

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 25TH DAY OF JANUARY, NINETEEN HUNDRED EIGHTY-EIGHT, AT 1:00 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
Thomas D. Mahone, Vice-Chairman, Jamestown District

Perry M. DePue, Powhatan District
Thomas K. Norment, Jr., Roberts District
Stewart U. Taylor, Stonehouse District
David B. Norman, County Administrator
Frank M. Morton, III, County Attorney

B. MINUTES - January 4, 1988

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

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

C. PRESENTATION

1. United Way Campaign, 1987 - Deborah Cassell

Ms. Deborah Cassell presented a plaque of excellence for the 1987 United Way Campaign to the Board of Supervisors.

D. HIGHWAY MATTERS

Mr. Frank Hall, Resident Engineer of the Virginia Department of Transportation, was in attendance to answer the Board's requests, stating that he would review each case.

Mr. Taylor asked about the water standing in Ms. Pearl Taylor's yard on Chickahominy Road.

Mr. DePue inquired as to when Route 199 right-of-way hearings would be held.

Mr. Hall responded around mid-summer.

Mr. DePue mentioned the dangerous dropoff on Longhill Road at Windsor Forest and Lafayette Manor and suggested marking the area. He asked that the trees be cleared along the ditch on Jolly Pond Road near the church.

Mr. Mahone asked the status of Lake Powell Road.

Mr. Taylor mentioned the James River crossing meeting at Berkeley Elementary School on Tuesday, January 28, from 4:00 to 8:00 p.m.

E. PUBLIC HEARINGS

1. Case No. SUP-38-87. Daniel M. Greenleaf

Mr. Allen J. Murphy, Jr., Principal Planner, stated that Mr. Daniel M. Greenleaf had submitted an application for a special use permit for a temporary mobile home.

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

Mr. Taylor made a motion to approve SUP-38-87.

Mr. Norment made a motion to amend Condition 5 by changing 24 months to 12 months.

1. Mr. Daniel Greenleaf asked for approval of the original resolution.

Mr. DePue made a substitute motion to amend Condition 5 from 24 months to 18 months.

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

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

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

R E S O L U T I O N

CASE NO. SUP-38-87. DANIEL M. GREENLEAF

WHEREAS, it is understood that all conditions for the consideration of an application for a Special Use Permit have been met.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that a Special Use Permit be granted for the placement of a mobile home on property owned and developed by the applicant as described below and on the attached site location map.

- Applicant: Daniel M. Greenleaf
- Real Estate Tax Map ID: (13-1)
- Parcel No.: (1-1A)
- Address: 4000 Mt. Laurel Road
- District: Stonehouse
- Zoning: A-1, General Agricultural
- Conditions:
 1. The mobile home must be skirted and meet the requirements of the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards.
 2. The number of bedrooms shall not exceed two.
 3. This permit is valid only for the mobile home applied for. If the mobile home is removed, then this permit becomes void. Any replacement will require a new permit from the Board of Supervisors. If the permit is not exercised it shall become void one year from the date of approval.
 4. The mobile home shall be removed from the property within 36 months of the issuance of this permit or within 30 days of the issuance of the Certificate of Occupancy for the permanent residence, whichever is first.

5. Within 18 months from the date of approval, the applicant shall have had the framing inspection approved on the proposed house. If the framing inspection has not been approved, this permit shall become void. The applicant shall have fifteen days from that date to remove the mobile home from the property.

2. Case No. SUP-39-87. Ralph D. and Margie L. Casey

Mr. Murphy stated that Mr. and Mrs. Ralph Casey have submitted an application for a special use permit for a mobile home to be used as a residence.

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

Mr. DePue made a motion to approve the special use permit.

Mr. Mahone made a motion to amend the resolution by adding "to provide for a driveway" in Condition 4.

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

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

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

R E S O L U T I O N

CASE NO. SUP-39-87. RALPH D. AND MARGIE L. CASEY

WHEREAS, it is understood that all conditions for the consideration of an application for a Special Use Permit have been met.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that a Special Use Permit be granted for the placement of a mobile home on property owned and developed by the applicant as described below and on the attached site location map.

Applicant:	Ralph D. and Margie L. Casey
Real Estate Tax Map ID:	(36-2)
Parcel No.:	(1-5E)
Address:	3554 Little Deer Run
District:	Powhatan
Zoning:	A-1, General Agricultural
Conditions:	<ol style="list-style-type: none"> 1. The mobile home shall be skirted and meet the requirements of the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards. 2. The applicant shall submit an exact description, with identification of the mobile home, prior to placement of the mobile home on the site. This permit is valid only for the

mobile home provided in that description. If that mobile home is removed, this permit shall become void. Any replacement shall require a new permit from the Board of Supervisors. If the permit is not exercised, it shall become void one year from date of approval.

- 3. Little Deer Run shall be constructed and maintained in an all-weather surface up to the subject parcel prior to the occupancy of this mobile home.
- 4. Existing trees shall remain except where clearing is necessary for the mobile home, septic field and drain area, and to provide for a driveway.

3. Case No. SUP-40-87. Richard H. Jackson

Mr. Murphy stated that Mr. Richard H. Jackson had submitted an application on behalf of Ms. Laura Loftin for a special use permit for a mobile home to be used as a residence.

Mr. Edwards opened the public hearing.

1. Mr. Phil Hatcher of 7617 Cypress Drive, Lanexa, spoke in favor of the application.

Mr. Edwards closed the public hearing.

Mr. Taylor made a motion to approve Case No. SUP-40-87.

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

R E S O L U T I O N

CASE NO. SUP-40-87. RICHARD H. JACKSON

WHEREAS, it is understood that all conditions for the consideration of an application for a Special Use Permit have been met.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that a Special Use Permit be granted for the placement of a mobile home on property owned and developed by the applicant as described below and on the attached site location map.

- Applicant: Richard H. Jackson
- Real Estate Tax Map ID: (10-3)
- Parcel No.: (1-4)
- Address: 143 Berkeley Town Road
- District: Stonehouse
- Zoning: A-1, General Agricultural
- Conditions:
 - 1. The mobile home must be skirted and meet the requirements of the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards.

2. The number of bedrooms shall not exceed three.
3. This permit is valid only for the mobile home applied for. If the mobile home is removed, then this permit becomes void. Any replacement will require a new permit from the Board of Supervisors. If the permit is not exercised it shall become void one year from the date of approval.

F. CONSENT CALENDAR

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

Mr. Norment asked that Item No. 1 be removed.

Mr. Edwards made a motion to approve Items No. 2 and 3.

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

2. Task Force on Battered Women Shelter Grant

R E S O L U T I O N

TASK FORCE ON BATTERED WOMEN SHELTER GRANT

WHEREAS, the James City County Board of Supervisors is concerned about the emergency housing needs of women and their children; and

WHEREAS, the Virginia Department of Housing and Community Development has made \$8,800 in Virginia Shelter Grant Funds (VSGF) available to the Williamsburg Task Force on Battered Women/Sexual Assault to improve services at their shelter; and

WHEREAS, the Task Force Board of Directors has asked the County to receive VSGP funds on their behalf consistent with grant requirements.

NOW, THEREFORE, BE IT RESOLVED by the James City County Board of Supervisors, that \$8,800 be appropriated from the Commonwealth of Virginia to Budget Code 001-162-7300 and that the County Administrator be authorized to sign the VSGP Grant Agreement on behalf of the County.

BE IT FURTHER RESOLVED, that the County Administrator is also authorized to enter into a subgrantee agreement with the Williamsburg Task Force on Battered Women/Sexual Assault to govern the proper use and monitoring of these funds.

3. Poultry Claim - Norman A. Chandler Livestock Claim - Bernard R. Melton

R E S O L U T I O N

POULTRY CLAIM

WHEREAS, the claim of Mr. Norman A. Chandler has been investigated and found to be valid; and

WHEREAS, the value of the poultry destroyed has been estimated to be as follows:

19 Rhode Island Red Hens @ \$3.00 = \$57.00

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby reimburses Mr. Norman A. Chandler \$57.00 for the poultry destroyed.

R E S O L U T I O N

LIVESTOCK CLAIM

WHEREAS, the claim of Mr. Bernard R. Melton has been investigated and found to be valid; and

WHEREAS, the value of the livestock destroyed has been estimated to be as follows:

Two Alpine/Neubian Goats @ \$40.00 = \$80.00

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby reimburses Mr. Bernard R. Melton \$80.00 for the livestock destroyed.

1. Long Term Care Committee Lead Agency

After a brief discussion between Mr. Norment and Mr. Anthony Conyers, Manager of Community Services, Mr. Norment made a motion to approve the resolution.

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

R E S O L U T I O N

LONG TERM CARE COMMITTEE LEAD AGENCY

WHEREAS, James City County is required to have a Long Term Care Committee (LTCC) for the purpose of ensuring that nursing home placements are made appropriately and in the most cost-effective manner; and

WHEREAS, each jurisdiction's committee is required to designate a lead agency; and

WHEREAS, the Peninsula Agency on Aging has requested to be so designated for James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, designates the Peninsula Agency on Aging as its Long Term Care Committee Lead Agency to function under the day-to-day direction of the County Administrator.

G. BOARD CONSIDERATIONS

- 1. Case No. CP-4-87. Monticello Avenue Area Comprehensive Plan Amendment
- 2. Case No. Z-15-87. Venture Properties III

Mr. O. Marvin Sowers, Jr., Director of Planning, introduced Mr. Larry Bizette and Mr. Peter Stephenson of the Planning Department, who presented a Comprehensive Plan Amendment for the Monticello Avenue area in James City County.

After a short discussion, Mr. DePue made a motion to approve Option 4.

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

R E S O L U T I O NCOMPREHENSIVE PLAN AMENDMENT CASE NO. CP-4-87MONTICELLO AVENUE AREA COMPREHENSIVE PLAN AMENDMENT

WHEREAS, in accordance with Section 15.1-453 and Section 15.1-431 of the Code of Virginia, public hearings were scheduled and held on August 25, September 22, and October 27, 1987, for amending the Land Use Element of the Comprehensive Plan of James City County by adopting the recommendations as put forth on October 27, 1987, for the study area described as the Monticello Avenue Area; and

WHEREAS, the Planning Commission, following its public hearings, recommended approval of Case No. CP-4-87.

NOW, THEREFORE, BE IT RESOLVED that the Land Development Concept Map of the Land Use Element of the Comprehensive Plan be amended for the study area as shown on the attached map and stated as follows:

Exclude from amendment, the CONSERVATION area along College Creek.

Extend the CONSERVATION area to include the tributary of College Creek which forms the southern border of the study area.

Designate as COMMERCIAL, the undeveloped land generally to the east of the Chambrel access road from Monticello Avenue to the edge of the Carriage Road residential area, excluding the existing CONSERVATION area along College Creek.

Designate as LOW-DENSITY RESIDENTIAL, the part of the study area generally to the west of the Chambrel access road, including the Chambrel Retirement Community, and the undeveloped, two-acre, triangular-shaped parcel to the west and adjacent to the intersection of Monticello Avenue and the Chambrel access road, excluding the extended CONSERVATION area along the tributary which forms the southern border of the study area.

Mr. DePue made a motion to approve Case No. Z-15-87 (Option 3).

Mr. DePue mentioned that the Growth Commission recommended notification of zoning.

Mr. David Norman, County Administrator, questioned if the Board wished the notification to be verbal or in writing.

Mr. Edwards stated that the preference would be in writing.

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

(OPTION 3)

R E S O L U T I O NCASE NO. Z-15-87. VENTURE PROPERTIES III

WHEREAS, in accordance 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 on Zoning Case No. Z-15-87 with proffers for rezoning approximately 8.3 acres from R-3, General Residential, to B-1, General Business, with proffers on property identified as Parcels (1-133) and (1-133C) on James City County Real Estate Tax Map No. (39-1); and

WHEREAS, the Planning Commission following its public hearing on October 27, 1987, recommended approval of Case No. Z-15-87 with proffers by a vote of 8-1.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Zoning Case No. Z-15-87 with proffers only for Parcel 133.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, further denies the rezoning request for Parcel 133C.

3. Case No. SUP-27-87. H & L Paving

Mr. O. Marvin Sowers, Jr., Director of Planning, stated that at the December 7, 1987, meeting, the Board of Supervisors deferred the request for a special use permit to except an expansion up to 500 square feet to an existing 1,155 square foot nonconforming office building from a public water and sewer requirement. At that meeting, the applicant stated a preference to replace, rather than expand, the existing building.

Mr. Edwards made a motion to defer Case No. SUP-27-87 and refer the Ordinance amendment to the Planning Commission.

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

H. PUBLIC COMMENT - None

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Norman requested an executive session for personnel and legal matters, and asked that the Board consider the resolution for legislation for implementing the recommendations of the Williamsburg Regional Commission on Growth.

Mr. Mahone made a motion to approve the resolution.

Mr. Norment made a motion to amend the language in the BE IT FURTHER RESOLVED paragraph of the resolution to state "...reaffirms its support for legislation designed to enable localities to address..."

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

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

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

R E S O L U T I O N

LEGISLATION FOR IMPLEMENTING THE RECOMMENDATIONS

OF THE WILLIAMSBURG REGIONAL COMMISSION ON GROWTH

WHEREAS, the Williamsburg Regional Commission on Growth was created by the Counties of James City and York; the City of Williamsburg, the Colonial Williamsburg Foundation; Busch Properties, Inc.; and the College of William and Mary with a view to studying growth and development in the Williamsburg area; and

WHEREAS, after careful and lengthy study, the Commission submitted its report, including recommendations some of which can be implemented only through the enactment of appropriate enabling legislation; and

WHEREAS, in concert with the York County Board of Supervisors, the James City County Board of Supervisors has previously expressed its support of five of the ten recommended legislative items; and

WHEREAS, pursuant to further discussion, and upon learning of the interest expressed in the Growth Commission recommendations by the Honorable Delegates George W. Grayson and Shirley F. Cooper, the Board has reexamined the list of proposed legislative issues.

NOW, THEREFORE, BE IT RESOLVED that the James City County Board of Supervisors affirms and supports legislation designed to enable the three "Historic Triangle" localities, Williamsburg, James City County, and York County, to address the following items:

- o To strengthen the stop-work order provisions of the erosion and sediment control law;
- o To utilize the provisions of the Local Agricultural and Forestal District Acts of 1982;
- o To increase the limits of a local real estate transfer tax;
- o To permit the creation of a program for the transfer of development rights;
- o To enact ordinances for the preservation of trees.

BE IT FURTHER RESOLVED that the Board of Supervisors reaffirms its support for legislation designed to enable localities to address the following items:

- o To require the removal of nonconforming signs and billboards;
- o To utilize the broad conditional zoning authority accorded Northern Virginia and Eastern Shore localities;
- o To provide for and require impact fees;
- o To permit private nonprofit organizations to acquire and hold conservation easements;
- o To expand the current wetlands law to include nontidal wetlands;
- o And legislation urging the State to provide leadership toward the development of a Critical Area Protection Program.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Senator William E. Fears, Delegate Shirley F. Cooper and Delegate George W. Grayson.

J. BOARD REQUESTS AND DIRECTIVES

Mr. Mahone asked that staff modify the Ordinance to include the provision that a dog owner could apply for a license if the inoculation certificate is valid through more than six months of the year.

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

Mr. Mahone spoke of the Colonial Group Home Commission/Crossroads agenda noting that the Newport News facility is adding 18 beds to an existing 21 beds for juveniles. He continued that Newport News might consider opening a satellite facility in the Lee Hall area in the future, if local jurisdictions are interested.

Mr. Edwards made a motion to convene into executive session to discuss a personnel matter pursuant to Section 2.1-344(a)(1) of the Code of Virginia 1950 as amended at 2:40 p.m.

Mr. Edwards reconvened the Board into open session at 3:02 p.m. for a joint public hearing with the Planning Commission.

4. Case No. SUP-23-87. Hampton Roads Sanitation District Treatment Plant Expansion

Mr. O. Marvin Sowers, Jr., Director of Planning, stated Mr. James R. Borberg had applied on behalf of the Hampton Roads Sanitation District for a special use permit to allow the expansion of facilities and improvement of existing facilities at the Williamsburg Wastewater Treatment Plant.

Mr. Edwards opened the joint public hearing.

Mr. Fred Belden, Chairman of the Planning Commission, opened the joint public hearing. Those in attendance were: A. G. Bradshaw, William F. Brown, Alexander C. Kuras, Gary M. Massie, Sandra S. Stein, and Gwendolyn Robinson. Absent were: Willafay McKenna, Martin Garrett, and Carolyn Lowe.

1. Mr. Ross E. Schlobohm, Chief of Planning, Hampton Roads Sanitation District, stated that the expansion is required because of the increased wastewater flows in the area and for odor control.

Discussions were held among the attendees regarding the priority of odor control during the construction period.

1. Mrs. J. Blaine Blayton, 150 Log Cabin Road, asked if she could get sewer hookup as promised when the plant asked for an easement. Mrs. Blayton also asked why the odor could not be contained before the expansion of the plant.

Mr. Norment asked Mr. Schlobohm to look at the feasibility of giving priority to odor control measures to existing structures before new construction.

Mr. Belden closed the public hearing.

Mr. Edwards closed the public hearing.

By unanimous vote, the Planning Commission approved Case No. SUP-23-87.

Mr. Norment requested that a letter be sent to him about that effort.

Mr. Taylor made a motion to approve Case No. SUP-23-87.

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

RESOLUTION

CASE NO. SUP-23-87. HRSD TREATMENT PLANT EXPANSION

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.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the issuance of Special Use Permit No. SUP-23-87 as described in the application with the following conditions:

1. Compliance with all Local, State and Federal requirements for the construction and operation of the Wastewater Treatment Plant.
2. Compliance with all State Erosion and Sediment Control Regulations as specified in the 1980 Virginia Erosion and Sediment Control Handbook. A Land Disturbing Permit and Siltation Agreement, with surety, are required.
3. If construction has not commenced on this project within a period of 36 months from the date of issuance of this permit, it shall become void. Construction shall be defined as the clearing, grubbing, excavation and pouring of any footings required as part of this expansion.
4. This permit shall be limited to those facilities described as Phase I in this application.

A worksession with the Planning Commission convened at 3:35 p.m. to discuss the Growth Commission, citizens advisory committees, Board action on Planning Commission recommendations, Board representation on the Planning Commission, site selection process for public buildings, and rezoning policy.

A worksession with Bernard Farmer, Director of Code Compliance, regarding Erosion and Sediment Control, convened at 4:45 p.m.

Mr. Farmer indicated that the County was facing increasing difficulties due to the high volumes of development, highly erodible soils, and complexity and scope of projects. After giving an overview of the work efforts required for a project and an overview of the number of outstanding permits, Mr. Farmer requested that the Board approve one additional full-time permanent inspector to maintain an effective Erosion and Sediment Control program.

After a short discussion by the Supervisors and County Administrator, Mr. DePue made a motion to approve the resolution.

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

R E S O L U T I O N

EROSION AND SEDIMENT CONTROL INSPECTOR POSITION

WHEREAS, it is the desire of the Board of Supervisors to promote and ensure the health, safety and welfare of the inhabitants of the County through erosion and sediment control; and

WHEREAS, the County has adopted regulations for the control of erosion and sediment and established procedures for the enforcement of such controls; and

WHEREAS, it has been demonstrated that increased development activity has necessitated the creation of an additional position to implement the regulations; and

WHEREAS, funds are available in the FY 88 Code Compliance Budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, approves the employment of an additional full-time permanent Erosion and Sediment Control Inspector.

Mr. Edwards made a motion to approve William F. Miller for a three-year term, expiring December 31, 1990; Mayo W. Waltrip for a two-year term, expiring December 31, 1989; and Mrs. Darline Layer for a one-year term, expiring December 31, 1988, to the Board of Equalization.

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

R E S O L U T I O N

TO RECOMMEND APPOINTEES TO THE JAMES CITY COUNTY

BOARD OF EQUALIZATION

WHEREAS, Section 18-30 of the Code of the County of James City, Virginia, requires the Board to recommend to the Circuit Court qualified freeholders of the County for appointment to the James City County Board of Equalization; and

WHEREAS, the following individuals are found to be qualified freeholders of the County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby recommends to the Circuit Court the appointment to the James City County Board of Equalization of the following qualified freeholders: Mr. William F. Miller, for a three-year term; Mr. Mayo Waltrip, for a two-year term; and Mrs. Darline Layer for a one-year term.

Mr. Edwards made a motion to convene into executive session to discuss a legal matter pursuant to Section 2.1-344(a)(6) of the Code of Virginia 1950 as amended at 5:36 p.m.

Mr. Edwards made a motion to adjourn.

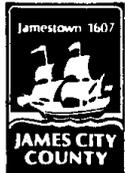
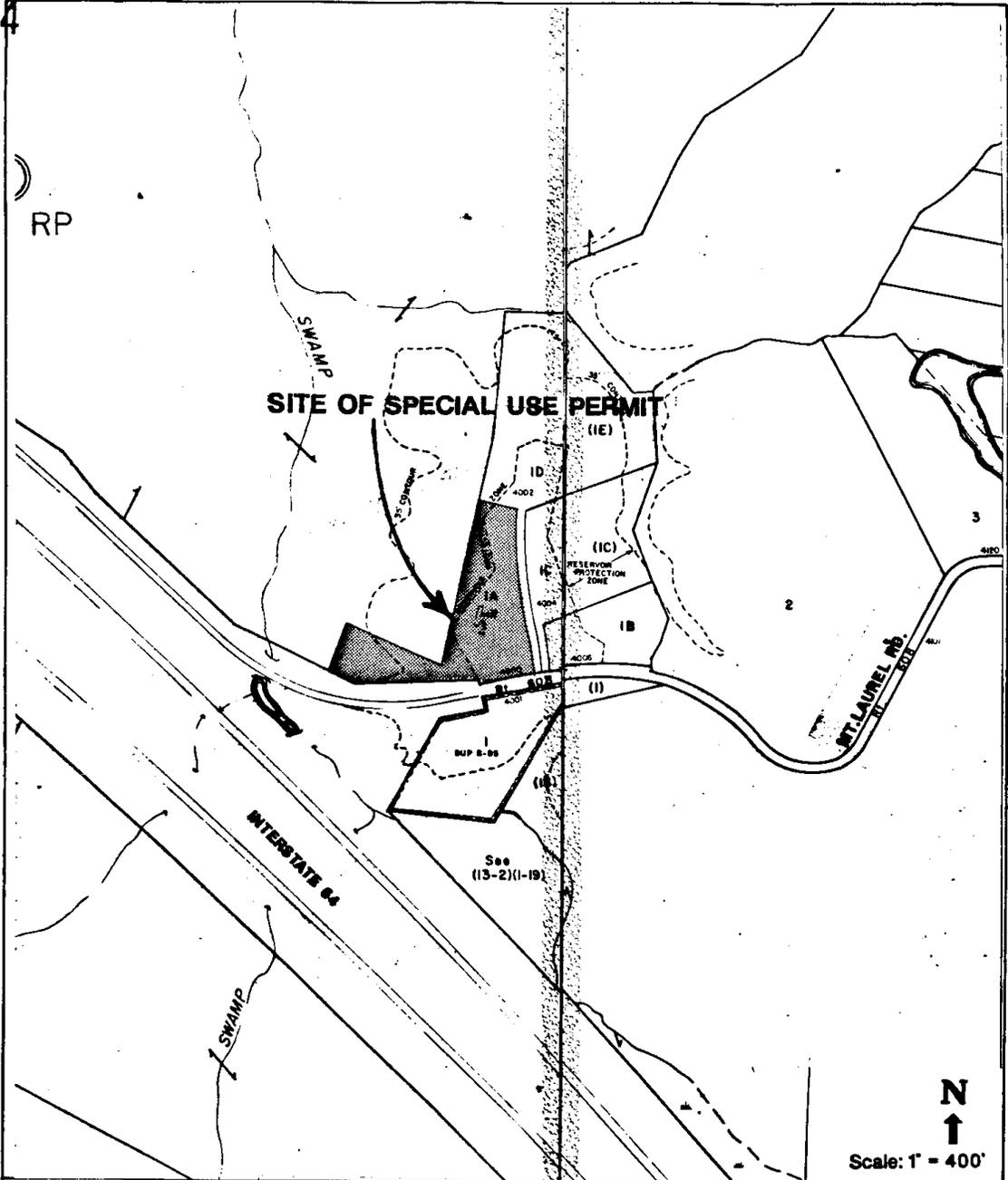
On a roll call, the vote was AYE: Norment, Taylor, Mahone, DePue, Edwards (5). NAY: (0).

The Board adjourned at 5:56 p.m.



David B. Norman
Clerk to the Board

0518w



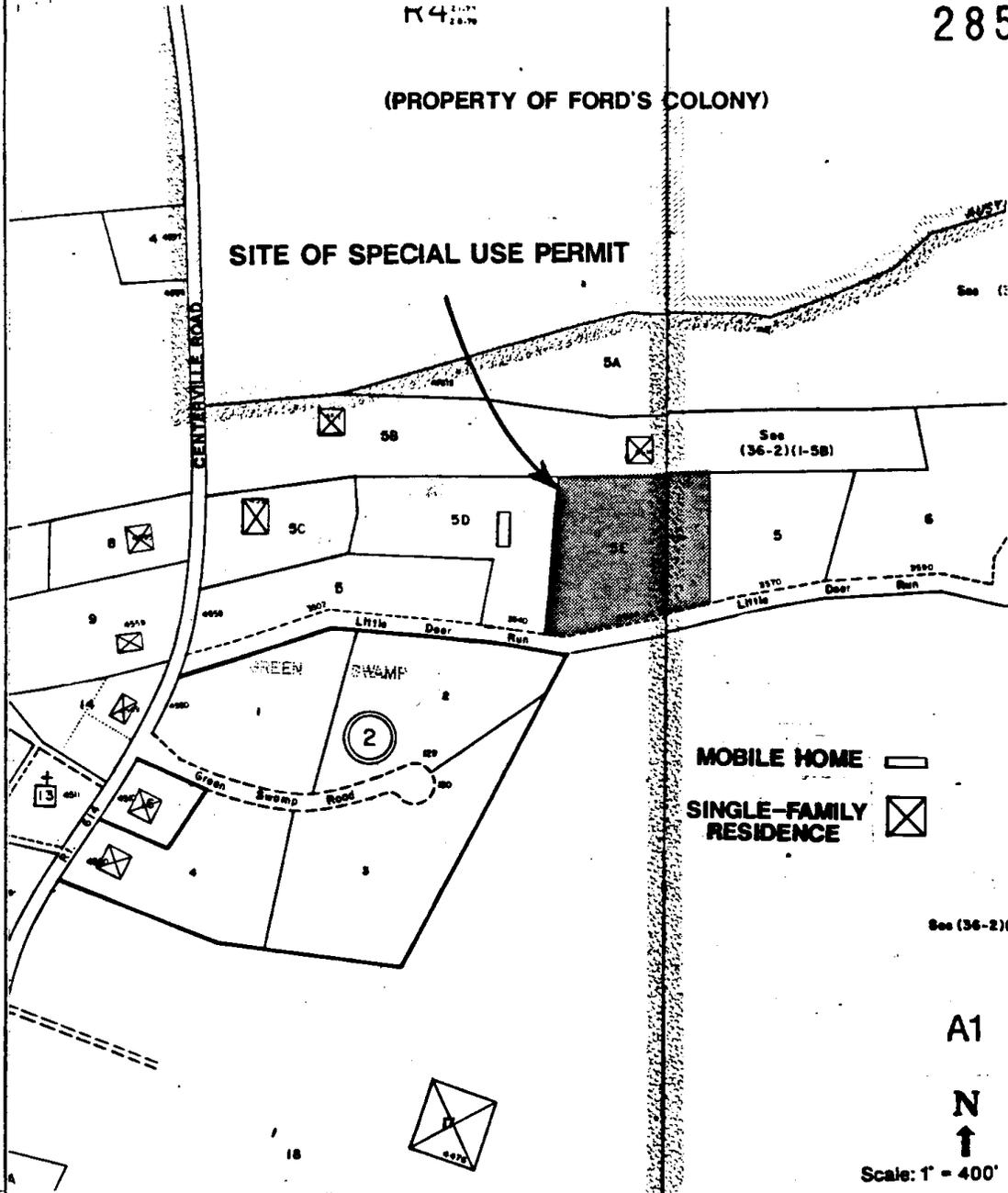
Case #: **SUP-38-87**

Name: **DANIEL M. GREENLEAF**

JAMES CITY COUNTY/DEPARTMENT OF PLANNING & DEVELOPMENT

(PROPERTY OF FORD'S COLONY)

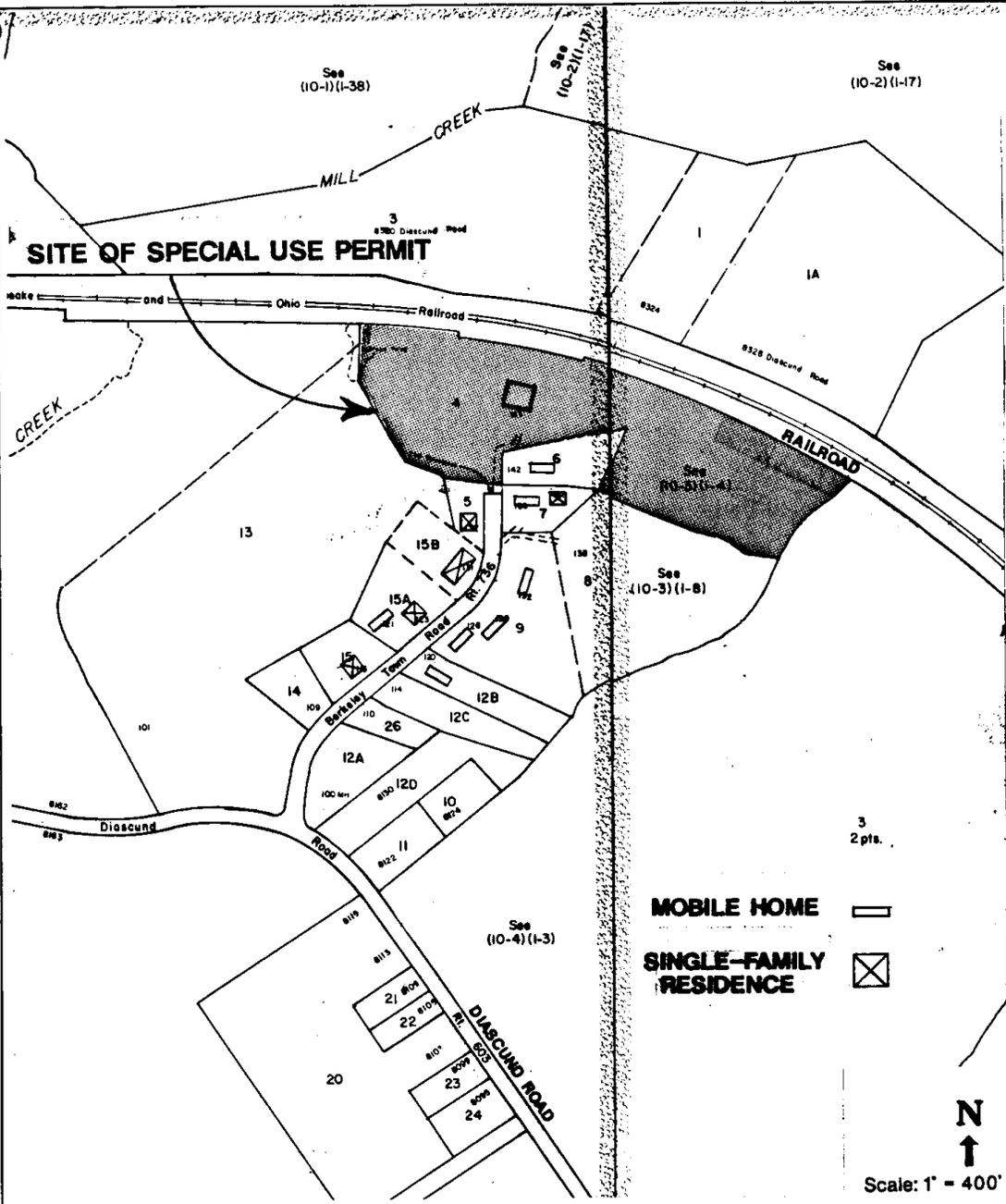
SITE OF SPECIAL USE PERMIT



Case #: SUP-39-87

Name: RALPH D. & MARGIE L. CASEY

JAMES CITY COUNTY/DEPARTMENT OF PLANNING & DEVELOPMENT



Case #: **SUP-40-87**

Name: **RICHARD H. JACKSON**

JAMES CITY COUNTY/DEPARTMENT OF PLANNING & DEVELOPMENT

GRANT AGREEMENTVirginia Shelter Grants Program (VSGP) II#87-SG-6S

This Grant Agreement is made by and between the Virginia Department of Housing and Community Development on behalf of the Commonwealth of Virginia and the Grantee, the County of James City.

The grant which is the subject of this agreement is authorized by the Governor of the Commonwealth under the Virginia Shelter Grants Program (VSGP), round two, and is funded through an allocation from the U.S. Department of Housing and Urban Development (HUD) for fiscal year 1987. The Grant is subject to the terms, guidelines and regulations set forth in the VSGP Grant Application Manual (1987) and HUD's regulations at 24 CFR Part 575, as now in effect and as may be amended from time to time, which are incorporated by reference as part of this Agreement.

Also incorporated as a part of this agreement are 1) the application, including certifications, resolutions and agreements contained therein, and 2) the Project Description/Performance Schedule and Special Conditions.

In reliance upon the VSGP grant application and associated documents, the Department agrees, upon execution of the GRANT AGREEMENT, to provide the Grantee the amount of \$8,800 to undertake the project activities approved and set forth herewith.

The Grantee agrees that VSGP grant funds will be matched through local sources.

The Grantee further agrees to monitor, oversee and report on the use of funds under this agreement by all sub-grantees.

Project Description/Performance Schedule and Special Conditions

I. Project Description/Performance Schedule (Approved Activities):

Shelter for Battered Women and Children: VSGP-II grant funds totalling \$8,800 shall be used to purchase shelter operating equipment, e.g. beds and sleep sofa, and food as described in grant application and project budget. Project budget is herewith approved. Local matching funds totalling \$14,500 shall be used for this project which shall be completed on or before 12-31-88 or within 12 months of first receipt of VSGP-II funds.

II. Special Conditions:

A subgrantee agreement with provider, which sets forth the terms and conditions of this grant award, shall be signed by 2/15/88.

The GRANT AGREEMENT is hereby executed by the Parties on the date set forth below their respective signatures as follows:

VIRGINIA DEPARTMENT OF HOUSING
AND COMMUNITY DEVELOPMENT

James City County
(Grantee)

By: Neal J. Barber
(Signature)

J. Edwards
(Signature)

Neal J. Barber
(Name)

Jack D. Edwards
(Name)

Director
(Title)

Chairman, Board of Supervisors
(Title)

January 5, 1988
(Date)

January 25, 1988
(Date)

PROFFER STATEMENT

WHEREAS, VENTURE PROPERTIES III, a Virginia general partnership, (hereinafter called "Owner") owns certain real property in James City County, Virginia, (hereinafter called "Property") and more particularly described as follows:

All those certain tracts, pieces or parcels of land now or formerly situated in Berkeley District, James City County, Virginia, shown and set forth as Parcel "B" and Parcel "C", containing 6.2779 acres, and 2.0796 acres, more or less, respectively, as more fully set out on a plat entitled: "PLAT FOR SUBDIVISION, BOUNDARY LINE ADJUSTMENT AND EXCHANGE BETWEEN VENTURE PROPERTIES III AND C. H. LAWSON ESTATE", made by AES, a professional corporation, dated April 28, 1986, and recorded in the Clerk's Office for the County aforesaid in Plat Book 47 at page 71, (hereinafter called "Plat").

WHEREAS, Owner has applied for rezoning of Property from R-3 District to B-1 District; and

WHEREAS, the County of James City may be unwilling to rezone the Property from R-3 District to B-1, because B-1 rezoning regulations may be deemed inadequate for the orderly development of Property, because competing and incompatible uses may conflict; and

WHEREAS, more flexible and adaptable zoning methods are deemed advisable to permit the use of Property; and

WHEREAS, 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 B-1 District,



PAUL L. WILSON
ATTORNEY AT LAW
104 RICHMOND ROAD
GLAMSBURG, VA. 22182

NOW, THEREFORE, this Agreement witnesseth that for and in consideration of the County of James City rezoning Property from R-3 District to B-1 District, and pursuant to Section 20-15 et seq of Chapter 20 of the Code of James City County, Virginia, Owner agrees to meet and comply with all of the following conditions for the development of Property:

CONDITIONS

- 1. Use of the property shall be limited to LB, Limited Business District, permitted uses and LB, Limited Business District, special uses which are permitted in the B-1, General Business District either generally or with a special use permit.
- 2. All regulations of the LB, Limited Business District, which are more restrictive than B-1, General Business District regulations, except for B-1, General Business District height limits, shall apply to Property.
- 3. No development shall occur on Property until adequate sewer capacity exists to serve the proposed development.

VENTURE PROPERTIES III,
 a Virginia general partnership
 By: [Signature] (SEAL)
 Managing General Partner

PAUL L. WILSON
 ATTORNEY AT LAW
 104 RICHMOND ROAD
 LEANESBURG, VA. 23105

COMMONWEALTH OF VIRGINIA
CITY OF WILLIAMSBURG, to-wit:

The foregoing instrument was acknowledged before me
this 16th day of October, 1987, by Paul L. Wilson, Managing
General Partner of Venture Properties III.

Barbara L. Buck
Notary Public

My Commission expires:

2-09-91

RESOLUTION

CASE NO. Z-15-87. VENTURE PROPERTIES III

WHEREAS, in accordance 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 on Zoning Case No. Z-15-87 with proffers for rezoning approximately 8.3 acres from R-3, General Residential, to B-1, General Business, with proffers on property identified as Parcels (1-133) and (1-133C) on James City County Real Estate Tax Map No. (39-1); and

WHEREAS, the Planning Commission following its public hearing on October 27, 1987, recommended approval of Case No. Z-15-87 with proffers by a vote of 8-1.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Zoning Case No. Z-15-87 with proffers only for Parcel 133.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, further denies the rezoning request for Parcel 133C.



Jack B. Edwards, Chairman
Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

SUPERVISOR	VOTE
NORMENT	AYE
TAYLOR	AYE
MAHONE	AYE
DEPUE	AYE
EDWARDS	AYE

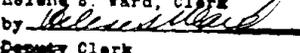
Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of January, 1988.

0466A
0474W

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

Statement day of *Feb*, 19*88*. This *proffer*

was presented with certificate annexed and admitted to record at *11:21* o'clock
Teste: Helene S. Ward, Clerk
by 
Deputy Clerk