Newcastle Drive - right-of-way varies from 80 feet to 50 feet
From: State Route 615
To: Intersection of Bristol Circle
Distance: 211 feet (0.04 miles)
2. Bristol Circle - 50-foot right-of-way
From: Newcastle Drive
To: Intersection of Evesham Court
Distance: 2,564 feet (0.49 miles)
3. Durham Court - 50-foot right-of-way
From: Bristol Circle
To: End of Cul-de-sac
Distance: 292 feet (0.05 miles)
4. Evesham Court - 50-foot right-of-way
From: Bristol Circle
To: End of Cul-de-sac
Distance: 201 feet (0.04 miles)

The rights-of-way of 50 to 80 feet, along with drainage easements, are guaranteed as evidenced by the following plats of record:

Westray Downs, Section I, recorded in Plat Book 43, Page 53, dated August 29, 1986; Westray Downs, Section IIA, recorded in Plat Book 43, Page 54, dated August 29, 1986; and Westray Downs, Section IIB, recorded in Plat Book 43, Page 81, dated October 3, 1986.

BE IT FURTHER RESOLVED that this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

RESOLUTION

DEDICATION OF STREETS IN THE MEADOWS SUBDIVISION

WHEREAS, the developer of The Meadows, Sections 1 and 2, has requested the Board of Supervisors to include certain streets in the State Secondary Highway System; and

WHEREAS, the Board of Supervisors desires certain streets in The Meadows, Sections 1 and 2, to be included in the State Secondary Highway System, provided these streets meet with the requirements of the Virginia Department of Transportation, and providing that any alterations, corrections, or other matters that might be found desirable by the Virginia Department of Transportation are made within a ninety (90) day period from the date that the Virginia Department of Transportation makes its final inspection.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Virginia Department of Transportation be, and is hereby respectfully requested, contingent on the above, to include the following streets in The Meadows Subdivision, Sections 1 and 2, Berkeley Election District, James City County, in the State Secondary Highway System:

1. Old Field Road - 60-foot right-of-way
From: State Route 615
To: Intersection of Sharps Road
Distance: 1,733 feet (0.33 miles)
2. Frond Court - 50-foot right-of-way
From: Old Field Road
To: End of Cul-de-sac
Distance: 542 feet (0.10 miles)
3. Sharps Road - 50-foot right-of-way
From: Old Field Road
To: Old Field Road
Distance: 2,482 feet (0.47 miles)
4. Tendril Court - 50-foot right-of-way
From: Sharps Road
To: End of Cul-de-sac
Distance: 574 feet (0.11 miles)

The rights-of-way of 60 and 50 feet, along with drainage easements, are guaranteed as evidenced by the following plats of record:

The Meadows, Section 1, recorded in Plat Book 40, Page 24, dated December 13, 1984; and The Meadows, Section 2, recorded in Plat Book 41, Page 11, dated July 8, 1985.

BE IT FURTHER RESOLVED that this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

RESOLUTIONDEDICATION OF STREETS IN SEASON'S TRACE SUBDIVISION

WHEREAS, the developer of Season's Trace, Sections VIII-A and XI, has requested the Board of Supervisors to include certain streets in the State Secondary Highway System; and

WHEREAS, the Board of Supervisors desires certain streets in Season's Trace, Sections VIII-A and XI, to be included in the State Secondary Highway System, provided these streets meet with the requirements of the Virginia Department of Transportation, and providing that any alterations, corrections, or other matters that might be found desirable by the Virginia Department of Transportation are made within a ninety (90) day period from the date that the Virginia Department of Transportation makes its final inspection.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Virginia Department of Transportation be, and is hereby respectfully requested, contingent on the above, to include the following streets in Season's Trace Subdivision, Sections VIII-A and XI, Powhatan Election District, James City County, in the State Secondary Highway System:

1. Season's Trace Road - 60-foot right-of-way
From: State Route 1530
To: Intersection of Mattaponi Trail
Distance: 855 feet (0.16 miles)
2. Mattaponi Trail - 50-foot right-of-way
From: Season's Trace Road
To: End of Cul-de-sac
Distance: 1,298 feet (0.25 miles)

The rights-of-way of 60 feet and 50 feet, along with drainage easements, are guaranteed as evidenced by the following plats of record:

Season's Trace, Section VIII-A, recorded in Plat Book 39, Page 39, dated May 9, 1984; and Season's Trace, Section XI, recorded in Plat Book 42, Page 52, dated May 1, 1986.

BE IT FURTHER RESOLVED that this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

RESOLUTIONDEDICATION OF STREETS IN WINDSOR FOREST SUBDIVISION

WHEREAS, the developer of Windsor Forest, Sections 3A, 3B, 4 and 12, has requested the Board of Supervisors to include certain streets in the State Secondary Highway System; and

WHEREAS, the Board of Supervisors desires certain streets in Windsor Forest, Sections 3A, 3B, 4, and 12, to be included in the State Secondary Highway System, provided these streets meet with the requirements of the Virginia Department of Transportation, and providing that any alterations, corrections, or other matters that might be found desirable by the Virginia Department of Transportation are made within a ninety (90) day period from the date that the Virginia Department of Transportation makes its final inspection.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Virginia Department of Transportation be, and is hereby respectfully requested, contingent on the above, to include the following streets in the Windsor Forest Subdivision, Sections 3A, 3B, 4 and 12, Powhatan Election District, James City County, in the State Secondary Highway System:

1. Devon Road - 60-foot right-of-way
From: State Route 1521
To: Intersection of Waterford Court
Distance: 470 feet (0.09 miles)
2. Waterford Court - 50-foot right-of-way
From: Devon Road
To: End of Cul-de-sac
Distance: 451 feet (0.09 miles)
3. Tempsford Lane - right-of-way varies from 60 to 50 feet
From: State Route 1521
To: End of Cul-de-sac
Distance: 742 feet (0.14 miles)

The rights-of-way of 50 to 60 feet, along with drainage easements, are guaranteed as evidenced by the following plats of record:

Windsor Forest, Section 3A, recorded in Plat Book 30, Page 55, dated April 12, 1973; Windsor Forest, Section 3B, recorded in Plat Book 40, Page 21, dated December 11, 1984; Windsor Forest, Section 4, recorded in Plat Book 31, Page 30, dated November 15, 1973; and Windsor Forest, Section 12, recorded in Plat Book 38, Page 80, dated November 15, 1983.

BE IT FURTHER RESOLVED that this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

R E S O L U T I O N

DEDICATION OF STREETS IN POWHATAN SUBDIVISION

WHEREAS, the developer of Powhatan, Phase I, has requested the Board of Supervisors to include certain streets in the State Secondary Highway System; and

WHEREAS, the Board of Supervisors desires certain streets in Powhatan, Phase I, to be included in the State Secondary Highway System, provided these streets meet with the requirements of the Virginia Department of Transportation, and providing that any alterations, corrections, or other matters that might be found desirable by the Virginia Department of Transportation are made within a ninety (90) day period from the date that the Virginia Department of Transportation makes its final inspection.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Virginia Department of Transportation be, and is hereby respectfully requested, contingent on the above, to include the following streets in Powhatan, Phase I, Subdivision, Berkeley Election District, James City County, in the State Secondary Highway System:

1. Powhatan Secondary - 60-foot right-of-way
From: State Route 613
To: Intersection of Old Cart Road
Distance: 201 feet (0.04 miles)
2. Old Cart Road - 50-foot right-of-way
From: Powhatan Secondary
To: End of Cul-de-sac
Distance: 1,734 feet (0.33 miles)
3. First Patent Court - 50-foot right-of-way
From: Old Cart Road
To: End of Cul-de-sac
Distance: 413 feet (0.08 miles)
4. Barley Mill Place - 50-foot right-of-way
From: Old Cart Road
To: End of Cul-de-sac
Distance: 550 feet (0.10 miles)

5. Oak Ridge Court - 50-foot right-of-way
 From: Old Cart Road
 To: End of Cul-de-sac
 Distance: 618 feet (0.12 miles)

The rights-of-way of 50 and 60 feet, along with drainage easements, are guaranteed as evidenced by the following plats of record:

Powhatan of Williamsburg Secondary, recorded in Plat Book 36, Page 80, dated May 5, 1981.

BE IT FURTHER RESOLVED that this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

R E S O L U T I O N

DEDICATION OF STREETS IN POWHATAN SHORES SUBDIVISION

WHEREAS, the developer of Powhatan Shores, Sections I and II, has requested the Board of Supervisors to include certain streets in the State Secondary Highway System; and

WHEREAS, the Board of Supervisors desires certain streets in Powhatan Shores, Sections I and II, to be included in the State Secondary Highway System, provided these streets meet with the requirements of the Virginia Department of Transportation, and providing that any alterations, corrections, or other matters that might be found desirable by the Virginia Department of Transportation are made within a ninety (90) day period from the date that the Virginia Department of Transportation makes its final inspection.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Virginia Department of Transportation be, and is hereby respectfully requested, contingent on the above, to include the following streets in the Powhatan Shores Subdivision, Sections I and II, Jamestown Election District, James City County, in the State Secondary Highway System:

1. Branscome Boulevard - 50-foot right-of-way
 From: State Route 682
 To: End of Cul-de-sac
 Distance: 1,710 feet (0.32 miles)
2. Discovery Lane - 50-foot right-of-way
 From: State Route 1451
 To: Intersection of Branscome Boulevard
 Distance: 457 feet (0.09 miles)

The rights-of-way of 50 feet, along with drainage easements, are guaranteed as evidenced by the following plats of record:

Powhatan Shores, Section I, recorded in Plat Book 33, Pages 27, 28 and 29, dated December 12, 1975; and Powhatan Shores, Section II, recorded in Plat Book 41, Page 28, dated August 2, 1985.

BE IT FURTHER RESOLVED that this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

R E S O L U T I O N

DEDICATION OF STREETS IN GRAYLIN WOODS SUBDIVISION

WHEREAS, the developer of Graylin Woods, Sections 1A and 1B, has requested the Board of Supervisors to include certain streets in the State Secondary Highway System; and

WHEREAS, the Board of Supervisors desires certain streets in Graylin Woods, Sections 1A and 1B, to be included in the State Secondary Highway System, provided these streets meet with the requirements of the Virginia Department of Transportation, and providing that any alterations, corrections, or other matters that might be found desirable by the Virginia Department of Transportation are made within a ninety (90) day period from the date that the Virginia Department of Transportation makes its final inspection.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Virginia Department of Transportation be, and is hereby respectfully requested, contingent on the above, to include the following streets in the Graylin Woods Subdivision, Sections 1A and 1B, Berkeley Election District, James City County, in the State Secondary Highway System:

- 1. Running Cedar Way - 50-foot right-of-way
From: State Route 5
To: Intersection of Yarrow Court
Distance: 591 feet (0.11 miles)
- 2. Lady Slipper Path - 50-foot right-of-way
From: Running Cedar Way
To: End of Cul-de-sac
Distance: 695 feet (0.13 miles)
- 3. Yarrow Court - 50-foot right-of-way
From: Running Cedar Way
To: End of Cul-de-sac
Distance: 531 feet (0.10 miles)

The rights-of-way of 50 feet, along with drainage easements, are guaranteed as evidenced by the following plats of record:

Graylin Woods, Section 1A, recorded in Plat Book 41, page 76, dated December 2, 1985; and Graylin Woods, Section 1B, recorded in Plat Book 42, page 56, dated May 8, 1986.

BE IT FURTHER RESOLVED that this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

2. Execution and Delivery of Deeds to Homestead Properties

R E S O L U T I O N

URBAN HOMESTEAD PROPERTY TRANSFERS

WHEREAS, James City County was awarded federal funds in 1982 and 1983 under Section 810 of the 1974 Housing and Community Development Act, as amended, to undertake a homesteading program in the Forest Glen Subdivision; and

WHEREAS, on February 14, 1983 and September 26, 1983 the Board of Supervisors adopted resolutions authorizing transfer of conditional title to homestead properties to eight and six eligible applicant households respectively; and

WHEREAS, the Agreements entered into between James City County and each of the designated eligible homesteaders state that the County shall, following continuous occupancy by the homesteader of the property for a period of 36 months and compliance with all other conditions set forth in the Agreement, deed the property to the homesteader subject to any deed of trust which may have been executed by the homesteader and the County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the Chairman of the Board to execute deeds to convey ownership of homestead properties to those homesteaders who have met the conditions set forth in the aforesaid Agreements.

3. Federal Revenue Sharing FundR E S O L U T I O NREVENUE SHARING FUND

WHEREAS, the Board of Supervisors of James City County has received a final payment under the Federal Revenue Sharing Program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appropriates the current fund balance of the Federal Revenue Sharing Fund, in the amount of \$8,436.92, as a contribution to the Capital Projects Fund and authorizes the County Treasurer to eliminate the Federal Revenue Sharing Fund from the County's accounting records on or before June 30, 1987.

BE IT FURTHER RESOLVED that the Capital Projects Fund budget be amended as follows:

Revenue

Contribution from Revenue Sharing	+\$8,437
-----------------------------------	----------

Expenditures

Recreation Center Contingency	+\$8,437
-------------------------------	----------

6. Courthouse of 1770 AgreementR E S O L U T I O NTO APPROVE AN AGREEMENT BETWEEN JAMES CITY COUNTYAND THE COLONIAL WILLIAMSBURG FOUNDATIONREGARDING THE COURTHOUSE OF 1770

WHEREAS, the Colonial Williamsburg Foundation proposes to renovate the Courthouse of 1770 and to conduct therein an educational and interpretive program; and

WHEREAS, James City County, Virginia, has placed certain restrictions on the use of said Courthouse; and

WHEREAS, after careful consideration an Agreement has been drafted clarifying those restrictions.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes its Chairman to execute an Agreement between the Colonial Williamsburg Foundation and James City County, attached hereto, said Agreement clarifying the restrictions on the use of the Courthouse of 1770 by the Colonial Williamsburg Foundation.

7. State Commission of the Arts GrantR E S O L U T I O NSTATE COMMISSION FOR THE ARTS

WHEREAS, the Board of Supervisors of James City County, Virginia, has been notified that the County has been awarded a grant in the amount of \$5,000 from the Virginia Commission of the Arts; and

WHEREAS, the grant application was made on behalf of the Williamsburg Symphonia; and

WHEREAS, the grant award was contingent on the appropriation of \$5,000 in local matching funds to be contributed to organizations promoting the Arts.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the adopted budget for the 1988 fiscal year by adding, as follows:

General Fund Revenues

Commission for the Arts Grant \$5,000

General Fund Expenditures

Williamsburg Symphonia \$5,000

BE IT FURTHER RESOLVED that the Board of Supervisors reaffirms its previous appropriation of local funds in support of organizations promoting the arts, as adopted in the 1988 fiscal year budget:

Williamsburg Players	\$2,200
Virginia Symphony	1,100
Virginia Shakespeare Festival	2,200
Williamsburg Symphonia	<u>1,000</u>
	\$6,500

5. Farmer's Home Administration Discount Purchase Program

Mr. Mahone said one of the key considerations in approving the resolution would be the significant amount of savings in interest payments over the next two decades.

Mr. Brown said another important consideration was that annexation efforts in the area covered by the Sanitary District would be much more difficult than if it remains as a freestanding district.

Mr. Edwards stated that acquisition of the Sanitary District would be a major step in completing the consolidation of all water and sewer facilities in the Service Authority.

Mr. Edwards made a motion to approve the 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

RETIREMENT OF DEBT - SANITARY DISTRICT NUMBER 2

WHEREAS, it is the desire of the Board of Supervisors of the James City County Sanitary District Number 2 to retire all debt of the District; and

WHEREAS, the Farmer's Home Administration is offering a Discount Purchase Program through which outstanding loans may be purchased at potentially advantageous prices; and

WHEREAS, an "Indication of Interest" form and a good faith deposit of five (5) percent of the outstanding debt must be received by Farmer's Home Administration by July 10, 1987.

NOW, THEREFORE, BE IT RESOLVED that the James City County Sanitary District Number 2 (District) is authorized to indicate interest to Farmer's Home Administration in retiring the District's outstanding debt and is authorized to pay to Farmer's Home Administration \$31,810.00 from the District's debt service account as a good faith deposit.

Mr. Edwards presented a Certificate for Achievement, Excellence in Financial Reporting, plaque from the Government Finance Officers Association to John McDonald, Director of Financial and Management Services. Mr. McDonald has received this annual award for the past six years.

Mr. McDonald thanked the Board and said the award was an achievement for the County and the Finance staff.

G. BOARD CONSIDERATIONS

1. Case No. SUP-11-87. James City County Landfill

Victoria Gussman, Director of Planning, said a productive meeting with citizens was held on Saturday, June 13.

Mr. Edwards asked if the citizens were satisfied as a result of the meeting.

Mr. DePue said Mrs. Susan Feiner of Jolly Pond Road had called and reported to him that the citizens were convinced that the action was in the public interest, and were very impressed with the landfill staff and operations.

Mr. DePue made a motion to approve the 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

CASE NO. SUP-11-87. JAMES CITY COUNTY SANITARY LANDFILL

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 James City County Department of Public Works has applied for a special use permit to allow the expansion of the James City County Sanitary Landfill on approximately 120 acres identified as a portion of Parcel (1-4) on James City County Real Estate Tax Map No. (30-1); and

WHEREAS, the James City County Planning Commission has recommended approval of Case No. SUP-11-87 with the smaller parcel (20 acres) excluded from this permit; and

WHEREAS, staff has added a condition that precludes landfilling on the 20 acre parcel but allows environmental protective measures to take place under this special use permit.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-11-87 as applied for with the following conditions:

1. Compliance with all State and Federal regulations involved in the use and operation of the landfill.
2. A valid State Department of Waste Management Permit must be maintained while the landfill is being operated on this site.
3. Compliance with all State Erosion Control and Sedimentation regulations involved in the construction, use, and operation of a landfill, as specified in the Virginia Erosion and Sediment Control Handbook.
4. Maintenance of a 100-foot wide, undisturbed buffer strip along the exterior property line of both tracts covered by this SUP.

5. No landfilling of solid waste will take place on the parcel between the original, 1971, Landfill (Hayes tract) and Jolly Pond. It will, however, be used for environmental protective measures, including but not limited to wells for groundwater monitoring, wells for groundwater withdrawal, structures for impounding surface runoff, or structures for treating water, should any such measures become necessary.

2. Case No. Z-21-85. Henry S. Branscome

Mrs. Gussman said that this case was deferred several months ago. The applicant has applied for rezoning of 3.7 acres to B-1, General Business. The proffer provides for a 60-foot wide landscaped green space adjoining John Tyler Highway. A specific landscape plan has not been proffered, nor has the property been landscaped. Staff and the Planning Commission recommend approval of the rezoning.

Mr. Mahone asked why the proffers were revised.

Mrs. Gussman said the last paragraph now states "proposed plantings will be installed by November 1, 1987."

Mr. DePue commented that Mr. Branscome had done a very good job of clearing the land. The rezoning is appropriate especially with the 60-foot wide landscaped green space.

Mr. Taylor made a motion to approve the resolution.

Mr. Edwards clarified that a landscape plan was required before the Planning Commission would approve a permit.

Ms. Gussman answered in the affirmative.

Mr. Mahone was concerned about the business intent for the site, and the number of entrances onto Route 5.

Mrs. Gussman said the type of business was not known, and the Highway Department site plan staff reviewed a single entrance each on the north and south sides, across from each other for safety reasons.

Mr. Mahone asked how a turn lane would affect the proffered landscape area.

Mrs. Gussman said the proffers provided for a buffer along the entire John Tyler Highway frontage, but no specifics were given about the right-of-way.

Mr. Kuras, member of the Planning Commission, said the right-of-way would not have to be increased if rezoning is approved.

Mr. Edwards suggested pursuing the proffers and said landscape plans would be desirable.

Mr. Morton said having no development plans could present a potential problem since the proffers state the landscaping will be done by November 1.

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

CASE NO. Z-21-85. HENRY S. BRANSCOME

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 and conducted on Zoning Case No. Z-21-85 for rezoning approximately 12 acres from A-2, Limited Agricultural, and B-1, General Business, to B-1, General Business, and M-1, Limited Industrial, on property identified as parcels (1-27) and (1-28) on James City County Real Estate Tax Map No. (47-1); and

WHEREAS, the applicant has amended his application such that the application now requests the rezoning of approximately 3.7 acres from A-2, Limited Agricultural, to B-1, General Business, with proffers on property identified as parcel (1-28) on James City County Real Estate Tax Map No. (47-1); and

WHEREAS, the Planning Commission has recommended approval of Zoning Case No. Z-21-85 with proffers.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Zoning Case No. Z-21-85 as amended and described herein and accepts the voluntary proffers.

3. Case No. Z-17-85. Henry S. Branscome

This case was deferred in November 1986. Since that time, a part of the landscaping proffered has been completed.

Mr. Mahone questioned how turn lanes are included, if required by the site plan review.

Mrs. Gussman replied that the site plan is approved contingent upon such features being established.

Mr. Edwards commented that turn lanes are generally recommended by the Highway Department.

Mr. Taylor made a motion to approve the resolution.

Mr. Mahone said he had a problem with the rezoning because of the adjacent single-family home, Mr. Branscome's office, and other single-family homes making an excess of land use in the area; therefore, he could not support the recommendation.

Mr. Brown agreed with some of Mr. Mahone's concerns, but stated he felt the rezoning for a commercial tract was reasonable because the parcel is not suitable for residential lots.

Mr. DePue said he was hopeful Mr. Branscome would be considerate of the surrounding development and residential properties when developing this parcel. Mr. DePue said he would support the motion.

On a roll call, the vote was AYE: Brown, Taylor, DePue, Edwards
(4). NAY: Mahone (1).

R E S O L U T I O N

CASE NO. Z-17-86. HENRY S. BRANSCOME

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 and conducted on Zoning Case No. Z-17-86 for rezoning approximately 6.29 acres from A-2, Limited Agricultural, to B-1, General Business, on property identified as parcel (1-46) on James City County Real Estate Tax Map No. (47-1); and

WHEREAS, in accord with the Planning Department's recommendation, the Planning Commission following its public hearing on September 23, 1986 unanimously recommended approval of Zoning Case No. Z-17-86, with proffers; and

WHEREAS, Zoning Case No. Z-17-86, with proffers, is in accord with the adopted Comprehensive Plan of James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Zoning Case No. Z-17-86 and accepts the voluntary proffers.

H. PUBLIC COMMENT

There was no public comment.

I. REPORTS OF THE COUNTY ADMINISTRATOR

1. Longhill Connector Road

Mr. Paul Small presented an update on the status of the Longhill Connector Road. The preliminary plans have been reviewed by all involved parties, with a few comments from the County to be incorporated in the plans, but the Highway Department has not responded. The plans will be complete when the traffic signal design has been received from the Highway Department.

Mr. Edwards asked if there was a time schedule.

Mr. Small replied not at this time.

Mrs. Burcham advised the Board that a decision should be made whether the County would do the road construction under a written agreement with the Highway Department, or if the Highway Department should do the project. The project would need at least two full-time temporary employees for construction management if the County was responsible for construction. Mr. Small's recommendation is to forward the design to the Highway Department for execution since it will eventually be dedicated to them.

Staff recommends that the Board assign construction to the Highway Department for prompt execution.

Mr. Mahone inquired whether the work could possibly be done faster by the County.

Mr. Small said no appreciable difference would be made in the time schedule.

Mrs. Burcham said Mr. Hall advised that the Highway Department would have this project out to bid in sixty days, but design of the traffic signal must be accomplished first.

Mr. Small mentioned that he had talked to Mr. Fred Belden regarding the landscape plan. Mr. Small recommends that a separate contract be issued for landscaping (but within the overall budget) to be done after the completion of the roadway.

Mr. DePue asked about the staff recommendation for bikeways.

Mr. Small said the bikeway, primarily six feet wide, was originally planned for the east side of Ironbound Road to the Recreation Center. Staff has requested the bikeways be eight feet wide with an extension from the Recreation Center to The Mews development.

Mr. DePue asked if the bikeway can be incorporated in the original right-of-way.

Mr. Small said the bikeway was included in the right-of-way.

Mr. Taylor asked who would be responsible for the maintenance of the landscaping.

Mr. Small said he would continue to work with the Highway Department on that issue, but may have to ask the County or respective owners for assistance in upkeep.

Mr. Brown mentioned that some thought should be given, as soon as possible, to naming the road.

2. Mr. Brown complimented Mr. Paul Small and Mr. Norman Mason for the assistance rendered by their firms in a difficult situation in the Diascund Road area.

Mr. Norman stated that the Board had requested at the budget hearing that he come up with a plan for a growth management department of which economic development would be a part. Mr. Norman said that he preferred to separate the two topics, and would like to bring the growth management recommendation to the Board during the month of July, and the economic development recommendation to the Board in August or September.

Mr. Taylor asked if a meeting with Continental Cablevision had been set.

Mrs. Burcham said the work session would be held at the afternoon meeting on August 17.

J. BOARD REQUESTS AND DIRECTIVES

Mr. Mahone asked who maintains the median on Route 199 and Route 5, and requested that the grass be cut if it is the County's responsibility.

Mr. DePue commented about letters to the newspaper stating that the County does nothing about the roads. He once again wanted to set the record straight that the County is not responsible for the roads.

Mr. Edwards recessed the open session into a James City Service Authority Board of Directors meeting at 2:24 p.m.

Mr. Edwards reconvened the Board of Supervisors meeting at 2:30 p.m. and made a motion to go into executive session for a personnel matter and a real estate matter pursuant to Section 2.1-344(a)(1)(2) of the Code of Virginia, as amended.

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

Mr. Edwards called the Board of Supervisors back into open session which reconvened at 3:35 p.m.

Mr. DePue made a motion to appoint Frankie Waltrip, Sheldon Frank, and Walt Schmidt to the Debt Setoff Collection Appeals Board.

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

The Board recessed into a work session on the Richmond Road Corridor Study and Plan at 3:40 p.m.

Those attending the Richmond Road Corridor Study Work Session in addition to the Board and staff were: Victoria Gussman, Director of Planning; Kay Robertson, Senior Planner; and members of the Citizens Strategy Team, Fred Belden, Gary Massie, Paul Small, Charles Martino, and Jack Scruggs.

Kay Robertson presented the Richmond Road-Barhamsville Road Corridor Study and Plan as a report to the Board of Supervisors.

Mrs. Burcham mentioned that the public hearing for the Richmond Road Study will be held July 6 at the Board of Supervisors 7:00 p.m. meeting.

Ms. Robertson said the study began a year ago, and the Planning Commission appointed a Citizens Strategy Team with Sandy Stein as chairperson.

Gary Massie reported that the Planning Commission Liaison Committee appointed 23 persons, who began the study by looking at the characteristics of the area, i.e., Interstate 64, Route 199, I-64 interchanges, CSX railroad, etc. The Committee decided the area is conducive to economic development in James City County. The current land use plan underutilizes the area; the Team expects an ultimate build-out of the corridor in fifty years. The Citizens Strategy Team requests the Board to review the report and to direct staff for necessary changes.

Mr. Brown raised the question about traffic impact with the industrial trend and proposed high density in the Richmond Road corridor.

Mr. Massie said improvements would be needed in many areas on Richmond Road.

Mr. Taylor said he was concerned about the individual property owner's wishes.

Ms. Robertson outlined the steps taken to determine the recommendations in the report. Many large tracts of undeveloped land remain along the corridor. The Reservoir Protection District, Primary Service Area, low-lying and historical areas all individually have regulations or restrictions for development.

Ms. Robertson continued that the primary goal was to enhance and maintain the long term viability of the corridor. Some of the supporting goals were public and utility services, recreation, design, drainage, historic resource, etc. The JHK traffic study for the first twenty years shows conflict between development expected and the movement of traffic. Additional goals are internal street networks, central access points, pedestrian areas, increased building heights, generous open space, etc.

Mr. Edwards asked if those goals could be constructed at the present time.

Mrs. Gussman replied in the affirmative.

Mr. Massie said only by rezoning.

Mr. DePue clarified that the Comprehensive Plan was the focal point for the study - not rezoning.

Mr. Taylor stated that he believes that the time to rezone is when development requires it.

Mr. Edwards said he was pleased with the study and asked how the plan would encourage the decision for correct zoning.

Mr. Massie said changing the Comprehensive Plan would make it possible.

Ms. Robertson said she was hopeful that citizens would understand that an official recommendation for design will create less conflict with the traffic on the corridor.

Jack Scruggs commented that Richmond Road is a main artery to James City County and Williamsburg and will be developed. Residential traffic must be managed with that development.

Mr. DePue stated development can be done by leaving the lowest possible land use and have developers offer a plan with proffers. He felt that property owners should have the highest zoning and best land choice for their property and did not want to rezone property in a way which would create a tax burden.

Mr. Brown said the aesthetics of the area north of Norge were very important, and the management of development should preserve that uniqueness.

Ms. Robertson said amendments to the Zoning Ordinance would be presented before changes to the Comprehensive Plan are brought to the Board.

Mr. DePue felt the market would not allow the current corridor zoning of low-density residential.

Mr. Brown mentioned that very few requests are received for development in the Norge area.

Ms. Robertson said approaches to Norge and Toano would have a village concept with landscaping at entrances and exits to the villages, off-street parking behind businesses, turn lanes, street lights, and landscaped medians.

Business incentive zoning would overlay the Reservoir Protection District with planned commercial and industrial communities along the corridor.

Mr. Taylor mentioned other jurisdictions do not have restrictions on their Reservoir Districts.

Mrs. Burcham said that Newport News will soon request that the County adopt the overlay district around their currently developed reservoirs.

Ms. Robertson continued that the traffic report suggests six lanes between Norge and Williamsburg with a possible Lightfoot bypass, improvement of Croaker Road, and widening of the road.

Ms. Robertson further stated that steps needed to implement the Plan would include amending the Comprehensive Plan, zoning revisions, possible legislative program, nonregulatory programs such as interchange plans, median improvements, capital project requests, etc.

Mr. Edwards said the Board of Supervisors appreciated the hard work and time spent on the study.

Mr. Brown commented that more hard work lies ahead with the interchange, and the plan will become invaluable if an overlay zone is pursued.

Fred Belden said the Planning Commission will now consider the two interchanges and Croaker Road.

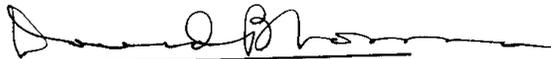
Mr. DePue said he agreed with most of the goals in the study, but there are drawbacks to the implementation of those goals.

The work session ended at 5:06 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 5:06 p.m.



David B. Norman
Clerk to the Board

WHEREAS, in the year 1619, representative government, on this continent, had its birth at Jamestown, in the County of James City; and

WHEREAS, in 1632 the present site of Williamsburg was "laid out and paled in" and in 1699 the seat of government, for the colony of Virginia was moved to Williamsburg, a few miles from Jamestown; and

WHEREAS the seat of the colonial government, in Virginia, remained in the City of Williamsburg, until the revolution; and

WHEREAS during the time that Williamsburg was the seat of the colonial government, in Virginia, many buildings, structures and lots or plats of land were built, erected, and laid out, which buildings, structures and lots or plats of land had, or have, an intimate association with the formation of the republic; and

WHEREAS during that time Williamsburg was and continues to be the seat of the courts for both the City of Williamsburg and County of James City; and

WHEREAS The Colonial Williamsburg Foundation and its predecessors have purchased many of the buildings, structures and lots or plats of land, which are of intense historic interest and value, from the owners thereof, which buildings, structures and lots or plats of land, some of which, have been, and others are being, and are intended to be, put, as near as possible, in such a condition as to represent them as originally constructed and laid out, at great cost, with a view of preserving and emphasizing the life and customs under which the democracy of America had its birth and nurture; and

WHEREAS the General Assembly of the Commonwealth of Virginia by act approved on March 21, 1928 ("the Act") authorized and empowered the City of Williamsburg and the County of James City to transfer, assign and convey to the predecessor in title of The Colonial Williamsburg Foundation various pieces of real property including but not limited to the "Courthouse"; and

WHEREAS the Act provided that as a part of the condition and consideration for such transfers, assignments and conveyances, the predecessor in title of The Colonial Williamsburg Foundation was required to agree that the Courthouse would be "properly fitted for use as a public library or for some other public purpose, which will be advantageous to the public weal"; and

WHEREAS the City of Williamsburg and the County of James City did transfer, assign and convey unto the predecessor in title of The Colonial Williamsburg Foundation the Courthouse, said conveyance being contained in the following documents:

1. Agreement dated June 14, 1928 between the City of Williamsburg, the Board of Supervisors of James City County, Wm. A. R. Goodwin, Colonial Williamsburg, Incorporated and the Williamsburg Holding Corporation recorded in Williamsburg Deed Book 12, Page 558 et seq.
2. Supplemental Agreement dated June 2, 1930 between the same parties recorded in Williamsburg Deed Book 15, Page 49 et seq.
3. Deed dated December 21, 1931 between the City of Williamsburg and Colonial Williamsburg, Incorporated, recorded in Williamsburg Deed Book 15, Page 54 et seq.
4. Deed dated December 21, 1931 between James City County, Virginia, and Colonial Williamsburg, Incorporated, recorded in Williamsburg Deed Book 15, Page 63 et seq; and

WHEREAS The Colonial Williamsburg Foundation intends to restore the Courthouse to such a condition as to represent the Courthouse as originally constructed, laid out and furnished, at great expense, with a view to a better coordinated educational interpretation of the Courthouse and the legal traditions and practices upon which the American judicial systems are based, the orderly administration of which undertaking will require its incorporation into the admissions structure applicable to the other exhibition buildings owned by The Colonial Williamsburg Foundation; and

WHEREAS, the Act required that the Courthouse be "fitted for use as a public library or for some other public purpose, which shall be advantageous to the public weal" but was silent with respect to admission policy for the Courthouse; and

WHEREAS, the Act further permitted the City of Williamsburg or the County of James City, either or both, to establish such additional conditions as they might desire as consideration for their conveyance of the property; and

WHEREAS, James City County, Virginia, by the aforesaid deed dated December 21, 1931, recorded in the City of Williamsburg Deed Book 15, page 63, conveyed various properties including the Courthouse building to the predecessor of The Colonial Williamsburg Foundation subject to the following restriction:

"...that the old Court House now located on said green shall never be removed therefrom and shall be devoted for use as a public library, free of admission charge, or for some other public purpose which shall be advantageous to the public weal..."

WHEREAS, the City of Williamsburg and County of James City are now served by the Williamsburg Regional Library which is located in another facility and the Courthouse building is not needed for library purposes; and

WHEREAS, after careful consideration, the Board of Supervisors of James City County, Virginia, has determined that the above described use as proposed

by The Colonial Williamsburg Foundation will be of great benefit to the public weal; and

28

WHEREAS the conduct of a high quality, orderly, efficient, educational interpretation of the Courthouse, the orderly administration of such an interpretive program, the small size of the Courthouse, and the provision of security for the antique and reproduction furnishings to be installed in the Courthouse require an orderly and controlled admission policy.

NOW, THEREFORE, in consideration of the mutual promises herein contained, James City County, Virginia, and Colonial Williamsburg Foundation agree as follows:

1. James City County, Virginia, hereby finds that the proposed renovation of the Courthouse of 1770 and the regular conduct therein of an educational, interpretive program as proposed is a public purpose which shall clearly be advantageous to the public weal and in view of the necessity of providing security for the antique and reproduction furnishings to be installed in the Courthouse, and in order to allow the conduct of the proposed educational, interpretive program in an orderly and efficient manner, James City County, Virginia, hereby waives the above stated restrictive covenant to the extent that it requires that the use of the Courthouse be free of admission charges. Such waiver shall, however, be effective only as the proposed use set forth herein and such restriction shall be waived for no other purpose. Such waiver shall continue only so long as the building remains generally open to the admission-paying public on a non-discriminatory basis and for so long as The Colonial Williamsburg Foundation or other organization operating the interpretive program and charging admission fees is duly qualified as a tax-exempt educational organization under Sec. 501(c)(3) of the Internal Revenue Code.

2. The Colonial Williamsburg Foundation agrees that so long as the educational interpretive program here described continues, every resident of the City of Williamsburg and James City County, Virginia, shall, upon request, be issued a pass allowing free admission to the Courthouse and to all educational and interpretive programs there carried on.

day of _____, 1987.

THE COLONIAL WILLIAMSBURG FOUNDATION

By Charles R. Longworth
President

JAMES CITY COUNTY, VIRGINIA

By _____
Chairman, Board of Supervisors

STATE OF VIRGINIA

CITY/COUNTY OF Williamsburg

The foregoing instrument was acknowledged before me this 19th day of May, 1987, by Charles R. Longworth, President of The Colonial Williamsburg Foundation, a Virginia non-stock corporation on behalf of the corporation.

Emily H. Spencer
Notary Public

My commission expires: Oct. 30, 1988

STATE OF VIRGINIA

CITY/COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 1987, by _____, Chairman, Board of Supervisors, James City County, Virginia, on behalf of the County.

Notary Public

My commission expires: _____

DENSON, RICHETT
& FRANCE, P.C.
ATTORNEYS AT LAW
1ST OFFICE DRAWER O
WILLIAMSBURG, VA. 23187



Whereas, Henry S. and Lavelle M. Branscome are the owners of all that certain pieces or parcel of land containing 3.717 acres situated on the North side of the road leading from Williamsburg to Five Forks, and being just East of Five Forks, in Jamestown District, James City County, Virginia, bounded and described as follows: Beginning at a point on the North side of said road 395 feet East of the eastern Boundary line of the property now or formerly belonging to Isaiah Armistead, and being the eastern boundary of the tract of land now or formerly belonging to Lucy Barrow, et als; thence in an easterly direction along said road the distance of 395 feet, more or less, to the center of a pond, thence in a northerly direction up to the pond, along the line of J. B. Vaiden, and thence in a westerly direction to the point where the eastern boundary line of the land now or formerly belonging to Lucy Barrow, et als, intersects the southern line of the land J. B. Vaiden, and being the same parcel of land conveyed to Rosa Armistead Cumber by deed from Lucy Barrow, et als, dated August 1, 1939 and recorded in James City County Deed Book 31, pages 234-235 on September 8, 1939.

EXCEPT

That portion being as shown on plans approved March 28, 1954, and lying on the North (left) side of and adjacent to the center of existing Route 5 from the lands of Lucy Barrows et als opposite approximate survey centerline Station 571 + 84 to the lands of James B. Vaiden Estate opposite approximate survey centerline Station 575 + 79, and containing 0.35 acres, more or less, land, of which 0.14 acre is included in the existing right of way and 0.21 acre, more or less, is additional land.

For a more particular description of the land herein conveyed, reference is made to photocopy of said Sheet No. 3, showing outlined in RED the land conveyed in fee simple, which photo is hereto attached as a part of this conveyance and recorded simultaneously herewith in the State Highway Plat Book No. 1, page 61. This conveyance is of record in James City County Deed Book 58, page 465.

An being the same property as that conveyed to Robert C. Walker and Hugh H. Sisson, Jr. by deed of Rosa Armistead Cumber and Ernest F. Cumber, her husband by Deed dated August 14, 1958 recorded in James City Deed Book 65, page 521; the said Hugh H. Sisson, Jr. having conveyed his interest in the said property to Hugh H. Sisson, Jr. and Frances B. Sisson, husband and wife, tenants by the entireties with the right of survivorship as at common law by Deed dated May 20, 1971 recorded in James City Deed Book 132, page 59; and, the said Hugh H. Sisson, Jr. having departed this life leaving Frances B. Sisson, now Frances S. Baldwin, surviving, located in the County of James City, Virginia, and have made application for a change in zoning of the subject property from A-2 to B-1; and

Whereas, as a part of their application, Henry S. and Lavelle M. Branscome, voluntarily proffer conditions which shall be in addition to the limitations provided for in the zoning district; and

Whereas, these conditions are proffered as a part of the requested rezoning and it is agreed that the limitations: (1) are required or arise because of the nature of the property and the rezoning sought, and (2) have a reasonable relation to the rezoning requested.

Therefore, the following conditions are proffered in consideration for the rezoning of the above referenced property:

A sixty (60) foot wide green space corridor free of parking lot or other structures will be established along the entire John Tyler highway frontage. The green space corridors will be regraded as necessary to provide a gentle slope to proposed turning lane and to meet grades of development proposed adjacent to the green areas.

A blend of plant materials consisting of native type shade, evergreen and flowering trees (such as Red and White Oak, Red Maple, White Pine, Hemlock, American Holly, Flowering Dogwood and Redbud), interspersed with plantings of medium height growing shrub masses (such as Southern Wax Myrtle, Burning Bush, etc.) will be installed within the green space corridor.

Shade type trees will be at least eight (8) to ten (10) feet high, flowering trees at least five (5) to six (6) feet high and shrubs one and one-half (1 1/2) to two (2) feet in spread or height. All plant material will be transplanted by tree spade method, balled and burlapped, or container grown and will meet the standards of the American Association of Nurserymen.

Shade trees planted forty (40) to fifty (50) feet on center will be arranged individually or in groups and enhanced with underplantings of shrub masses containing at least five plants per group. Flowering trees will be planted individually or in groups of three or more and placed to accent the length of the green space corridor. Where evergreen trees are planted, they will be twelve (12) to fifteen (15) feet on center and arranged individually or in groups of three or more.

Approximately fifty (50) to sixty (60) percent of the length of the green space corridor will be planted with a balanced arrangement of these shade trees, flowering trees, and shrubs. The balance of the area will be planted in grass which will be kept mowed by the property owner.

The portion of green area east of the driveway proposed to cross the green area will be planted in an arrangement to identify with the existing natural wooded areas immediately to the east. Areas west of the driveway will be arranged in a manner to be compatible with existing and proposed plantings in the adjoining office and retail business areas.

These proposed plantings will be installed by November 1, 1987.

BOOK 351 PAGE 623

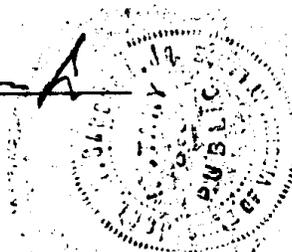
Henry S. Branscome
Henry S. Branscome

Lavelle M. Branscome
Lavelle M. Branscome

STATE OF VIRGINIA
COUNTY OF JAMES CITY, to-wit:

The foregoing instrument was acknowledge before me the 8th day of June, 1987, by Henry S. and Lavelle M. Branscome, Husband and Wife.

John H. Hill
Notary Public



My Commission Expires:

MY COMMISSION EXPIRES 10/14/89

VIRGINIA: City of Williamsburg and County of James City, to wit:
In the Clerk's office of the Circuit Court of the City of Williamsburg and County of James City this 6 day of July, 1987 This Proffer was presented with certificate annexed and admitted to record at 3:27 o'clock
Teste: Helene S. Ward, Clerk
by [Signature]
Deputy Clerk

accent the length of the green space corridor. Where evergreen trees are planted, they will be twelve (12) to fifteen (15) feet on center and arranged individually or in groups of three or more.

Approximately fifty (50) to sixty (60) percent of the length of the green space corridor will be planted with a balanced arrangement of these shade trees, flowering trees, and shrubs. The balance of the area will be planted in grass which will be kept mowed by the property owner.

The portion of green area east of the driveway proposed to cross the green area will be planted in an arrangement to identify with the existing natural wooded areas immediately to the east. Areas west of the driveway will be arranged in a manner to be compatible with existing and proposed plantings in the adjoining office and retail business areas.

These proposed plantings will be install by November 1, 1987.

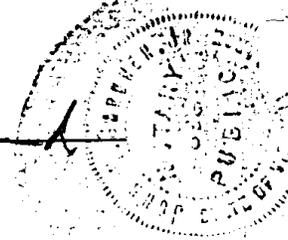
Henry S. Branscome
Henry S. Branscome

Lavelle M. Branscome
Lavelle M. Branscome

STATE OF VIRGINIA
COUNTY OF JAMES CITY, to-wit:

The foregoing instrument was acknowledge before me the 8th day of June, 1987, by Henry S. and Lavelle M. Branscome, Husband and Wife.

[Signature]
Notary Public



My Commission Expires:

MY COMMISSION EXPIRES 10/14/89

VIRGINIA: City of Williamsburg and County of James City, to wit:

In the Clerk's office of the Circuit Court of the City of Williamsburg and County of James City the 8 day of July, 1987. This instrument was presented with certificate annexed and admitted to record at 3:25 o'clock
Teste: Helene S. Ward, Clerk
by [Signature]
Deputy Clerk