

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 3RD DAY OF JANUARY, NINETEEN HUNDRED NINETY-FOUR, AT 5:02 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

**A. ROLL CALL**

Stewart U. Taylor, Vice Chairman, Stonehouse District  
 Robert A. Magoon, Jr., Jamestown District  
 Perry M. DePue, Powhatan District  
 Jack D. Edwards, Berkeley District  
 David L. Sisk, Roberts District  
 David B. Norman, County Administrator  
 Frank M. Morton, III, County Attorney

**B. EXECUTIVE SESSION**

Mr. Taylor, Vice Chairman, called the meeting to order.

Mr. DePue made a motion to convene into executive session pursuant to Section 2.1-344(A)(1)(7) to consider personnel matters, appointments and to consult with legal and staff members on a specific legal matter.

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

Mr. Taylor reconvened the Board into open session.

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

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

Mr. Taylor recessed the Board at 6:00 p.m. for dinner.

**RESOLUTION**

MEETING DATE: January 3, 1994

**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.

**C. ORGANIZATIONAL MEETING**

Mr. Taylor reconvened the Board into open session at 7:00 p.m.

On a roll call, all members were present.

Mr. Taylor called for nominations for Chairman and made a motion to appoint Mr. DePue as Chairman for 1994.

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

Mr. DePue thanked the Board for the opportunity to serve as Chairman and introduced the new Jamestown District Supervisor, Robert A. Magoon, Jr.

Mr. DePue asked for nominations for Vice Chairman.

Mr. Edwards made a motion to appoint Mr. Sisk as Vice Chairman.

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

Mr. Sisk made a motion to approve the Organizational resolution and Board calendar for 1994.

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

Mr. DePue recessed the Board for a James City County Transit meeting at 7:06 p.m.

Mr. DePue reconvened the Board of Supervisors at 7:09 p.m.

Mr. DePue read the appointments of Board members to Boards and Commissions:

Williamsburg Area Chamber of Commerce	Edwards
Virginia Peninsula Chamber of Commerce	DePue
Community Action Agency	Edwards/Tony Conyers
	Sisk/John O'Hare
	DePue/Rev. J. Moody
Courthouse Committee	Edwards
Hampton Roads Planning District Commission	Magoon
Williamsburg Area Medical Assistance Corp.	Edwards
Regional Issues Committee	Magoon
School Liaison Subcommittee	DePue/Sisk
Virginia Peninsula Economic Development Council	(DePue - 1-1/2 mo.)/Magoon
Library Committee	Edwards/Sisk
Airport Blue Ribbon Commission	Sisk
Drug Free Schools Advisory Committee	DePue
Local Emergency Preparedness	DePue
Farmers Advisory Committee	Taylor
Joint Sanitary District No.1 Board	Sisk/Magoon
Pamunkey River Study Committee	Taylor
Richmond Road Sub-Area Study Group	DePue

Mr. Taylor made a motion to approve the appointment of Board members to Boards and Commissions.

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

**D. MINUTES - December 20, 1993**

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

Mr. Taylor made a motion to approve the minutes.

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

**E. CONSENT CALENDAR**

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

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

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

1. Trash and Grass Liens: Glen and Louemia Tawney, 4605 Rochambeau Drive and Perpetual Savings of Alexandria, 7661 Turlington

**RESOLUTION**

**CODE VIOLATION LIEN**

WHEREAS, the Director of Code Compliance has certified to the Board of Supervisors of James City County, Virginia, that the property owners as described below have failed to pay a bill in the amount listed, for cutting of grass and weeds or removal of trash and debris, although the County has duly requested payment; and

WHEREAS, the unpaid and delinquent charges are chargeable to the owner and collectible by the County as taxes and levies and constitute a lien against the Property.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that in accordance with Sections 7-4 and 7-5 of the Code of the County of James City, Virginia, the Board of Supervisors directs that the following delinquent charges for services rendered, plus interest at the legal rate from the date of recordation until paid, shall constitute a lien against the Property to wit:

Cleaning of Trash/Debris and/or Cutting of Grass, Weeds, etc.:

ACCOUNT: Glen and Louemia Tawney  
4605 Rochambeau Drive  
Williamsburg, VA 23188-7115

DESCRIPTION: 4605 Rochambeau Drive  
 TAX MAP NO.: (14-3)(04-0-0008- )  
 James City County, Virginia

AMOUNT DUE: \$75.00

## **RESOLUTION**

### **CODE VIOLATION LIEN**

WHEREAS, the Director of Code Compliance has certified to the Board of Supervisors of James City County, Virginia, that the property owner as described below has failed to pay a bill in the amount listed, for cutting of grass and weeds or removal of trash and debris, although the County has duly requested payment; and

WHEREAS, the unpaid and delinquent charges are chargeable to the owner and collectible by the County as taxes and levies and constitute a lien against the Property.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that in accordance with Sections 7-4 and 7-5 of the Code of the County of James City, Virginia, the Board of Supervisors directs that the following delinquent charges for services rendered, plus interest at the legal rate from the date of recordation until paid, shall constitute a lien against the Property to wit:

Cleaning of Trash/Debris and/or Cutting of Grass, Weeds, etc.:

ACCOUNT: Perpetual Savings of Alexandria  
 P.O. Box 1433  
 Alexandria, VA 22313

DESCRIPTION: 7661 Turlington  
 TAX MAP NO.: (22-2)(04-0-0005- )  
 James City County, Virginia

AMOUNT DUE: \$75.00

## **F. PUBLIC HEARINGS**

### **1. Pre-Budget**

Mr. John E. McDonald, Manager, Financial Management and Services, stated that the public hearing solicited public comment and recommendations for the budget year beginning July 1, 1994, and extending through June 30, 1995.

Mr. DePue opened the public hearing.

1. Ms. Ann Bradshaw, on behalf of the Norge Parent-Teacher Association, spoke in support of the March 1994 School Bond Referendum and the renovation of Norge Elementary School to meet the higher education standards being set for the entire school system.

2. Mr. Ed Oyer, 139 Indian Circle, spoke of taxes increasing at all levels and of concerns about upcoming capital projects and the amount of debt service.

Mr. DePue closed the public hearing.

2. Case No. ZO-2-93. Ordinance Amendment/Office Uses Requiring a Special Use Permit Section 20-104 (continued from 4/5/93)

Mr. Jeffrey J. Mihelich, Senior Planner, stated that the amendment would encourage additional economic development and provide developers with additional flexibility. He further stated that the amendment was consistent with the Comprehensive and Strategic Plans.

In concurrence with staff, the Planning Commission unanimously recommended approval.

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

Mr. DePue made a motion to approve the Ordinance amendment.

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

3. Case No. ZO-7-93. Special Provisions for Townhouses and Condominiums

Mr. O. Marvin Sowers, Jr., Director of Planning, stated that the proposed amendment would require streets and parking areas in townhouse and condominium developments to be constructed to meet administrative guidelines prepared by the County Engineer.

In concurrence with staff, the Planning Commission unanimously recommended approval.

Mr. DePue 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: Magoon, Edwards, Sisk, Taylor, DePue (5). NAY: (0).

4. Case No. Z-11-93. Design Master Associates

Mr. Sowers introduced Mr. Mark Bittner, Planner, who stated that Mr. Glen Duff had applied on behalf of Messrs. Dan and Cecil Nice, property owners, to rezone a portion of a larger parcel, approximately .75 acres, from R-1, Limited Residential, to B-1, General Business, located along Point O' Woods Road directly across from the proposed location of the new Child Development Resources facility, further identified as Parcel (1-13) on James City County Real Estate Tax Map No. (13-4). The rezoning would allow construction of a 4,000 square-foot single-story professional office building for design of gift shop items for regional museum gift shops.

Mr. Bittner further stated that the project was consistent with surrounding zoning and development and the Comprehensive Plan.

In concurrence with staff, the Planning Commission unanimously recommended approval and suggested the applicant submit proffers to connect to public sewer when adjacent to the site.

Mr. DePue asked Mr. Alexander Kuras to explain Planning Commission's action.

Mr. Kuras stated that the type of building and use proposed might strain the septic system.

Mr. DePue opened the public hearing.

1. Mr. Glen Duff, applicant, asked the Board for approval of the rezoning.

Mr. DePue closed the public hearing.

Board and staff discussion of need for County policy on requirements of connection to adjacent sewer lines when available in B-1, General Business, followed.

Mr. Taylor made a motion to approve the resolution.

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

## **RESOLUTION**

### **CASE NO. Z-11-93. DESIGN MASTER ASSOCIATES REZONING**

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-11-93 for rezoning approximately .75 acres from R-1 to B-1, with proffers, identified as a portion of Parcel (1-13) on James City County Real Estate Tax Map No. (13-4) that is along Point O' Woods Road approximately 1,120 feet from the intersection of Point O' Woods Road and Croaker Road; and,

WHEREAS, the Planning Commission of James City County, unanimously recommended approval of Case No. Z-11-93.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Zoning Case No. Z-11-93, and accepts the voluntary proffers.

5. **Case No. SUP-34-93. Hampton Roads Sanitation District Sewer Force Main**

Mr. Bittner stated that Mr. Larry M. Foster has applied on behalf of Hampton Roads Sanitation District (HRSD) for a special use permit to allow the construction of a 20-24 inch sewer force main to the Stonehouse Planned Community as an extension of a previously approved route (SUP-4-91), which runs from the intersection of Lightfoot Road and Richmond Road to a point north of Interstate 64 near France Swamp, within Virginia Department of Transportation right-of-way.

Mr. Bittner further stated that the proposal was generally consistent with the Comprehensive Plan.

In concurrence with staff, the Planning Commission unanimously recommended approval of the special use permit 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. Sisk made a motion to approve the resolution.

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

**RESOLUTION****CASE NO. SUP-34-93. HRSD SEWER FORCE MAIN PART D**

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 on December 14, 1993, unanimously recommended approval of Case No. SUP-34-93 to permit a 20-24 inch sewer force main extension to the Stonehouse Planned Community. The force main is an extension of a previously approved route, Case No. SUP-4-91, that runs from the intersection of Lightfoot Road and Richmond Road to a point north of Interstate 64 near the France Swamp. The extension would commence along Rochambeau Road near the France Swamp, run to Anderson's Corner, and turn north along Barhamsville Road for approximately 4,800 feet where it would terminate.

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-34-93 as described herein with the following conditions:

1. Construction, operation and maintenance of the main shall comply with all local, State and Federal requirements.
  2. The project shall comply with all State erosion and sediment control regulations as specified in the 1992 Virginia Erosion and Sediment Control Handbook.
  3. All required permits and easements shall be acquired prior to the commencement of construction.
  4. Construction shall be contiguous with the SUP-4-91 approved route construction and must commence within the same time period as outlined in SUP-4-91.
  5. For pipeline construction adjacent to existing development, adequate dust and siltation control measures shall be taken to prevent adverse effects on the adjacent property.
  6. In areas of the construction easement that have been cleared, but do not need to remain clear for service and maintenance purposes, seedlings shall be planted in accordance with the State Department of Forestry guidelines and shall be shown on a reforestation plan to be approved by the Planning Director. The reforestation of this easement shall be completed within 2 years of the clearing of the easement. It shall be the responsibility of the developer to secure the necessary means to plant on the construction easement after the easement reverts back to the property owner.
6. Case No. SUP-35-93. Norge Elementary School Temporary Classroom Trailers

Mr. Bittner stated that Mr. Doug Westmoreland of Bond Comet Westmoreland + Hiner Architects, Inc., has applied on behalf of the Williamsburg-James City County School Board for a special use permit to allow the placement of seven new temporary classroom trailers and extension of one existing temporary classroom trailer at the Norge Elementary School, on 20 acres, zoned R-2, General Residential, located at 7311 Richmond Road, further identified as Parcel (1-35) on James City County Real Estate Tax Map No. (23-2).

Staff recommended approval of the resolution with conditions listed.

Mr. David B. Norman, County Administrator, stated that Dr. Gayden Carruth, Superintendent of Williamsburg-James City County Schools, had requested deletion of the landscape requirement of the special use permit for the temporary trailers.

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

Discussion regarding natural screening between residences and trailers ensued.

Mr. DePue asked that Case No. SUP-35-93 be deferred to allow time for additional review of Dr. Carruth's request.

Without Board objection, Mr. DePue deferred the case until the January 18, 1994, Board of Supervisors' meeting.

Mr. Edwards emphasized that the request for the temporary classroom trailers was for use during the proposed renovation, not for overcrowding.

7. Case No. AFD-1-93. Williamsburg Farms, Inc., Agricultural and Forestal District

Mr. Sowers stated that Mr. Patrick Duffeler had applied on behalf of Williamsburg Farms, Inc., to create a 311-acre Agricultural and Forestal District, located on the east side of Lake Powell Road surrounded by the Vineyards subdivision, further identified as Parcel Nos. (1-10, 1-12) on James City County Real Estate Tax Map No. (48-4).

In concurrence with staff, the Agricultural and Forestal District Advisory Committee and the Planning Commission unanimously recommended approval for a term of 4 years with conditions listed in the Ordinance.

Mr. Edwards questioned whether the length of the term should be for 8 years rather than 4 years.

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

Mr. DePue made a motion to approve the Ordinance.

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

8. Case No. AFD-9-86. Gordon Creek Agricultural and Forestal District (Maloney, Hawkins and Smith Addition)

Mr. Sowers stated that Mr. Preston Smith has applied on behalf of the property owners to add a 26-acre parcel to the Gordon Creek Agricultural and Forestal District (AFD-9-86), located on the south side of John Tyler Highway, west of its intersection with Brick Bat Road, further identified as Parcel (1-2) on James City County Real Estate Tax Map No. (44-1).

In concurrence with staff, the Agricultural and Forestal District Advisory Committee and the Planning Commission unanimously recommended approval with conditions listed in the 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 Ordinance.

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

9. Case No. AFD-1-89. Armistead Agricultural and Forestal District

Mr. Sowers stated that the owners have requested a continuance of 4 years for 403.439 acres located generally between Longhill Road and Centerville Road, with 90 acres south of Longhill Road, further identified as 90.075 acres, James and Shirley Allen, (31-1)(1-30); 84.005 acres, R. T. Armistead, (31-2)(1-17); 54.033 acres, R. T. Armistead, (31-2)(1-14); 132.08 acres, R. T. Armistead, (31-3)(1-29); and, 41.779 acres, R. T. Armistead, (31-4)(1-1).

In concurrence with staff, the Agricultural and Forestal District Advisory Committee and the Planning Commission unanimously recommended approval with conditions listed in the 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 Ordinance.

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

10. Transfer of Real Property to Ruth C. Mullaney

Mr. Sanford B. Wanner, Assistant County Administrator, stated that the purpose of the transfer of 211 square feet of County-owned property to Ruth C. Mullaney was to bring the lot at 131 Ferncliff into conformance with the Zoning Ordinance and permit an addition to an existing dwelling.

Staff recommended approval of the transfer of property.

Mr. DePue opened the public hearing.

1. Mr. John David Mullaney, 131 Ferncliff Drive, spoke in support of the transfer of property to his mother, Ruth C. Mullaney.

Mr. DePue closed the public hearing.

Mr. Edwards made a motion to approve the resolution.

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

**RESOLUTION**

**CONVEYANCE OF 211 SQUARE FEET FROM JAMES CITY COUNTY**

**TO RUTH C. MULLANEY**

WHEREAS, the Board of Supervisors of James City County has held a public hearing on January 3, 1994, for purposes of conveying 211 square feet of property to Ruth C. Mullaney.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that it hereby authorizes and directs the Chairman and Clerk to the Board to execute that deed dated January 3, 1994, by and between James City County and Ruth C. Mullaney conveying 211 feet of property from said County to Ruth C. Mullaney, however, retaining an easement over said property for drainage and utility purposes.

**G. PUBLIC COMMENT**

1. Mr. Richard Costello, 1020 Sycamore Landing, spoke of a number of changes in Zoning Ordinance districts and size of the Primary Service Area as an explanation of business districts not being required to connect to public sewer.

2. Mr. Ed Oyer, 139 Indian Circle, spoke of total bond indebtedness and stated that priorities should be made for County funds.

**H. REPORTS OF THE COUNTY ADMINISTRATOR - None**

**I. BOARD REQUESTS AND DIRECTIVES**

Mr. DePue spoke of the successful community effort, New Year's Eve First Night, and commended the volunteers for their hard work and preparation.

Mr. DePue read from a statement by the County, dated January 3, 1994, regarding the Ware Creek decision: "On December 30, 1993, the United States Court of Appeals for the Fourth Circuit held that the Environmental Protection Agency's most recent "veto" of a permit for the Ware Creek Reservoir is valid...." Mr. DePue stated that discussions would be held and a decision made in the near future.

Mr. DePue made a motion to convene into executive session pursuant to Section 2.1-44(A)(1) of the Code of Virginia to consider a personnel matter, appointment of individuals to County boards and/or commissions, at 8:30 p.m.

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

Mr. DePue reconvened the Board into open session at 9:05 p.m.

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

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

**RESOLUTION**

MEETING DATE: January 3, 1994

**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. DePue made a motion to appoint James B. Jones to the Wetlands Board to fill an unexpired term, term expiring 1/14/95; and, Jay H. Everson to the Planning Commission, as Powhatan District representative, for a 4-year term, term expiring 1/31/98.

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

Mr. DePue made a motion to reappoint Martin Garrett, Jr., to the Planning Commission, as an At-Large representative, for a 4-year term, term expiring 1/31/98.

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

Mr. DePue declared a recess until 5:00 p.m., Tuesday, January 18, 1994, for a work session.

The Board recessed at 9:07 p.m.



David B. Norman  
Clerk to the Board

ADOPTED

JAN 3 1994

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

ORDINANCE NO. 31A-155

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 20, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, BY AMENDING SECTION 20-11, SPECIAL USE PERMIT REQUIREMENTS FOR CERTAIN COMMERCIAL AND OFFICE USES; EXEMPTIONS; TO ALLOW FOR INCREASED ECONOMIC DEVELOPMENT POTENTIAL IN ORDER TO MORE CLOSELY CONFORM WITH THE ADOPTED COMPREHENSIVE PLAN.

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 20-11, Special use permit requirements for certain commercial and office uses; exemptions; to allow for increased economic development potential in order to more closely conform with the adopted Comprehensive Plan.

ARTICLE I. IN GENERAL

Section 20-11. 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;

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- (2) Any commercial building which exceeds 10,000 square feet of floor area; *or*
- ~~(3) Any office building which exceeds 20,000 square feet of floor area;~~  
~~or~~
- (4) Any commercial ~~or office~~ building, *not including office uses*, 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~~ *its* 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:

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- (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. above, 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 20-484(b)(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, rights-of-way, 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

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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 20-13 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 20-13.

- (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:

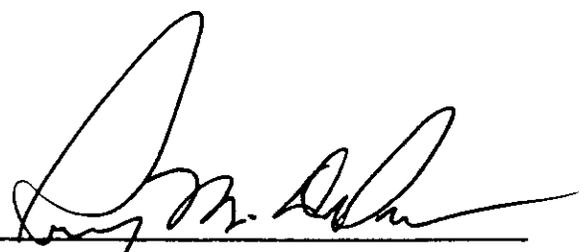
- (1) Any use or building and expansion or addition thereto with preliminary site plan approval prior to May 21, 1990;
- (2) Any use or building and expansion or addition thereto for which the start of construction began prior to May 21, 1990, in accordance with a site plan approved prior to that date;
- (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;

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- (4) Any building located in a mixed use district, residential planned community district or planned unit development district; or
- 5) Any building predominantly used as a warehouse, distribution center, *office*, or for other industrial or manufacturing purposes.

*This ordinance amendment shall be effective on and after February 15, 1994.*

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Perry M. DePue  
Chairman, Board of Supervisors

ATTEST:




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David B. Norman  
Clerk to the Board

SUPERVISOR VOTE

MAGOON	AYE
EDWARDS	AYE
SISK	AYE
TAYLOR	AYE
DEPUE	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 3rd day of January, 1994.

JAN 8 1994

ORDINANCE NO. 31A-154

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, SPECIAL REGULATIONS, DIVISION 1, IN GENERAL, BY ADDING SECTION 20-42, SPECIAL PROVISIONS FOR TOWNHOUSE AND CONDOMINIUM DEVELOPMENT.

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 20-42, Special Provisions for Townhouse and Condominium Development.

CHAPTER 20. ZONING

ARTICLE II. SPECIAL REGULATIONS

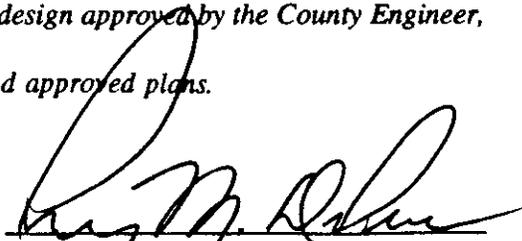
DIVISION 1. IN GENERAL

*Section 20-42. Special Provisions for Townhouse and Condominium Development.*

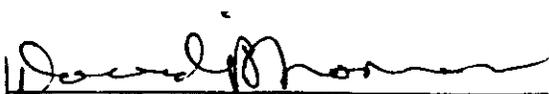
*Pavement for roadways and parking areas to serve townhouse and condominium development shall be constructed and certified in accordance with Administrative Guidelines For Certification of Private Street Construction prepared by the County Engineer. Criteria to be considered under this requirement shall be strength of foundation soils and type and depth of pavement components. Until such time as the County Engineer or his designee has accepted and approved such certification, surety required to assure proper pavement construction shall not be released. Production and installation*

Ordinance to Amend and Reordain  
Chapter 20. Zoning  
Page 2

*of base aggregate and wearing surface, or equivalent pavement design approved by the County Engineer,  
shall be certified as complying with ordinance requirements and approved plans.*

  
Perry M. DePue  
Chairman, Board of Supervisors

ATTEST:

  
David B. Norman  
Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 3rd day of  
January, 1994.

ZO-7-93.ord

**Rezoning Proffers**  
from Dan Nice of Beechwood Co. and Design Master Associates, Inc.  
to James City County Planning Division

These proffers made this 3rd day of January, 1994, by Beechwood Co., a Virginia Corporation, by Dan Nice, vice-president, acting on behalf of the company, together with their successors, heirs and assigns, the "OWNER".

**Recitals**

- A. Owner is the owner of certain property located in James City County, Virginia, containing approximately .75 acres, more or less, commonly known as Point O' Woods Road, Design Master Associates, Inc., Offices, (hereafter referred to as the "Property") and more particularly described on James City County Real Estate Tax Map Number (13-4). Parcel Number(1-13), no address yet. (see drawing of Vicinity Map).
- B. All of the Property is currently zoned R-1 Residential. Owner has applied to re-zone the Property from R-1 to B-1, with proffers.
- C. Owner for itself and its successors and assigns desires to offer to the County certain conditions on the development of the Property for the protection of the community that are intended to mitigate possible impacts from the development of the surrounding area.

Now, therefore, for and in consideration of the approval by the Board of Supervisors of the County of the requested rezoning, Owner agrees that it will meet and comply with all of the following conditions for the development of the Property.

**Conditions**

- 1. The Property shall be used only for the following purposes: - Business, government and professional offices; - Photography studios and sales, artist and sculptor studios, art and crafts and handicraft shops, antique shops, reproduction and gift shops. There shall be no exterior storage space on the site, except for storage within a fully enclosed building.
- 2. The building shall be no more than one story in height.
- 3. The building's exterior materials shall be brick and beaded vinyl siding.
- 4. The site shall have no more than one entrance off of Point O' Woods road and the entrance to the site shall, to the maximum extent possible, be located across from an entrance to the proposed Child Development Resources facility.
- 5. The building's design, and any alterations to its exterior, shall be approved by the Development Review Committee. The design shall, to the maximum extent possible, be compatible with surrounding residential development.
- 6. Any exterior signs on the site shall be freestanding and shall be ten feet or less in height. In addition, they shall be non-internally illuminated.
- 7. The applicant shall submit an enhanced landscape plan for the site to help mitigate the visual impacts of the parking area. This plan shall be approved by the Development Review Committee.

Beechwood Co. By: Dan Nice  
Dan Nice - Vice President

State of Virginia City of Newport News  
~~County of James City~~, to-wit:

VIRGINIA City of Williamsburg and County of James City to-wit:  
In the Clerk's Office of the Circuit Court for the City of Williamsburg, County of James City the 18 day of Jan 1994 This document was presented with the certificate annexed and admitted to record at 4:05 o'clock.  
Teste: Helene S. Ward, Clerk  
By: Helene S. Ward  
Clerk

The foregoing instrument was acknowledged before me this 3rd day of January, 1994, by Dan Nice, a duly authorized corporate officer, acting on behalf of the Beechwood Co.

Notary Public Buelah B. Rieger

My commission expires: Aug. 31, 1994

ADOPTED

ORDINANCE NO. 190

JAN 3 1994

WILLIAMSBURG FARMS

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

AGRICULTURAL AND FORESTAL DISTRICT (AFD-1-93)

WHEREAS, in accordance with Section 15.1-1511(F) of the Code of Virginia, property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the application for an Agricultural and Forestal District in the Williamsburg Farms area; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its meeting on December 2, 1993, unanimously recommended approval of the application; and

WHEREAS, the Planning Commission following its public hearing on December 14, 1993, unanimously recommended approval of the application.

NOW, THEREFORE, BE IT ORDAINED

1. The Williamsburg Farms Agricultural and Forestal District has hereby been created and includes the following parcels:

(48-4)(1-10)	Williamsburg Farms, Incorporated	282 acres
(48-4)(1-12)	Williamsburg Farms, Incorporated	<u>29</u> acres
		<u>311</u> acres

provided, however, that all land within 25 feet of the right-of-way Lake Powell Road (Route 614) shall be excluded from the district.

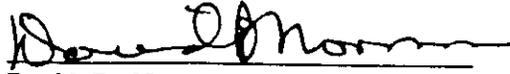
2. That pursuant to Virginia Code, Section 15.1-1512, as amended, the Board of Supervisors requires that no parcel in the Williamsburg Farms Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

- a. The subdivision of land is 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.
- b. No land within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six 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 the State Code Section 15.1-1506 et. seq. which are not in conflict with the policies of this district.



Perry M. DePue  
Chairman, Board of Supervisors

ATTEST:



David B. Norman  
Clerk to the Board

SUPERVISOR      VOTE

MAGOON	AYE
EDWARDS	AYE
SISK	AYE
TAYLOR	AYE
DEPUE	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 3rd day of January, 1994.

Afd193a.res

ORDINANCE NO. 170A-3

JAN 3 1994

GORDON CREEKBOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIAAGRICULTURAL AND FORESTAL DISTRICTMALONEY, HAWKINS AND SMITH ADDITION(AFD-9-86)

WHEREAS, an Agricultural and Forestal District in the Gordon Creek area has been established by the James City County Board of Supervisors; and

WHEREAS, in accordance with Section 15.1-1511(F) of the Code of Virginia, property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the application for an addition to an Agricultural and Forestal District in the Gordon Creek area; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its meeting on December 2, 1993, unanimously recommended approval of the application.

WHEREAS, the Planning Commission following its public hearing on December 14, 1993, unanimously recommended approval of the approval of the application.

NOW, THEREFORE, BE IT ORDAINED

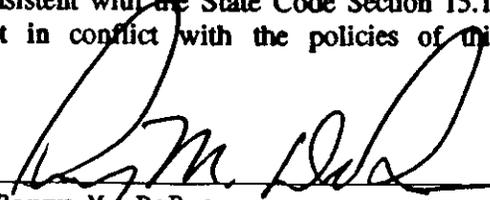
1. That an addition to the Gordon Creek Agricultural and Forestal District hereby amended by the addition of the following parcel:

(44-1)(1-2)                      Maloney, Hawkins and Smith                      26 acres

provided, however, that all land within 25 feet of the right-of-way of John Tyler Highway (Route 5) shall be excluded from the district.

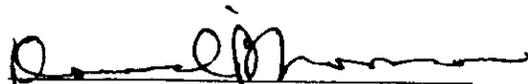
2. That pursuant to Virginia Code, Section 15.1-1512, as amended, the Board of Supervisors requires that no parcel in the Gordon Creek Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
  - a. The subdivision of land is 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.
  - b. No land within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six 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 the State Code Section 15.1-1506 et. seq., which are not in conflict with the policies of this district.



Perry M. DePue  
Chairman, Board of Supervisors

ATTEST:



David B. Norman  
Clerk to the Board

SUPERVISOR	VOTE
MAGOON	AYE
EDWARDS	AYE
SISK	AYE
TAYLOR	AYE
DEPUE	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 3rd day of January, 1994.

Afd9862.res

R. T. ARMISTEAD

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA.

AGRICULTURAL AND FORESTAL DISTRICT (AFD-1-89)

WHEREAS, James City County has completed a review of the R. T. Armistead 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 notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the R. T. Armistead Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its meeting on December 2, 1993, unanimously recommended approval of the application; and

WHEREAS, the Planning Commission following its public hearing on December 14, 1993, unanimously recommended approval of the approval of the application.

NOW, THEREFORE, BE IT RESOLVED

1. That the R. T. Armistead Agricultural and Forestal District in hereby has been continued for a period of four years beginning the fifth day of February, 1994, 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:

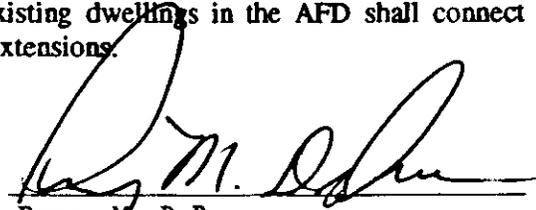
(31-1)(1-30)	James and Shirley Allen	90.075	acres
(31-2)(1-17)	R. T. Armistead	84.005	acres
(31-2)(1-14)	R. T. Armistead	54.033	acres
(31-3)(1-29)	R. T. Armistead	132.008	acres
(31-4)(1-1)	R. T. Armistead	<u>41.779</u>	acres
		<u>403.439</u>	acres

provided, however, that all land within 25 feet of the right-of-way of Loughill Road (Route 612) and Centerville Road (Route 614) shall be excluded from the district.

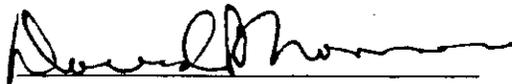
3. That pursuant to Virginia Code, Section 15.1-1512, as amended, the Board of Supervisors requires that no parcel in the R. T. Armistead Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

a. The subdivision of land is 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.

- 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 the State Code Section 15.1-1506 et. seq. which are not in conflict with the policies of this district. No Special Use Permit for sewer extensions shall be issued except those consistent with the Master Sewer plan which are not in conflict with the policies of the district. Only existing dwellings in the AFD shall connect to the above-mentioned sewer extensions.

  
 Perry M. DePue  
 Chairman, Board of Supervisors

ATTEST:

  
 David B. Norman  
 Clerk to the Board

SUPERVISOR	VOTE
MAGOON	AYE
EDWARDS	AYE
SISK	AYE
TAYLOR	AYE
DEPUE	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 3rd day of January, 1994.

Afd189a.res

933

THIS DEED AND EASEMENT made this 3rd day of January 1994, by and between the COUNTY OF JAMES CITY, a political subdivision of the Commonwealth of Virginia, referred to as the Grantor and RUTH C. MULLANEY, referred to as the Grantee.

WITNESSETH

That for and in consideration of the sum of TEN DOLLARS (\$10.00) cash and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby Grant, Bargain, Sell and Convey unto the Grantee with SPECIAL WARRANTY of deed, the following described property:

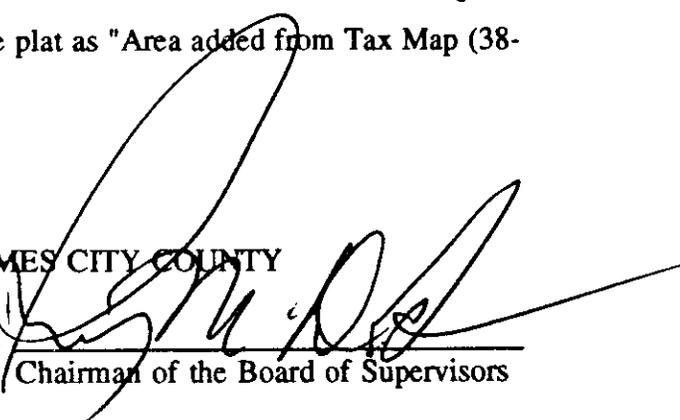
That land consisting of 211 square feet as shown as a shaded triangle on a plat entitled "Plat of Boundary Line Adjustment & Line Extinguishment Between: Lot 32 and Lot 33, Canterbury Hills, and Property of Tax Map No. (38-4)(1-38), James City County, Virginia," dated December 9, 1993, and drawn by DJG, Engineers, Architects, Surveyors, Interior Designers, Planners, Williamsburg, Virginia, recorded in Plat Book 58, Page 72, of the Clerk's Office for the City of Williamsburg and County of James City.

There is, however, expressly reserved by the Grantor, an easement over the 211 square feet for purposes of drainage and utilities, shown on the plat as "Area added from Tax Map (38-4)(1-38) 211 SF."

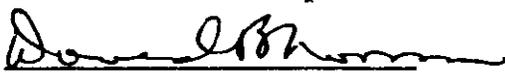
WITNESS the following signature and seal:

JAMES CITY COUNTY

By:

  
Chairman of the Board of Supervisors

ATTEST:



Clerk to the Board

COMMONWEALTH OF VIRGINIA  
COUNTY OF JAMES CITY, to wit:

I, Mary Frances Rieger, a Notary Public in and for  
the jurisdiction aforesaid, do hereby certify that Perry M. DePue and  
David B. Norman, whose names are signed to the foregoing writing bearing  
date on the 3rd day of January, 1994, have acknowledged the same before me in the  
jurisdiction aforesaid.

GIVEN under my hand this 13th day of January, 1994.

Mary Frances Rieger  
NOTARY PUBLIC

My commission expires on: October 31, 1997

mullaney.ded

VIRGINIA: City of Williamsburg and County of  
James City, to Wit:  
In the Clerk's office of the Circuit Court of the  
City of Williamsburg and County of James City the  
Deed day of Jan, 1994 This Deed  
Deed was presented with certificate annexed and  
admitted to record at 9:03 o'clock  
Teste: Helene S. Ward, Clerk  
by [Signature]  
Deputy Clerk