

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 7TH DAY OF MAY, NINETEEN HUNDRED NINETY, AT 7:05 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Perry M. DePue, Chairman, Powhatan District
Stewart U. Taylor, Vice Chairman, Stonehouse District

Judith N. Knudson, Jamestown District
Jack D. Edwards, Berkeley District
Thomas K. Norment, Jr., Roberts District
David B. Norman, County Administrator
Frank M. Morton, III, County Attorney

B. PRESENTATION

1. Certificates of Appreciation, Fred L. Belden and Robert A. Magoon, Jr.

Mr. Alex Kuras, Planning Commission representative, read resolutions from the Planning Commission and presented them to Mr. Belden and Mr. Magoon. Mr. DePue simultaneously presented the Board of Supervisors Certificates of Appreciation to Mr. Belden and Mr. Magoon.

R E S O L U T I O N

RESOLUTION OF APPRECIATION

WHEREAS, Fred L. Belden served the citizens of James City County on the Planning Commission from November 1976 until his untimely resignation in January 1990; and

WHEREAS, throughout this period of service Fred Belden gave freely of his time, his energy, and his knowledge for the betterment of his County, as an active member and Chairman of the Planning Commission for six years, and member of the Site Plan Review Committee and Development Review Committee; and

WHEREAS, during this period Fred Belden made a significant contribution to the 1982 update of the Zoning Ordinance and to subsequent revisions of the Zoning Ordinance and the Comprehensive Plan guiding the planning and orderly growth of the community; and

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WHEREAS, during Fred Belden's tenure as Chairman of the Planning Commission, he provided significant guidance to the Citizens Strategy Team for the Richmond Road - Barhamsville Road Corridor Study which proposed future strategies for the Richmond Road Corridor; and

WHEREAS, Fred Belden consistently demonstrated those essential qualities of leadership, diplomacy, perseverance and dedication which have resulted in exceptional service to the citizens of James City County.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Board wishes to extend its sincere appreciation and thanks to Fred Belden for his distinguished service and devotion to the County and its citizenry.

BE IT FURTHER RESOLVED that this resolution be spread upon the minutes of the Board of Supervisors and that a copy of this resolution be presented to Fred Belden.

R E S O L U T I O N

RESOLUTION OF APPRECIATION

WHEREAS, Robert A. Magoon, Jr., served the citizens of James City County on the Planning Commission from May 1988, until January 1990; and

WHEREAS, throughout this period of service Robert Magoon gave freely of his time and energy for the betterment of the County, as an active member of the Planning Commission and a member of the Subdivision Review Committee and the Policy Committee; and

WHEREAS, during this period the County continued its transition from a rural to an urban community with the attendant challenge to services; and

WHEREAS, during this period Robert Magoon through his professional knowledge as a practicing architect brought to the Planning Commission insight into the impact of the planning process toward quality development, as well as demonstrated essential qualities of perseverance and dedication which have resulted in quality service to the citizens of James City County.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Board wishes to extend its sincere appreciation and thanks to Robert A. Magoon, Jr., for his service to the County and its citizenry.

BE IT FURTHER RESOLVED that this resolution be spread upon the minutes of the Board of Supervisors and that a copy of this Resolution be presented to Robert Magoon.

Mr. Edwards stated that he had nominated Mr. Belden from the Berkeley district, and the County held a great debt of gratitude to Mr. Belden for his outstanding service.

- C. MINUTES - April 3, 1990 - Special Meeting
 April 5, 1990 - Special Meeting
 April 9, 1990 - Special Meeting
 April 16, 1990 - Regular Meeting

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

Mr. Edwards made a motion to approve the minutes as amended with corrected page 1 of April 16, 1990, minutes.

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

D. CONSENT CALENDAR

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

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

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

1. School Appropriation - After-Prom Event

R E S O L U T I O N

AFTER-PROM EVENT

WHEREAS, the Lafayette High School Parent Teacher Student Association has requested the Board of Supervisors to become a sponsor for an after-prom activity; and

WHEREAS, this pilot effort is designed to reduce potential hazards at after-prom activities.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes a one-time donation of \$500 from Operating Contingency for the LHS PTSA After-Prom event.

E. PUBLIC HEARINGS

1. Case No. Z0-5-90. Ordinance Amendment Requiring Special Use Permits for Certain Commercial and Office Uses (continued from 4/2/90)

Mr. O. Marvin Sowers, Jr., Director of Planning, stated that the public hearing was continued from the April 2, 1990, Board of Supervisors meeting to allow a report from the Economic Development Coordinator on the economic impact of this ordinance amendment on shopping centers and other businesses. The Board had requested staff specifically address Alternative 2.

Mr. Sowers stated that staff had made the following substantive changes to Alternative 2 in response to community concerns: 1) provision to permit Planning to allow traffic generation rates other than those published by the Institute of Transportation Engineers; 2) permit new buildings or expansions without a special use permit with an existing building or use where these thresholds are exceeded, provided the new building expansion is less than 5,000 square feet for commercial uses or 10,000 square feet for office uses; language clarifying land ownership or control as a factor in determining whether a parcel is a logical component of another parcel and defining proximity to include adjacent lots, lots separated by property under common ownership or control, or lots separated by a right-of-way; and, 3) master plan provisions are generally the same as in existing R-4 and PUD sections of the Zoning Ordinance.

Mr. Sowers further stated staff exemptions include any proffered binding master plan from special use permit requirements as long as it meets certain requirements of the proposed Ordinance.

Staff recommended continuation of the public hearing until the May 21, 1990, Board of Supervisors meeting for additional information.

Mr. DePue reopened and continued the public hearing until May 21, 1990.

2. Case No. Z-20-89. American Retirement Corporation (continued from 1/8/90)

Mr. DePue declared no action was necessary because the applicant had withdrawn the request.

3. Ordinance - Solid Waste Franchising

Mr. David W. Clark, Solid Waste Engineer, stated that as a result of input received from work sessions, staff developed an ordinance to regulate the residential refuse collectors operating in the County, with this change being precipitated by State mandates of recycling 10% of our residential waste stream by the end of 1991 which was established by the 1989 Virginia General Assembly.

Mr. Clark explained that staff recommended creating a franchising system which would cover all of the County, eliminate unattended dumpster sites, and make private refuse collectors the primary refuse collectors in five franchise areas. He further stated that the franchise certificate would show charges for the first two years and allow the Board to adopt further legislation to regulate charges after the first two years.

Mr. DePue opened the public hearing.

1. Reverend J. B. Tabb, Sr., spoke in opposition to the proposal of eliminating dumpsters and private haulers, stating small businesses could not compete with large businesses.
2. Mr. J. C. Palmer, Sr., 138 Ron Springs Road, spoke in opposition stating elimination of small businesses would create unemployment.
3. Mr. Albert Woodward, 105 Northpoint, spoke in opposition stating franchising would increase costs to taxpayers, and spoke in favor of placing more dumpsters (green boxes) in the County.
4. Ms. Mary Haines, 118 Kingspoint, spoke in favor of the ordinance to eliminate abuse of the dumpster system with orderly system of trash pickup.
5. Mr. R. M. Hazelwood, Jr., 300 Old Stage Road, Toano, spoke in opposition to eliminating the dumpsters and spoke in favor of having more dumpsters with regular hours and those being manned.
6. Mr. William Beck, P.O. Box 324, Toano, spoke in opposition stating that large businesses would not be as efficient as small businesses, and questioned how recycled refuse in several containers could be picked up by one truck.
7. Mr. Carl Moody, 113 Braddock Road, spoke in opposition stating further consideration and input was needed for concerns of recycling, illegal dumping, protection of small businesses, etc.
8. Mr. J. V. Watson, 4913 John Tyler Highway, spoke in opposition, voicing concern for environmental protection, and he provided statistics of percentages of waste for several users of the landfill, with household a small percentage of that waste.
9. Mr. Gerry Fisher, 11 Frond Court, spoke in opposition stating support for free enterprise and personal service provided by the private refuse hauler.
10. Mr. Jay Everson, 130 Oslo Court, spoke in support stating elimination of the dumpsters would prevent dumping by persons outside the County, and all taxpayers would pay the same cost for refuse collection.
11. Mr. Sasha Digges, 3612 Ironbound Road, spoke in opposition stating that more containers, using cameras for surveillance, manned by a centrally located person, would eliminate trash pileup.
12. Mr. Gene Farley, 4125 S. Riverside, Lanexa, spoke in opposition to removal of dumpsters, County not having price control after two years, and elimination of the competitive system.
13. Mr. Michael Timpane, 117 Leon Drive, stated the State would be providing more information during the next few months regarding recycling.
14. Mr. Ed Oyer, 139 Indian Circle, spoke in opposition stating both dumpsters and recycling were needed for solid waste management.

15. Mr. Thomas Mahone, 103 Northpoint, spoke in opposition to elimination of the small businesses, increased costs to taxpayers, and ordinance would not help meet State mandates.

16. Mr. Jack Barnett, 7521 Richmond Road, stated other alternatives should be considered.

Mr. DePue closed the public hearing.

The Board expressed appreciation to staff for the efforts put forth in preparing the ordinance, and after individual statements, suggested a work session with public input and participation.

Ms. Knudson made a motion to postpone the item.

Mr. Norman indicated June 18, 1990, for a scheduled work session.

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

Mr. DePue recessed the Board for a break at 9:20 p.m.

Mr. DePue reconvened the Board into open session at 9:35 p.m.

4. Case No. SUP-14-90. Jack L. Massie Contractor, Inc.

Mr. Alvin P. Anderson had applied on behalf of Jack L. Massie Contractor, Inc., for a special use permit to allow the placement of a communications tower in excess of 35 feet in height on 34.48 acres zoned A-1, General Agricultural, located at 3900 Cokes Lane, further identified as Parcel (1-9) on James City County Tax Map No. (13-3).

Mr. Sowers stated that by adoption of the resolution, the Board would make a finding that approval of the special use permit would not constitute an expansion of the existing industrial use and would not set a precedent for pending and future rezoning cases and recommended approval of the case. He further stated that the Planning Commission made a finding that the proposal would not constitute an expansion of the existing industrial use and unanimously recommended approval with conditions listed in the resolution.

Mr. DePue opened the public hearing.

1. Ms. Susan McCleary, 129 Mirror Lake Drive, Vice President of Mirror Lake Homeowners Association, expressed that the association had no objection to the relocation of the tower.

Mr. DePue closed the public hearing.

Mr. Norment made a motion to approve the resolution.

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

R E S O L U T I O NCASE NO. SUP-14-90. JACK L. MASSIE CONTRACTOR, 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 unanimously recommended approval of Case No. SUP-14-90 to permit to allow the placement of a communications tower in excess of 35 feet in height in the A-1, General Agricultural district on property identified as Parcel (1-9) 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, Virginia, find that approval of this special use permit would not constitute an expansion of the existing industrial use, and would not set a precedent for pending and future rezoning cases.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-14-90 as described herein with the following conditions:

1. The operation of the tower shall not interfere with operation of the County's radio communication system. Upon notice from the County that such interference is being received, the applicant shall terminate such interference immediately.
2. If construction of the tower and accessory structures has not begun within 18 months of the date of issuance of the special use permit, it shall become void.
3. Prior to the placement of additional equipment on the tower, the applicant shall submit to the County a certification from a professional engineer, licensed by the Commonwealth of Virginia which indicates that the tower can safely support the loads caused by the placement of additional equipment on the tower. The applicant shall secure all necessary permits prior to altering, constructing or modifying any part of the tower.
4. The applicant shall secure all required permits and approvals from State and Federal agencies prior to construction of the facility.
5. The tower to be placed on the site shall be limited to the existing tower currently located at 6855 Richmond Road. The placement of dishes, discs and/or drums, or anything having similar visual impact on the tower shall not be permitted. The placement of white strobe lights on the tower shall be prohibited.

6. The tower shall be situated on the site in such a manner that if the tower were to fail, it would fall on site.

5. Case No. SUP-16-90. Williamsburg Farms, Inc.

Mr. Sowers stated that Mr. Patrick Duffler had applied on behalf of Williamsburg Farms, Inc., for a special use permit to allow an inn on approximately 292.37 acres zoned A-2, Limited Agricultural, located at 2638 Lake Powell Road, further identified as Parcel (1-10) on James City County Tax Map No. (48-4).

Mr. Sowers indicated that a special use permit (SUP-14-87) was approved March 7, 1988, with a condition requiring construction to commence on this project within 24 months from the date of issuance of the permit, which was not met.

Concurring with staff, the Planning Commission unanimously recommended approval of this request with a revised time limit on construction and retention of all other conditions of SUP-41-87 with the exception of a condition which required an additional 2 feet of pavement to Lake Powell Road prior to final site approval, which has been met.

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

Ms. Knudson made a motion to approve the resolution.

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

R E S O L U T I O N

CASE NO. SUP-16-90. WILLIAMSBURG FARMS, 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 unanimously recommended approval of Case No. SUP-16-90 to permit an inn in the A-2, Limited Agricultural district on property identified as Parcel (1-10) on James City County Real Estate Tax Map No.(48-4).

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-16-90 as described herein with the following conditions:

1. If construction has not begun within 120 days from the date of issuance of this permit, it shall become void.

Construction shall be defined as clearing, grading, excavation and pouring of footings required for the project.

2. Approximately 200 acres of this parcel shall be reserved, as shown on the proposed Land Use Plan, as "pastureland reserved for agricultural and recreational use," and recorded in a manner approved by the County Attorney.
3. This special use permit shall be valid only for an inn with a maximum of 66 rooms, including a restaurant, and swimming and tennis amenities.
4. The total site area of the inn and its associated swimming and tennis amenities shall not occupy more than five acres of the overall parcel.

6. Case No. SUP-26-90. Owens-Illinois, Inc. (RPOD)

Mr. Bernard M. Farmer, Jr., Director of Code Compliance, stated that Mr. Louis Penci of DeYoung Johnson Group had applied on behalf of the owner for a special use permit to create more than 5,000 square feet of impervious surface area within the Reservoir Protection Overlay District, identified as Parcel (1-15) on James City County Real Estate Tax Map No. (12-4).

Mr. Farmer noted a runoff analysis had been submitted and reviewed in accordance with Section 20-354 of the James City County Zoning Ordinance.

Mr. DePue 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, Knudson, DePue (5). NAY: (0).

R E S O L U T I O N

CASE NO. SUP-26-90. OWENS-ILLINOIS

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 owner of the property has applied for a special use permit to allow construction in excess of 5,000 square feet of impervious surface in the RP, Reservoir Protection Overlay District on property identified as Parcel (1-15) 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-26-90 as described herein with the following conditions:

1. An Inspection/Maintenance Agreement as approved by the County Attorney shall be executed prior to final site plan approval.
2. A soils test shall be provided for the infiltration trench to the Division of Code Compliance Prior to final site plan approval to verify the stated infiltration rate.
3. A pretreatment facility shall be provided for each of the three underground infiltration trenches to remove sediment and other materials from the stormwater runoff prior to discharge into the trenches. This shall be a septic tank or similar water/grit separator approved by the Director of Code Compliance.
4. An observation well shall be provided in the center of the infiltration trench. Details of the well shall be shown on the site plan prior to site plan approval.
5. Construction of the infiltration trench shall be delayed until the disturbed areas draining to the trench are stabilized. This shall be noted on the site plan.

7. Case No. Z-20-87. Williamsburg Office Park

Mr. Sowers stated that Mr. Woodrow N. Sirois had applied on June 23, 1987, to rezone approximately 2.4 acres from R-2, Limited Residential to B-1, General Business, located between Colony Square Shopping Center and the Winston Terrace Subdivision, further identified as Parcel (1-4A) on James City County Tax Map No. (48-1). The Board indefinitely deferred this case at the request of the applicant on April 3, 1989.

On December 20, 1988, in accordance with staff, the Planning Commission unanimously recommended approval of this application with proffers that provided that no development would occur on this site until any traffic improvements identified by a traffic study (to be approved by the County) were accomplished. Those proffers were withdrawn and replaced with proffers dated April 25, 1990. The road improvements identified as necessary by the traffic study have been provided for. Staff recommended approval for the reasons that the project was consistent with the Comprehensive Plan, surrounding development and zoning.

Mr. DePue opened the public hearing.

1. Mr. Vernon Geddy, III, representative for Development Concepts of Virginia, was available for questions.

A brief discussion ensued concerning the parking lot lighting.

Mr. DePue closed the public hearing.

Ms. Knudson made a motion to approve the resolution.

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

R E S O L U T I O N

CASE NO. Z-20-87. WILLIAMSBURG OFFICE PARK

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-20-87 for rezoning approximately 2.4 acres from R-2, Limited Residential, to B-1, General Business, on property identified as Parcel (1-4A) on James City County Real Estate Tax Map No. (48-1); and

WHEREAS, the Planning Commission following its public hearing on December 20, 1988, unanimously recommended approval of Case No. Z-20-87.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Zoning Case No. Z-20-87 and accepts the voluntary proffers.

Mr. DePue requested staff contact Virginia Department of Transportation to study installation of a traffic signal at the entrance to Williamsburg Office Park on Jamestown Road.

8. Ordinance - Chesapeake Bay Preservation

Mr. Wayland N. Bass, County Engineer, stated that the 1988 Virginia General Assembly adopted the Chesapeake Bay Preservation Act (CBPA), and in 1989, the Chesapeake Bay Local Assistance Board adopted the Chesapeake Bay Preservation Area Designation and Management Regulations, which require designated localities to adopt a Chesapeake Bay Preservation Area Map, and land use and development performance criteria by September 20, 1990.

Mr. Bass explained that the Chesapeake Bay Preservation Ordinance is a combination of existing water quality programs for erosion and sediment control and reservoir protection. Staff recommends that the entire County be designated as a Chesapeake Bay Preservation area because soils maps show very little County area outside clearly sensitive lands; and the entire County drains into and through sensitive areas, and might adversely affect those areas.

Mr. Bass further pointed out two discretionary provisions: A maximum of 60% impervious cover, recommended in Model Ordinance promulgated by the Local Assistance Department, and prohibition of land disturbance on slopes greater than 25%. These requirements are important, however, in attempting to meet the mandated standards for pollution control.

After Board comments, Mr. DePue requested a report from the Economic Development Coordinator regarding commercial consequences on economic development.

Mr. DePue opened the public hearing.

1. Mr. DePue read a note from Mr. Bob Emmitt, 124 Northpoint Drive, which supported the ordinance and having the Development Review Committee be the Appeals Board.

2. Ms. Carolyn Lowe, 50 Summer East, supported the ordinance as a good document that demonstrates commitment and leadership by James City County.

3. Mr. R. M. Hazelwood, Jr., 300 Old Stage Road, Toano, stated that the Chesapeake Bay Preservation Act was to preserve the Bay, not control County growth.

4. Mr. E. A. Brummer, 108 Oyster Cove Road, Yorktown, resident of York County, president of York County Chesapeake Bay Foundation, stated that James City County's efforts concerning the Chesapeake Bay Preservation Act were far in advance of other jurisdictions.

5. Ms. Jan Woodward, 105 Northpoint, stated consideration of citizens and properties was foremost and there were no quick solutions for a clean environment.

6. Mr. Norman Mason, Langley and McDonald Engineers, spoke in support of the ordinance which would be very effective with benefits to the Chesapeake Bay.

7. Mr. Grant Olson, 105 Holman Road, urged approval of the well-crafted and comprehensive ordinance.

8. Mr. Frank Tsutras, 304 Richard Brewster, spoke in opposition to the entire County being designated a resource management area, and stated owners should be entitled to just compensation for property being taken by Chesapeake Bay Preservation Act requirements.

9. Mr. Jack Barnett, 7521 Richmond Road, questioned the economic impact of unusable land and implementation was important.

10. Mr. Bruce Abbott, 4478 Centerville Road, stated no opposition to the Chesapeake Bay Preservation Act, but was opposed to any increase in taxes as a result of it.

11. Mr. Gene Farley, 4125 S. Riverside Drive, Lanexa, stated support for the Chesapeake Bay legislation, but voiced concern about what a property owner would do with land designated unusable by the Act.

12. Mr. Matt Crawford, Williamsburg Board of Realtors, expressed interest in having map reproduced for distribution.

13. Ms. Patricia Jackson, Lower James River Association, spoke in favor of the legislation, urged the Board's support of the ordinance.

Mr. DePue made a motion to postpone the item and scheduled a worksession for Monday, June 4, 1990, at 5:00 p.m.

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

F. BOARD CONSIDERATIONS

1. Case No. SUP-22-90. Albert Marsh

Mr. Edwards requested this case be postponed for further discussion by parties involved.

The Board concurred with the postponement of SUP-22-90.

G. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, expressed the need for County enforcement of automobile decals, and commended the Colonial Group Home for its part in assisting youths in their return to the community work force. He stated that Ms. Ann Smith was Colonial Group Home Administrator and could be reached at 220-1198.

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. David Norman, County Administrator, reported that the York County Board of Supervisors had extended an invitation for lunch to be scheduled after May 20, 1990. Mr. Norman stated that his vacation was scheduled for May 12 - 20, 1990.

I. BOARD REQUESTS AND DIRECTIVES

Mr. Taylor asked the status of the cable television franchise.

Mr. Larry Foster, Acting General Manager, James City Service Authority, responded that the issue would be brought to the Board in the near future for a work session.

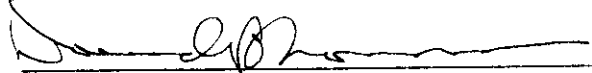
Mr. DePue requested a follow-up to a letter sent to the City Manager of Williamsburg regarding the renaming of the Longhill Connector Road.

Mr. Edwards made a motion to adjourn.

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

The Board adjourned at 11:35 p.m.



David B. Norman
Clerk to the Board

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PROFFERS



These PROFFERS are made as of this 25th day of April, 1990 by DEVELOPMENT CONCEPTS OF VIRGINIA, INC., a Virginia corporation (together with its successors and assigns, the "Owner").

RECITALS

A. Owner is the owner of certain real property (the "Property") in James City County, Virginia (the "County") and more particularly described as follows:

All that certain piece or parcel of land situate, lying and being in James City County, Virginia, and designated as "Remainder of Parcel C, 2.3706 AC." as shown on that certain plat entitled "PLAT OF LOT 6 & 7 BEING A SUBDIVISION OF PARCEL C STANDING IN THE NAME OF WILLIAM E. JAMERSON, JAMES CITY COUNTY, VIRGINIA", dated June 22, 1988, made by Langley & McDonald, P.C., and recorded in the Clerk's Office of the Circuit Court of the City of Williamsburg and County of James City in Plat Book 49, Page 63.

Together with the right of ingress and egress over and along the "50' Ingress and Egress Easement" as shown on the aforesaid plat.

B. The Owner has applied for rezoning of the Property from R-2 to B-1.

C. The County may be unwilling to rezone the Property because the B-1 provisions of the County Zoning Ordinance may be deemed inadequate for the orderly development of the Property because competing and incompatible uses may conflict.

D. More flexible and adaptable zoning methods are deemed advisable to permit the use of the Property.

E. The Owner is desirous of offering certain conditions for the protection of the community that are not generally applicable to land zoned B-1.

NOW, THEREFORE, for and in consideration of the approval by the Board of Supervisors of the County of the requested rezoning 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 it shall meet and comply with all of the following conditions for the development of the Property:

CONDITIONS:

1. The uses of the Property shall be limited to:
 - a. florist, picture framing, stamp and coin, travel bureau;
 - b. banks and other financial institutions;
 - c. photography studios and sales, artists and sculptor studios;
 - d. corporate, business, governmental and professional offices;
 - e. doctors, dentists and other medical clinics or offices;
 - f. wholesale and warehousing (with storage limited to a fully enclosed building);
 - g. printing and publishing;
 - h. plumbing and electrical supply (with storage limited to a fully enclosed building);

- i. contractors offices (with storage of materials limited to a fully enclosed building);
 - j. health clubs, exercise clubs, fitness centers
2. All loading and unloading entrances to warehouse facilities on the Property, if any, shall face the southeasterly direction.
3. The height of any structure constructed on the Property shall not exceed 38 feet.
4. All principal buildings, roads, parking areas, sidewalks and open space on the Property shall be located generally as shown on the Williamsburg Office Park, Site Plan - Building 10, 11, 12, 14, dated April 16, 1990, prepared by Karl E. Kolher Associates (the "Plan") submitted herewith; provided, however, the final site plan for the Property may deviate from Plan if the Zoning Administrator determines the final site plan does not alter the basic concept or character of the development.
5. The Property shall be landscaped at a minimum in accordance with the Williamsburg Office Park, Landscaping Plan, dated April 16, 1990, prepared by Karl E. Kolher Associates and submitted herewith. In addition, Owner shall plant shrubbery in the proffered open space along the parking areas and roads on the western and northern portions of the Property to create an effective screen between the Property and the adjoining residential property, all as approved by the Development Review Committee.

6. The aggregate number of square feet of floor area of all buildings on the Property shall not exceed 20,000.

7. All terms of this Agreement shall have the same meaning as provided in the County Zoning Ordinance.

DEVELOPMENT CONCEPTS OF VIRGINIA, INC.

By William A. Sini

STATE OF VIRGINIA AT LARGE

CITY/COUNTY OF Williamsburg, to-wit:

The foregoing instrument was acknowledged before me this 25th day of April, 1990, by Woodrow W. Sirois, President of Development Concepts of Virginia, Inc.

Jean Babcock Luvers
NOTARY PUBLIC

My commission expires:
2/24/92

VIRGINIA: City of Williamsburg and County of James City, to Wit:

In the Court office of the Circuit Court of the City of Williamsburg and county of James City the 16 day of May, 1990 This Proffers was presented with certificate annexed and admitted to record at 10:46 o'clock

Teste: Helene S. Ward, Clerk
by John Ward
Deputy Clerk

PLAT RECORDED IN
P.B. NO. 52 PAGE 88 & 89