

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 24TH DAY OF SEPTEMBER, NINETEEN HUNDRED NINETY-SIX, AT 5:05 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

David L. Sisk, Chairman, Roberts District
Robert A. Magoon, Jr., Vice Chairman, Jamestown District

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

B. WORK SESSION

1. Communications Towers

Mr. Sisk welcomed the Planning Commission and staff. Mr. O. Marvin Sowers, Jr., Director of Planning, described the telecommunications master plan concept, its objectives and strategies to achieve those objectives.

Discussion by Board, staff and the Planning Commission followed.

Mr. Sisk made a motion to recess the Board for dinner.

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

The Board recessed at 6:00 p.m.

C. PRESENTATIONS

1. Courthouse Schematic Design

Mr. Donald E. Allen introduced Mr. Jorge Hernandez, Architect, from Miami, Florida, in joint venture with The Mosely McClintock Group, who gave a brief presentation of the design of the interior and exterior of the courthouse.

2. Greater Williamsburg Area Golf Overview

Mr. Mike Tiernan, President, Greater Williamsburg Area Golf, gave a brief overview of successful advertising of the golf facilities available in the area.

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3. Virginia Association of Counties

Mr. Jay Black, Director, Region I, Virginia Association of Counties, spoke of the Region I District and announced a meeting on Thursday, September 26, 1996, 10:00 a.m. in Senate Room A of the General Assembly Building, regarding local government revenue options.

D. **MINUTES - September 6, 1996, Special Meeting**

September 10, 1996, Regular Meeting

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

Mr. Sisk made a motion to approve the two sets of minutes.

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

E. **HIGHWAY MATTERS**

Mr. Quintin Elliott, Resident Engineer, Virginia Department of Transportation (VDOT), stated that Route 199 section between Route 60 and Longhill Road was on schedule; contract awarded to Jack L. Massie Contractor, Inc., from Longhill Road to Ironbound Road; and Ironbound Road to Route 5 bids readvertised to end of October. He also stated that the seven miles of rough pavement on Interstate 64 would receive final surface in Spring 1997.

Mr. DePue asked that the wood debris from clearing of highway construction be considered for mulching rather than burning.

Mr. Edward asked for a telephone number for citizens to call with questions about clearing of Route 199 at intersections.

Mr. Magoon asked for a report on Virginia Department of Transportation tree limb removal both pre-storm and post-storm.

Mr. Sisk reported a citizen's concern about a 15-foot easement, 400 feet in length, taken from his property on Route 60 at the car wash near Ball Metal. Mr. Sisk requested a blueprint of the plans for that turn lane.

Mr. Taylor thanked VDOT for its prompt response to his request for a sign at Diascund Creek at New Kent and James City Counties' line.

Mr. Magoon thanked VDOT for the beneficial tour of the sound walls in Hampton and Newport News.

F. **CONSENT CALENDAR**

Mr. Sisk asked if a Board member wished to remove any items from the Consent Calendar.

Mr. Sisk asked that Item Nos. 1 and 2 be removed and made a motion to approve Item No. 3 on the Consent Calendar.

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

3. Summer Breeze Concert Series**RESOLUTION****PARKS AND RECREATION BUDGET AMENDMENT****SUMMER BREEZE CONCERT SERIES**

WHEREAS, the concert series is sponsored jointly with Merchant's Square Association; and

WHEREAS, the Association has contributed funds to the County which will offset the additional costs of entertainment.

NOW, THEREFORE, BE IT RESOLVED the Board of Supervisors of James City County, Virginia, hereby amends its FY 97 Budget as follows:

RECREATION SERVICES**Revenues:**

Merchant's Square Association	<u>\$2,200.00</u>
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Expenditures:

Operating Expenses (Entertainment)	<u>\$2,200.00</u>
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Mr. Sisk stated he would present resolutions to Virginia Power employees and Mr. George Hudgins.

Mr. Sisk made a motion to approve Items No. 1 and 2 on the Consent Calendar.

1. Resolution of Appreciation, Virginia Power

Mr. Sisk called the Virginia Power employees forward to receive the resolution. He thanked them for a job well done.

RESOLUTION OF APPRECIATION**VIRGINIA POWER**

WHEREAS, Hurricane Fran struck James City County on Friday, September 6, 1996, causing widespread power outages; and

WHEREAS, Virginia Power employees responded and worked through adverse weather conditions and in dangerous conditions; and

WHEREAS, all electrical services were restored to James City County residents and businesses as quickly as possible.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, wishes to extend its sincere appreciation to Virginia Power and its employees for their efforts and timely actions during this severe weather emergency.

2. Resolution of Appreciation, George M. Hudgins, Jr.

Mr. Sisk read the resolution for Mr. Hudgins, who was not in attendance.

RESOLUTION

CERTIFICATE OF APPRECIATION

GEORGE M. HUDGINS, JR.

WHEREAS, George M. Hudgins, Jr., served as a member of the Industrial Development Authority of James City County from July 1988 to September 1996, and as its Vice Chairman from December 1990 to September 1996; and

WHEREAS, throughout this period of service, George M. Hudgins, Jr., willingly gave of his time and his talents to foster economic development in the County by serving as the Chairman of the Strategic Plan Implementation Committee, launching the IDA's first Ambassador's program and serving in 1994 and 1995 as the Authority's liaison to James City County's Grower's Cooperative; and

WHEREAS, George M. Hudgins, Jr., consistently demonstrated those essential qualities of leadership, diplomacy, perseverance and dedication while providing exceptional service to the citizens of James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby extends its sincere appreciation to George M. Hudgins, Jr., and recognizes his distinguished service and dedication to the County and its citizenry.

G. PUBLIC HEARINGS

1. Case No. SUP-28-96. H. B. Frazier, Jr. Replacement Manufactured Home

Mr. John Patton, Development Management Technician, stated Mr. H. B. Frazier had applied for a special use permit to allow replacement of a manufactured home in R-2, General Residential, located at 6137 Mooretown Road, further unidentified as Parcel No. (1-10) on James City County Real Estate Tax Map No. (33-1).

Mr. Patton further stated that manufactured homes are not a permitted use in an R-2 zoning district and recommended denial for the reasons that the manufactured home was brought on the property without obtaining proper permits; general intent is that nonconforming uses would be discontinued in favor of conforming uses; approval would be inconsistent with the progress being made to bring the neighborhood into conformance; the dilapidated mobile home being used as a rental unit had no sewer or water; benefits have been received for improvements to Mr. Frazier's property; and, other options are available for housing for Mr. Frazier's daughter on his property.

Mr. Sisk opened the public hearing.

1. Mr. H. B. Frazier, Jr., 6137 Mooretown Road, stated he had building permits dated 1993 and had no knowledge that a special use permit was needed for the 1982 manufactured home. He further stated that his daughter would reside in the manufactured home.
2. Ms. Sue Smith, a neighbor, expressed discomfort caused by happenings in the area of the manufactured homes.
3. Ms. Cadel Frazier, daughter of Mr. H. B. Frazier, Jr., stated that she wished to reside in the manufactured home and was still living with her father at the present.
4. Ms. Lucy Robinson, 3163 Clark Lane, stated the manufactured home was an eyesore, while houses in the community have been improved.
5. Mr. Ben Frazier, 6178 Centerville Road, spoke in support of the manufactured home for his sister's residence.
6. Ms. Alicia Jones, 143 Clark Lane, spoke in support of the manufactured home and stated the community had improved with new development and change.

Several persons in the audience stood in support of Mr. Frazier's request.

Mr. Sanford B. Wanner, County Administrator, stated that Mr. John T. P. Horne, Manager, Development Management, would make a brief statement. Mr. Wanner recommended that the Board continue the public hearing and defer the item for further review until the October 8, 1996, Board of Supervisors' meeting.

Mr. Horne stated staff would clarify and provide background information for the October 8, 1996, meeting.

Mr. Taylor stated that he supported the case at this meeting and would do so at the October 8, 1996, meeting.

Mr. Sisk declared continuation of the public hearing and deferred the case until the October 8, 1996, Board of Supervisors' meeting.

Mr. DePue asked for a report on illegal activities near Mooretown Road.

2. Case Nos. Z-7-96 and MP-3-96. Governor's Land Master Plan Amendment (Continued from 9/10/96)

Mr. Gary A. Pleskac, Planner, stated that Mr. Vernon M. Geddy, III, had applied on behalf of Governor's Land Associates to rezone approximately 22 acres, from A-1, General Agricultural, to R-4, Residential Planned Community, with amended proffers, for the purpose of incorporating both the parcel and the amended Master Plan into the Governor's Land Planned Community for development of 11 additional single-family detached homes, identified as Parcel No. (1-17) on James City County Real Estate Tax Map No. (44-2).

Staff determined that the rezoning to R-4 was consistent with adjoining Governor's Land property; cash proffer for road improvement of \$5,800 per lot was acceptable to staff; applicant proffer to increase major open space for Governor's Land by 31 acres was acceptable to staff; and the rezoning and addition of this parcel into the Governor's Land development for 11 additional lots was inconsistent with the Rural Lands designation of the Comprehensive Plan and would set a precedent for rezoning additional lots for future expansions and encroachments on land designated Rural Lands.

In concurrence with staff, the Planning Commission, by a 6-0 vote, recommended denial of the request to amend the Master Plan and to rezone 38 acres from A-1, General Agricultural, to R-4, Residential Planned Community, with proposed amended proffers.

Mr. Sisk opened the public hearing.

1. Vernon M. Geddy, III, Esq., encouraged the Board to approve as property owners supported the cases; unique property with no adverse impact; and, logical addition to quality planned community.

2. Mr. James Watson, 2702 John Tyler Highway, spoke in opposition to 11 additional lots, since he was denied water/sewer connection for one lot.

3. Mr. Robert D. Allen, 3039 Whittaker Island Road, spoke of residents' primary concern to protect integrity of Governor's Land boundaries and the developer had assured them of his intent to develop the parcel consistent with Governor's Land community. Many persons in the audience stood in support of the cases when Mr. Allen requested that action.

Mr. Sisk closed the public hearing.

Mr. Horne reminded the Board that the very fine development was inconsistent with desired uses for rural lands and emphasized that the 1989 decision was a major exception to well thought-out growth management.

Mr. Magoon stated that he would abstain from voting on these cases because of a business relationship.

Mr. Taylor made a motion to approve the resolution.

Mr. Edwards stated that he could support the amendment of the Master Plan but could not support the request for additional lots.

Mr. DePue explained that as currently zoned, the two parcels totaling 38 acres could be developed into 12 lots. Mr. DePue suggested incorporating the two parcels into the Master Plan and allowing the 12 additional lots.

Mr. Taylor withdrew the motion to approve.

Mr. Geddy agreed to a deferral of the cases to consider issues that were discussed.

Mr. Sisk declared a deferral of the cases until the October 8, 1996, Board of Supervisors' meeting.

Mr. Sisk declared a recess for a five-minute break, at 9:25 p.m.

Mr. Sisk reconvened the Board at 9:30 p.m.

3. Case No. ZO-7-96. Ordinance Amendment Chapter 20. Zoning Section 20-13. Amendment of Chapter

Mr. Allen J. Murphy, Jr., Principal Planner, stated that the ordinance amendment would extend the period of time from 90 days to 100 days that the Planning Commission may consider amendments to the Zoning Ordinance, as implemented in the State code change.

In concurrence with staff, the Planning Commission, by a 6-1 vote, recommended approval of the ordinance amendment.

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

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

Mr. DePue questioned the need for increase from 90 days to 100 days and asked for clarification with the Planning Commission for the rationale of the recommendation.

Mr. Edwards withdrew the motion to approve.

Mr. Sisk declared a deferral until the October 8, 1996, Board of Supervisors' meeting to review information with the Planning Commission.

4. Case No. ZO-8-96. Ordinance Amendment Chapter 20. Zoning. Expansion of Nonconforming Uses

Mr. Patton stated that the proposed ordinance amendment would allow business and industrial uses to expand in any district where they are permitted if they became nonconforming because of change in setback requirement or height limitations, change in zoning of adjacent property, construction of new roads, etc.

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

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

H. BOARD CONSIDERATIONS

1. Proposed Withdrawal Criteria for Agricultural and Forestal District Parcels Within the Primary Service Area (Continued from 9/10/96)

Mr. Pleskac stated that the proposed withdrawal policy addressed revisions to allow landowners who own less than 75 acres to have use of the policy and to require a conceptual plan and a formal application to convert the use of the property with any request for withdrawal.

Staff recommended approval of the resolution.

Mr. Edwards made a motion to approve the two resolutions.

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

RESOLUTIONWITHDRAWAL OF LANDS FROM AGRICULTURAL AND FORESTAL DISTRICTSWITHIN THE PRIMARY SERVICE AREA

- WHEREAS, the Board of Supervisors has determined that Agricultural and Forestal Districts (AFD) are a valuable tool to help protect the agricultural and forestal lands and industry in James City County; and
- WHEREAS, premature withdrawal of land from the Districts is contrary to the intent of the Board in allowing the establishment of these Districts; and
- WHEREAS, the Board of Supervisors recognizes that lands outside the Primary Service Area are intended to remain rural and the preferred use for rural lands is agricultural and forestal use; and
- WHEREAS, the Board of Supervisors recognizes that lands inside the Primary Service Area are intended for urban development at some point in the future and, therefore, are not expected to remain in agricultural and forestal use in the long term; and
- WHEREAS, the Board of Supervisors has previously adopted a resolution for the Withdrawal From Agricultural and Forestal Districts on December 18, 1989, which still remains in force outside the Primary Service Area; and
- WHEREAS, at each renewal, the Board will review urban development trends in the County, and consider carefully whether the general public interest continues to be served by allowing land within the Primary Service Area to remain in an Agricultural and Forestal District.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby establishes the following policy relating to the withdrawal of lands from AFD inside the Primary Service Area during the terms of those Districts. This policy in no way supersedes the provisions for withdrawal by right under Sections 15.1-1511F or 15.1-1513D of the Code of Virginia.

FOR AGRICULTURAL AND FORESTAL DISTRICTS WITHIN THE PRIMARY SERVICE AREA, the Board of Supervisors will use the minimum standards listed below. These standards are different standards from the standards applied to those districts located outside the Primary Service Area (PSA). They are in recognition that lands within the PSA are intended for urban development at some point in the future and, therefore, are not expected to remain in agricultural and forestal use in the long term. Lands outside the PSA are intended to remain rural and the preferred use for rural lands is agricultural and forestal use.

1. Withdrawals will be approved no more than once per year, per AFD, per landowner. This means that an owner of multiple parcels within an AFD will be allowed only one withdrawal per year from the AFD.
2. The minimum acreage for withdrawals shall be 75 acres, either as a single parcel or in combination with more than one parcel. Individual landowners who own less than 75 acres must withdraw all of their parcel from the District. Parcels withdrawn as part of any one request need not be contiguous.
3. The new land use shall be in conformance with the Comprehensive Plan. A formal application to convert the use of the property shall accompany any request for

withdrawal, such as an application for rezoning, special use permit or other development plans. The application shall include a conceptual plan acceptable to the Director of Planning. The application for withdrawal and the application to convert the use of the property shall be submitted together and processed concurrently as a single development request.

The Board shall weigh each of the above criteria in its deliberation, but may also use whatever criteria and it deems appropriate for the individual case.

RESOLUTION

WITHDRAWAL FROM AGRICULTURAL AND FORESTAL DISTRICTS

OUTSIDE THE PRIMARY SERVICE AREA

WHEREAS, the Board of Supervisors has determined that Agricultural and Forestal Districts are a valuable tool to help protect the agricultural and forestal lands and industry in James City County; and

WHEREAS, premature withdrawals of land from the Districts is contrary to the intent of the Board in allowing the establishment of these Districts.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby establishes the following policy relating to the withdrawal of lands from Agricultural and Forestal Districts during the terms of those Districts. This policy in no way supersedes the provisions for withdrawal by right under Sections 15.1-1511F or 15.1-1513D of the Code of Virginia.

1. It is the policy of the Board of Supervisors to discourage the withdrawal of properties from Agricultural and Forestal Districts during the terms of those districts.

2. The criteria for withdrawal during the terms of the districts are as follows:

In order to establish "good and reasonable cause," any request by a landowner to withdraw property from an Agricultural and Forestal District must submit written information to demonstrate compliance with the following criteria:

A. The request is caused by a change in circumstances that could not have been anticipated at the time application was made for inclusion in the district.

B. The request would serve a public purpose, as opposed to the proprietary interest of the landowner, that could not otherwise be realized upon expiration of the AFD.

C. The request would not cause damage or disruption to the existing district.

D. If the request for withdrawal is in conjunction with a proposal to convert the land use of a property to a different use than is currently in place on the property, the new land use would be in conformance with the Comprehensive Plan.

The Board shall weigh each of the above criteria in its deliberation, but may also use whatever other criteria as it deems appropriate for the individual case.

2. Resolution of Issuance Approval for Williamsburg-Oxford (Chambrel) 1985 Bond Refunding

Mr. Wanner stated that the James City County Industrial Development Authority passed a resolution for refinancing \$25,000,000 of Rental Housing Revenue Refunding Bonds for Williamsburg-Oxford's Chambrel project. He further stated that the bonds would enable the applicant to secure advantageous financing terms on the outstanding portion of the initial project debt. He explained that the State and Federal statutes require the governing body of the jurisdiction in which financial activity was to occur must approve the issuance of the bonds.

Staff recommended approval of the resolution.

Mr. Sisk made a motion to approve the resolution.

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

I. **PUBLIC COMMENT**

1. Mr. Ed Riley, 611 Tam-O-Shanter, gave an update on lyme disease.
2. Mr. Mark Sexton, 8 Prestwick, spoke in opposition to communication towers, which might become obsolete quickly and be replaced by satellites.
3. Mr. Ed Oyer, 139 Indian Circle, spoke in favor of a designated person as a tie-breaker vote. He also read from an article that communication tower RFI problems are mostly caused by nearby lower-powered transmitters.

J. **REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Wanner recommended the Board go into executive session pursuant to Section 2.1-344(A)(1) of the Code of Virginia to consider a personnel matter, the appointment of individuals to County boards and/or commissions and Section 2.1-344(A)(7) of the Code of Virginia to consult with legal and staff members on a matter of probable litigation.

Mr. Wanner announced that a Community Conversation meeting would be held October 3, 1996, 7:00 p.m., at Clara Byrd Baker Elementary School to discuss the draft proposed update to the Comprehensive Plan.

Mr. Wanner invited citizens to give public comment at the October 8, 1996, Board of Supervisors' meeting on potential uses of Warhill property owned by James City County.

He recommended that the Board recess for a James City Service Authority Board of Directors meeting.

K. **BOARD REQUESTS AND DIRECTIVES**

Mr. Sisk stated citizens had called regarding the 2 percent increase in cable franchise fees that were added as an additional line item in monthly bills by the cablevision company who chose not to include the increase in the basic bill.

Mr. DePue made a motion to recess for a James City Service Authority Board of Directors' meeting at 10:16 p.m.

Mr. Sisk reconvened the Board of Supervisors at 10:43 p.m.

Mr. Edwards made a motion to go into executive session as recommended by the County Administrator.

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

Mr. Sisk reconvened the Board of Supervisors into open session at 11:10 p.m. and made a motion to approve the executive session resolution.

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

RESOLUTION

MEETING DATE: September 24, 1996

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.

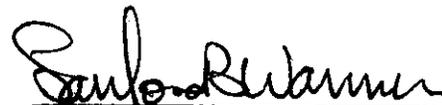
Mr. DePue made a motion to appoint Ms. B. Earleen Robinson to a 4-year term on the Social Services Advisory Board, term expiring July 1, 2000.

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

Mr. Sisk made a motion to recess until Tuesday, October 8, 1996, at 5:00 p.m. for a work session on solid waste management.

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

The Board recessed at 11:11 p.m.



Sanford B. Wanner
Clerk to the Board

SEP 24 1996

ORDINANCE NO. 31A-172

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 VII, NONCONFORMITIES, SECTION 20-632, EXPANSION OF NONCONFORMING USES; IN ORDER TO CLARIFY WHICH ZONING DISTRICTS NONCONFORMING BUSINESS AND INDUSTRIAL USES MAY EXPAND.

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 20-632, Expansion of nonconforming uses; in order to clarify which zoning districts nonconforming business and industrial uses may expand.

Chapter 20. Zoning

Article VII. Nonconformities

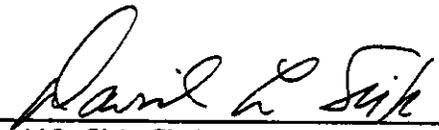
Sec. 20-632. Expansion of nonconforming uses.

(b) *One-family dwellings.* For a nonconforming one-family dwelling use, the dwelling may be expanded without limitation, except as provided for in this section. In addition, new or expanded residential accessory structures and uses (such as a storage shed, garage, swimming pool, etc.) may be permitted subject to the provisions of this chapter. Expansion of the dwelling and new or expanded accessory structures and uses shall meet all current zoning requirements, including height, yard and setbacks, for the zoning district in which located or the R-1 zoning district if such dwelling is not located in a zoning district where a residential use is permitted. In no case shall ~~be~~ a nonconforming one-family dwelling be modified to accommodate additional dwelling units.

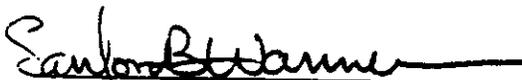
Ordinance to Amend and Reordain
Chapter 20. Zoning
Page 2

(c) *Business or industrial districts uses.* For lots ~~uses~~ in any business or industrial district where the use ~~activity~~ is permitted in the zoning district in which the lot is located, but where the current zoning requirements (including, but not limited to, parking, yards, setbacks, landscaping, screening and buffering, height, signs, lot coverage, connection to public sewer and water) are not met, expansion of the building, and expansion of the land area within the lot devoted to activities other than buildings, may be approved, provided all current zoning requirements applicable to the expansion are met.

(e) *Expansion allowance resulting from right-of-way dedication.* Existing ~~business or industrial uses~~ permitted uses within any business or industrial district which have been made nonconforming with respect to open space, perimeter landscape requirements or setback requirements as a result of a right-of-way dedication to the county or the Virginia Department of Transportation without compensation shall be allowed to expand in accordance with the current zoning ordinance under the conditions which existed prior to the dedication.


David L. Sisk, Chairman
Board of Supervisors

ATTEST:


Sanford B. Wanner
Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of September, 1996.

RESOLUTION OF THE BOARD OF SUPERVISORS OF
JAMES CITY COUNTY, VIRGINIA
(Williamsburg-Oxford Project)

WHEREAS, the Industrial Development Authority of the County of James City, Virginia (the "Authority") has considered the application of Williamsburg-Oxford Limited Partnership, a Maryland limited partnership (the "Developer") for the issuance of the Authority's refunding revenue bonds in an amount not to exceed \$25,000,000 (the "Bonds") to refund all or a portion of the Authority's \$25,000,000 Elderly Residential Mortgage Revenue Bonds (Williamsburg-Oxford Project) (the "1985 Bonds"), the proceeds of which were used to make a loan to the Developer to finance the acquisition, construction, and equipping by the Developer of a 256-unit elderly residential rental project known as Chambrel at Williamsburg, located at 3800 Treyburn Drive, Williamsburg, Virginia (the "Project"), twenty percent (20%) of which is for occupancy of individuals of low or moderate income, and has held a public hearing thereon on September 18, 1996; and

WHEREAS, the Authority has recommended that the Board of Supervisors (the "Board") of James City County, Virginia (the "County") approve the refunding of the 1st issuance of the Bonds by the Authority to comply with Section 1471¹ Code of 1986, as amended, Section 15.1-1378.1 of the Virgin. Treasury regulations issued thereunder; and

WHEREAS, a record of the public hearing held hereon has been filed with the Board;

*Bond Refunding
1996
James
City
County
Virginia*

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF JAMES CITY COUNTY, VIRGINIA:

1. The holding of a public hearing with respect to the refunding of the 1985 Bonds and the Project by the Authority at 3:30 p.m. on September 18, 1996, at 101-C Mounts Bay Road, Williamsburg, Virginia, in accordance with the requirements of Section 147(f) of the Internal Revenue Code of 1986, as amended, is hereby ratified.

2. The Board approves the refunding of the 1985 Bonds and further approves issuance of the Bonds by the Authority for the benefit of the Developer, to the extent of and as required by Section 147(f)(2) of the Internal Revenue Code, to permit the Authority to assist in the refunding of the 1985 Bonds.

3. The approval of the issuance of the Bonds, as required by Section 147(f)(2), does not constitute an endorsement of the Bonds or the creditworthiness of the Developer, and the Bonds shall provide that neither the County nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefor, and neither the faith or credit nor the taxing power of the Commonwealth, the County, nor the Authority shall be pledged thereto.

4. All acts of the officers and members of the Board which are in conformity with the purposes and intent of this Resolution shall be, and the same hereby are, in all respects satisfied, approved and confirmed.

5. This Resolution shall take effect immediately upon its adoption. Adopted by the Board of Supervisors of James City County, Virginia on September 24, 1996.

ATTEST:

Sanford B. Wanner
Sanford B. Wanner
Clerk to the Board

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David L. Sisk
David L. Sisk, Chairman
Board of Supervisors

SUPERVISOR	VOTE
TAYLOR	AYE
HAGDON	AYE
DEPUE	AYE
EDWARDS	AYE
SISK	AYE

RESOLUTION OF THE BOARD OF SUPERVISORS OF
JAMES CITY COUNTY, VIRGINIA
(Williamsburg-Oxford Project)

WHEREAS, the Industrial Development Authority of the County of James City, Virginia (the "Authority") has considered the application of Williamsburg-Oxford Limited Partnership, a Maryland limited partnership (the "Developer") for the issuance of the Authority's refunding revenue bonds in an amount not to exceed \$25,000,000 (the "Bonds") to refund all or a portion of the Authority's \$25,000,000 Elderly Residential Mortgage Revenue Bonds (Williamsburg-Oxford Project) (the "1985 Bonds"), the proceeds of which were used to make a loan to the Developer to finance the acquisition, construction, and equipping by the Developer of a 256-unit elderly residential rental project known as Chambrel at Williamsburg, located at 3800 Treyburn Drive, Williamsburg, Virginia (the "Project"), twenty percent (20%) of which is for occupancy of individuals of low or moderate income, and has held a public hearing thereon on September 18, 1996; and

WHEREAS, the Authority has recommended that the Board of Supervisors (the "Board") of James City County, Virginia (the "County") approve the refunding of the 1985 Bonds and issuance of the Bonds by the Authority to comply with Section 147(f)(2) of the Internal Revenue Code of 1986, as amended, Section 15.1-1378.1 of the Virginia Code and proposed final Treasury regulations issued thereunder; and

WHEREAS, a record of the public hearing held hereon has been filed with the Clerk of the Board;

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF JAMES CITY COUNTY, VIRGINIA:

1. The holding of a public hearing with respect to the refunding of the 1985 Bonds and the Project by the Authority at 3:30 p.m. on September 18, 1996, at 101-C Mounts Bay Road, Williamsburg, Virginia, in accordance with the requirements of Section 147(f) of the Internal Revenue Code of 1986, as amended, is hereby ratified.

2. The Board approves the refunding of the 1985 Bonds and further approves issuance of the Bonds by the Authority for the benefit of the Developer, to the extent of and as required by Section 147(f)(2) of the Internal Revenue Code, to permit the Authority to assist in the refunding of the 1985 Bonds.

3. The approval of the issuance of the Bonds, as required by Section 147(f)(2), does not constitute an endorsement of the Bonds or the creditworthiness of the Developer, and the Bonds shall provide that neither the County nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefor, and neither the faith or credit nor the taxing power of the Commonwealth, the County, nor the Authority shall be pledged thereto.

4. All acts of the officers and members of the Board which are in conformity with the purposes and intent of this Resolution shall be, and the same hereby are, in all respects satisfied, approved and confirmed.

5. This Resolution shall take effect immediately upon its adoption. Adopted by the Board of Supervisors of James City County, Virginia on September 24, 1996.

ATTEST:

Sanford B. Wanner
Sanford B. Wanner
Clerk to the Board

2

David L. Sisk
David L. Sisk, Chairman
Board of Supervisors

SUPERVISOR	VOTE
TAYLOR	AYE
MAGUIRE	AYE
DEBBIE	AYE
EDWARDS	AYE
SISK	AYE