

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 6TH DAY OF JUNE, NINETEEN HUNDRED EIGHTY-EIGHT, AT 7:07 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 - May 16, 1988

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

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

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

C. PROCLAMATION

1. 1988 Virginia Special Olympics - Law Enforcement Torch Run

R E S O L U T I O N

1988 VIRGINIA SPECIAL OLYMPICS

LAW ENFORCEMENT TORCH RUN

May 30 Through June 3, 1988

WHEREAS, the International Special Olympics is the world's largest program of year-round sports training and competition for children and adults with mental retardation, uniting the world on the common ground of athletic competition while fostering interaction and friendship between retarded and non-retarded individuals; and

WHEREAS, in 1984, the International Association of Police Chiefs enthusiastically adopted the highly successful Torch Run program, and today Runs are conducted in every state and territory in the United States and nine countries; and

WHEREAS, this year police chiefs and officers, Secret Service and FBI agents, military police, sheriffs, state troopers, prison guards and other law enforcement personnel will run 52,000 miles--twice the distance around the earth's equator--to open the Special Olympics; and

WHEREAS, the torch will have been run across the Commonwealth by law enforcement officers starting the last week in May from points north, south, east and west, appropriately ending the Run in our State Capital.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby recognize and salute those local and statewide participants in the 1988 Law Enforcement Torch Run, who on the evening of June 3 will enter the Robins Center at the University of Richmond to symbolically light the torch, officially opening the 1988 Virginia Special Olympics Summer Games.

BE IT FURTHER RESOLVED that the Board of Supervisors calls upon the citizens of the County of James City to encourage the Spirit of the Special Olympics--Skill, Courage, Sharing and Joy--so that athletes with mental retardation may reveal to the world these special qualities in which they excel.

D. PUBLIC HEARINGS

1. Case No. Z-11-88. Norge Center, Inc.

Mr. O. Marvin Sowers, Jr., Director of Planning, stated that Mr. Robert L. King had applied on behalf of Norge Center, Inc., to amend the proffers for approximately 35.5 acres zoned B-1, General Business, with proffers. The original proposal called for a local shopping facility with approximately 230,000 square feet of retail area, 40,000 square feet of office space and approximately 24,000 square feet of out-parcel retail space for a total of 284,000 square feet. The new proposal calls for a regional shopping center contained in one building which consists of 362,000 square feet in gross floor area. The out-parcels contain approximately 29,000 square feet for a total of 391,000 square feet.

Staff and the Planning Commission recommend approval of the amended proffers.

Mr. Edwards opened the public hearing.

1. Mr. Robert L. King, representative for Norge Center, Inc., stated that the new proposal would have the same traffic requirements, be a better land use, and exceed landscaping requirements. Mr. King asked for the Board's approval of the amended proffers.

2. Mr. Jay H. Everson, 130 Oslo Court, Manager of the Kentucky Fried Chicken in Lightfoot, spoke in favor of the shopping center, but had a concern about availability of persons for employment at the facility.

3. Mr. Daniel Helmick, 149 Nina Lane, spoke in favor of the shopping center.

4. Mr. Bill Weldon, 9403 Barnes Road, spoke in opposition to the shopping center, stating concerns of quality of life, environmental impact, and increased crime that development and growth bring.

4. Ms. Linda Rice, Forge Road, stated that she favored a small shopping center, but was concerned about its effects on the quality of life and the rural environment. She asked that the Board in the future carefully consider the other alternatives for increasing the tax base such as Industrial Development.

Mr. Edwards closed the public hearing.

Following individual comments from the Board, Mr. Taylor 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

CASE NO. Z-11-88. NORGE CENTER, INC.

WHEREAS, in accordance with Section 15.1-431 and Section 15.1-491.6 of the Code of Virginia and Section 20-15 and Section 20-22 of the James City County Zoning Ordinance, a public hearing was advertised,

adjoining property owners notified and a hearing scheduled on Case No. Z-11-88 for amending the proffers attached to approximately 35.5 acres zoned B-1, with proffers, and further identified as Parcel (1-23) on James City County Real Estate Tax Map No. (13-4); and

WHEREAS, the applicant has submitted the attached amended proffers signed by the property owner and received by the Planning Department on June 2, 1988.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the amended proffers as submitted.

Mr. Edwards recognized and introduced Mr. Trist McConnell, Councilman-elect for the City of Williamsburg, who was in the audience.

2. Case No. Z-29-87. Five Forks Associates

Mr. Sowers stated that the Board of Supervisors at its April 4, 1988, meeting reviewed an application filed by Mr. C. Lewis Waltrip on behalf of Five Forks Associates to rezone 5.66 acres from A-2, Limited Agricultural to B-1, General Business, and 26.27 acres from A-2, Limited Agricultural, to R-3, General Residential, with proffers, to allow for a neighborhood shopping center of no more than 70,000 square feet, and 53 single-family detached residences.

Mr. Sowers continued that a revised draft proffer statement was submitted on May 26, 1988, and that the Planning Commission and staff recommend approval of Case No. Z-29-87.

After a brief discussion regarding entrances, Mr. Edwards opened the public hearing.

1. Mr. Vernon Geddy, representative for the applicant, summarized the case with proffers, and stated that the actual development would not generate more traffic than a 70,000 square foot shopping center.

2. Mr. Lawrence Cumming, Esq., counsel for the owner of the Pop-In business, spoke of changing the median configuration to allow a left-turn entrance to the business, when traveling north on Ironbound Road.

3. Mr. Jim Nicely, Esq., counsel for Mr. Harrison Saunders, adjacent property owner, requested that the Board defer the case so that his client could have the opportunity to review the information.

4. Mr. Frank Hall, Resident Engineer, Virginia Department of Transportation, reported that a median island would be the safest method of handling left-turn traffic movement into the site from Ironbound Road. He stated that a slot in the median was not feasible, but that the island could be installed at a later date. Mr. Hall indicated that the distance of 430 feet south of the right-of-way on John Tyler Highway for the proposed entrance was agreed upon in the plan.

5. Mr. Geddy added the fact that a 20 foot right-of-way frontage on Ironbound Road was being proffered as part of the school site, and the raised median could be included or eliminated.

Mr. Edwards closed the public hearing.

Mr. Norment made a motion to postpone the case so that the access issue could be addressed.

Mr. Edwards reopened the public hearing and requested a continuance contingent upon the motion's approval.

Mr. Sowers requested that the case be postponed until the July 11, 1988, meeting.

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

Mr. Edwards recessed the Board for a break at 8:35 p.m.

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

3. Case No. Z-8-88. Hunt-Brooks, Inc.

Mr. O. Marvin Sowers, Jr., Director of Planning, stated that Mr. Alvin P. Anderson had applied on behalf of Hunt-Brooks, Inc., to rezone 52.3 acres from A-1, General Agricultural to R-1, Limited Residential, with proffers to allow for the development of single-family dwellings. Mr. Sowers further stated that a preliminary plan for the site has been submitted which proposes 91 residential lots at a gross density of 1.74 lots per acre.

Staff and the Planning Commission recommend approval of the case.

Mr. Edwards opened the public hearing.

1. Mr. Alvin Anderson, representative for Hunt-Brooks, Inc., requested the Board's approval of the case, as the rezoning is consistent with the County's Comprehensive Plan, low-density of residential is one to two units per acre, water and sewer are available, and the applicant has proffered to provide a Phase I archaeological study for approval prior to subdivision plans.

Mr. Edwards closed the public hearing.

Mr. DePue made a motion to approve Case No. Z-8-88.

A brief discussion was held.

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

R E S O L U T I O N

CASE NO. Z-8-88. HUNT-BROOKS, INC.

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-8-88 for rezoning approximately 52.3 acres from A-1, General Agricultural to R-1, Limited Residential, on property identified as Parcel (1-12) on James City County Real Estate Tax Map No. (31-2); and

WHEREAS, the Planning Commission following its public hearing on April 26, 1988, recommended approval of Case No. Z-8-88 by a vote of 7-1.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Zoning Case No. Z-8-88, with proffers, as described herein.

4. Ordinance Amendments for Driving While Intoxicated and Traffic Enforcement

Mr. Frank M. Morton, III, County Attorney, stated that these amendments were made by the General Assembly to the D.W.I. and traffic laws which become effective July 1, 1988.

Mr. Mahone made a motion to approve the Ordinance amendment.

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

E. CONSENT CALENDAR

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

Mr. Norment asked that Item No. 2 be removed.

Mr. Mahone made a motion to approve Items 1, 3, 4, and 5.

WHEREAS, throughout this period of service Virginia Chandler has given unselfishly of her time and experience, contributed to the development of policies which have been beneficial to the citizens and promoted cooperative relations with other community human services providers.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, wishes to extend its sincere appreciation to

VIRGINIA CHANDLER

for her performance and devotion to the County and its citizenry.

BE IT FURTHER RESOLVED that this Resolution be spread upon the minutes of the James City County Board of Supervisors to be preserved in perpetuity, and that a copy be presented to Virginia Chandler.

2. Industrial Development Authority - Proposed Financing for Williamsburg Winery, Inc.

Mr. John McDonald, Acting Secretary, Industrial Development Authority, stated that approval of the resolution was needed to pursue financing for building equipment to manufacture wine. Mr. McDonald further stated that the Bond Counsel for the Industrial Development Authority approves financial withdrawals in order to maintain a tax free basis from the Internal Revenue Service.

Mr. Norment made a motion to approve the resolution.

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

R E S O L U T I O N

APPLICATION FOR INDUSTRIAL DEVELOPMENT FINANCING

WHEREAS, the Industrial Development Authority of the County of James City, Virginia ("Authority"), has considered the application of Williamsburg Winery, Ltd., ("Company") requesting the issuance of the Authority's private activity revenue bonds in an amount not to exceed \$850,000 ("Bonds") to assist in the financing of the Company's acquisition, construction and equipping of a wine-making facility consisting of approximately 10,000 square feet ("Project") to be located at 2638 Lake Powell Road, in the County of James City, Virginia, and has held a public hearing thereon on May 25, 1988; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended ("Code"), provides that the governmental unit having jurisdiction over the issuer of private activity revenue bonds and over the area in which any facility financed with the proceeds of private activity revenue bonds is located must approve the issuance of the bonds; and

WHEREAS, the Authority issues its bonds on behalf of the County of James City, Virginia ("County"); the Project is located in the County and the Board of Supervisors of the County of James City, Virginia ("Board") constitutes the highest elected governmental unit of the County; and

WHEREAS, the Authority has recommended that the Board approve the issuance of the Bonds; and

WHEREAS, a copy of the Authority's resolution approving the issuance of the Bonds, subject to the terms to be agreed upon, a certificate of the public hearing and a Fiscal Impact Statement have been filed with the Board.

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

1. The Board approves the issuance of the Bonds by the Authority for the benefit of the Company, as required by Section 147(f) and Section 15.1-1378.1 of the Code of Virginia of 1950, as amended ("Virginia Code"), to permit the Authority to assist in the financing of the Project.
2. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds of the Creditworthiness of the Project or the Company.
3. Pursuant to the limitations contained in Temporary Income Tax Regulations Section 5f.103-2(f)(1), this resolution shall remain in effect for a period of one year from the date of its adoption.
4. The Board directs the County Administrator to request an allocation of the State Ceiling (as defined in Section 15.1-1399.10 of the Virginia Code) in accordance with the provisions of the Sections 15.1-1399.10 through 15.1-1399.17 of the Virginia Code and the applicable regulations, to cover the issuance of the Bonds.
5. This resolution shall take effect immediately upon its adoption.

F. **BOARD CONSIDERATIONS**

1. Case No. SUP-10-88. C. Faye Watkins

Mr. Allen Murphy, Jr., Principal Planner, stated that Mrs. C. Faye Watkins had submitted an application for a special use permit to allow the placement of a mobile home to be used as a residence on .491 acres in Cypress Point subdivision.

Mr. Robert Watkins, applicant, presented a signed letter from the Cypress Point Civic Association giving permission to place his mobile home on the lot, provided the septic and water systems meet current County Code and Health Department requirements.

Mr. Edwards requested that the Board continue with the agenda and return to this case after staff had reviewed the contents of the letter.

2. Case No. SUP-9-88. Thelma Roberts

Mr. Allen Murphy, Jr., Principal Planner, stated that the application for a special use permit was deferred on May 16, 1988, so staff could provide a condition to the resolution requiring an all-weather surface access to the property.

Mr. Anthony Conyers, Jr., Manager of Community Services, stated that the Community Action Agency will provide assistance to the applicant in upgrading the access road to an all-weather surface.

Mr. Taylor 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

CASE NO. SUP-9-88. THELMA ROBERTS

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: Thelma Roberts
 Real Estate Tax Map ID: 22-3
 Parcel No.: 1-1
 Address: 2820 Chickahominy Road
 District: Stonehouse
 Zoning: A-1

- Conditions:
1. This permit shall be valid only for the mobile home applied for. If the 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 the date of approval.
 2. The mobile home shall be skirted and meet the requirements of the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards.
 3. Access to Chickahominy Road shall be constructed and maintained in an all-weather surface up to the subject parcel, prior to the occupancy of this mobile home. The access shall consist of a one-lane drive of rock, gravel, or stone constructed to a depth of three inches and a width of ten feet.
 4. The applicant shall submit an exact description and identification number of the mobile home prior to placement on the site.
 5. Existing trees within twenty feet of the property lines shall remain except where clearing is necessary for the mobile home, driveway, septic tank and drainfield, and utilities.

G. PUBLIC COMMENT

1. Mr. Gene Farley, 4125 South Riverside Drive, spoke in opposition to the approval of Case No. SUP-10-88, and requested the disclosure of the signatures on the letter presented to the Board by Mr. Robert Watkins.

2. Mr. David Ware, Jr., owner of the Colonial Town Plaza Shopping Center, stated he was before the Board to answer any questions regarding the removal of the Golden Skillet restaurant sign. He further stated that the County issued a 60-day permit to the new owner contingent upon his removal of the old sign by the end of that period.

Mr. Frank M. Morton, III, County Attorney, indicated that a meeting had been scheduled between Mr. Ware and the other trustees of the Colonial Town Plaza Shopping Center for discussion of conformance to the County sign ordinance; and he felt public discussion was not appropriate at this time.

1. Continuance of Case No. SUP-10-88. C. Faye Watkins

Mr. Morton read the letter from Mr. Phil Hatcher, President of Cypress Point Civic Association, providing permission to Faye Watkins to place a mobile home in Cypress Point.

After some discussion of the case, Mr. DePue made a motion to approve Case No. SUP-10-88.

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

R E S O L U T I O N

CASE NO. SUP-10-88. C. FAYE WATKINS

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: C. Faye Watkins
 Real Estate Tax Map ID: 19-1
 Parcel No.: 11-11
 Address: 7621 Beechwood Drive
 District: Stonehouse
 Zoning: A-1

- Conditions:
1. This permit shall be valid only for the mobile home applied for. If the 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 the date of approval.
 2. The mobile home shall be skirted and meet the requirements of the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards.
 3. This application shall be for a mobile home with a maximum of two bedrooms.
 4. Existing trees within twenty feet of the property lines shall remain except where clearing is necessary for the mobile home, driveway, septic tank and drainfield, and utilities.
 5. The applicant shall submit an exact description and identification number of the mobile home, prior to placement of the mobile home on the site. This permit shall be 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.

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. David B. Norman, County Administrator, requested an executive session for a personnel matter, and informed the Board of a meeting in Richmond for final allocation for Route 199 at 10:00 a.m., on June 16. He invited a Board member to accompany staff to that meeting.

I. BOARD REQUESTS AND DIRECTIVES

Mr. Mahone asked about the progress on the request from Mr. Robert Groom of cutting the trees at the Barhamsville Exit so that the Stuckey's sign is visible from Interstate 64.

Mr. Morton replied that Mr. Groom was informed to proceed by contacting the Planning Department outlining his wishes, but Mr. Sowers advises that Planning has not yet been contacted.

Mr. DePue requested a meeting during July for discussion and formulation of a position on the meals tax issue.

Mr. Norment requested staff to prepare a schedule so the referendum could be on the upcoming November ballot.

Mr. Edwards made a motion that the Board 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 9:58 p.m.

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

The Board reconvened into open session at 10:45 p.m.

Mr. Mahone gave an update on the Courthouse study.

Mr. DePue made a motion to recess until 6:00 p.m., Tuesday, June 14, 1988.

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

The Board adjourned at 10:45 p.m.

David B. Norman

AGREEMENT

WHEREAS, Norge Center, Inc., a Virginia corporation, (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, lying and being in Stonehouse District, James City County, Virginia, fronting on U. S. #60, and shown on that certain plat of survey under the legend of "Section No. 4. 37.13 acres, Mrs. Ellen Taylor Howard," which plat is attached to that certain deed dated April 10, 1940, between R. Kember Taylor, et als and Richard E. Taylor, et ux, of record in the Clerk's Office of the Circuit Court of James City County, Virginia, in Deed Book 32, page 93, and bounded and described on said plat of survey as follows:

Beginning at a point on said highway, which point marks the line dividing the subject property and the property partitioned to Kitty Taylor; thence along said line North 37 degrees and 39 minutes East 2305.0 feet to a point on the center line of the old York River Road; thence along said center line North 89 degrees and 12 minutes East 159.0 feet, North 71 degrees and 33 minutes East 500.0 feet, North 65 degrees and 35 minutes East 135.0 feet to a point on the line dividing the subject property and the property of Our Savior Lutheran Church; thence along said line North 81 degrees and 22 minutes East 231.0 feet to a point on the line dividing the subject property and the property partitioned to Rufus Taylor; thence along said line South 37 degrees and 39 minutes West 3132.0 feet to a point on the East line of Highway #60, thence along said right-of-way on a 3 degree and 20 minute curve to the left 621.0 feet to the point of beginning; containing 37.13 acres, more or less; the lines included in the above description extend across the present right-of-way of the Chesapeake and Ohio Railway, but this is done for the purpose of settling reversion rights in the event of abandonment of any portion of the present right-of-way of said railway; in severalty and divided from the portions of R. Kemper Taylor, Rufus Taylor, Kitty Taylor and Minnie Taylor Bentley.

WHEREAS, the Owner acquired the said real estate from Ellen Taylor Howard after the property was rezoned from General Agricultural District, A-1, to the General Business District, B-1; and

WHEREAS, the property was subjected to certain conditions for its development as set forth in an agreement with Ellen Taylor Howard and James City County executed December 23, 1986; and

WHEREAS, the Owner desires to alter the development plans and, therefore, has requested of James City County that condition number 1. of the aforesaid agreement be amended.

NOW, THEREFORE, in consideration of the County of James City amending condition number 1, the Owner agrees that in addition to the regulations provided for in the General Business District, B-1, but subject to the limitations set forth in the aforesaid Codes, they will meet and comply with all of the following conditions for the development of the Property:

1. Site development, excluding outparcels, will be for a shopping center not to exceed 362,000 square feet of gross floor area.
2. Owner agrees to impose a 100 foot structural setback from the right-of-way of Richmond Road. In addition, the Owner agrees to impose a 50 foot buffer strip along the entire Richmond Road frontage and a 30 foot buffer zone along Norge Lane, the C & O Railroad, and also that portion of the property fronting on Croaker Road. The buffer zones will exclude parking and be broken only by necessary access roads, project signage and utilities. A landscaping plan will be submitted for approval by the James City County Staff and the Site Plan Review Committee for these buffer zones concurrent with the first site plan submitted on the subject property. The Owner agrees to implement the approved Landscaping Plan for this Buffer Zone concurrent with the site development of the first parcel.

SHORT, SHOPT, TELSTAD & KERR, P.C., ATTORNEYS AT LAW, 710 DENBIGH BLVD., BLDG. #1, SUITE A, NEWPORT NEWS, VA. 23602

This agreement specifically excludes the adjoining parcels which are rezoned General Business District, B-1.

3. The Owner agrees to limit the number of access points along the perimeter of the subject property to one on Richmond Road, four on Norge lane and one on Croaker Road (Route 607).

4. The Owner agrees to exclude the following uses permitted in the General Business, B-1, zoning district:

- a. Funeral Homes
- b. Cemeteries

5. The Owner agrees to design, furnish the equipment, and install a traffic signal at Norge Lane and Richmond Road concurrent with development of any portion of the property, excluding outparcels as depicted on the preliminary site plan as submitted.

6. The Owner agrees to install all left and right turn lanes as approved by the Site Plan Review Committee, concurrent with the development of the appropriate phase of site construction.

7. The Owner will subdivide the property into no more than fourteen (14) parcels.

8. The Owner will dedicate a ten (10) foot right-of-way strip along the northeast border of the property fronting on Norge Lane for widening and improving of the existing road. In addition, the Owner agrees to improve Norge Lane concurrent with the appropriate phase of site construction in accordance with current VDOT requirements for the level of traffic envisioned by the preliminary site plan, said improvements to be approved by VDOT, and the appropriate planning commission review committee.

NORGE CENTER, INC., a Virginia corporation

By: Robert L. King
Robert L. King, President

STATE OF VIRGINIA AT LARGE
City of Newport News, to-wit:

The foregoing instrument was acknowledged before me this 2nd day of June, 1988, by Robert L. King, President of NORGE CENTER, INC., a Virginia corporation.

Debra J. Luckey
NOTARY PUBLIC

My commission expires: 8-7-89

.. BLDG. #1, SUITE A, NEWPORT NEWS, VA. 23602

AGREEMENT

Whereas, Thomas M. Smith, Cherie A. Doverspike and David L. Hertzler (hereinafter called "the Owner") own certain real property in James City County, Virginia, (hereinafter called "the Property") and more particularly described as follows:

All that certain parcel of land situate in James City County, Virginia containing 52.3 acres more or less as shown and described on a plat entitled "A SURVEY OF 52.3 ACRES MORE OR LESS OF THE PROPERTY OF THEODORE WALLACE, ET AL, JAMES CITY COUNTY, VIRGINIA" dated February 10, 1981 and made by AES a professional corporation of Williamsburg, Virginia. A copy of said plat is attached to a certain deed from Theodore R. Wallace, et al which is recorded in Deed Book 211, Page 415.

Whereas, the Owner has applied for a rezoning of the Property from the General Agriculture District, A-1 ("the Existing Zoning") to the Limited Residential District, R-1, all pursuant to Section 20-149 through 20-158 of the Zoning Ordinance of James City County, Virginia ("the Proposed Zoning"); and

Whereas, James City County, Virginia, may be unwilling to rezone the Property because the Proposed 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 conditions for the protection of the community that are not applicable to land similarly zoned in addition to the regulations provided for in the Proposed Zoning.

NOW, THEREFORE, this Agreement witnesseth that for and in consideration of James City County, Virginia, rezoning the Property


from the Existing Zoning to the Proposed Zoning and pursuant to Section 15.1-491.1 of the Code of Virginia, 1950, as amended, and Section 20-18 of the Zoning Ordinance of James City County, Virginia, the Owner agrees that in addition to the regulations provided for in the Proposed Zoning, it will meet and comply with all of the following conditions for the development of the Property.

CONDITIONS

Prior to the submittal of a subdivision plan for the Property, the Owner, at their expense, shall cause to be prepared for review and approval by James City County, Virginia, a Phase I archaeological study for the Property. A Phase I study shall include reconnaissance, systematic surface collection and shovel test pits every 90 to 150 feet.

 (SEAL)
Thomas M. Smith

 (SEAL)
Cherie A. Doverspike

 (SEAL)
David L. Hertzler

STATE OF VIRGINIA

COUNTY OF JAMES CITY, to-wit:

The foregoing instrument was acknowledged before me this 25th day of May, 1988, by Thomas M. Smith.


NOTARY PUBLIC

My commission expires: 2/7/89

STATE OF VIRGINIA

COUNTY OF JAMES CITY, to-wit:

The foregoing instrument was acknowledged before me this 26th day of May, 1988, by Cherie A. Doverspike.


NOTARY PUBLIC

My commission expires: 2/7/89

STATE OF VIRGINIA

COUNTY OF JAMES CITY, to-wit:

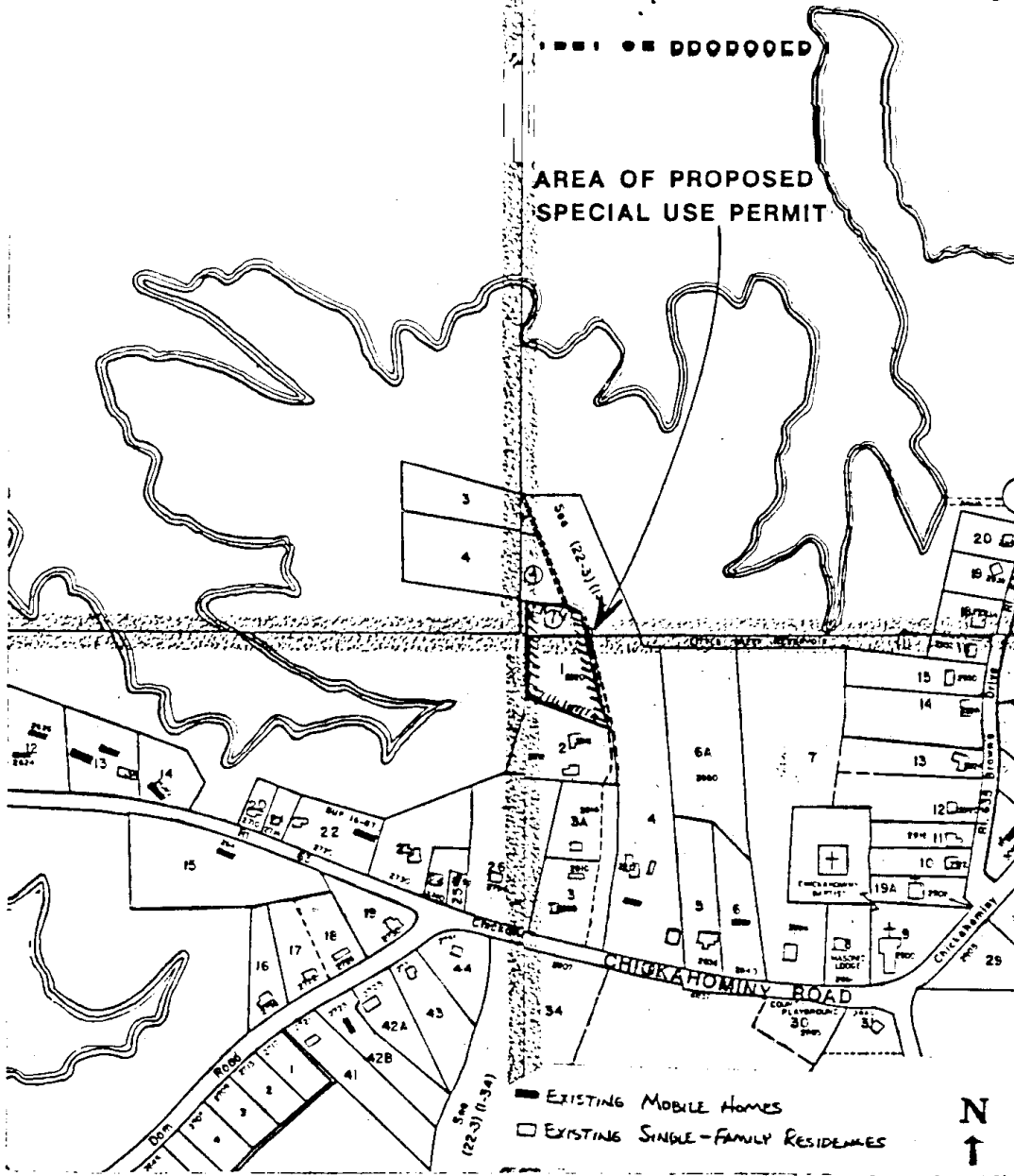
The foregoing instrument was acknowledged before me this 25th day of May, 1988, by David L. Hertzler.


NOTARY PUBLIC

My commission expires: 2/7/89

LIT

AREA OF PROPOSED SPECIAL USE PERMIT



Case #: SUP-9-88

Name: THELMA ROBERTS

JAMES CITY COUNTY/DEPARTMENT OF PLANNING & DEVELOPMENT

ORDINANCE NO. 66A-22

JUN 6 1988

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 11, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, ARTICLE I, IN GENERAL, SECTION 11-7, ADOPTION OF STATE LAW; ARTICLE II, DRIVING AUTOMOBILES, ETC., WHILE INTOXICATED OR UNDER THE INFLUENCE OF ANY DRUG, SECTION 11-28, ADOPTION OF STATE LAW, GENERALLY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that effective July 1, 1988, Chapter 11, Motor Vehicles and Traffic, is hereby amended and reordained by amending Section 11-7, Adoption of state law; and Section 11-28, Adoption of state law, generally.

Chapter 11. Motor Vehicles and Traffic
Article I. In General

Section 11-7. Adoption of state law.


Pursuant to the authority of Section 46.1-188 of the Code of Virginia, as amended, all of the provisions and requirements of the laws of the state contained in Title 46.1 of the Code of Virginia, as amended, and in force on July 1, 1988, except those provisions and requirements the violation of which constitutes a felony, and except those provisions and requirements which by their very nature can have no application to or within the county, are hereby adopted and incorporated in this chapter by reference and made applicable within the county. References to "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to the highways and other public ways within the county. Such provisions and requirements are hereby adopted, mutatis mutandis, and made a part of this

chapter as fully as though set forth at length herein, and it shall be unlawful for any person, within the county, to violate or fail, neglect or refuse to comply with any provision of Title 46.1 of the Code of Virginia which is adopted by this section; provided, that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under Title 46.1 of the Code of Virginia. (11-25-74; Ord. No. 66A-11, 8-8-83; Ord. No. 66A-16, 12-2-85; Ord. No. 66A-18, 7-7-86; Ord. No. 66A-20, 6-1-87)

Article II. Driving Automobiles, etc., While Intoxicated or Under the Influence of any Drug


Section 11-28. Adoption of state law, generally.

Article 2 (Section 18.2-266 et seq.) of Chapter 7 of Title 18.2, Code of Virginia, as amended and in force July 1, 1988, is hereby adopted and made a part of this chapter as fully as though set out at length herein. It shall be unlawful for any person within the county to violate or fail, neglect or refuse to comply with any section of the Code of Virginia as adopted by this section. (Ord. No. 66A-15, 6-10-85; Ord. No. 66A-18, 7-7-86; Ord. No. 66A-20, 6-1-87)



Jack D. Edwards, Chairman
Board of Supervisors

ATTEST:

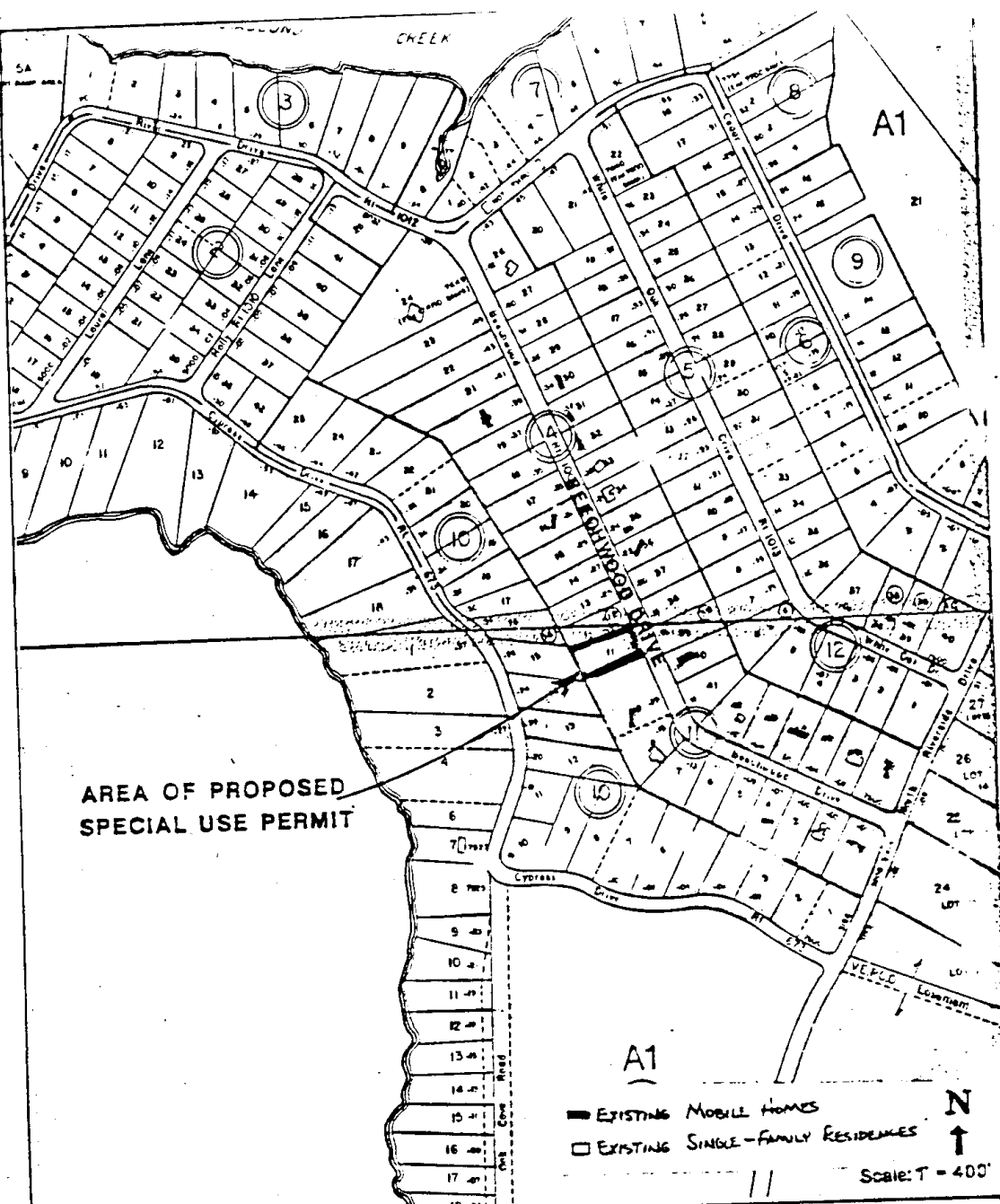


David B. Norman
Clerk to the Board

| <u>SUPERVISOR</u> | <u>VOTE</u> |
|-------------------|-------------|
| NORMENT | AYE |
| TAYLOR | AYE |
| MAHONE | AYE |
| DEPUE | AYE |
| EDWARDS | AYE |

Adopted by the Board of Supervisors of James City County, Virginia,
this 6th day of June, 1988.

0211U



AREA OF PROPOSED SPECIAL USE PERMIT

- EXISTING MOBILE HOMES
- EXISTING SINGLE-FAMILY RESIDENCES



Scale: T = 400'



Case # SUP-10-88

Name: C.FAYE WATKINS

JAMES CITY COUNTY/DEPARTMENT OF PLANNING & DEVELOPMENT