

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 2ND DAY OF NOVEMBER, NINETEEN HUNDRED NINETY-TWO, AT 7:02 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA. 193

A. ROLL CALL

Jack D. Edwards, Chairman, Berkeley District
Judith N. Knudson, Vice Chairman, Jamestown District

Perry M. DePue, Powhatan District
David L. Sisk, Roberts District
Stewart U. Taylor, Stonehouse District
David B. Norman, County Administrator
Frank M. Morton, III, County Attorney

B. PRESENTATION

1. Virginia Municipal League (VML) Achievement Awards - Human Development and Intergovernmental Cooperation

Mr. David B. Norman, County Administrator, read a brief description of the Stepping Stones Self-Esteem Group program and Mr. Edwards presented the VML award to Mr. Anthony Conyers, Jr., Manager of Community Development.

Mr. Norman read a brief description of the Hampton Roads area local government communicators' efforts to increase citizen and media awareness of public issues, and Mr. Edwards presented the VML award to Ms. Veda McMullen, Communications Assistant.

Mr. Edwards expressed the Board's appreciation for the hard work done on these important projects.

C. MINUTES - October 21, 1992

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

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

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

D. CONSENT CALENDAR

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

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

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

1. Regional Issues Committee Projects - Regional Bikeway Plan

R E S O L U T I O N

REGIONAL BIKEWAY PLAN

WHEREAS, the Regional Issues Committee was established by the Counties of James City and York, and the City of Williamsburg as an outgrowth of the Williamsburg Regional Growth Commission; and

WHEREAS, the Regional Issues Committee has successfully undertaken projects and plans of significance and interest; and

WHEREAS, the Regional Issues Committee has recommended that the development of a Regional Bikeway Plan be the next project of this regional body; and

WHEREAS, the development of bicycle facilities is an objective in the Comprehensive Plans of each of the three jurisdictions.

NOW, THEREFORE, BE IT RESOLVED that the Regional Issues Committee is hereby authorized to develop a Regional Bikeway Plan at a cost not to exceed \$2,500 per jurisdiction, and present it, upon completion, to the Planning Commissions and governing bodies of the three jurisdictions.

2. Early Intervention Month - November 1992

P R O C L A M A T I O N

EARLY INTERVENTION MONTH - NOVEMBER 1992

WHEREAS, our children are our most precious resource and represent the future hope for Virginia and the nation; and

WHEREAS, we share, as a community, a responsibility to protect our children, to provide support for their families, to contribute to their physical and emotional well-being, and to ensure that each child has a fair and equal chance to develop to his or her full potential; and

WHEREAS, there are infants and very young children in the County of James City, Virginia, who are experiencing delays in their development due to a variety of conditions and, therefore, early detection and treatment of these conditions is critical to the health and well-being of these children and their families; and

WHEREAS, James City County is fortunate to have within its community, programs that have been established to provide help to children with developmental delays and to their families through early intervention; and

WHEREAS, Child Development Resources, in close collaboration with its colleagues on the Interagency Council for Young Children, has undertaken a program aimed at supporting and encouraging efforts to identify children in need and to provide them and their families with the care and services they need such that they may lead healthy, productive and happy lives; and

WHEREAS, the Commonwealth of Virginia has recognized the importance of services for infants and young children by designating the month of November each year as Early Intervention Month.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby designates November 1992, as EARLY INTERVENTION MONTH in the County of James City in recognition of the importance of early intervention efforts and calls on all citizens of James City County to recognize the significance of early intervention services.

E. PUBLIC HEARINGS

1. Case No. MP-2-92. Governor's Land Master Plan Amendment

Mr. R. Patrick Friel, Senior Planner, stated that Mr. Jerry Moore had applied on behalf of Governor's Land Associates to amend the master plan and proffers for the Governor's Land at Two Rivers Planned Community, to consist of a golf course and 722 dwelling units, zoned R-4, Residential Planned Community, located south of Route 5 in western James City County, further identified as Parcel (1-16) on James City Real Estate Tax Map No. (44-2).

In concurrence with staff, the Planning Commission unanimously recommended approval of the proposed amendment for the reasons that most of the proposed amendments are minor in nature and either clarify Governor's Land's responsibilities or provide flexibility to the developer and County; will ultimately provide for the Route 5 diversion by allowing the Board of Supervisors' approval of a funding plan based on direct contributions on a per lot basis or based on partial Virginia Department of Transportation funding; and, the environmental sensitivity of the site would continue to be adequately protected.

Mr. Edwards opened the public hearing.

1. Mr. Jerry Moore, representing Governor's Land Associates, thanked the staff and stated that the proposed changes would allow development of high quality housing and create flexibility of number of units in the 4 land bays.

2. Ms. Jane Carroll, 2894 John Tyler Highway, spoke in opposition to the ordinance amendment, and asked for time so that the Route 5 Association could review the changes.

Mr. Edwards closed the public hearing.

Without objection, Mr. Edwards deferred the Master Plan amendment to allow time for further review of the case until the November 16, 1992 Board of Supervisors' meeting.

2. Case No. AFD-4-86. Pates Neck Agricultural and Forestal District

Mr. Friel stated that the Pates Neck Agricultural and Forestal District consisted of 624.297 acres located generally south of Little Creek Dam Road and east of Menzel's Road, further identified

as Parcel (1-1) on James City County Real Estate Tax Map No. (20-4). Mr. Friel further stated that the applicant had requested in writing that the property be placed in the district for 8 years.

In concurrence with staff and the Agricultural and Forestal Districts Advisory Committee, the Planning Commission unanimously recommended approval of the continuation of the District for 8 years with restrictions listed in the ordinance.

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

Mr. Taylor made a motion to approve the ordinance.

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

3. Case No. ZO-10-92. Zoning Ordinance Amendment, Section 20-48./Site Plans

Ms. Elizabeth Friel, Senior Planner, stated that Thomas Book, Susan Broaddus, Toby Roth and Randy Rowlett, The College of William and Mary Marshall-Wythe School-of-Law students, had prepared the ordinance amendment. She introduced Mr. Randy Rowlett.

Mr. Rowlett stated that the General Assembly had amended Code Section 15.1-475, retroactive to January 1, 1992, to extend the term of validity for final site plans and subdivision plats from 1 year to not less than 5 years.

The Board discussed whether the time period could be changed.

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

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

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

4. Ordinance Amendment, Chapter 13, Offenses - Miscellaneous, Sections 13-10 and 13-11. Curfew for Minors

Mr. Leo P. Rogers, Assistant County Attorney, stated that Paul Phillips, Jonathon Belcher and Dennis Nagel, The College of William and Mary School-of-Law students, had prepared the ordinance amendment. Mr. Rogers introduced Mr. Paul Phillips.

Mr. Phillips stated that the ordinance amendment would require written consent from a parent, guardian, or custodian if minor was engaged in emergency errand or business activity, and created exceptions of minor traveling to or from lawful employment and of minor attending a County, school or church activity.

The Board questioned whether area localities had similar ordinances, and whether the definition of minor could be changed to exclude those 17 years of age.

Mr. Edwards opened the public hearing.

1. Mr. Bill Wilson stated an example of Prom Night as one that if a 17-year-old person lived across the County from his/her date for the event, being off the street by midnight would be almost impossible.

2. Mr. Lawrence Beamer, stated that he felt a 17-year-old college freshman should be allowed to be out after midnight.

Mr. Edwards closed the public hearing.

Mr. Frank M. Morton, III, County Attorney, stated that staff would review lowering the age in the ordinance.

Without objection, Mr. Edwards deferred the case until the Police Chief could provide additional information.

F. BOARD CONSIDERATION

1. Route 5 Funding Plan

Mr. John T. P. Horne, Manager, Development Management, stated that two primary items to be resolved is completion of an acceptable Board of Supervisors' resolution creating the Transportation Improvement District and final Commonwealth Transportation Board (CTB) action on its participation in funding plan. He explained the discussion of County participation in the funding at the October CTB meeting included: 1) the use of secondary funds; 2) using primary allocation designated for Route 199 or Grove Interchange; and, 3) other forms of financial participation either from direct County monies or through revenue sharing process.

Mr. Horne further stated the item would be on the Board of Supervisors' agenda for the December 7, 1992, meeting.

The Board unanimously expressed its unwillingness to use secondary road funds for the project.

Mr. Edwards directed staff to continue working in the same direction.

G. PUBLIC COMMENT

Mr. Edwards invited the audience to speak and noted the Comprehensive Plan public hearing would be scheduled for the December 7, 1992, Board of Supervisors' meeting.

1. Mr. Charlie Crawford, 7849 Church Lane, Toano, emphatically stated that he did not intend to build a strip mall with 7 shops, and asked for Board approval of mixed use designation of his property so that he could build an antique shop, a carpet store, and his residence.

2. Mr. Bruce Daniels, resident of Burnham Woods for 12 years, spoke of concern for drainage problems of property if developed with 7 dwellings.

3. Mr. Dennis Watson spoke in opposition to the Comprehensive Plan change, stating that Old Stage Road was unacceptable for additional commercial traffic for safety reasons.

4. Mr. Jack Ford, 112 Old Stage Road, spoke in opposition to businesses in his residential neighborhood and stated a signed petition would be forthcoming.

Mr. Horne stated Board action would be required on specific items of the Comprehensive Plan and those items would be brought forward as a public hearing on December 7, 1992.

2. Mr. Lawrence Beamer, stated that he felt a 17-year-old college freshman should be allowed to be out after midnight.

Mr. Edwards closed the public hearing.

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Mr. Edwards recognized the audience wishing to speak on the Season's Trace/Wood Duck Commons issue.

1. Ms. Sue Dugger, 709 Autumn Trace, asked the Board to consider relocation of the development of lower-income homes from the Season's Trace middle-income neighborhood to preserve property values.

2. Mr. Hunter Bristow, 112 Southeast Trace, asked the Board to consider the issues of type of houses, density, maintenance of roads, and ramifications of Clean Water Act and Chesapeake Bay Preservation Act on site plans.

3. Ms. Linda Tiexeira, 904 Wood Duck Commons, asked for Board support to retain property values in Wood Duck Commons.

4. Mr. George Parker, 32 Spring East, President of Multi-Family Homes Association of Season's Trace, stated residents were concerned about values of their homes, not race or class of prospective buyers. He asked the Season's Trace residents in the audience to stand and show their support of opposition.

5. Mr. David Hertzler, 101 Mattaponi Trail, spoke to the difference in the design of houses he built and those built by current developer.

6. Vernon Geddy, Esq., representing Nicholson Homes, stated he and Mr. Tommy Nicholson were available to answer questions.

Mr. DePue emphasized that no racial comments had been made by any person during meetings and conversations. Mr. DePue stated that at the appropriate time he would recommend effective immediately, the termination of the Board support for the Affordable Housing Incentive Program (AHIP) as it related to Wood Duck Commons. He explained his concerns regarding the issue of the County actively promoting affordable single-family housing on private streets. Mr. DePue further stated that the program prequalified buyers, referred the names to the developers, reduced the cost of houses, involved no real estate agents, and guaranteed buyers for the developer. He asked the Board for comments and to consider the information for action at the next meeting.

The Board and staff discussed private streets in multifamily, townhouse, or single-family areas and the impact on other AHIP areas of the County.

Mr. Edwards clarified the issues as: 1) disparity of value of homes; and, 2) the County's role in private streets. He stated the issue would be brought forward at the November 16, 1992, Board of Supervisors' meeting.

7. Mr. Ed Oyer, 139 Indian Circle, told the audience of an example where the developer was required by a civil suit to adhere to the restrictive covenant of the subdivision.

8. Ms. Tiexeira thanked Mr. DePue for his professionalism throughout the discussions.

9. Mr. Tommy Nicholson commented that development projects are placed on a list and applicants select the project.

H. REPORTS OF THE COUNTY ADMINISTRATOR - None

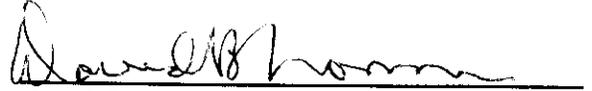
I.

BOARD REQUESTS AND DIRECTIVES - None

Mr. Sisk made a motion to adjourn.

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

The Board adjourned at 9:21 p.m.



David B. Norman
Clerk to the Board

Nov16Bos.N02

ORDINANCE NO. 166A-1

NOV 2 1992

CONTINUATION OF PATES NECK
AGRICULTURAL AND FORESTAL DISTRICT

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

(AFD-4-86)

WHEREAS, James City County has completed a review of the Pates Neck Agricultural and Forestal District; and

WHEREAS, in accordance with Section 15.1-1511(F) of the Code of Virginia, property owners have been notified, public meetings have been held, public hearings have been advertised, and public hearings have been held on the continuation of the Pates Neck Agricultural and Forestal District; and

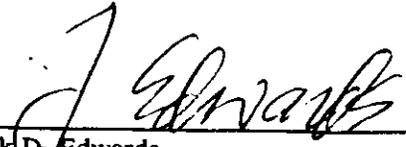
WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its meeting on September 22, 1992, recommended approval of the application; and

WHEREAS, the Planning Commission following its public meeting on October 13, 1992, recommended approval of the application.

NOW THEREFORE BE IT ORDAINED:

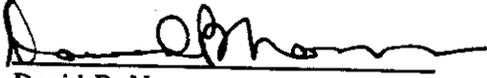
1. That the Pates Neck Agricultural and Forestal District is hereby continued for a period of eight years beginning the 17th day of November, 1992, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.1-1506 et. seq.
2. That the district shall include the following parcels:

(20-4)(1-1) Pates Neck Timber Company 624.297 ac.
3. That pursuant to Virginia Code, Section 15.1-1512, as amended, the Board of Supervisors requires that no parcel in the Pates Neck Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
 - a. The subdivision of land is to be limited to parcels of 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family; provided however, that the property owner shall be permitted to construct a new dwelling for his own use on the property.
 - b. No land within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than 6 months prior to the expiration of the district.
 - c. No Special Use Permit shall be issued except for agricultural, forestal or other activities and uses consistent with State Code Section 15.1-1506 et. seq., which are not in conflict with the policies of this district.



Jack D. Edwards
Chairman, Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

SUPERVISOR VOTE

DEPUE	AYE
TAYLOR	AYE
SISK	AYE
KNUDSON	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 2nd day of November, 1992.

AFD4-86.res

ADOPTED

NOV 2 1992

ORDINANCE NO. 31A-147

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 II, SITE PLAN, BY AMENDING SECTION 20-48, FINAL APPROVAL--TERM OF VALIDITY; TO ALLOW THIS SECTION TO CONFORM TO STATE CODE.

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 amending Section 20-48, Final Approval--Term of Validity; to change the term of validity for approved site plans from one year to five years.

ARTICLE II. SITE PLAN

Section 20-48. Final plan--term of validity.

Final approval of a site plan submitted under the terms of this Article shall expire ~~1~~ *five* years after the date of such approval. During that period all building permits shall be obtained or the development shall be put into use. When building permits have been issued, the site plan approval shall run concurrently with the building permit term of validity for only those improvements covered by a permit.

The approved final site plan shall be valid for a period of five years from the date of approval. For so long as the final site plan remains valid in accordance with the provisions of this Section, no change or amendment to any County ordinance, map, resolution, policy or plan adopted subsequent to the date of approval of the final site plan shall adversely affect the right of the developer

Ordinance to Amend and Reordain
Chapter 20. Zoning
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or successor in interest to commence and complete an approved development in accordance with the lawful terms of the site plan unless there has been a mistake, fraud or a change in circumstances substantially affecting the public health, safety or welfare.

Application for minor modifications to approved site plans made during the five year term of validity shall not constitute a waiver of provisions of this Section nor shall the approval of such minor modifications extend the period of validity. Any minor modification shall be made in accordance with Section 20-49.

The provisions of this Section shall not be construed to affect any litigation nonsuited and thereafter refiled, the authority of the governing body to impose valid conditions upon approval of any special use permit, conditional use permit or special exception, the application to parcels of land subject to final site plans, to the greatest extent possible, of the provisions of Chapter 19B, Chesapeake Bay Preservation, or any County ordinance adopted to comply with the requirements of the federal Clean Water Act Section 402 (p.) Stormwater Program and regulations promulgated thereunder by the Environmental Protection Agency.

Ordinance to Amend and Reordain
Chapter 20. Zoning
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Jack D. Edwards
Chairman, Board of Supervisors

ATTEST:



David B. Norman
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
DEPUE	AYE
TAYLOR	AYE
SISK	AYE
KNUDSON	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 2nd day of November, 1992.

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