

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 21ST DAY OF MAY, NINETEEN HUNDRED NINETY, AT 1:02 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. MINUTES - April 30, 1990 - Special Meeting  
May 7, 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 presented.

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

C. HIGHWAY MATTERS

Mr. Frank N. Hall, Resident Engineer, Virginia Department of Transportation, stated that materials for the Church Lane repair had been ordered; that difficulties had arisen in obtaining No Parking signs for Route 5 across from Williamsburg Crossing Shopping Center; and that the Longhill Connector Road should be completed by mid-June.

Mr. Norment requested status of the Woodside Drive request.

Mr. Edwards requested Busch Gardens signage near the right-hand lane on Route 60 East at Route 199 entrance.

Mr. Edwards asked about the detour sign on Route 5 near the Route 199 intersection.

Mr. Hall responded that the City of Williamsburg had requested that sign for tourists' information.

Mr. DePue requested a formal response to investigation of a left-hand turn lane from Longhill Road at Ford's Colony entrance.

D. CONSENT CALENDAR

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

Mr. Norment asked that Item No. 3 be removed.

Mr. Edwards asked that Item No. 4 be removed.

Mr. DePue made a motion to approve Items 1, 2 and 5 of the Consent Calendar.

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

1. Older Virginians Month

R E S O L U T I O N

OLDER VIRGINIANS MONTH

WHEREAS, May has been designated as Older Virginians Month by the Governor of the Commonwealth of Virginia; and

WHEREAS, there are more than 900,000 Virginians aged 60 and older; and

WHEREAS, these older citizens are our parents, grandparents, great-grandparents, coworkers, and cherished friends; and

WHEREAS, these older citizens are one of our most valuable resources due to the knowledge, wisdom and experience they have acquired over a lifetime; and

WHEREAS, the special needs and concerns of older Virginians are served by committed advocacy organizations such as the local Peninsula Agency on Aging, and many other associations and groups dedicated to improving the quality of life of the elderly.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors, of James City County, Virginia, that the month of May be recognized as Older Virginians Month.

BE IT FURTHER RESOLVED, that special tribute be made to the elderly citizens of James City County for the special place they hold in our families and our community.

2. Dedication of Hicks Island Road ExtensionR E S O L U T I O NDEDICATION OF HICKS ISLAND ROAD EXTENSION

WHEREAS, James City County has, under its Dirt Street Program, improved certain roads in James City County, Virginia, to State standards at one hundred percent County expense; and

WHEREAS, the Board of Supervisors desires a road in Stonehouse Election District to be included in the State Secondary Highway System, providing this road meets 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 Department of Transportation makes its final inspection; and

WHEREAS, neither the original developers nor successor developers retain a speculative interest in property abutting the Hicks Island Road extension.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Department of Transportation is hereby respectfully requested, contingent upon the above, to include the following street in the State Secondary Highway System:

Description:	Hicks Island Road Extension
From:	State Route 601
To:	End of T-Turnaround
Distance:	557 feet (0.11 miles)

The right-of-way of 50 feet and drainage easement are guaranteed as evidenced by the following Deeds of record in Deed Book 430, page 495, dated February 10, 1989, Deed Book 430, page 498, dated February 10, 1989, Deed Book 430, page 502, dated February 10, 1989, Deed Book 430, page 505, dated February 10, 1989, Deed Book 430, page 508, dated February 10, 1989, and Deed Book 433, page 478, dated April 13, 1989.

BE IT FURTHER RESOLVED, that the Board of Supervisors of James City County, Virginia, guarantees, and it does hereby so guarantee, the satisfactory performance of Hicks Island Road extension for a period of one year from the date of acceptance by the Virginia Department of Transportation.

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

5. Revisions to Dirt Street Inventory and Funding ScheduleR E S O L U T I O NDIRT STREETS

WHEREAS, the number and severity of unimproved streets in James City County require a Dirt Street Improvement Program; and

WHEREAS, the Dirt Street Inventory and Dirt Street Funding Schedule have been revised to reflect street improvements eligibility and completed projects.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Dirt Street Inventory, Annex A, and the Dirt Street Funding Schedule, Annex B, revised May, 1990, are hereby adopted to establish construction and funding priorities for the Dirt Street Improvement Program.

3. Funding for Turn Lane - Ewell Station and Parking Lot Construction - Registrar

Mr. Norment asked if developers had agreed to participate in the cost of the funding for the turn lane.

Mr. John Horne, Manager, Development Management, responded in the affirmative.

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 NBUDGET ADJUSTMENTS

WHEREAS, the Board of Supervisors has been requested to assist in financing a needed right-turn lane at the corner of Olde Towne and Richmond Roads; and

WHEREAS, the expected costs to the County shall be no more than \$25,000; and

WHEREAS, estimates of parking improvement costs required to be constructed as part of the Registrar's relocation to the Government Center are approximately \$23,000.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following transfers from Capital Contingency:

Olde Towne Road Turn Lane	\$25,000
Parking Improvements	23,000
Insert 1369w	

4. Revisions of the County Personnel and Procedures Manual - Longevity System

Mr. Edwards urged discretion in the event that long-term employees might advance beyond salary range with proposed bonuses.

Mr. Edwards 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

REVISION OF THE COUNTY PERSONNEL POLICIES

AND PROCEDURES MANUAL

WHEREAS, the Board of Supervisors is committed to retaining our quality and experienced employees; and

WHEREAS, the County is committed to rewarding employees for their performance and contribution to the organization; and

WHEREAS, the County wants to provide the most efficient and effective means of motivating and rewarding employees; and

WHEREAS, no additional County funds are needed to implement this change.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County, Virginia, adopts the attached revision of Section 4.8 of the Personnel Policies and Procedures Manual of James City County.

Effective Date: July 1, 1990.

E. PUBLIC HEARINGS

2. Case No. SUP-27-90. Mr. and Mrs. T. M. Burton

Mr. Allen J. Murphy, Jr., Principal Planner, stated that Mr. and Mrs. T. M. Burton had submitted an application for a special use permit to allow replacement of a manufactured home on 1.089 acres at 102 Sawmill Road off

Brickbat Road, zoned A-1, General Agricultural, further identified as Parcel (1-3A) on James City Real Estate Tax Map No. (35-4).

Staff recommended approval with conditions listed in the resolution.

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

Mr. Norment made a motion to approve the ordinance amendment.

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-27-90. MR. AND MRS. T. M. BURTON

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, Virginia, that a Special Use Permit be granted for the placement of a manufactured home on property owned and developed by the applicant as described below and on the attached site location map.

- Applicant: Mr. and Mrs. T. M. Burton
- Real Estate Tax Map ID: (35-4)
- Parcel No.: (1-3A)
- Address: 102 Sawmill Road
- District: Powhatan
- Zoning: A-1
- 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, it shall become void one year from the date of approval.

1. Mr. Vernon M. Geddy, III, Esq., stated that he had been the contact person on the ad hoc development committee and was available to answer questions about the committee's proposed changes, but was not speaking for the committee's professional clients.

2. Mr. Frank Tsutras, 204 Richard Brewster, spoke in opposition to the proposed Ordinance changes and urged sewer and water be extended to outlying areas so that businesses would locate and the tax base would be raised.

3. Mr. Gilbert Bartlett, President, Williamsburg Area Chamber of Commerce, spoke in opposition to the proposed Ordinance changes and urged all involved to take an active role in the Comprehensive Plan update.

4. Mr. Kenneth R. Rodgers, Norge Center, questioned whether the Norge Regional Center development would be grandfathered under Alternative 2.

Mr. Sowers responded that the Master Plan already submitted by Norge Regional Center would be grandfathered.

5. Mr. Gene Farley, 1424 Richmond Road, spoke in opposition to the proposed ordinance changes because of the additional cost to business.

Mr. DePue closed the public hearing.

Mr. Taylor stated he would not support the ordinance, which if approved, would make it almost impossible to start a small business.

Mr. Edwards made a motion to approve Alternative 2 of the Ordinance.

Board discussion ensued regarding: the quality development required by the Ordinance would increase business and help the County; addressing a need now with a review of the Ordinance after a decision had been reached on the Comprehensive Plan update and Chesapeake Bay Preservation Act; concerns for small businesses and future tax rate increases; commendation of staff and business community for working together to achieve an improved ordinance; possible acceleration of the special use permit process, and staff monitoring impact of Ordinance with periodic reports to the Board.

Mr. DePue made a motion to amend the Ordinance by changing square feet in paragraph 1 of Section 20-104, A. from (2) 10,000 to 40,000; (3) from 20,000 to 80,000 and (4) peak hour vehicle trips number from 150 to 300 and changing square feet in paragraph 2 of Section 20-104, B. from 5,000 to 20,000, 10,000 to 40,000 and peak hour vehicle trips from 75 to 150.

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

Mr. DePue made a motion to amend the Ordinance by changing square feet in paragraph 1 of Section 20-104, A. from: (2) 10,000 to 20,000; (3) from 20,000 to 40,000; and, (4) peak hour vehicle trips number from 150 to 200 and changing square feet in paragraph 2 of Section 20-104, B. from 5,000 to 20,000, 10,000 to 20,000 and peak hour vehicle trips from 75 to 100.

3. Mr. Gene Farley, 1424 Richmond Road, voiced support for the Cypress Point Civic Association and asked that matching funds for completion of Forge Road be appropriated.

Mr. Horne explained that, by State law, matching funds are requested the year of appropriation after acquisition of right-of-way and plan completion.

#### H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. David Norman, County Administrator, announced work sessions for Landscape Ordinance and James City Service Authority Utility Regulations, and stated that an executive session was needed for personnel matters and land acquisition.

#### I. BOARD REQUESTS AND DIRECTIVES

Mr. DePue asked staff to meet with Mr. Rothwell and Mr. Farley about their individual road concerns.

Mr. Taylor stated that he was unaware of the matching funds designated for Centerville Road during the budget process.

Mr. Norman stated staff would provide a report of explanation about Centerville Road funding.

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

Mr. Foster responded that the cable television franchise had been received, and a work session would be scheduled with Continental Cablevision. He stated copies of the franchise would be provided to Continental Cablevision and the Cable Television Advisory Committee.

Mr. Edwards recommended no action be taken at this time on a pending special use permit request, which is being addressed by staff.

Mr. Edwards requested a resolution of commendation to the Commonwealth Transportation Board for its decision regarding the James River Crossing between James City and Surry counties.

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

Mr. DePue announced the meeting dates for the second round of community forums to be held at Lafayette High School, 4460 Longhill Road from 7 p.m. to 10 p.m. on Tuesdays, May 22, May 29, June 5 and June 12, 1990.

Mr. DePue recessed for the Landscape Ordinance work session at 3:19 p.m.



Mr. Sowers presented the proposed landscape requirements of the Zoning Ordinance by reviewing the staff report and illustrating differences between the current Ordinance and the proposed requirements with visual aids.

Following discussion, Mr. Edwards made a motion to advertise the Landscape Ordinance public hearing.

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

Mr. DePue reconvened the Board into open session at 5:15 p.m. and made a motion to convene into executive session pursuant to Section 2.1-344(A)(1) of the Code of Virginia to consider a personnel matter, appointment of individuals to County boards and/or commissions, (3) to consider the acquisition of publicly held property and (7) to consult with the County Attorney on a matter involving probable litigation.

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

Mr. DePue reconvened the Board into open session at 6:05 p.m.

Mr. DePue made a motion to approve the executive session 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

MEETING DATE: May 21, 1990

### 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. Sowers presented the proposed landscape requirements of the Zoning Ordinance by reviewing the staff report and illustrating differences between the current Ordinance and the proposed requirements with visual aids.

Following discussion, Mr. Edwards made a motion to advertise the Landscape Ordinance public hearing.

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

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

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Ms. Knudson made a motion to reappoint Mr. Emeric Fisher for a five-year term to the Board of Adjustments and Appeals, term expiring May 21, 1995.

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

Mr. DePue declared a recess until Monday, June 4, 1990, at 5:00 p.m.

The Board recessed at 6:06 p.m.



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David B. Norman  
Clerk to the Board

1395w

Dirt Street Inventory

Revised May 1990

<u>Street Name/ Location</u>	<u>Dwellings</u>	<u>Condition</u>	<u>Miles</u>	<u>Construction Cost</u>	<u>R/W</u>	<u>Ranking</u>
1. Off Route 657 (See Note 1)	9	10	0.15	\$ 59,400	None	1.51
2. Forest Heights Road (See Note 4)	14	6	0.20	79,200	15'	1.21
3. Country Club Drive (See Note 3)	3	4	0.04	14,250	80'	0.84
4. Douglas Lane (See Note 4)	6	6	0.11	43,600	30'	0.83
5. Off Hickory Signpost Road - Smith's Mt. (See Note 4)	14	7	0.30	117,800	Private 40' & 50'	0.77
6. End of Ivy Hill Road (See Note 1)	3	8	0.08	31,700	None	0.76
7. Oak Cove Road (See Note 4)	12	5	0.21	84,000	50'	0.71
8. Lexington Drive (See Note 3)	1	7	0.02	9,800	50'	0.71
9. End of Spring Road (See Note 4)	3	5	0.05	21,000	50'	0.71
10. Neighbors Drive (See Note 2)	5	7	0.15	60,800	20'	0.58
11. Off Route 30 (See Note 4)	5	6	0.13	52,500	Private 15'	0.57
12. Route 699 - Camp Road (See Note 4)	5	9	0.22	88,900	None	0.51

<u>Street Name/ Location</u>	<u>Dwellings</u>	<u>Condition</u>	<u>Miles</u>	<u>Construction Cost</u>	<u>R/W</u>	<u>Ranking</u>
13. Off Mooretown Road - Taylor Property (See Note 1)	4	10	0.20	\$ 78,700	None	0.51
14. Joanne Court (See Note 1)	2	9	0.10	39,600	50'	0.45
15. Saddletown Road	13	6	0.47	185,200	None	0.42
16. River Drive - Cypress to cul-de-sac	4	5	0.12	48,750	40'	0.41
17. Clark Lane	5	10	0.31	124,500	None	0.40
18. Hick's Island Road (See Note 4)	11	6	0.41	163,875	0' to 50'	0.40
19. Rich Neck Road (See Note 4)	6	5	0.21	82,500	50'	0.36
20. Cedar Drive	4	3	0.09	33,800	50'	0.36
21. Off Route 30 (See Note 1)	4	5	0.15	59,400	None	0.34
22. Moses Lane	3	7	0.16	61,500	40'	0.34
23. Off Chickahominy Road - Past Church	3	4	0.09	36,000	50'	0.33
24. Red Oak Landing Road (See Note 4)	3	6	0.15	58,500	40'	0.31
25. Thompson Lane	16	5	0.66	262,500	50'	0.30
26. Off Mooretown Road - William's Property	3	8	0.22	87,000	None	0.28
27. Off Chickahominy Road (See Note 1)	2	10	0.20	79,200	Private 50'	0.25
28. Off Jolly Pond Road	7	6	0.45	176,200	Private 50'	0.24

<u>Street Name/ Location</u>	<u>Dwellings</u>	<u>Condition</u>	<u>Miles</u>	<u>Construction Cost</u>	<u>R/W</u>	<u>Ranking</u>
29. River Drive - Laurel to cul-de-sac (See Note 1)	2	5	0.11	\$ 42,000	40'	0.24
30. Off Centerville Road	3	6	0.19	75,000	35'	0.24
31. Off Route 657 - Hill Lane (See Note 1)	2	10	0.25	99,000	None	0.20
32. Louise Lane	3	7	0.32	126,000	50'	0.17
33. Waltrip Lane (See Note 4)	10	3	0.45	178,200	Private 30'	0.17
34. End of Bush Springs Road	4	2	0.12	48,700	25'	0.16
35. River Drive (Beechwood to Holly)	1	7	0.06	53,800	50'	0.13
36. Skillman Drive	3	6	0.34	136,500	Private 50'	0.13
37. Hockaday/ Arlington Island Roads	10	7	1.37	540,750	25' to 50'	0.13
38. Off Ironbound Road - Waltrip (See Note 4)	4	1	0.11	43,600	Private 30'	0.09
39. Off Ware Creek Road (See Note 1)	2	2	0.14	55,100	50'	0.07
40. Off Riverview Road (See Note 1)	1	2	0.14	54,800	50'	0.07
41. Farmville Lane (See Note 1)	1	6	0.16	63,000	40'	0.06
42. River Drive - White Oak to Beechwood (See Note 1)	<u>0</u>	8	<u>0.08</u>	<u>33,700</u>	50'	0.00
Totals	216		9.49	\$3,790,325		

Notes: Street excluded from Funding Schedule because:

- (1) Does not meet VDOT minimum of 3 dwellings on 3 separately-owned parcels or does not connect to secondary road.
- (2) Only 34' between dwellings, on opposite sides of road.
- (3) Improvements to be completed by developer.
- (4) Residents don't want improvements or will not donate necessary right-of-way.

0308C

Approved Funding Schedule

Revised May 1990

<u>Street Name/ Location</u>	<u>Dwellings</u>	<u>Condition</u>	<u>Miles</u>	<u>Construction Cost</u>	<u>R/W</u>	<u>Ranking</u>
1. River Drive - Beechwood to Holly (see attached resolution)	1	7	0.06	\$ 53,800	50'	0.13
2. Saddle town Road	13	6	0.47	185,200	None	0.42
3. River Drive- Cypress to Cul-de-sac	4	5	0.12	48,750	40'	0.41
4. Clark Lane	5	10	0.31	124,500	None	0.40
5. Cedar Drive	4	3	0.09	33,800	50'	0.36
6. Moses Lane	3	7	0.16	61,500	40'	0.34
7. Off Chickahominy Road - Past Church	3	4	0.09	36,000	50'	0.33
8. Thompson Lane	16	5	0.66	262,500	50'	0.30
9. Off Mooretown Road (Williams Property)	3	8	0.22	87,000	None	0.28
10. Off Jolly Pond Road	7	6	0.45	176,200	Private 50'	0.24
11. Off Centerville Road	3	6	0.19	75,000	35'	0.24
12. Louise Lane	3	7	0.32	126,000	50'	0.17
13. End of Bush Springs Road	4	2	0.12	48,700	25'	0.16
14. Skillman Drive	3	6	0.34	136,500	Private 50'	0.13
15. Hockaday/ Arlington Island Roads	10	7	<u>1.37</u>	<u>540,750</u>	25' to 50'	0.13
Totals			4.97	\$1,996,200		

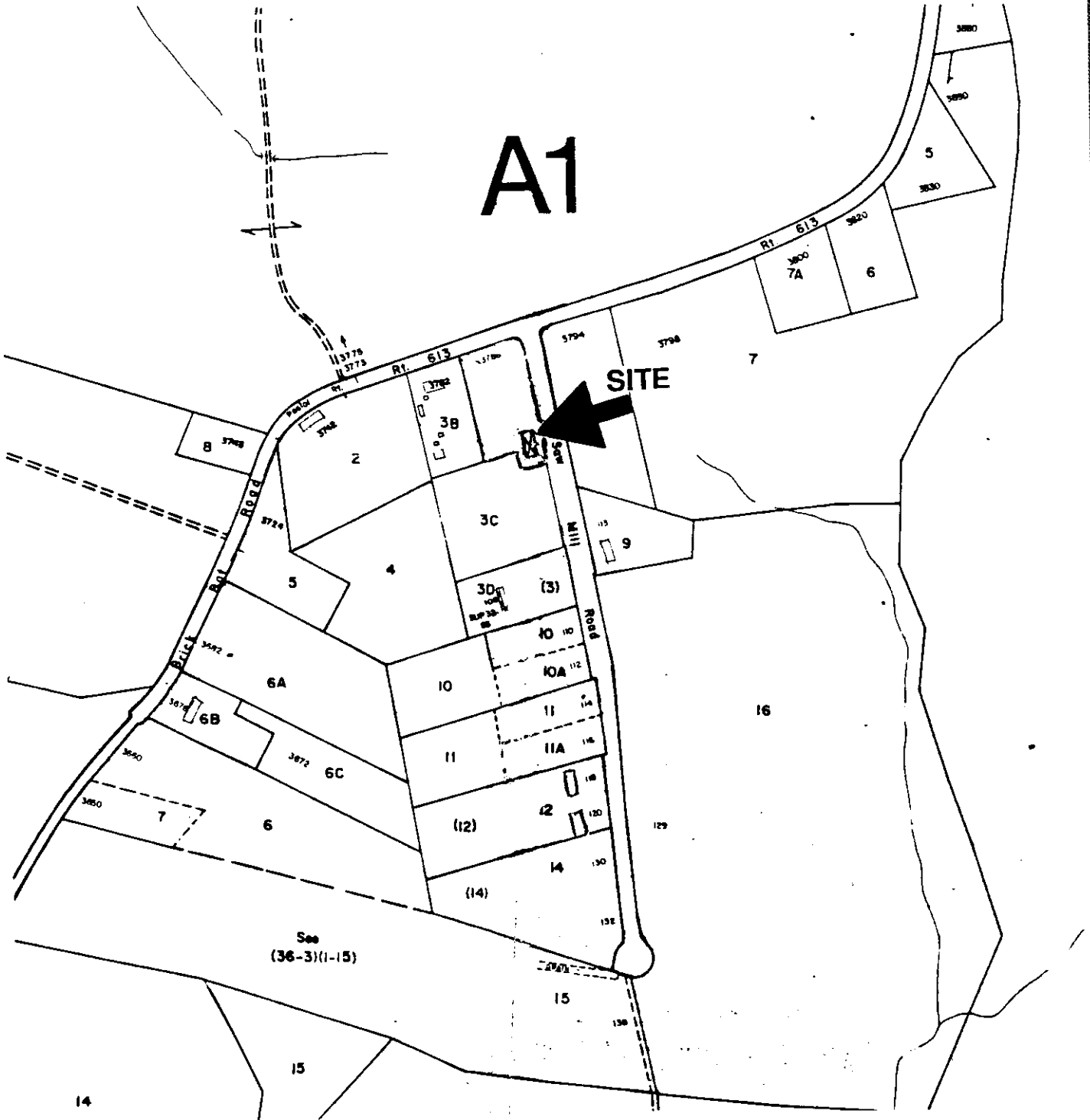
0308C

Attachment





# A1

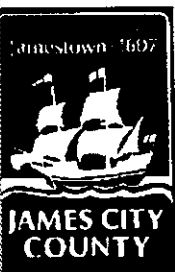
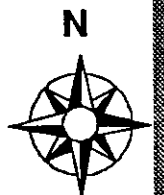
**SITE**



SCALE 1"=400 Feet

-  Existing Manufactured Homes
-  Proposed Manufactured Home

Case No: **SUP-27-90**  
 Name : **Mr. & Mrs. T.M. Burton**



## PLANNING DIVISION

**MAY 21 1990****ORDINANCE NO. 31A-121****BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA**

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE IV, DISTRICTS, DIVISION 1, GENERALLY, BY ADDING SECTION 20-104. SPECIAL USE REQUIREMENTS FOR CERTAIN COMMERCIAL AND OFFICE USES; BY AMENDING ARTICLE IV, DISTRICTS, DIVISION 11. LIMITED BUSINESS DISTRICT, LB, SECTION 20-307. PERMITTED USES; SECTION 20-308. USES PERMITTED BY SPECIAL USE PERMIT ONLY; DIVISION 12. GENERAL BUSINESS DISTRICT, B-1, SECTION 20-329. PERMITTED USES; SECTION 20-330. USES PERMITTED BY SPECIAL USE PERMIT ONLY; AND DIVISION 13. LIMITED INDUSTRIAL DISTRICT, M-1, SECTION 20-351. USES PERMITTED BY SPECIAL USE PERMIT ONLY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 20, Zoning, is hereby amended and reordained by adding Section 20-104. Special Use Permit Requirements for Certain Commercial and Office Uses; by amending Section 20-307. Permitted Uses; Section 20-308. Uses Permitted by Special Use Permit Only; Section 20-329. Permitted Uses; Section 20-330. Uses Permitted by Special Use Permit Only; and Section 20-351. Uses Permitted by Special Use Permit Only.

Chapter 20. Zoning  
Article IV. Districts  
Division 1. Generally

Section 20-104. Special Use Permit Requirements for Certain Commercial and Office Uses, Exemptions.

A. General Requirements.

A special use permit issued by the Board of Supervisors shall be required for: 1) any convenience store, 2) any commercial building which exceeds 10,000 square feet of floor area; 3) any office building which exceeds 20,000 square feet of floor area; or 4) any commercial or office building which generates, or would be expected to generate, 150 or more additional trips to and from the site during the peak hour of the operation based on the application of the Institute of Transportation Engineers (ITE) traffic generation rates contained in the latest edition of their book entitled Trip Generation. The applicable trip generation rate shall be determined by the Planning Director. The Planning Director may permit other traffic generation rates to be used if an individual or firm qualified to conduct traffic engineering studies documents that the use would not reasonably be expected to generate the amount of peak hour traffic projected by application of ITE traffic generation rates, provided the documentation is acceptable to the Planning Director.

B. New Buildings, Additions, or Expansions

A special use permit shall be required for a new building, addition or expansion when:

1. in combination with the existing structure, it exceeds the thresholds set forth in paragraph A.;
2. it adds 5,000 square feet or more of commercial floor area or 10,000 square feet or more of office floor area or, in combination with other new buildings, additions or expansions generates 75 or more peak hour trips than generated by the existing or approved use on May 21, 1990, or than approved in a special use permit, whichever is greater; and
3. it is located on the same property as the existing structure or other parcel which is a logical component of such property. Factors to determine whether a parcel is a logical component include:
  - a) common ownership or control, of the parcels under consideration, by the same person(s) or entity(ies), or similar or related entities;
  - b) regardless of factor (a), shared access to public roads, shared parking arrangements, shared traffic circulation or shared service areas; and

- c) proximity, for the purpose of this paragraph proximity means adjacent parcels; parcels separated by property under common ownership or control, by the same person(s) or entity(ies), or similar or related entities; or parcels separated by a public or private right-of-way.

C. Design and Submittal Requirements

Any building or use and addition or expansion thereto requiring a special use permit under this section shall comply with the following regulations:

1. Any use requiring a special use permit under this Section for which the existing and proposed use is five acres or more in area shall include a binding Master Plan prepared in accordance with Section 20-468b(1-5). The Master Plan shall depict and bind the approximate boundaries and general location of all principal land uses and their building square footage and height, roads, right-of-ways, accesses, open spaces, public uses and other features to be located on the site for which approval is sought. The Planning Director may require other features, including general location and approximate boundaries of buildings, structures or parking areas, to be incorporated into the Master Plan where deemed necessary due to the size of the development, access to or location of public roads, distance from residential areas, presence of environmentally sensitive areas or availability of public utilities. The Master Plan shall be reviewed and approved and thereafter become binding upon approval of the special use permit by the Board of Supervisors. Thereafter, all amendments to the Master Plan shall be in accordance with Section 20-15 of this Chapter. Final site plans may be approved after approval of a Master Plan by the Board of Supervisors. All final site plans shall be consistent with the Master Plan, but may deviate from the Master Plan if the Zoning Administrator concludes, after reviewing written comments from the Planning Director, the site plan does not alter the basic concept or character of the development or conflict with any conditions placed on the special use permit. If the Zoning Administrator determines that a proposed change would deviate from the approved Master Plan, the amendment shall be submitted and approved in accordance with Section 20-15.
2. A traffic impact study shall be submitted with any such special use permit application prepared by an individual or firm qualified to conduct traffic engineering studies in a manner and form acceptable to the Planning Director. Such study shall address projected traffic generation; internal and external traffic; turning movements and distribution at each access point; traffic distribution; capacity of surrounding roads; and road and access improvements.

3. Vehicular access points and drives shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular and pedestrian traffic. Buildings, parking areas, and drives shall be arranged in a manner that encourages pedestrian access and minimizes traffic movement. No more than one access point on each abutting public street shall be permitted unless specifically approved by the Board of Supervisors after reviewing the applicant's traffic impact study.

D. Exemptions

The following shall be exempt from the requirements of this Section: 1) any use or building and expansion or addition thereto with preliminary site plan approval prior to May 21, 1990; 2) any use or building and expansion or addition thereto for which the start of construction began prior to May 21, 1990, in accordance with a site plan approved prior to that date; 3) any use or building and expansion or addition thereto shown on a proffered binding Master Plan that binds the general location of all of the features on the plan as required under this Section; 4) any building located in a Residential Planned Community District or Planned Unit Development District; or, 5) any building predominantly used as a warehouse, distribution center, or for other industrial or manufacturing purposes.

## Article IV. Districts

### Division 11. Limited Business District, LB

#### Section 20-307. Permitted Uses.

In the Limited Business District, LB, buildings or structures to be erected or land to be used shall be for one or more of the following:

- Retail food stores, bakeries and fish markets.
- Dry cleaners and laundries.
- Department stores, wearing apparel, furniture, carpet, shoe, tailor, dressmaking, candy, ice cream, florist, furrier, locksmith, gunsmith (excluding shooting range), pet, picture framing, stamp and coin, travel bureau, upholstery, yard goods, toys, music and records, tobacco and pipes, jewelry sales and service, books, greeting cards and sporting goods stores.
- Drug stores, barber shops and beauty shops.
- Restaurants, tea rooms, and taverns.
- Banks and other financial institutions.
- Plants and garden supply, hardware and paint, and home appliance sales and service stores.
- Feed, seed, and farm supply stores.
- Photography studios and sales, artist and sculptor studios, art and crafts and handicraft shops, antique shops, reproduction and gift shops.
- Office supply stores, secretarial and duplicating services.
- Business, governmental and professional offices.
- Doctors, dentist and other medical clinics or offices.
- Schools, fire stations, post offices, houses of worship and libraries.
- Lodges, civic clubs, fraternal organizations and service clubs.
- Funeral homes.
- Off-street parking as required by this Chapter.
- Day care and child care centers.
- An apartment or living quarters for a guard, caretaker, proprietor or the person employed on the premises, which is clearly secondary to the commercial use of the property.
- Health clubs, exercise clubs, fitness centers.
- Contractor's offices without the storage of construction equipment or building materials.
- Plumbing supply (with storage limited to a fully enclosed building).
- New and/or rebuilt automotive parts sales (with storage limited to a fully enclosed building).

#### Section 20-308. Uses permitted by Special Use Permit Only.

In the Limited Business District, LB, buildings or structures to be erected or land to be used for one or more of the following uses shall be permitted only after the issuance of a special use permit by the Board of Supervisors.

Convenience stores with or without the sale of fuel in accordance with Section 20-89 and Section 20-104.

Automobile service stations with sale of fuel in accordance with Section 20-89.

Marinas, docks, piers, yacht clubs, boat basins, and servicing, repair and sale facilities for the same with the sale of fuel in accordance with Section 20-89.

Flea markets.

Public or private water and sewer facilities, including but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, private connections to existing mains which are intended to serve an individual customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a development, are permitted generally and shall not require a Special Use Permit.

Public or private transmission pipelines, including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, extensions for private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a Special Use Permit.

Public or private electrical substations, with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.

Railroad facilities including tracks, bridges, and stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way and track and safety improvements in existing railroad rights-of-way, are permitted generally and shall not require a Special Use Permit.

Publicly-owned solid waste container sites.

Telephone exchanges and telephone switching stations.

#### Division 12. General Business District, B-1

##### Section 20-329. Permitted Uses.

In the General Business District, B-1, structures to be erected or land to be used, shall be for one or more of the following uses:

Retail food stores, bakeries and fish markets.

Dry cleaners and laundries.

Department stores, wearing apparel, furniture, carpet, shoe, tailor, dressmaking, candy, ice cream, florist, furrier, locksmith, pet, picture framing, stamp and coin, travel bureau, upholstery, yard goods, toys, music and records, tobacco and pipes, jewelry sales and service, books, greeting cards and sporting goods stores.

Drug stores, barber shops and beauty shops.

Restaurants, fast food restaurants, tea rooms, and taverns.

Banks and other financial institutions.

Plants and garden supply, hardware and paint, and home appliance sales and service stores.

Lumber and building supply (with storage limited to a fully enclosed building).

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Plumbing and electrical supply (with storage limited to a fully enclosed building).

Automobile service stations, subject to the special requirements of this Chapter.

Hotels, motels, tourist homes, and convention centers.

Machinery sales and service (with storage and repair limited to a fully enclosed building).

Photography studios and sales, artist and sculptor studios, art and crafts and handicraft shops, antique shops, reproduction and gift shops.

Corporate, business, governmental, and professional offices.

Doctors, dentist and other medical clinics or offices.

Indoor theaters, museums, and public meeting halls.

Schools, fire stations, post offices, houses of worship and libraries.

Lodges, civic clubs, fraternal organizations and service clubs.

Funeral homes.

Cemeteries.

Gunsmith (excluding shooting ranges).

Feed, seed and farm supply stores.

Wholesale and warehousing (with storage limited to a fully enclosed building).

Marinas, docks, piers, yacht clubs, boat basins, and servicing, repair and sale facilities for the same with sale of fuel in accordance with Section 20-89.

Public billiard parlors, arcades, pool rooms, bowling alleys, dance halls and other indoor centers of amusement.

Wholesale and retail marine or waterfront businesses to include the receipt, storage and transshipment of waterborne commerce, or seafood receiving, packing or distribution.

Radio and television stations, and accessory antenna or towers which are 60 feet or less in height.

Printing and publishing.

Off-street parking as required by this Chapter.

Day care and child care centers.

Apartment or living quarters for a guard, caretaker, proprietor or the person employed on the premises, which is clearly secondary to the commercial use of the property.

Telephone exchanges and telephone switching stations.

Office supply stores, secretarial, and duplicating services.

Health clubs, exercise clubs, fitness centers.

Parking lots and garages.

Veterinary offices.

New and/or rebuilt automotive parts sales (with storage limited to a fully enclosed building).

Contractor's offices with storage of materials and equipment limited to a fully enclosed building.

Section 20-330. Uses Permitted by Special Use Permit Only.

In the B-1, General Business District, buildings to be erected or land to be used for one or more of the following or similar uses shall be permitted only after the issuance of a Special Use Permit by the Board of Supervisors:



Convenience stores with or without the sale of fuel in accordance with Section 20-89 and Section 20-104.

Hospitals and nursing homes.

Antennas and towers in excess of 60 feet in height.

Campgrounds.

Drive-in theaters.

Processing, assembly and manufacture of light industrial products or components; with all storage, processing, assembly and manufacture conducted indoors and under cover; with no dust, noise, odor or other objectionable effect.

Design, research and evaluating laboratories.

Airports.

Sanitary landfills in accordance with Section 20-97, waste disposal, and publicly-owned solid waste container sites.

New or expansion of water impoundments for public or private use of 50 acres or more and dam heights of 25 feet or more.

Outdoor sport facilities.

Theme parks of ten acres or more.

Outdoor centers of amusement.

Petroleum storage.

Vehicle and trailer sales and services (with major repair limited to a fully enclosed building).

Tire, transmission, glass, body and fender and other automotive repair and service (with storage and major repair limited to a fully enclosed building).

Flea markets.

Public or private water and sewer facilities, including but not limited to treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, private connections to existing mains which are intended to serve an individual customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a development, are permitted generally and shall not require a Special Use Permit.

Public or private transmission pipelines, including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, extensions for private connections to existing pipelines, which are intended to serve an individual customer and which are accessory to existing or proposed development, are permitted generally and shall not require a Special Use Permit.

Public or private electrical generation facilities, electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.

Railroad facilities including tracks, bridges and stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way and track and safety improvements in existing railroad rights-of-way, are permitted generally and shall not require a Special Use Permit.

Division 13. Limited Industrial District, M-1

Section 20-351. Uses permitted by special use permit only.

In the Limited Industrial District, M-1, buildings to be erected or land to be used for one or more of the following or similar uses shall be permitted only after the issuance of a Special Use Permit by the Board of Supervisors:

Convenience stores with or without the sale of fuel in accordance with Section 20-89 and Section 20-104.

Day care centers.

Truck stop.

Outdoor sports facilities.

Theme parks of ten acres or more.

Radio stations, television stations, transmission relay stations and communication towers which exceed 60 feet in height.

Petroleum storage.

New or expansion of water impoundments for public or private use of 50 acres or more and a dam height of 25 feet or more.

Sanitary landfills in accordance with Section 20-97 and waste disposal facilities.

Resource recovery facilities.

Airports.

Hospitals.

Lodges, civic clubs, fraternal organizations, service clubs and assembly halls.

Funeral homes.

Commercial marinas, docks, piers, yacht clubs, boat basins and servicing areas for same.

Manufacture of furniture.

Manufacture and sale of glass and glass products.

Manufacture and storage of ice, including dry ice.

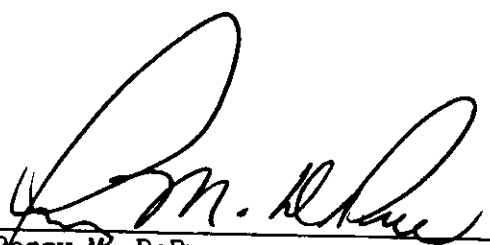
Manufacture, compounding, processing or packaging of food and food products, but not the slaughter of animals.

Public or private water and sewer facilities, including but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, private connections to existing mains, which are intended to serve an individual customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a development, are permitted generally and shall not require a Special Use Permit.

Public or private transmission pipelines, including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, extensions or private connections to existing pipelines, which are intended to serve an individual customer and which are accessory to existing or proposed development, are permitted generally and shall not require a Special Use Permit.

Public or private electrical generation facilities, steam generation facilities, electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.

Railroad facilities including tracks, bridges, switching yards and stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way and track and safety improvements in existing railroad rights-of-way, are permitted generally and shall not require a Special Use Permit.

  
Perry W. DePue  
Chairman, Board of Supervisors

ATTEST:

  
David B. Norman  
Clerk to the Board

SUPERVISOR	VOTE
NORMENT	AYE
TAYLOR	NAY
EDWARDS	AYE
KNUDSON	AYE
DEPUE	NAY

Adopted by the Board of Supervisors of James City County, Virginia,  
this 21st day of May, 1990.

- C. Reemployment - When a former County employee is rehired, the starting salary shall be determined in accordance with A above. Refer to Section 2.14.

Section 4.5 Part-Time Salaries

A part-time employee shall be paid on an hourly basis. The hourly salary shall be determined by dividing the annual salary by the number of hours per year that a full-time employee in that position or class would be required to work. (Rev. 7-1-86)

Section 4.6 Temporary Salaries

An employee in a temporary position shall be paid on an hourly basis. The salary grade shall be determined in the manner described in Section 4.3. The hourly salary shall be determined in the manner described in Section 4.5.

Section 4.7 On-Call Salaries

An employee in an on-call position shall be paid on an hourly basis or a flat rate for a designated work period. The hourly salary or flat rate shall be determined in the same manner as for employees in temporary positions. This section does not apply to any employees in permanent or limited term positions.

Section 4.8 Progression Through the Salary Range (Merit and Merit Bonus Increases)

- A. Merit Review - Each employee's work performance shall be reviewed annually by the supervisor. The review of the employee's performance for the past year shall include, but not be limited to, six-month performance evaluations, attendance records, disciplinary actions, letters of commendation and other information contained in the personnel records. A recommendation as to whether the employee shall receive a merit increase and the amount of such increase shall be based upon the review.
- B. Amount of Increase - If a merit increase is granted, it shall be within the following parameters:
1. Employees within the salary range shall be eligible for a merit increase of up to a designated percent of their salary as set forth in the approved budget. This merit increase may be awarded in 1-2 percent increments. No such merit increase shall cause the salary to exceed the maximum salary for the salary grade.
  2. If a merit increase causes the salary to exceed the maximum of the salary range, the employee will be compensated at the maximum salary and the difference shall be awarded as a lump sum bonus not added to base salary.

3. Employees who have reached the maximum of the salary range shall be eligible for merit bonus steps. There are eight merit bonus steps of 2.25% of the maximum of the salary range. Employees shall continue to have their performance reviewed and will be eligible for a merit increase of up to the same designated percent as other employees, as set forth in the approved budget.
    - a. Based upon the recommended percent of merit increase, up to 2.25% of the maximum of the salary range shall be added to base salary. Should the percentage of merit increase exceed 2.25%, the difference shall be awarded as a lump sum bonus not added to base salary.
    - b. Should the recommended percent of merit increase be less than 2.25%, only that amount shall be added to base salary.
  4. Employees who have received eight merit bonus steps shall continue to receive an annual performance review and are eligible for a merit increase of up to the same designated percent as other employees. The recommended percent shall be calculated as a percentage of the maximum of the salary range and awarded as a total lump sum bonus not added to base salary. There shall be no limit on the number of years an employee is eligible to receive a merit increase payment.
  5. Lump sum bonus payments may be converted or used to contribute toward other benefits, should the County offer such options.
- C. Merit Increase Date - The date of the first day of the pay period in which an employee was initially employed in a permanent or limited term position shall be the effective date for the employee's annual merit increases.
1. The merit increase date shall not be changed as a result of reclassification, promotion, career ladder advancement, transfer, or voluntary demotion.
  2. The merit increase date shall be deferred one calendar month for each period of 30 consecutive calendar days during which the employee is absent from the office of the County without pay.
  3. The merit increase date may be administratively changed by the County Administrator for reasons including, but not limited to, the following:

- a. Disciplinary demotion
- b. Condition of employment
- c. Reinstatement
- d. Reemployment

Section 4.9 Changes in Salary Grade

- A. Promotion - When an employee is promoted, the employee's salary shall be increased in the following manner:
1. to the greater of the minimum salary of the higher class or 5% above the present salary if the new grade is one or two grades higher than the employee's current grade, or
  2. to the greater of the minimum salary of the higher class or 10% above the present salary if:
    - a. the new grade is three or more grades higher than the employee's current grade, or
    - b. the employee is promoted from a non-exempt to an exempt or from a non-supervisory to a supervisory position.

Exceptions may be granted by the County Administrator.

- B. Career Ladder Advancement - When an employee receives a career ladder advancement, the employee's salary shall be increased to the minimum salary of the higher class, or to 5% above the present salary, whichever is greater.
- C. Transfer - There shall be no change in salary as the result of a lateral transfer.
- D. Demotion - When an employee is demoted, the employee's salary shall be determined by the Personnel Manager and shall fall within the salary range to which the lower class is assigned.

Disciplinary demotions shall always be accompanied by a reduction in salary as provided in Chapter 7 Standards of Conduct, Section 7.5C (5).

- E. Reallocations
1. Reallocation Upward - When a position is reclassified upward, the employee's salary shall change in the same manner as in a promotion, as outlined in A above. The provisions shall not apply to allocation changes resulting from special systemwide studies. In such instances, the Board of Supervisors, upon recommendation from the County Administrator, shall determine the manner of salary adjustments. Exceptions may be granted by the County Administrator.