

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 4TH DAY OF DECEMBER, NINETEEN HUNDRED EIGHTY-NINE, AT 7:02 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. PRESENTATION

1. Outstanding Service Award

Mr. Mahone summarized achievements of Police Chief Robert Key from 1983 - 1989 and presented him with an Outstanding Service Award. Mr. Mahone noted the recent Police Department accreditation would be in effect for 5 years.

C. CONSENT CALENDAR

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

Mr. Mahone 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. Drainage Easements for Improvements to Jolly Pond Road (Route 611)

R E S O L U T I O N

DRAINAGE EASEMENTS FOR IMPROVEMENTS TO JOLLY POND ROAD

WHEREAS, the Virginia Department of Transportation (VDOT) requires two 20' x 50' drainage easements from James City County Landfill property for improvements to Jolly Pond Road (Route 611); and

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WHEREAS, the required drainage easements containing 0.042 acres more or less, are identified as Parcel (026) on Sheet 5 of the plans for Route 611, VDOT Project 0611-047-137, M-501.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that it does hereby authorize and direct its Chairman and Clerk to the Board, respectively, to execute that certain deed conveying two each 20' x 50' drainage easements, containing 0.042 acres more or less, to the Commonwealth of Virginia for improvements to Route 611.

D. PUBLIC HEARINGS

1. Case No. SUP-38-89. Bruce E. Daniels

Mr. John Horne, Manager, Development Management, stated that Mr. L. V. Woodson had applied on behalf of Bruce E. Daniels, Inc., for a special use permit for an impervious drainage area created by a project which exceeds 5,000 square feet, located within the Hankins Industrial Park at 8005 Hankins Industrial Park Road, further identified as Parcel (1-16B) on James City County Real Estate Tax Map No. (12-4). He further stated that the runoff analysis had been submitted and reviewed by the Division of Code Compliance.

Staff recommended approval of the application with conditions listed in the resolution.

The Board discussed the runoff, need for two detention basins, and future outcome of RFOD requirements if reservoir was not built.

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).

R E S O L U T I O N

CASE NO. SUP-38-89. BRUCE E. DANIELS

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 construction of an industrial site in the RP, Reservoir Protection Overlay District on property identified as Parcel (1-16B) on James City County Real Estate Tax Map No. (12-4).

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-38-89 as described herein with the following conditions:

1. The final designs for the 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 recorded by this permit.

2. Case No. SUP-32-89. Henry S. Branscome Concrete Plant

Mr. Marvin Sowers, Jr., Director of Planning, stated that Mr. Grady P. Andrews had applied on behalf of Henry S. Branscome, Inc., to amend a condition of a previously approved special use permit, SUP-38-88, on property, zoned M-2, General Industrial, located on the south side of Route 143, approximately 720 feet from the James City County/Newport News City line, further identified as Parcel (1-3A) on James City County Real Estate Tax Map No. (60-1). Mr. Sowers stated that the applicant requested a 12-month extension for the design and construction of the control and scale house.

In concurrence with staff, the Planning Commission unanimously recommended approval with conditions listed in the resolution.

A brief discussion followed regarding the applicant's compliance with all zoning requirements.

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

Mr. Norment suggested postponement of the matter.

By consensus, the Board postponed Case No. SUP-32-89.

3. Case No. Z-13-89. Five Forks Associates

Mr. Sowers stated that Mr. Vernon Geddy, III, had applied on behalf of C. Lewis Waltrip, II, to rezone 5.56 acres from A-2, Limited Agricultural to B-1, General Business, with proffers; 3.13 acres from B-1, General Business to B-1, General Business, with proffers, and 26.27 acres from A-2, Limited Agricultural, to R-3, General Residential, with proffers. Property is located on Ironbound Road approximately 300 feet southeast of the intersection of Ironbound Road and John Tyler Highway, further identified as Parcel (1-55) on James City County Real Estate Tax Map No. (47-1).

Mr. Sowers further stated that the 5.56 acres would be developed in conjunction with 3.13 acres, which is already zoned B-1, to allow a neighborhood shopping center of no more than 70,000 square feet, and a 53-lot single-family dwelling subdivision.

The Board voiced concerns about the traffic by the proposed development in conjunction with that generated by the school site, requirement of a traffic light if only one entrance, the need for an additional 9-foot right-of-way in the future, alternate uses for the property, if rezoned, runoff impact and water quality of Lake Powell with parcel development, and where responsibility for maintaining conservation areas should be vested, with small portions of the conservation area being a part of some of the lots.

Mr. Mahone opened the public hearing.

1. Mr. Vernon Geddy, III, Esq., representative for C. Lewis Waltrip, II, stated the purpose of the rezoning was for a 70,000-square foot shopping center similar to Colony Square on Jamestown Road. He indicated that the applicant was willing to work with staff on traffic impact, level of service, traffic signal with one entrance, future right-of-way needed, conservation areas, and a detention pond, already proffered, would provide protection for Lake Powell.

Mr. Mahone closed the public hearing.

Mr. Taylor made a motion to approve the resolution.

Mr. Norment suggested postponement of the case to review the traffic impact and number of vehicle trips per day, and get a recommendation from Virginia Department of Transportation regarding possible need for a traffic signal if only one entrance were installed to serve the B-1 property.

Mr. Edwards made a motion to postpone the case.

Mr. Taylor noted he was ready to vote and the vote to postpone would not be unanimous.

The Board agreed to postpone the case and requested that staff act immediately and pursue a swift response from VDOT regarding the issues.

4. Case No. CP-1-89. Sidewalk Plan

Mr. Sowers stated that staff was proposing that the Comprehensive Sidewalk Plan be an amendment to the Transportation Element of the Comprehensive Plan text, as Appendix A including the text and map.

The Planning Commission unanimously recommended approval.

Mr. Mahone expressed a need for a sidewalk in the Jamestown District between the Colony Square shopping center and Kingswood subdivision on Jamestown Road.

Mr. Sowers responded staff was currently working with a site plan for that area, which was next on the sidewalk list.

Mr. Mahone opened the public hearing, and as no one wished to speak, he 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. CP-1-89. SIDEWALK PLAN

WHEREAS, pedestrian travel is recognized as being important to the citizens of James City County and the County has an obligation to protect the health, safety, and general welfare of pedestrian; and

WHEREAS, sidewalks are generally accepted as adequate pedestrian travel surfaces; and

WHEREAS, as its meeting on November 14, 1989, the Planning Commission of James City recommended inclusion of the Comprehensive Sidewalk Plan in the Transportation Element of the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the Transportation Element of the Comprehensive Plan to include a new section entitled "Pedestrian Travel" containing the attached text; and to include the Comprehensive Sidewalk Plan and map as an appendix to the Comprehensive Plan.

F. BOARD CONSIDERATIONS

1. BASF Height Limitation Waiver

Mr. Sowers stated that Mr. Ronald Stewart had applied on behalf of BASF Corporation for a height limitation waiver for a vent line, which would extend approximately 70 feet above grade, to be used to vent 3 existing aboveground tanks which contain acrylonitrile. The property is located south of Pocahontas Trail in the Skiffe's Creek area, further identified as Parcel (1-5) on James City County Real Estate Tax Map No. (59-4).

With the finding that the applicant had demonstrated the expansion met the criteria of the zoning ordinance for height limitation waivers, staff recommended approval of the resolution with the condition listed in the resolution.

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

BASF HEIGHT LIMITATION WAIVER

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a height limitation waiver for structures; and

WHEREAS, the applicant has requested a height limitation waiver to permit a vent line on the BASF site on property identified as Parcel (1-5) on James City County Real Estate Tax Map No. (59-4).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors James City County, Virginia does hereby approve the issuance of a height limitation waiver as described herein with the following condition.

1. The proposed vent line shall not exceed 70 feet above finished grade.

G. PUBLIC COMMENT

Mr. Ed Oyer spoke in support of a bridge for the James River crossing. He believed a bridge could be built that would blend into existing surroundings, and he compared James City County with the area around Charleston, South Carolina. He stated in the event of a hurricane, Interstate 64 was the only exit route available to County residents. A James River Bridge would provide an alternative.

Mr. Mahone thanked Mr. Oyer for his work on the Colonial Group Home Commission.

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. David Norman, County Administrator, requested an executive session to discuss appointments to Boards and Commissions and a personnel matter.

I. BOARD REQUESTS AND DIRECTIVES

Mr. Norment requested staff to draft an ordinance requiring a special use permit for shopping center applications.

Mr. Taylor asked staff to expedite the cable television installation in the Stonehouse District and give an explanation for the delay.

Mr. DePue commended the School Board for its action in declaring Bruton Heights school as surplus property.

Mr. Mahone stated the proposed 1990 calendar was satisfactory and that any changes could be made, if needed, during the year.

Mr. Mahone stated Board members serving on Boards and Commissions should keep the Board of Supervisors informed with frequent updates regarding meetings.

Mr. Mahone reported that he and Mr. Norman attended a Peninsula Planning District Commission meeting on November 20. He summarized discussions at that meeting that PPDC funds have been reduced which suggests a possible merger with Southeastern Virginia Planning District Commission; City Manager Robert O'Neill of Hampton was preparing a report on youth partnership in the public school system and will forward a copy to each jurisdiction; and, 15 southeastern Virginia jurisdictions meet to discuss regional priorities to take to the legislation in Richmond.

Mr. Norman stated that he could not attend the December meeting of the Mayors/Managers meeting, but County Attorney Frank Morton would attend as his representative.

Mr. Mahone made a motion to go into executive session pursuant to Section 2.1-344(a)(1) of the Code of Virginia to consider a personnel matter and the appointment of individuals to County Boards and/or Commissions at 9:38 p.m.

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

Mr. Mahone reconvened the Board into open session at 11:03 p.m.

Mr. Norment made a motion to approve the executive session 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

MEETING DATE: DECEMBER 4, 1989

CERTIFICATION OF EXECUTIVE MEETING

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board that such executive meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge; (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies; and, (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board.

Mr. Edwards made a motion to adjourn.

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

The Board adjourned at 11:05 p.m.



David B. Norman  
Clerk to the Board