

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 20TH DAY OF MARCH, NINETEEN HUNDRED EIGHTY-NINE, AT 1:15 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 (Absent)
David B. Norman, County Administrator
Frank M. Morton, III, County Attorney

B. MINUTES - March 6, 1989

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

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

On a roll call, the vote was: AYE: Taylor, Edwards, DePue, Mahone (4). NAY: (0).

C. HIGHWAY MATTERS

Mr. Frank Hall, Resident Engineer for Virginia Department of Transportation, was in attendance.

Reference was made to the potholes in area roads, and the VDOT decision to widen the Coleman Bridge over York River.

E. PUBLIC HEARINGS

1. Case No. SUP-2-89. Outdoor World

Mr. Bernard Farmer, Jr., Director of Code Compliance, stated that Mr. David Campbell on behalf of Rank America, Inc., had applied for a special use permit for runoff control and reservoir protection, which is required with the special use permit to allow the expansion of the campground, an area of 54.7 acres located at 4301 Rochambeau Drive, approved by the Board of Supervisors at its March 6, 1989, meeting.

Staff recommended approval with conditions listed in the resolution.

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

Mr. Edwards made a motion to approve the resolution.

On a roll call, the vote was: AYE: Taylor, Edwards, DePue (3).
NAY: Mahone (1).

R E S O L U T I O N

CASE NO. SUP-2-89. 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 applicant has applied for a special use permit to allow the expansion of a campground in the RP, Reservoir Protection Overlay district on property identified as Parcel (1-10) on James City County Real Estate Tax Map No. (13-4).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-2-89 as described herein with the following conditions:

1. The final designs for Basins 2 and 3, as well as any infiltration trenches shall be submitted along with the final site plan for the project. These structures shall be designed in accordance with the James City County Design Manual for Runoff Analysis.
2. An Inspection/Maintenance Agreement as approved by the County Attorney shall be executed prior to final site plan approval.
3. A soils test shall be provided for each infiltration trench for Division of Code Compliance approval prior to final site plan approval.
4. An observation well shall be provided in the center of each infiltration trench. Details of wells shall be shown on the site plan prior to site plan approval.
5. Construction of the infiltration trenches shall be delayed until disturbed areas draining to the trenches are stabilized. This shall be noted on the site plan.
6. If construction of this facility has not begun within an 18-month period from the date of issuance of this permit, it shall become void. Construction shall be defined as the clearing, grading and pouring of footings required by this permit.

2. Case No. SUP-5-89. Woodrow C. Hockaday

Mr. Allen Murphy, Jr., Principal Planner, stated that Mr. Woodrow C. Hockaday had submitted an application to allow the replacement of a manufactured home, to be used as a residence by John B. and Phyllis Hamilton, on two acres located at 8675 Barnes Road.

Staff recommended approval with the conditions listed 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: Taylor, Edwards, DePue, Mahone (4). NAY: (0).

R E S O L U T I O N

CASE NO. SUP-5-89. WOODROW C. HOCKADAY

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: Mr. Woodrow C. Hockaday
- Real Estate Tax Map ID: (10-1)
- Parcel No.: (1-25)
- Address: 8675 Barnes Road
- District: Stonehouse
- Zoning: A-1, General Agriculture
- Conditions:
 1. This permit shall be valid only for the manufactured home applied for. If the manufactured 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 within one year for the date of approval, it shall become void.

2. The manufactured home shall be skirted and shall meet requirements of the Department of Housing and Urban Development Manufactured Construction and Safety Standards.
3. The number of bedrooms shall not exceed 3.
4. Existing vegetation shall be maintained within 25 feet of the front property line except where clearing is necessary for a driveway and utilities.

3. Case No. SUP-8-89. Harry S. Kirschbaum

Mr. Murphy stated that Mr. Harry S. Kirschbaum had applied for a special use permit to allow the placement of a manufactured home on 1.522 acres, zoned A-1, at 10007 Sycamore Landing Road, which will be the residence of Franklin D. and Margie S. Lane, who have purchased the property.

Staff recommended denial of the special use permit for reasons listed in staff's Manufactured Home Replacement Guidelines, that the manufactured home would be placed in and near residential subdivisions developed almost exclusively with single-family dwellings.

Mr. Mahone opened the public hearing.

1. Mr. T. H. Williams, Sr., 10030 Sycamore Landing Road, spoke in opposition to the special use permit stating that the manufactured home would devalue surrounding property.

2. Mr. J. Lewis Cody, 4613 Ware Creek Road, owner of nearby property, spoke in opposition to the special use permit.

3. Mr. James H. Schmidt, 10022 Sycamore Landing Road, spoke in opposition to the special use permit as stated in the citizens' petition that no other such structures are currently located in Stephens Tract II subdivision.

Mr. Mahone closed the public hearing.

Mr. Taylor made a motion to approve staff's recommendation of denial of the special use permit.

On a roll call, the vote was: AYE: Taylor, Edwards, DePue, Mahone (4). NAY: (0).

4. Case No. AFD-7-86. Charles W. Dozier Tract

Mr. Marvin Sowers, Jr., Director of Planning, stated that Mr. Charles W. Dozier had requested 41.124 acres that he owns, located at the intersection of Forge Road and Little Creek Dam Road in the Mill Creek Agricultural and Forestal District, be removed from the Agricultural and Forestal District.

The Planning Commission, in accordance with a 3-0 recommendation of approval from the Agricultural and Forestal Districts Advisory Committee, recommended approval of this proposed withdrawal. Staff recommended denial for the reasons that this withdrawal does not serve a broad public purpose that could not otherwise be realized when this AFD expires in December 1990, and a withdrawal for financial gain sets a precedent for similar withdrawals for the same reason, which could harm the integrity of the AFD as a whole.

Mr. Mahone opened the public hearing.

1. Mr. Charles W. Dozier, owner of the property, asked for approval of his request in order to meet his financial obligations.

Mr. Mahone closed the public hearing.

Mr. DePue made a motion to approve the request for withdrawal of acreage from this Agricultural and Forestal District.

Discussion ensued regarding the need for withdrawal of both parcels on either side of Little Creek Dam Road.

On a roll call, the vote was: AYE: Taylor, Edwards, DePue, Mahone (4). NAY: (0).

R E S O L U T I O N

CASE NO. AFD-7-86. MILL CREEK AGRICULTURAL AND FORESTAL DISTRICT

WHEREAS, a request to withdraw 41.124 acres owned by Charles W. Dozier and identified as Parcel (1-4) on James City Real Estate Tax Map No. (20-2) from the 3,547.252 acre Mill Creek Agricultural and Forestal District has been filed with the James City County Board of Supervisors; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its February 21, 1989, meeting recommended approval of the withdrawal; and

WHEREAS, the Planning Commission at its March 14, 1989, meeting unanimously recommended approval of the withdrawal; and

WHEREAS, in accordance with Section 15.1-1513 of the Code of Virginia, a public hearing has been advertised and held by the Board; and

WHEREAS, the Board finds that good and reasonable cause exists for the withdrawal.

NOW, THEREFORE, BE IT RESOLVED the Board of Supervisors of James City County, Virginia, hereby removes that 41.124 acres owned by Charles W. Dozier and identified as Parcel (1-4) on James City Real Estate Tax Map No. (20-2) from the Mill Creek Agricultural and Forestal District.

5. Case No. AFD-12-86. Gospel Spreading Church Tract

Mr. Sowers stated that Mr. Peter L. Smith had applied on behalf of the Gospel Spreading Church to withdraw approximately 12 acres from the Agricultural and Forestal District (located along Treasure Island Road approximately 3,600 feet south of the intersection of Lake Powell Road and Treasure Island Road) to develop the land with a church and retirement community for church members.

Staff concurred with the Planning Commission's unanimous recommendation of denial, which was in accordance with a 3-1 vote for denial from the Agricultural and Forestal Districts Advisory Committee.

Mr. Mahone opened the public hearing.

1. Mr. Peter Smith, applicant, stated the withdrawal of acreage would allow development to provide residences for aged and senior church members.

Mr. Mahone closed the public hearing.

Discussion ensued regarding allowing removal of acreage prior to expiration date, setting a precedent for other requests for removal, and requirement of a special use permit for development if removed.

Mr. DePue made a motion to postpone the request until further information could be provided at the April 17, 1989, meeting.

On a roll call, the vote was: AYE: Taylor, Edwards, DePue, Mahone (4). NAY: (0).

E. **CONSENT CALENDAR**

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

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

On a roll call, the vote was: AYE: Taylor, Edwards, DePue, Mahone (4). NAY: (0).

1. Dedication of Streets in Woodland Farms, Section 5

R E S O L U T I O N

DEDICATION OF STREETS IN WOODLAND FARMS, SECTION 5

WHEREAS, the developer of Woodland Farms, Section 5, has requested the Board of Supervisors to include certain streets in the State Secondary Highway System; and

WHEREAS, the Board of Supervisors desires certain streets in Woodland Farms, Section 5, to be included in the State Secondary Highway System, provided these streets meet with the requirements of the Virginia Department of Transportation, and providing that any alterations, corrections, or other matters that might be found desirable by the Virginia Department of Transportation are made within a ninety (90) day period from the date that the Virginia Department of Transportation makes its final inspection.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Virginia Department of Transportation be, and is hereby respectfully requested, contingent on the above, to include the following streets in Woodland Farms, Section 5, Stonehouse Election District, James City County, in the State Secondary Highway System:

1. Stonehouse Road, 50 foot right-of-way
 - From: Route 1600 (Timberwood Drive)
 - To: End of cul-de-sac
 - Distance: 528 feet (0.10 mile)

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

Woodland Farms, Section 5, recorded in Plat Book 44, Page 64, dated February 5, 1987.

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

2. Right-of-Way Conveyance for Centerville Road (Route 614) Improvements

R E S O L U T I O N

RIGHT-OF-WAY FOR CENTERVILLE ROAD IMPROVEMENTS

WHEREAS, the Virginia Department of Transportation is acquiring right-of-way for improvements to Centerville Road (Route 614); and

WHEREAS, James City County is the owner of certain lands fronting on Centerville Road (Route 614) from which approximately 0.117 acres of right-of-way are required for Centerville Road improvements, said right-of-way being opposite survey centerline Station 132+45± to survey centerline Station 137+60± as shown on Sheet 11 of the Route 614, State Highway Project 0614-047-132, M501 plans; and

WHEREAS, the Virginia Department of Transportation has presented a deed for conveyance, in fee simple, of the required right-of-way to the Commonwealth of Virginia by James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize and direct the Chairman of the Board of Supervisors of James City County, Virginia, to execute the attached deed conveying 0.117 acres, more or less, of land to the Commonwealth of Virginia for Centerville Road (Route 614) improvements.

3. Foster Care Prevention

APPROPRIATION TO THE SOCIAL SERVICES DEPARTMENT

WHEREAS, the State Department of Social Services has provided supplemental funding to render additional services through the Foster Care Prevention Program of the local Department of Social Services; and

WHEREAS, sufficient local matching funds are available in Account No. 007-083-5719.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation amendments:

Revenues:

Revenue From the Commonwealth	\$3,619.00
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Expenditures:

Foster Care Prevention	\$4,524.00
Title XX	<u>(905.00)</u>
	\$3,619.00

4. School Budget AmendmentR E S O L U T I O NSCHOOL BUDGET AMENDMENT - TITLE II GRANT

WHEREAS, the Williamsburg/James City County School Board has received a State grant for training; and

WHEREAS, only the Board of Supervisors can appropriate these funds.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby increase the current appropriations of the Williamsburg/James City County School Board, by increasing total revenues by \$11,689 in State Title II funds.

G. PUBLIC COMMENT - None

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. David Norman, County Administrator, mentioned the special meeting for public hearings on A-1 zoning, March 30, 1989, 7:00 p.m. at Lafayette High School Auditorium.

I. BOARD REQUESTS AND DIRECTIVES

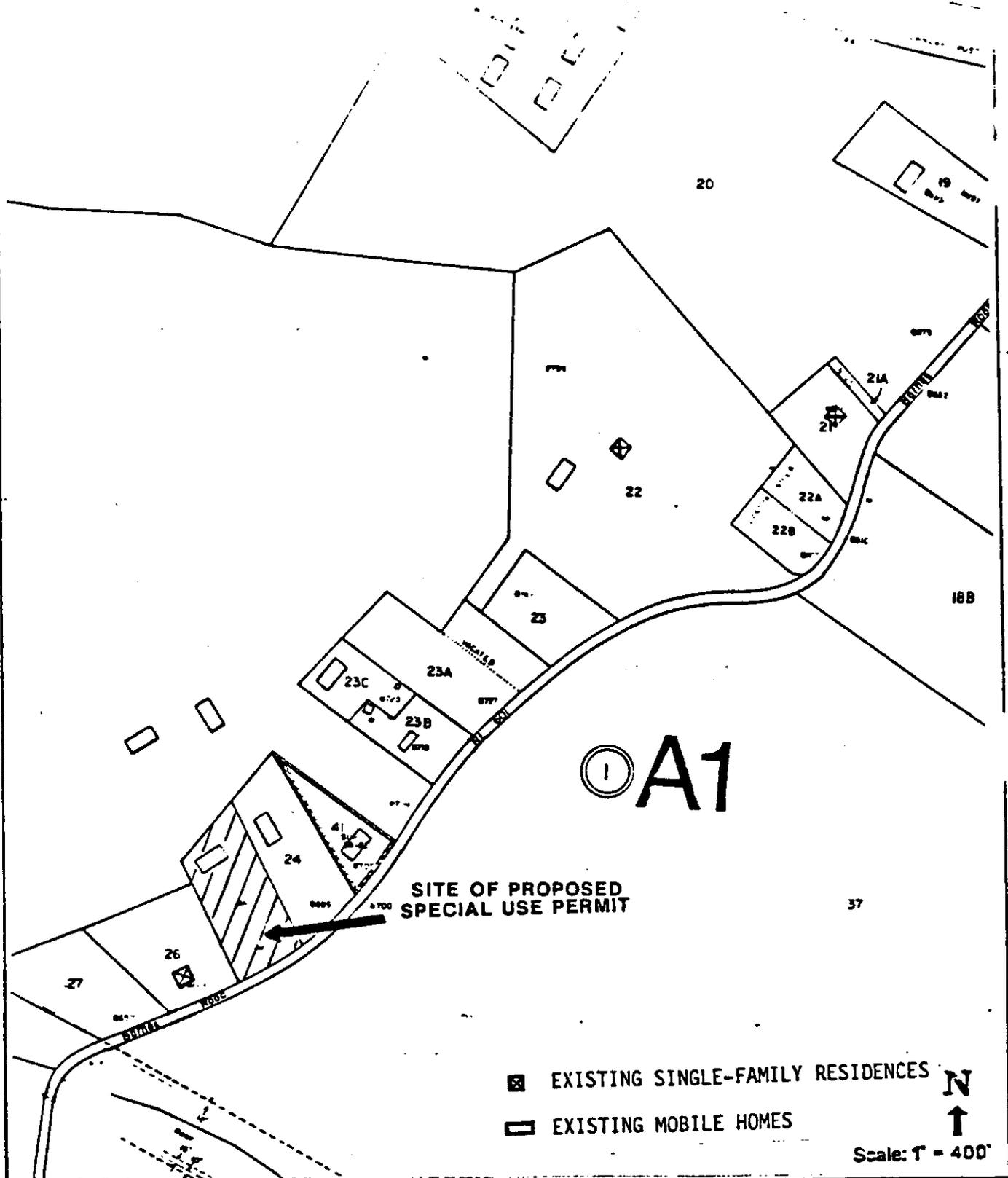
Mr. Mahone stated that he had been contacted by Powhatan Shores Homeowners Association regarding bulkheads on man-made canals. Mr. Mahone asked staff to see if the Wetlands Board would continue to allow bulkheads where originally placed in the man-made canals of the subdivision.

Mr. Mahone noted the public hearings, Budget, Proposed Utility Rate Increases, School Bond Authorization, Meals Tax of 4%, to be held at the next regular Board meeting on April 3, 1989.

Mr. Mahone made a motion to recess until Thursday, March 30, 1989, at 7:00 p.m. at Lafayette High School Auditorium.

The Board recessed at 2:30 p.m.


David B. Norman
Clerk to the Board



Case #: SUP-5-89

Name: WOODROW C. HOCKADAY

JAMES CITY COUNTY/DEPARTMENT OF PLANNING & DEVELOPMENT

735-

R/W-16 Corp.
Revised 2-86

Exempted from recordation taxes
under Sections 58.1-811(A) (3),
58.1-811(C) (4) and 25-249.

BOOK 435 PAGE 165

This Deed, Made this 30th day of March, 1989, by and
between JAMES CITY COUNTY

hereinafter designated as Grantor (even though more than one), and the COMMONWEALTH
OF VIRGINIA, Grantee:

Witnesseth; In consideration of the sum of \$ 1.00 paid by the grantee
to the grantor, receipt of which is hereby acknowledged, the said grantor hereby
grants and conveys unto said grantee in fee simple, with general warranty, the
land located in Powhatan Magisterial District, in
James City County, and described as follows:

Being as shown on Sheet 11 of the plans for Route 614 State Highway Project 0614-047-132,
M501, and lying on the southeast (right) side of and adjacent to the existing southeast right of
way line of present Route 614 from the lands now or formerly belonging to Real Tec, Inc., a North
Carolina Corporation opposite approximate survey centerline Station 132+45, to the lands now or
formerly belonging to James City Service Authority opposite approximate Station 137+60, and contain-
ing 0.117 acre, more or less, land; and being a part of the same land acquired by the grantor from
Ford's Colony at Williamsburg, by deed dated December 24, 1984 and recorded in Deed Book 270, Page
317, in the office of the Clerk of the Circuit Court of James City County.

For a more particular description of the land herein conveyed, reference is made to photo copy
of said sheet 11 showing outlined in RED the land conveyed in fee simple, which photo copy is hereto
attached as a part of this conveyance and recorded simultaneously herewith in the State Highway
Plat Book Number . Page .

The grantor by the execution of this instrument acknowledges that the plans for the aforesaid project as they affect its property have been fully explained to its authorized representative.

The said grantor covenants that it is seized of the land in fee simple herein conveyed; that it has the right to convey the said land to the grantee; that it has done no act to encumber the said land; that the grantee shall have quiet possession of the land, free from all encumbrances, and that it will execute such further assurances of the said land as may be requisite.

The said grantor covenants and agrees for itself, its successors and assigns, that the consideration hereinabove mentioned and paid to it shall be in lieu of any and all claims to compensation for land, and for damages, if any, to the remaining lands of the grantor which may result by reason of the use to which the grantee will put the land to be conveyed, including such drainage facilities as may be necessary.

IN TESTIMONY WHEREOF, James City County,
has caused this deed to be executed by Thomas D. Mahone, its
Chairman of the Board said officer being thereunto duly authorized by
resolution of its Board of Directors, copy of which is attached hereto, all as
of the day, month and year first hereinabove written.

By Thomas D. Mahone

R/W-16 Corp.
Revised 2-86

BOOK 435 PAGE 167

STATE OF VIRGINIA,

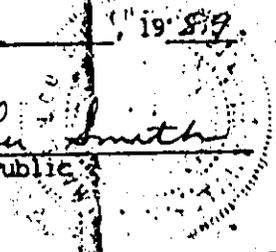
County of James City, To-wit:

I, Mari Lou Smith, a Notary Public in and for the State of Virginia, at large, do certify that Thomas D. Mahone and _____, whose names are signed to the foregoing writing, bearing date on the 30th day of March, 1987, have each acknowledged the same before me in the County aforesaid.

My term of office expires February 8, 1993

Given under my hand this 30th day of March, 1987.

Mari Lou Smith
Notary Public



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 _____ day of _____, 1987. This _____

was presented with certificate annexed and admitted to record at 12:26 o'clock

Teste: Helene S. Ward, Clerk
by [Signature]
Deputy Clerk

R/W-16 Corp.
Revised 2-86

PLAT RECORDED IN
H.P.B. NO. 6 35