

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 4TH DAY OF FEBRUARY, NINETEEN HUNDRED NINETY-ONE, AT 7:03 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Thomas K. Norment, Jr., Chairman, Roberts District
Judith N. Knudson, Vice Chairman, Jamestown District

Perry M. DePue, Powhatan District
Jack D. Edwards, Berkeley District
Stewart U. Taylor, Stonehouse District
David B. Norman, County Administrator
Frank M. Morton, III, County Attorney

B. PRESENTATION - Historical Commission, Kevin Kelly

Mr. Kevin Kelly, Chairman of the Historical Commission, detailed the Commission's recent achievements, and highlighted future goals including research of County history, creation of criteria for selection of historic sites, and an inventory of buildings that have been standing 50 years or more.

Mr. Norment recognized in the audience leaders and members of Scout Troup 235 from the Kingsmill area, who were working on their Citizenship and Community merit badge.

C. MINUTES - January 22, 1991

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

Mr. Edwards made a motion to approve the minutes with correction on page 4 as distributed.

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

D. CONSENT CALENDAR

Mr. Norment asked if any Board member wished to remove an 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. Dedication of Streets, Drummond's Field, Section 2, First Settler's Landing and Drummond's Quarters on the James

R E S O L U T I O N

DEDICATION OF STREETS IN DRUMMOND'S FIELD, SECTION 2,

FIRST SETTLER'S LANDING AND DRUMMOND'S QUARTERS ON THE JAMES

WHEREAS, the developer of Drummond's Field, Section 2, First Settler's Landing and Drummond's Quarters on the James, has requested the Board of Supervisors to include certain streets in the State Secondary Highway System; and

WHEREAS, the Board of Supervisors desires certain streets in Drummond's Field, Section 2, First Settler's Landing and Drummond's Quarters on the James to be included in the State Secondary Highway System, provided these streets meet with the requirements of the Virginia Department of Transportation, and providing that any alterations, corrections, or other matters that might be found desirable by the Virginia Department of Transportation are made within a ninety (90) day period from the date that the Virginia Department of Transportation makes its final inspection.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Virginia Department of Transportation be, and is hereby respectfully requested, contingent on the above, to include the following streets in Drummond's Field, Section 2, First Settler's Landing and Drummond's Quarters on the James, Jamestown Election District, James City County, in the State Secondary Highway System:

1. Derby Lane, 50-foot right-of-way
 From: State Route 614 (Greensprings Road)
 To: End of cul-de-sac
 Distance: 2,825 feet (0.53 mile)

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

Drummond's Field, Section 2, recorded in Plat Book 41, Pages 71 and 72, dated November 19, 1985; First Settler's Landing, recorded in Plat Book 41, Page 51, dated September 30, 1985; and Drummond's Quarters on the James, recorded in Plat Book 46, Page 96, dated November 2, 1987.

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

2. Colonial Group Home Commission

R E S O L U T I O N

COLONIAL GROUP HOME COMMISSION

WHEREAS, the Board of Supervisors of James City County, Virginia, nominates individuals for appointment to the Colonial Group Home Commission through the Juvenile and Domestic Relations Court; and

WHEREAS, a vacancy exists for the remainder of a four-year term, effective February 28, 1990, to February 28, 1994.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, appoints Anthony Conyers, Jr., to serve on the Colonial Group Home Commission.

E. PUBLIC HEARINGS

1. Case No. Z-4-90 and SUP-12-90. Lether Investments (continued from April 2, 1990)

Mr. O. Marvin Sowers, Jr., Director of Planning, reported that this case was postponed at the April 2, 1990, meeting.

Mr. Sowers stated that Mr. Vernon Geddy, III, had applied on behalf of Lether Investments to rezone approximately 50.9 acres, with proffers, located on the north side of John Tyler Highway, approximately 2,700 feet west of Five Forks, from R-8, Rural Residential to R-1, Limited Residential, further identified as Parcels (1-30), (1-31) and (1-32) on James City County Real Estate Tax Map No. (46-2). He further stated that the applicant had applied for a special use permit to allow the development of this parcel under the Residential Cluster section of the Zoning Ordinance.

Mr. Sowers explained that the proposal was substantially consistent with the Comprehensive Plan, surrounding development and zoning. He further stated that the applicant had provided adequate protection of the environmental sensitivity of the site, addressed the traffic impacts, and provided a greenbelt that was generally consistent with the adopted greenbelt policy.

In concurrence with staff, the Planning Commission, at its March 13, 1990, meeting recommended approval of the rezoning and special use permit with conditions listed in the resolution.

Mr. Norment opened the public hearing.

1. Vernon Geddy, III, Esq., stated no changes had been made to the applications and responded to the Board's comments regarding greenbelts; cluster housing; developer would make decision on construction market; and he requested approval of the rezoning and special use permit.

Mr. Norment closed the public hearing.

1. Mr. Jack Angle, 113 Falling Creek Circle, spoke in opposition to the rezoning because of topography and the crowding of cluster housing on small lots.

2. Mr. George Wright, 148 Cooley Road, stated that Route 5 should be retained as a two-lane scenic byway without loss of aesthetic value by rapid development and increased traffic.

Mr. Taylor expressed his appreciation to staff for their reasons for recommending approval of the case, and made a motion to approve the rezoning and the special use permit.

After further discussion by the Board on various concerns, Mr. Geddy asked for additional time until the next Board of Supervisors' meeting to answer Board issues.

Mr. Frank M. Morton, III, County Attorney, advised the Board that action had to be taken within a year of the application date.

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

2. Case No. S0-2-90. Family Subdivision Amendments

Mr. Allen J. Murphy, Jr., Principal Planner, stated that legislation adopted by the State in 1990, allowed the County to place additional requirements on family subdivisions. He explained that the Ordinance amendments proposed a time period of three years within which a family lot must be retained in the immediate family, exclusion of transfer of lots between spouses, but retaining the ability to create lots for offspring or parents of the owner, and a requirement that offspring granted lots must be 18 years of age or older or emancipated minors as defined by State Code.

On January 8, 1991, the Planning Commission unanimously recommended approval of the amendments.

Mr. Norment opened the public hearing.

1. Mr. Gene Farley, Post Office Box 430, Toano, asked for consideration of a provision to allow clustering of family dwelling units such that overall density for entire parcels would not exceed one family unit of 3 acres. He noted that would also preserve green space and environmentally sensitive areas.

Mr. Norment closed the public hearing.

Mr. DePue commended staff for the proposed amendments, and made a motion to approve Case No. SO-2-90.

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

F. PUBLIC COMMENT - None

G. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. David Norman, County Administrator, recommended an executive session pursuant to Section 2.1-344(a)(1)(7) of the Code of Virginia to discuss personnel matters including appointment of individuals to County Boards and/or Commissions and a specific legal matter.

I. BOARD REQUESTS AND DIRECTIVES

Mr. Norment reported on Roundtable, a new program on Cable Television Channel 38, and expressed hope that the program would be successful.

Mr. Norment announced that on February 7, 1991, at 7:00 p.m. in Government Complex Board Room, the first live call-in show with panelists, Supervisor Jack Edwards, Solid Waste Engineer David Clark and Recycling Coordinator Jennifer Privette, answering questions from callers on recycling. He extended an invitation to citizens to attend and ask questions in person.

Mr. Norment requested staff to respond to letters received from concerned citizens regarding changes to the Handi-Transit schedules.

Mr. Norment extended an invitation to Board members from the Comprehensive Plan Steering Committee to attend meetings each Tuesday at 4:00 p.m. in the Government Center Board Room, and stated Board input would be welcomed by that committee.

In response to citizen comments made during the Public Comment segment of the agenda, Mr. Norment requested staff continue to follow-up questions raised at that time during Board meetings.

Mr. Norment, on behalf of the Board, applauded the efforts of the Engineering staff for the Erosion and Sedimentation Control program.

Mr. DePue echoed Mr. Norment's comments.

Mr. Morton advised the Board that his ruling on Case Nos. Z-4-90 and SUP-12-90 was in error and that a member of the Board, who voted on the prevailing side, could make a motion for reconsideration of those cases.

Mr. Norment made a motion to reconsider Case Nos. Z-4-90 and SUP-12-90.

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

Mr. Norment made a motion to postpone Case Nos. Z-4-90 and SUP-12-90 until the February 19, 1991, Board of Supervisors meeting as requested by the applicant.

Mr. Paul Small, AES, stated that two weeks would be sufficient to respond to Board concerns.

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

Mr. Norment made a motion to convene into executive session for the purposes stated by the County Administrator at 8:42 p.m.

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

Mr. DePue left the meeting at 9:14 p.m.

Mr. Norment made a motion to approve the executive session resolution.

On a roll call, the vote was: AYE: Taylor, Edwards, Knudson, Norment (4). NAY: (0). ABSENT: DePue (1).

R E S O L U T I O N

MEETING DATE: February 4, 1991

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.

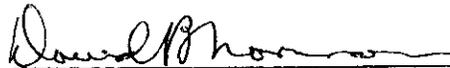
Mr. Norment made a motion to appoint Anne C. Stevens to the Clean County Commission for a three-year term, expiration date February 4, 1994.

On a roll call, the vote was: AYE: Taylor, Edwards, Knudson, Norment (4). NAY: (0). ABSENT: DePue (1).

Mr. Norment made a motion to adjourn.

On a roll call, the vote was: AYE: Taylor, Edwards, Knudson, Norment (4). NAY: (0). ABSENT: DePue (1).

The Board adjourned at 9:15 p.m.



David B. Norman
Clerk to the Board

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FEB 4 1991

ORDINANCE NO. 30A-19

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 17, SUBDIVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I. GENERAL PROVISIONS, SECTION 17-17. SPECIAL PROVISIONS FOR FAMILY SUBDIVISIONS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 17, Subdivisions, is hereby amended and reordained by amending Section 17-17. Special Provisions for Subdivisions.

Chapter 17. Subdivisions

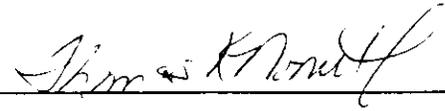
Article I. General Provisions.

Section 17-17. Special Provisions for Family Subdivisions.

A single division of a lot or parcel is permitted for the purpose of sale or gift to a member of the immediate family of the property owner. For the purposes of this section, a member of the immediate family is defined as any person who is a natural or legally defined offspring, eighteen years of age or older or an emancipated minor under Virginia Code Section 16.1-331 et. seq., or parent of the owner. Such subdivision shall be subject only to the following provisions:

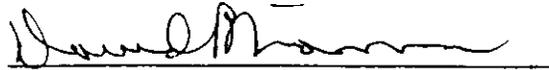
1. Only one such division shall be allowed per family member, and shall not be made for the purpose of circumventing this chapter. Lots created under this section shall be titled in the name of the immediate family member for whom the subdivision is made for a period of no less than three years unless such lots are subject to an involuntary transfer such as foreclosure, death, judicial sale, condemnation or bankruptcy.

2. The minimum width, yard, and area requirements of all lots, including the remaining property from which the lot is subdivided, shall be in accordance with the Zoning Ordinance. Land proposed for subdivision shall be suitable for platting in accordance with Section 17-32.
3. For property not served with public water and public sewer, each lot shall have its septic tank system and water source approved by the Health Department and shall be shown on the subdivision plat.
4. Each lot or parcel of property shall front a road which is part of the Transportation Department road system or shall front upon a private drive or road which is in a right-of-way twenty feet in width. Such right-of-way shall remain private and shall include a driveway within it consisting of, at a minimum, an all weather surface of rock, stone or gravel, with a minimum depth of three inches and a minimum width of ten feet. The right-of-way shall be maintained by the adjacent property owners in a condition passable at all times. The provision of an all-weather drive shall be guaranteed in accordance with Section 17-68. An erosion and sediment control plan with appropriate surety shall be submitted for approval if the proposed right-of-way and drive construction disturbs more than 2,500 square feet.
5. The corners of all lots created by Family Subdivisions shall be marked with iron pipes as provided for in Section 17-35.
6. A final subdivision plan shall be submitted to the agent for approval as provided in Section 17-29 of this chapter along with an affidavit describing the purposes of the subdivision and identifying the members of the immediate family receiving the lots created. Any plan submitted shall be subject to the fee set forth in Section 17-15.
7. The above requirements shall be set forth in a subdivision agreement approved by the County Attorney and recorded in the Circuit Court Clerk's office for the City of Williamsburg and County of James City.



Chairman, Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
DEPUE	AYE
TAYLOR	NAY
EDWARDS	AYE
KNUDSON	AYE
NORMENT	AYE

Adopted by the Board of Supervisors of James City County, Virginia,
this 4th day of February, 1991.

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