

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 6TH DAY OF MARCH, NINETEEN HUNDRED EIGHTY-NINE, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Thomas D. Mahone, Chairman, Jamestown District
Stewart U. Taylor, Vice-Chairman, Stonehouse District

Jack D. Edwards, Berkeley District
Perry M. DePue, Powhatan District
Thomas K. Norment, Jr., Roberts District
David B. Norman, County Administrator
Frank M. Morton, III, County Attorney

B. MINUTES - February 27, 1989

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

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

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

C. PUBLIC HEARINGS

1. Case No. SUP-46-88. James H. McClure

Mr. Marvin Sowers, Director of Planning, stated that Mr. James H. McClure had applied for a special use permit to allow the operation of a motorcycle sales and service shop on 1.126 acres in the B-1, General Business District, located at 3707 Rochambeau Drive, identified as Parcel (1-10) on James City County Real Estate Tax Map No. (13-4).

In accordance with staff, the Planning Commission unanimously recommended approval of the special use permit with conditions.

Mr. Mahone opened the public hearing.

1. Mr. Frank Tsutras, 204 Richard Brewster, spoke in opposition to setting hours for businesses.

Mr. Mahone closed the public hearing.

Mr. Norment made a motion to approve the special use permit with deletion of Condition No. 6.

Mr. Mahone recognized Mr. James McClure, applicant, in the audience and granted permission for him to speak.

Mr. James McClure, applicant, confirmed his approval of the business hours, and stated that construction of parts for drag racing motorcycles would be the primary work of the shop.

Discussion followed regarding noise level of the operation and legality of setting business hours.

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

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

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

R E S O L U T I O N

CASE NO. SUP-46-88. JAMES H. McCLURE

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and

WHEREAS, the Planning Commission of James City County, following its public hearing on January 26, 1989, unanimously recommended approval of Case No. SUP-46-88.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby approve the issuance of Special Use Permit No. SUP-46-88 as described herein with the following conditions:

1. Site plan approval by the Development Review Committee shall be required.
2. All sales, services, and repairs shall take place indoors.
3. No outdoor storage shall be permitted including, but not limited to, operable or inoperable motorcycles, motorcycle parts or accessories, petroleum products, solvents or other hazardous waste.
4. No on-site disposal of petroleum products, solvents, or other hazardous waste shall be permitted.

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5. A list of all hazardous substances to be stored on-site shall be submitted with the site plan and approved by the Code Compliance Office. The list shall specify all hazardous substances to be kept on-site, and a description of proposed methods of containment of such substances.
6. Business hours for the facility shall be between 9:00 a.m. and 9:00 p.m.

2. Case No. SUP-49-88. W. H. Sparrer, Inc. (John's Used Auto Parts)

Mr. Sowers stated that Mr. Wendell B. Sparrer, on behalf of W. H. Sparrer, Inc., had applied for a special use permit to allow the expansion of an automobile graveyard in A-1, General Agricultural, located at 8952 Richmond Road, identified as Parcel (1-8) on James City County Real Estate Tax Map No. (11-1).

In accordance with staff, the Planning Commission unanimously recommended approval of the special use permit with conditions.

Discussion of fencing, disposal of fuel products and the clarification of expansion followed.

Mr. Mahone opened the public hearing.

1. Mr. Wendell Sparrer stated that the expansion was of current space for a car crusher, fuels would be stored until disposal, he had no objection to the setting of business hours and had a wrecking truck available for towing junk cars.

Mr. Mahone closed the public hearing.

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

Mr. Taylor made a motion to amend the resolution by changing Condition No. 11 to read "before 7:00 a.m. or after 6:00 p.m."

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

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

R E S O L U T I O N

CASE NO. SUP-49-88. W. H. SPARRER, INC.

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and

WHEREAS, the Planning Commission of James City County, following its public hearing on January 24, 1989, unanimously recommended approval of Case No. SUP-49-88.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby approve the issuance of Special Use Permit No. SUP-49-88 as described herein with the following conditions:

1. Uncrushed vehicles shall not be stacked. Crushed vehicles may be stacked up to four vehicles high provided they are not visible from Richmond Road or Old Route 60 West.
2. No more than 250 vehicles shall be placed on the site.
3. Site plan approval by the Development Review Committee shall be required.
4. A 12-foot high opaque fence shall be erected along the frontage of Richmond Road and the frontage of Old Route 60 West. No vehicles shall be visible from Richmond Road and Old Route 60 West. This fence shall be compatible with the surrounding environment, shall be well constructed (with details and cross sections provided on the required site plan), shall have a pattern which is continuous and consistent, shall have the top aligned parallel except where the height must be adjusted due to grade change, and shall have a base which is not more than 8 inches above the underlying grade. Vehicles shall be setback a minimum of 10 feet from the fence.
5. A wire mesh fence 8 to 12 feet high shall be erected around the remainder of the property. The base of the fence shall be not more than 8 inches above the underlying grade.
6. A plan to control hazardous waste runoff shall be submitted as part of the site plan to the County for approval before final site plan approval is granted.
7. The site shall be limited to one entrance on Richmond Road.
8. All vehicles, parts and other debris shall be removed from any of the slopes that border the stream on the site.
9. The owner shall submit an application to the Health Department for a well and a septic permit before installing the plumbing.
10. If construction has not commenced on the project within 18 months from the date of issuance of the special use permit, it shall become void. During this 18-month period, all permits pertaining to construction shall be secured; clearing and grading of the site shall be complete; and footings and or foundations shall be installed.
11. Crushing of vehicles shall not take place before 9:00 a.m. or after 6:00 p.m.

12. Antifreeze, petroleum, and/or petroleum-based products shall not be disposed of on site. Details of disposal methods shall be submitted to and approved by the Division of Code Compliance.
13. All conditions shall be met prior to the use and occupancy of the building and the use of the crusher.

3. Case No. SUP-50-88. Outdoor World Expansion

Mr. Sowers stated that Mr. David Campbell, on behalf of Rank America, Inc., had applied for a special use permit for a campground of over ten acres in A-1, General Agricultural, located at 4301 Rochambeau Drive, identified as Parcel (1-10) on James City County Real Estate Tax Map No. (13-4). The Outdoor World site area is approximately 54.7 acres.

In accordance with staff, the Planning Commission voted 8-3 to approve the special use permit with conditions.

The Board questioned whether the request was for a new expanded area or expansion of existing area.

Mr. Mahone opened the public hearing.

1. Mr. David Campbell, representative for the applicant, stated the expansion would be divided into one-half permanent sites (tie-downs) and one-half transient sites (on the road vehicles for overnight).

Mr. Mahone closed the public hearing.

Mr. Taylor made a motion to approve the resolution.

Mr. Norment made an amendment to the motion to add wording in Condition No. 1 after the period, "as identified on the site plan submitted by the applicant and prepared by The DeYoung Johnson Group, Inc., dated December 20, 1988."

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

Mr. Mahone made a motion of amendment to the amended motion adding that a 6-foot security fence be installed along perimeter of the property.

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

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

R E S O L U T I O NCASE NO. SUP-50-88. OUTDOOR WORLD 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; and

WHEREAS, the Planning Commission of James City County, following its public hearing on February 17, 1989, recommended approval of Case No. SUP-50-88 by a vote of 8 to 3.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby approve the issuance of Special Use Permit No. SUP-50-88 as described herein with the following conditions.

1. No more than 266 camping sites shall be permitted with no more than 71 camping sites in the expanded area as identified on the site plan submitted by the applicant and prepared by The DeYoung-Johnson Group, Inc., dated December 20, 1988.
2. No land disturbing activities shall take place within the Ware Creek Reservoir buffer area and pool area as indicated on the Rouse-Sirine Field Survey dated January 17, 1989, and such area shall remain in its natural vegetative state.
3. All sewage disposal and water distribution systems shall be approved by the Health Department and shall be installed prior to the use of the expansion area.
4. If construction has not commenced on the project within 18 months from the date of issuance of the special use permit, it shall become void. During the 18-month period, all permits pertaining to the construction shall be secured, clearing and grading of the site shall be completed and footings and/or foundations shall be installed.
5. A wooded, undisturbed buffer strip 50 feet in width shall be provided along the southerly property line of the site where adjacent to land zoned R-1, Limited Residential.

4. Case No. SUP-3-89. Robert E. Miller

Mr. Sowers stated that Mr. Robert E. Miller had applied for a special use permit to amend Condition 5 of a previously approved Special Use Permit (SUP-36-88), which granted approval of an outdoor amusement center located at 6910 Richmond Road, identified as Parcel (1-15) on the James City Real Estate Tax Map No. (24-3).

In accordance with staff, the Planning Commission unanimously recommended approval of the special use permit.

Mr. Mahone opened the public hearing.

1. Mr. Robert Miller, applicant, stated that he was available for questions.

Mr. Mahone closed the public hearing.

Mr. Mahone made a motion to approve the resolution.

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

R E S O L U T I O N

CASE NO. SUP-3-89. ROBERT E. MILLER

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and

WHEREAS, the applicant has applied to amend the conditions attached to SUP-36-88; and

WHEREAS, the Planning Commission of James City County, following its public hearing on February 14, 1989, unanimously recommended approval of Case No. SUP-3-89, which amends the conditions attached to SUP-36-88.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby approve the issuance of Special Use Permit No. SUP-3-89 as described herein with the following conditions.

1. If construction has not commenced on the project within twelve months from the date of the issuance of the special use permit, it shall become void. During this twelve-month period all permits pertaining to the construction shall be secured, connections to water and sewer shall be made, clearing and grading of the site shall be completed, and footings and/or foundations shall be installed.
2. Access to the site shall be limited to the existing single entrance on Richmond Road.
3. Site plan approval by the Development Review Committee shall be required, including the submittal of a landscaping plan prepared by a landscape architect which protects adjacent properties and minimizes any adverse impacts on Richmond Road's function as a corridor within a historic area.

4. Not less than 120 parking spaces shall be provided. The County may require a parking study within two years of issuance of a permanent Certificate of Occupancy and additional parking spaces, depending on the results of the study, if the County perceives a parking problem that jeopardizes public safety. The owner(s) shall also reserve land that is indicated as "future parking" on the Conceptual Plan during that time period. Such land shall be reserved to allow for any expansion of parking required by the County. However, that land may be used for any purpose other than meeting the open space requirement within that two-year period.
5. The use of this site shall be limited to structures, monuments, amusement devices and rides less than 35 feet in height considered part of or accessory to an outdoor amusement park by the Zoning Administrator. Thirty percent open space shall be maintained on site.
6. On-site utilities, including electric services, which serve the site shall be placed underground.
7. Operation of the amusement center between 12:00 a.m. and 9:00 a.m. shall be prohibited.
8. All mini-race cars shall be equipped with mufflers, which are in good repair.

5. Case No. SUP-4-89. Jack L. Massie Contractor, Inc.

Mr. Sowers stated that Mr. Gary L. Massie, on behalf of Jack L. Massie Contractor, Inc., had applied to amend an approved special use permit for a sand, gravel, and crushed stone storage, stockpiling and distribution center located at 3900 Cokes Lane.

The Planning Commission, with one abstention, recommended approval of the special use permit with conditions shown in the resolution.

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

Mr. Taylor made a motion to approve the resolution.

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

RESOLUTIONCASE NO. SUP-4-89

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and

WHEREAS, the applicant has applied to amend the conditions attached to Case No. SUP-14-85; and

WHEREAS, the Planning Commission has unanimously (with one abstention) recommended approval of amending the conditions attached to SUP-14-85, a special use permit to allow the storage, stockpiling and distribution of sand, gravel, and crushed stone within the A-1, General Agricultural district and to allow an industrial development within the RPOD, Reservoir Protection Overlay District on property identified as Parcel (1-9) and (1-9B) on James City County Real Estate Tax Map No. (13-3).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby approve the issuance of Case No. SUP-4-89 which amends Case No. SUP-14-85 as described herein with the following conditions:

1. This project shall be constructed in accordance with the site plan submitted with this application received by the Planning Department on May 3, 1985, except as modified by the Development Review Committee. This plan shall be submitted to the Development Review Committee for their review and approval.
2. Evergreen plant material shall be planted on the 8-foot berm to be located along the eastern end of the property.

6. Ordinance Amendment, Chapter 18, Taxation, Meals Tax

Mr. John McDonald, Manager, Financial and Management Services, stated that establishing a three-cent meals tax would generate approximately \$1.4 million a year in revenue.

After a brief discussion regarding restaurant owners' need to differentiate between food consumed on premises and food taken out of the business, Mr. Mahone opened the public hearing.

1. Mr. Sam Canavos, President of the Virginia Restaurant Association, spoke in opposition to the meals tax stating that local citizens, not just tourists, would be paying the three percent tax.

2. Mr. Jay Everson, 130 Oslo Court, stated that he needed more information about industry's role in collecting the taxes for "eating-in" or "taking-out."

3. Mr. Frank Tsutras, 204 Richard Brewster, felt the restaurant owners should have an opportunity for input in the decision concerning how funds would be collected and expended.

Mr. Mahone closed the public hearing.

Following individual comments from the Board concerning the percent of the tax, use of revenue for schools, meals tax and/or real estate rate increase, collection procedure for businesses, and compensation to the collector, Mr. Norment made a motion to postpone the vote and advertise the public hearing for a four-cent meals tax on April 3, 1989.

Discussion of the impact of a postponement of the meals tax on the budget process followed.

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

Mr. Carlyle Ford, Commissioner of the Revenue, extended an invitation to meet with the businesses to discuss procedures and implementation of the meals tax.

D. CONSENT CALENDAR

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

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

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

1. Installation of Streetlight - Corner of Rose Lane and Croaker Road

R E S O L U T I O N

INSTALLATION OF STREETLIGHT

WHEREAS, a petition has been filed for the installation of a streetlight at the corner of Rose Lane and Croaker Road in the Mirror Lake Estates Subdivision; and

WHEREAS, a streetlight plan and cost estimate have been prepared by the Virginia Power Company and reviewed by the County Department of Code Compliance; and

WHEREAS, funds are available in the FY 89 budget for the installation and annual rental charges.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, approves the installation of one streetlight at the corner of Rose Lane and Croaker Road in the Mirror Lake Estate Subdivision as shown on the attached plan.

E. PUBLIC COMMENT

1. Mr. Tsutras stated that public hearing advertisements should be display advertisements in both the Daily Press and Virginia Gazette newspapers.

2. Mr. Ford stated that the Commissioner of Revenue's office would diligently work to implement the meals tax. Mr. Ford also voiced his personal concern regarding decisions made about setting business hours.

F. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. David Norman, County Administrator, stated budget work sessions had been set for Tuesday and Thursday, April 4 and 6, at 7:00 p.m., and for Thursday, April 11, if needed.

G. BOARD REQUESTS AND DIRECTIVES

Mr. Edwards requested keeping a fourth date open for a possible budget work session.

After a short discussion, Mr. Mahone scheduled the budget work sessions for Tuesday and Thursday, April 4 and 6, at 7:00 p.m., Monday, April 10 at 7:00 p.m. (if needed), and April 13 at 7:00 p.m. (if needed).

Mr. Mahone complimented the employees listed in the Ship's Log who had taken no sick days during the past year.

Mr. Mahone stated he felt it inappropriate to publish employee birthdays in the Ship's Log.

Mr. Mahone asked staff to contact the developer of Chanco's Grant regarding putting up a privacy fence along Ironbound Road.

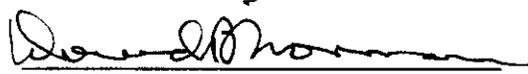
Mr. Mahone asked staff to change the Comprehensive Plan and Capital Improvement Program in relation to the conditional zoning bill passed by legislative session.

Mr. Mahone asked staff to correspond with the School Board regarding Mr. Frank Hall's statement at the February 27 Board of Supervisors' meeting that the road improvements at the school construction sites on Route 614 and Route 615 would be completed by the school opening date.

Mr. Mahone made a motion to recess until March 9, 1989 at 7:30 p.m. for a special meeting with the Williamsburg/James City School Board, and the Williamsburg City Council in Building C, Government Complex, James City County, Virginia.

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

The Board adjourned at 10:00 p.m.



David B. Norman
Clerk to the Board

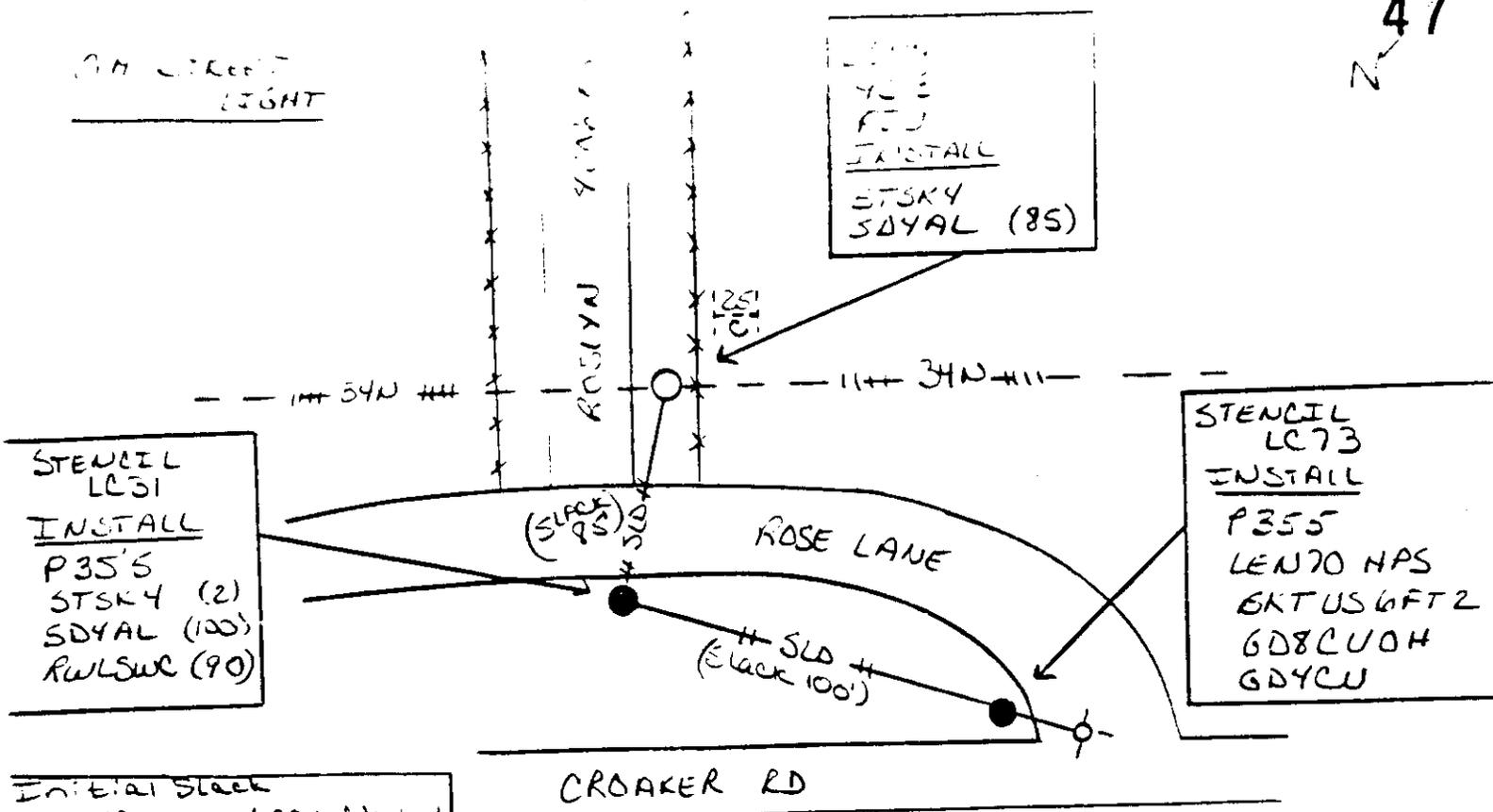
0921w

34 WIRE LIGHT

425 FTJ
INSTALL
STSKY
SDYAL (85)

STENCIL
LC31
INSTALL
P35'S
STSKY (2)
SDYAL (100)
RWLSWC (90)

STENCIL
LC73
INSTALL
P355
LEN70 HPS
EKTUS 6FT 2
GD8CUOH
GDYCU



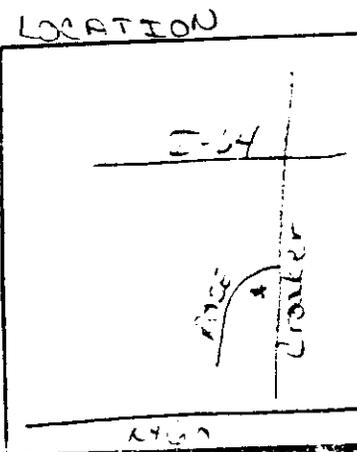
Initial Slack
- #4 Duplex 6201 Neutral

From	To	Span	38	45	68	73	78
4	LC31	95'	59"	59"	57"	60"	60"
4	LC73	100'	71"	72"	73"	74"	74"

GROUND WIRE FROM LIGHT TO BE CONNECTED DIRECTLY TO COMMON NEUTRAL.

LEDGEND

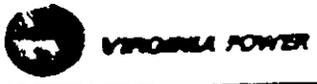
Present	Circuit
--- 34W ---	34 EKV EOP Pr. main w/ New
---	---
---	---
Proposed	Circuit
--- SW ---	St Light Duplex
---	---
---	---



EST. DEMAND	2kw
FAULT CURRENT	2000 AS
VOLTAGE DROP	< 1%
TRANSF.	25KVA CUST. 2
RES Util.	2-B-8
GRID NO.	M1742 LC44
CIRC NO/CARS	425 R2
TAX DIST.	46010
MOT. EST.	N/A

Estimate Sketch

POW 16



Customer Identification: JCC
 Drawn By: DHL
 Approved By:

Location: Croaker Rd + Rose Ln

Date: 2-6-89
 Job Number: 22-811-83
 Scale: NTS