

EXHIBIT "B"

Estimated quantities of the water facilities to serve your property known as Skiffe's Creek Industrial Park, as shown on plat attached and total estimated cost for meters, service pipes, fire hydrant rentals, supervision and inspection.

PROJECT ESTIMATED PIPELINE QUANTITIES

970	feet of 12"	Ductile Iron Pipe (Class 52)
1170	feet of 8"	Ductile Iron Pipe (Class 52)
30	feet of 6"	Ductile Iron Pipe (Class 52)
3	fire hydrants	
1	tie-in	

PIPELINE AND TIE-IN TO BE COMPLETED
BY THE APPLICANT IN ACCORDANCE WITH
DISTRIBUTION STANDARDS

CITY'S ESTIMATED SERVICE AND CHARGES

1 - 2" Meter	@ \$ 700.00	\$ 700.00
1 - 5/8" Meter	@ \$ 250.00	250.00
1 - 2" Service Pipe	@ \$1,200.00	1,200.00
1 - Service Pipe for 5/8" Meter	@ \$440.00	440.00
1 - Easement Recording	@ \$ 10.00	10.00
3 - Fire Hydrant Rentals	@ \$160.00	480.00
Supervision & Inspection		2,170.00

APPLICANT'S ESTIMATED CITY COST	\$ 5,250.00
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A maintenance bond or letter of credit in the amount of \$2,500.00 is to be posted prior to acceptance and placing the water system in service which shall be in effect for one year beginning at date of pressure test.

The Applicant shall place wooden stakes with the letter "W" to indicate locations for water services.

In the event that meters and service pipes may be covered with concrete driveways or walks, then such meters and service pipes shall be relocated at the expense of the Applicant or Owner.

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE THIRD DAY OF AUGUST, NINETEEN HUNDRED EIGHTY-SEVEN, AT 6:58 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 - Absent

B. MINUTES - July 20, 1987

Mr. Mahone made a motion to approve the minutes, as amended with corrected page 5.

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

C. PUBLIC HEARINGS

1. Case No. Z-14-87. Benson-Phillips Company, Inc.

Victoria Gussman, Director of Planning, stated that Mr. Christopher K. Phillips had applied to rezone approximately 74 acres from A-2, Limited Agricultural, to R-1, Limited Residential.

Mrs. Gussman reported that staff recommends deferral of the case to allow time for review of proffers, and accordingly recommends continuation of the public hearing until the September 14, 1987 Board of Supervisors meeting.

Mr. Edwards opened the public hearing.

Alvin Anderson, representing the interests of Benson-Phillips Company, Incorporated, agreed with the staff recommendation of deferral. Mr. Anderson indicated that the proffers reduce the density by forty-four percent, provide for a drainage study, and specify no construction of houses in the 100-year floodplain.

Mr. Edwards suspended the public hearing to ascertain the Board's willingness to defer the item.

Mr. Brown stated that he felt that the additional time might produce a better solution for the rezoning.

Mr. Mahone concurred with deferring the case, and mentioned that a buffer zone on the Colonial Parkway had not yet been addressed.

Mr. Edwards made a motion to defer the rezoning to September 14, 1987 and to continue the public hearing to that time.

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

2. Case No. Z-27-86. Robert E. Gilley

Mrs. Gussman stated that Mr. Robert E. Gilley had applied to rezone approximately 70 acres behind Gatehouse Farms from A-2, Limited Agricultural, to R-1, Limited Residential, and approximately 100 acres within an Agricultural and Forestal District zoned A-2, Limited Agricultural, to A-1, General Agricultural. The applicant submitted proffers which limit the number of residences to 136, provide for drainage plans and a recreation area, and exclude structures in the floodplain.

Mr. DePue mentioned that the number of units is comparable in R-6 to the proposed R-1/A-1, and asked whether the units would be in clusters closer to the road with the R-1/A-1 rezoning.

Mrs. Gussman replied in the affirmative.

Mr. Mahone inquired about how the proffer system works, and if the proffers currently offered would be void in the future.

Mrs. Gussman responded that the proffers would stay in effect and can only be changed by a rezoning request.

Mr. Mahone stated that deferring development in the area was in the best interest of the County, because the road will not be improved in the immediate future.

Mr. Edwards asked what kinds of development might be accommodated after the ten-year period.

Mrs. Gussman replied that single-family residential development consisting of thirty-six dwelling units could be built or agricultural uses not inconsistent with an Agricultural and Forestal District.

Mr. DePue noted that the proffers restrict the uses allowed in A-1 zoning, and asked Assistant County Attorney, Larry Davis, if the proffers would overrule the A-1 zoning in effect in ten years.

Mr. Davis answered that the property would still be subject to the current zoning restrictions at that time.

Mr. Brown asked why the property was being rezoned A-2 from A-1.

Mrs. Gussman replied that the primary reason was recognition that the Agricultural and Forestal District acreage would not be developed residentially.

Mr. Edwards opened the public hearing.

1. Mr. Robert Gilley, applicant, spoke in response to Mr. Brown's question regarding the rezoning from A-2 to A-1. Mr. Gilley stated that seventy to seventy-five percent of the one hundred acres has been reseeded and if the acreage were taken out of AFD prior to ten years, he would have to repay part of the seeding cost.

He further told the Board that he had contacted Mr. Frank Hall of the Highway Department during November of last year concerning the need to reduce the speed limit on Jamestown Road near Neck-O-Land Road from 55 mph to 35 mph and has received no response to his request. Mr. Gilley requested the Board contact Mr. Hall and ask him to consider lowering the speed limit.

Mr. Edwards asked if the Board wanted to take action on this rezoning case since the other rezoning in the same area had been deferred.

Mr. Taylor indicated that this rezoning should not be deferred if the case is complete.

Mr. DePue mentioned that each rezoning should be acted upon when the case is ready.

Mr. Edwards closed the public hearing.

Mr. Brown made a motion to approve the resolution.

Mr. Brown commended the developer, staff, and the Planning Commission for their thoroughness in completing work on a series of difficult cases.

Mr. Mahone commented that the developer seemed sensitive to all concerns since the proffers protect the community by addressing the floodplain and deferring the development of the one hundred acres. The drainage study is important and, even though this case is different from the previous one, it is harmonious in the details. He stated that approval of the resolution is appropriate.

Mr. Edwards indicated that, with the approval of this case, traffic at the intersection of Jamestown Road and Neck-O-Land Road will exceed service level "D", which is a serious problem.

Mr. Taylor indicated that the Highway Department will not address a traffic problem until it is actually there.

Mr. Edwards said thought should be given to the consequence of making an existing traffic problem worse.

Mr. Brown noted that the Board has been reducing density to approximately half of the density requested, and that was about the best that could be expected.

Mr. Taylor suggested that the Board contact Mr. Hall about the speed limit, as Mr. Gilley requested.

Mr. Edwards agreed with Mr. Taylor's suggestion.

Mr. DePue noted that full build-out of the Mill Creek and the Robert Gilley developments will produce traffic in excess of service level "D" on Neck-O-Land Road, and the intersection exceeds service level "D" at the present, if the Board approves this resolution.

Mr. DePue mentioned that the process had worked well, the developer has responded to concerns of staff and residents, and the final development will be sensible for the area. He stated he would support the motion.

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

CASE NO. Z-27-86. ROBERT E. GILLEY

WHEREAS, in accord with Section 15.1-431 of the Code of Virginia, and Section 20-15 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-27-86 for rezoning approximately 70 acres from A-2, Limited Agricultural, to R-1, Limited Residential, with proffers, and approximately 103 acres from A-2, Limited Agricultural to A-1, General Agricultural, with proffers, on property identified as parcels (1-40), (1-41) and (1-42A) on James City County Real Estate Tax Map No. (47-4); and

WHEREAS, the Planning Commission has unanimously recommended approval of Case No. Z-27-86 with proffers.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Zoning Case No. Z-27-86 as described herein and accepts the voluntary proffers.

3. Case No. Z-16-87. Duncan, Newman, Renick Estate

Mrs. Gussman stated that Mr. Charles H. Glazener, on behalf of the Duncan, Newman, Renick Estate, has applied to rezone approximately 11.3 acres from B-1, General Business, to R-3, General Residential, with proffers, and 8.5 acres from R-3, General Residential, to R-3, General Residential, with proffers, for development of single-family dwellings for residential use.

Mrs. Gussman stated that the developer has submitted a sketch plan showing 51 single-family lots on 19.79 acres at a proposed density of 2.58 units per acre overall, which is above the suggested density in the Comprehensive Plan of two dwellings units per acre, but is consistent with the overall character and density of surrounding development.

The Planning Commission unanimously recommended approval of the rezoning.

Mr. Edwards questioned the practical use of the B-1 portion of the parcel, and noted that the proffers did not designate the number of single-family dwellings which would be built.

Mr. Taylor inquired as to the number of homes permitted by the proposed zoning designation.

Mrs. Gussman replied that the minimum lot size is 10,000 square feet, and 2.6 dwellings per acre was realistic.

Mr. DePue inquired as to the extent of development allowed with R-3 zoning.

Mrs. Gussman responded that duplexes are permitted; consequently, build-out could be as high as three or four units per acre.

Mr. Edwards opened the public hearing.

1. Mrs. Patricia Quesenberry, 117 King William Drive, spoke on behalf of the Ewell Hall subdivision residents regarding concerns which have not been addressed by the developer's proposal. She stated that, while the developer has agreed to investigate alternate ingress and egress to the subdivision, it is not known whether such an alternative will be developed. The residents are concerned about increased traffic and their children's safety, and that the road surface will be destroyed during construction.

2. Mr. Bill Bryant, 119 King William Drive, supported Mrs. Quesenberry's statements and stated that the residents want the best solution for all concerned. Fifty-one homes added to the current twenty-five homes on the road would triple the amount of traffic on King William Drive, which is a dead-end street. He asked the Board to consider the density and safety precautions.

Mr. Bryant also commented that there was no provision for an archaeological survey to be conducted, and the area behind the Ewell Hall Plantation should be considered a high priority. He reiterated Mrs. Quesenberry's statement regarding the need for an alternative ingress and egress during construction.

Mr. Edwards closed the public hearing.

Mr. DePue asked if the R-3 minimum lot size also has a minimum lot depth.

Mrs. Gussman replied there was no minimum designation, aside from front and rear setbacks. A road could be built in the B-1 area that would serve the R-3 area.

Mr. Edwards indicated that approximately the same number of units could be built since the B-1 property could be used for a road.

Mr. Brown sympathized with the property owners about the inconveniences during construction, but said most of the concerns of the residents are not zoning considerations. He noted that the alternate access is a valid concern and needs a commitment of good faith from the developer. Mr. Brown concluded by stating that the rezoning with proffers is the best protection for property values.

Mr. DePue disagreed that the plan was good for the area, as the developer has not responded to the citizens' concerns, but he did agree that another access would be desirable so that King William Drive does not become overloaded with traffic. Mr. DePue stated that he felt a deferral might be a good idea, and asked the Board for enough time to personally meet with the developers and residents for further discussions.

Mr. Mahone mentioned that several questions have been raised that need to be answered, and concurred that a meeting would be beneficial for addressing these concerns.

Mr. Edwards made a motion to defer the rezoning case.

Mr. Brown indicated that he did not oppose deferral of the case, and Mr. Taylor agreed with Mr. Brown.

Mr. DePue inquired if the proffers are for the entire property, or for just one of the parcels.

Mr. Larry Davis, Assistant County Attorney, replied that the proffers are for all of the property to be rezoned R-3.

Mr. Edwards commented that the density of 2.58 units per acre is higher than the suggested density in the Comprehensive Plan.

Mr. DePue asked if the R-3 parcel could be rezoned to R-1.

Mr. Davis responded that the property can be rezoned to R-1 or R-2, any zone less intense than the advertised R-3.

Mr. DePue clarified that the R-3 zoning does not have to remain R-3.

Mr. Edwards indicated that the primary issues relate to the number of units and the density. He noted that the community needs a variety of housing. He stated that putting the units close together and leaving open space might be better land use than single lots only.

He concluded that the Board should work with the developers and community to improve the plan, but the citizens should not assume that approval of the plan is assured.

Mr. Edwards made a motion to defer the rezoning case until the first meeting in September.

Mr. Edwards reopened and continued the public hearing until the first night meeting in September.

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

Mr. Mahone voiced concerns about the density and said there were several outstanding issues, such as the play area and archaeological survey.

Mr. Brown commented that the concerns raised are getting away from zoning issues. He fully understands the citizens' concern about construction and wanting woods to remain behind their homes, but felt that there were worse alternatives to the development proposed.

Mr. DePue noted that deferring the case will give the developers time to analyze the traffic situation.

Mr. Edwards remarked that density should also be reviewed.

4. Case No. Z-13-87. Digges Brothers, Incorporated

Mrs. Victoria Gussman stated that Mr. Sasha L. Digges has applied to rezone approximately 18.2 acres from A-2, Limited Agricultural, to R-2, Limited Residential, for development of single-family dwellings for residential use.

A draft proffer statement submitted on July 28, 1987 has been withdrawn.

The Planning Commission unanimously recommended approval of the rezoning.

Mr. Taylor asked the reason for the withdrawal of the proffer.

Mrs. Gussman indicated that the applicant did not want the vote delayed on his application as a result of introducing proffers.

Mr. DePue noted that the proffers were introduced and withdrawn, for technical reasons, after the Planning Commission recommendation of approval.

Mr. Edwards opened the public hearing.

1. Mr. Sasha L. Digges, owner of the property, stated that he was not aware of the three-week time period required for reviewing proffers when they were submitted. He displayed a sketch plan for the development and indicated that he would build 41 units with a 50-foot greenbelt area on Ironbound Road.

Mr. Digges indicated that the Planning Commission had suggested a scenic easement instead of a 50-foot greenbelt, and mentioned a bike path. He stated his willingness to go along with these suggestions. Mr. Digges further stated that, as a resident of the County, he will do what he says he is going to do, because he will be bringing other cases before the Board in the future for their approval.

Mr. Mahone asked if there would be only two entrances onto Ironbound Road, with no driveways crossing the greenbelt.

Mr. Digges replied that the map shows what is proposed.

Mr. Edwards asked if the site plan will show 41 units.

Mr. Digges said the map is exactly how the development will be built.

2. Jed Vaiden, 960 Woodrow Avenue, Norfolk, an adjacent property owner, expressed his appreciation for what the developer has done to address the concerns of density, greenbelts, and setbacks. Mr. Vaiden was disappointed that Mr. Digges had withdrawn the proffers, because the County needs assurances that the developer of the property will build in accordance with the Comprehensive Plan.

Mr. Vaiden asked for assurances from the County Attorney about what has been said, what will be done, and what is valid and binding protection of the development.

Mr. Edwards closed the public hearing.

Mr. DePue made a motion to approve the resolution.

Mr. Mahone stated the Digges Brothers have a good reputation in the County, and he believed they would build as Mr. Digges represented. Mr. Mahone further asked that the resolution be modified to reference the sketch plan.

Mr. Davis indicated that a rezoning resolution cannot have conditions included other than those proffered by the applicant.

Mr. DePue reminded the Board that the Planning Commission had recommended approval of the rezoning without a sketch plan or proffers. He felt that the verbal assurances, although not legally binding, were adequate and that the plan as stated by Mr. Digges would be executed. He noted that Mr. Digges withdrew the proffers because of the technical need for staff to have three weeks for review, and that Mr. Digges had made the verbal statement for expediency of the case.

Mr. Mahone again requested an addition to the resolution referencing the sketch plan.

Mr. Davis suggested adding a Whereas clause "that the applicant has publicly stated that he intends to build in accordance with the sketch plan presented to the Board."

Mr. DePue suggested adding the phrase "Whereas, the applicant has submitted a nonbinding sketch plan dated September 26, 1986, representing his intentions for development of the property", to the resolution.

Mr. Edwards made a motion to amend the resolution.

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

Mr. Edwards made a motion to approve the resolution as amended.

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

Mr. Brown expressed concern about the inconsistent procedure being applied in cases presented with sketch plans. He noted that the Planning Commission had unanimously recommended approval in one case with sketch plans, and in another case without sketch plans. He felt that this was inconsistent as both were rezoning cases for single-family residential lots. He restated his concern about how decisions are being made.

Mr. DePue indicated that he understood Mr. Mahone's need to have the sketch plan information noted in the resolution for the record.

Mr. Mahone stated he viewed each case as different.

Mr. Taylor commented that the gentleman's agreement clause is nonbinding, and he felt the Board should not consider issues that are not enforceable.

Mr. Mahone stated that adding the Whereas clause to the resolution will clarify the reason why he voted for the case if a question arises in the future.

Mr. Brown mentioned that the attorneys are constantly reminding the Board of the procedures and methods for actions and the need to avoid inconsistency in its decisions. He stated he did not question Mr. Digges' veracity, but rather, was concerned about the procedures.

R E S O L U T I O N

CASE NO. Z-13-87. DIGGES BROTHERS, INCORPORATED

WHEREAS, in accord with Section 15.1-431 of the Code of Virginia, and Section 20-15 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-13-87 for rezoning approximately 18.2 acres from A-2, Limited Agricultural, to R-2, Limited Residential, on property identified as a portion of Parcel (1-7) on James City County Real Estate Tax Map No. (47-1); and

WHEREAS, in accord with the Planning Department's recommendation, the Planning Commission has unanimously recommended approval of Case No. Z-13-87; and

WHEREAS, the applicant has submitted a nonbinding sketch plan dated September 26, 1986, representing his intentions for development of the property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Zoning Case No. Z-13-87 as described herein.

D. CONSENT CALENDAR

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. Dedication of Streets

R E S O L U T I O N

DEDICATION OF STREETS IN RAIN TREE AND OLD STAGE MANOR SUBDIVISIONS

WHEREAS, the developer of Rain Tree, Section I, and Old Stage Manor, Sections I and III, 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 Rain Tree, Section I, and Old Stage Manor, Sections I and III, 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 Rain Tree, Section I, and Old Stage Manor, Sections I and III, Powhatan Election District, James City County, in the State Secondary Highway System:

1. Allyson Drive, 50-foot right-of-way
From: State Route 603
To: Intersection of Winterset Pass
Distance: 444 feet (0.08 miles)
2. Rain Tree Way, 60-foot right-of-way
From: State Route 603
To: Intersection of Winterset Pass
Distance: 360 feet (0.07 miles)
3. Winterset Pass, 50-foot right-of-way
From: Allyson Drive
To: Rain Tree Way
Distance: 1,528 feet (0.29 miles)

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

Rain Tree, Section I, recorded in Plat Book 39, Page 61, dated June 27, 1984; Old Stage Manor, Section I, recorded in Plat Book 22, Page 55, dated June 4, 1965; and Old Stage Manor, Section III, recorded in Plat Book 34, Page 9, dated September 7, 1976.

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 MIRROR LAKE ESTATES

WHEREAS, the developer of Mirror Lake Estates, Sections 1, 2, 3A, and 4, 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 Mirror Lake Estates, Sections 1, 2, 3A, and 4, 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 Mirror Lake Estates, Sections 1, 2, 3A, and 4; Stonehouse Election District, James City County, in the State Secondary Highway System:

1. Reflection Drive, 50-foot right-of-way
From: State Route 1640
To: Intersection of Meadowcrest Trail
Distance: 562 feet (0.11 miles)
2. Meadowcrest Trail, 50-foot right-of-way
From: State Route 602
To: Intersection of Loch Haven Drive
Distance: 2,190 feet (0.41 miles)
3. Plains View Road, 50-foot right-of-way
From: Meadowcrest Trail
To: Intersection of Loch Haven Drive
Distance: 1,303 feet (0.25 miles)
4. Loch Haven Drive, 50-foot right-of-way
From: Plains View Road
To: Meadowcrest Trail
Distance: 607 feet (0.12 miles)
5. Plains View Road, 50-foot right-of-way
From: Meadowcrest Trail
To: End of cul-de-sac
Distance: 521 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:

Mirror Lake Estates, Section 1, recorded in Plat Book 38, Pages 78-79, dated November 2, 1983; Mirror Lake Estates, Section 2, recorded in Plat Book 39, Page 90, dated August 24, 1984; Mirror Lake Estates, Section 3A, recorded in Plat Book 42, Page 81, dated June 13, 1986; and Mirror Lake Estates, Section 4, recorded in Plat Book 43, Pages 67-68, dated October 6, 1986.

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

E. BOARD CONSIDERATIONS

There were no Board considerations.

F. PUBLIC COMMENT

Mr. Paul Hewitt, 161 Old Church Road, complained of the strong, noxious odor from pump station #6-6 during the evening hours, and stated that even though the Service Authority has been very responsive and is taking steps to control the situation, the odor remains. He indicated that Mr. Price of the Health Department visited the site and advised him that the odor posed no health hazard, even though it permeates the house and makes being inside the dwelling impossible.

He further stated that he had toured two pump stations that emitted no odors with Mr. Sandy Wanner. Mr. Wanner had told him that pump station #6-6 was on schedule to receive the escalated pollution control within the next week or two.

Mr. Hewitt stated that he realized the Service Authority was doing its best to take care of the problem, and asked the Board to remain interested in the outcome of the problem for his family and neighborhood.

Mr. Mahone requested a report about the situation from Mr. Wanner at the next Board meeting.

Mr. DePue stated that Mr. Hewitt's complaint is an important test case. He further stated that the citizens of Windsor Forest are concerned about a pump station which is proposed to be built near their property, and that odors from pump stations should be controlled throughout the County.

Mr. Taylor commented that it appeared the problem was being taken care of by the Service Authority.

Mr. Brown noted that pump stations usually emit odors because of insufficient water flows, the pump doesn't activate, or the pump is broken, etc.

Mr. Wanner reported that three other stations use the improved odor control chemical treatment. The pump station flow is sufficient, and odor occurs in late evening during periods of increased usage and excessive heat and humidity. The drop ledge in the wet well is being lowered below the water level. Other measures with escalating cost will be taken if odor persists.

G. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. David Norman, County Administrator, requested an executive session for a real estate matter.

H. BOARD REQUESTS AND DIRECTIVES

1. Mr. Brown asked if the watershed study mentioned in the reading file was a Capital Improvements Project.

Mrs. Darlene Burcham, Assistant County Administrator, replied in the affirmative and stated that this study area was approved for the development of a drainage plan in the FY 87 budget.

Mr. Mahone asked about the benefit of the study, given the development in this particular watershed.

Mrs. Burcham stated that an effort was being made to plan for regional drainage areas that would use less land and serve more than one development. Staff is hopeful that the Mill Creek/Lake Powell Drainage Study will result in an improved solution to drainage problems in areas already developed, as well as undeveloped areas.

Mr. Mahone indicated that all the drainage goes into Lake Powell, and a stormwater retention basin will be needed with any further development of the area. He wondered whether the information would be worth the cost to the County.

Mr. Brown commented that he never fully agreed with the concept of the studies, and that the County could routinely get the same result with proffers.

Mr. DePue mentioned that such a study is an asset when proffers are received, and developers proffer to conform to the County's drainage plan.

Mr. Edwards indicated that a drainage study is important for making decisions when property is rezoned, for site plans, etc.

2. Mr. Brown mentioned the tour of the Hampton Roads Sanitation District Williamsburg Treatment Plant on Thursday, July 30. Many residents in the neighborhood were invited, the tour was well attended, and the Board will soon be receiving a Special Use Permit request for the plant's expansion. He requested a letter be sent to Mr. James Borberg thanking him for his cooperation.

Mr. Edwards made a motion to go into executive session for a real estate matter pursuant to Section 2.1-344(a)(2) of the Code of Virginia, as amended, at 9:00 p.m.

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

The Board reconvened at 9:29 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 9:29 p.m.



David B. Norman
Clerk to the Board

0327w



AGREEMENT

WHEREAS, R.E. Gilley and JoAnn H. Gilley, (hereinafter: called "the Owner") owns certain real property in James City County, Virginia, (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 entitled "MASTER PLAN OF GATEHOUSE FARMS."

WHEREAS, the Owner has requested rezoning of 70 acres of the Property from the Limited Agricultural District, A-2, to the Limited Residential District, R-1; and 100± acres of the the Property from A-2 Limited Agriculture to A-1 General Agriculture; and

WHEREAS, the County of James City may be unwilling to rezone the Property from the Limited Agricultural District, A-2, to the Limited Residential District, R-1 and the General Agriculture District A-1 because the Limited Residential District, R-1 and the General Agricultural District A-1 zoning regulations may be deemed inadequate for the orderly development of the Property, because competing and incompatible uses may conflict; and

WHEREAS, more flexible and adaptable zoning methods are deemed advisable to permit the use of the Property; 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 in the Limited Residential District, R-1 and the General Agricultural District A-1.

NOW, THEREFORE, this agreement witnesseth that for and in consideration of the County of James City rezoning the Property from the Limited Agricultural District, A-2, to the Limited Residential District, R-1 and the General Agricultural District A-1, and pursuant to Section 15.1-491.1 et seq of the Code of Virginia, 1950, as amended and Section 20-15 et seq of Chapter 20 of the Code of James City County, Virginia, the Owner agrees that in addition to the regulations provided for in the Limited Residential District, R-1 and the General Agricultural District A-1, but subject to the current limitations set forth in the aforesaid Codes, he will meet and comply with all of the following conditions for the development of the Property.

CONDITIONS

1. The Owner or Developer, at his expense, shall cause to be prepared a comprehensive drainage study of the Property for review and approval by the James City County Director of Public Works prior to submittal of preliminary subdivision plans.
2. Upon approval of the drainage study, the Owner or Developer shall be obligated to incorporate the recommendations of the study in the subdivision of the Property.
3. The 70 acres to be rezoned to R-1 shall include not more than 100 lots of an area of at least 17,500 square feet on each lot.
4. A minimum of 2 acres shall be set aside exclusively for a recreational area for residents of Gatehouse Farms.
5. No structures shall be erected in the hundred year flood plain area.
6. The 100 acres now in the Agricultural and Forestal District shall stay in the Agricultural and Forestal District for a period of ten years as per agreement with the Virginia State and Federal agencies involved in the re-seeding project of this property. There shall be no more than 36 single family dwellings developed on the 100 acres to be rezoned A-1 General Agriculture. Uses shall be restricted to single family residential and related uses, and agricultural uses not inconsistent with those permitted in Agricultural and Forestal Districts.

R. E. Gilley (SEAL)
R. E. GILLEY

JoAnn H. Gilley (SEAL)
JOANN H. GILLEY



STATE OF VIRGINIA,

COUNTY OF JAMES CITY, to-wit:

The foregoing was acknowledged before me by R.E. Gilley and JoAnn H. Gilley this 30th day of June, 1987. My commission expires June 19, 1988.

Jenni L. Manning
Notary Public