

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 28TH DAY OF JANUARY, NINETEEN HUNDRED NINETY-SEVEN, AT 4:08 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Robert A. Magoon, Jr., Chairman, Jamestown District
Jack D. Edwards, Vice Chairman, Berkeley District

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

B. WORK SESSIONS

1. Financial Trends

Mr. Magoon called the meeting to order and Mr. Wanner made an introductory statement about the financial status of the County. He introduced Ms. Carol Davis, Assistant Manager of Financial Management Services, who presented the annual trends evaluation and concluded that the County had a relatively low tax rate, high housing values, and that although debt service had increased it remained at an acceptable level.

2. 1997 Comprehensive Plan

Staff presented revisions recommended by the Board of Supervisors at the January 14, 1997, Work Session.

Mr. DePue made a motion to revise Route 199/Williamsburg Crossing language as presented in staff's January 24, 1997, report. The straw vote was: AYE: Taylor, Sisk, DePue, Magoon (4). NAY: Edwards(1).

Mr. Sisk made a motion to change land use designation of Speegle property from Moderate Density Residential to Community/Commercial. The straw vote was: AYE: Taylor, Sisk (2). NAY: Edwards, DePue, Magoon (3).

Mr. DePue made a motion to change designation of Speegle property to Mixed Use with language prepared by staff. The straw vote was: AYE: Taylor, Sisk, DePue, Magoon (4). NAY: Edwards (1).

Mr. Edwards made a motion to remove Jolly Pond Road, Centerville Road and Ware Creek/Croaker Road areas from Primary Service Area (PSA) as recommended by the Steering Committee. The straw vote was: AYE: Edwards (1). NAY: Taylor, Sisk, DePue, Magoon (4).

Mr. DePue made a motion to keep Ware Creek/Croaker Road in the PSA and redesignate Rural Lands. The straw vote was: AYE: DePue, Sisk (2). NAY: Edwards, Taylor, Magoon (3).

Mr. DePue made a motion to remove Ware Creek/Croaker Road area from the PSA and redesignate Rural Lands. The straw vote was: AYE: Edwards, DePue (2). NAY: Taylor, Sisk, Magoon (3).

Mr. DePue made a motion to keep the Boy Scout property in the PSA and redesignate to Park, Public or Semi-Public Open Space. The straw vote was: AYE: Edwards, DePue (2). NAY: Taylor, Sisk, Magoon (3).

Mr. Edwards made a motion to approve the Planning Commission's recommendation to remove the Centerville Road area from the PSA and redesignate Rural Lands. The straw vote was: AYE: Edwards, Magoon (2). NAY: Taylor, Sisk, DePue (3).

Mr. Magoon made a motion to approve his suggested language regarding land bisected by the PSA line. The straw vote was: AYE: Taylor, Magoon (2). NAY: Edwards, Sisk, DePue (3).

Board members asked staff to ensure that the Industrial Development Authority strategy reflected the language as stated in the December 20, 1996, minutes.

Mr. Magoon made a motion to have staff draft language to include Mr. Edwards' issues of affordable housing, mixed cost housing and unusual environmental protection as a part of the open space development design sentence and to keep "encourage, but will not recommend." The straw vote was: AYE: Edwards, Taylor, Sisk, DePue, Magoon (5). NAY: (0).

Mr. Magoon recessed the Board for dinner at 6:10 p.m.

C. PRESENTATION

1. James City County Library, Patsy Hansel

Ms. Patsy Hansel, Director of Williamsburg/James City County Libraries, presented a report on the James City County Library's first six months of operation. She introduced Ms. Shirley Abramson, who described the new technology and Ms. Aletha Davis, who reported on bookmobile services.

Ms. Hansel requested replacement of the bookmobile to serve those in the community who need the services the most.

Mr. Wanner stated that the Library project had been completed under budget and asked the Board to endorse the County share of the replacement of the bookmobile with use of project fund balances.

Without objection, the Board agreed to endorse the request.

D. MINUTES -January 14, 1997

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

Mr. Sisk made a motion to approve the minutes.

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

E. HIGHWAY MATTERS

Mr. Jim Brewer, Assistant Resident Engineer, Virginia Department of Transportation (VDOT), reported Route 199 construction on schedule.

Mr. Taylor asked the length of time Stewart's Road (Route 621) would be closed at the New Kent County line.

Mr. DePue asked that he be contacted regarding a constituent's telephone call that Jolly Pond Road (Routes 611/633) was unsafe for school buses.

Mr. Sisk asked that preparation begin for a stoplight on Route 5 at the new Jamestown High School.

Mr. Edwards asked the name of the person residents could contact concerning the construction of Route 199.

Mr. Magoon requested whether additional trees were removed near the professional offices on Strawberry Plains Road to improve the entrance.

Mr. Magoon also asked that a check be made to see if a stoplight would be warranted at Oxford Road and Jamestown Road (Route 31).

F. CONSENT CALENDAR

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

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

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

1. Victim Witness Program Grant

RESOLUTION

VICTIM WITNESS PROGRAM GRANT

WHEREAS, the Board of Supervisors of James City County has been requested to appropriate funds and approve a limited-term position within the budget of the Commonwealth Attorney for the Victim Advocate/Violence Against Women Project using State grant funds.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves a part-time other position for the Victim Witness Program and authorizes the following appropriation of additional funds within the FY 97 budget:

Revenues:

From the Commonwealth	<u>\$16,211</u>
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Expenditures:

Victim Witness Assistance Program	<u>\$16,211</u>
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2. Budget Amendment - Fire Department**RESOLUTION****BUDGET AMENDMENT - FIRE DEPARTMENT**

WHEREAS, James City County has been granted an award of \$5,000 by the Virginia Department of Fire Programs for the purchase of fire training equipment.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation of additional monies within the FY 97 Operating Budget:

Revenues:

Department of Fire Programs	<u>\$5,000</u>
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Expenditures:

Fire - 001-071-0420	<u>\$5,000</u>
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G. PUBLIC HEARINGS1. Case No. Z-6-96 and SUP-12-96, Woodbury (Brookstone Ventures) (Continued from January 14, 1997)

Mr. Gary Pleskac, Planner, stated that the cases were deferred at the January 14, 1997, Board of Supervisors' meeting to allow time for staff to reexamine traffic volume projections for the Route 5 corridor, both with and without Alternate Route 5. He further stated that the applicant had supplied a phasing schedule over a period of five years from 1998 to 2002, with the final build out coinciding with projected opening of Alternate Route 5.

Staff recommended approval of the cases with proffers.

Mr. Magoon reopened the public hearing.

Mr. Magoon stated that the Commonwealth's Attorney had determined that he had no conflict of interest with the applicant.

1. Mr. Alvin Anderson, Esq., representing the applicant, stated that the cases should be considered by consistency, facts, associated policies and the current Comprehensive Plan. He detailed the construction phases and volume of traffic each produced from 1998 to 2002.

2. Mr. George Wright, 148 Cooley Road, stated a petition had been signed by 1,826 residents in opposition to approval of the cases. On behalf of the Historic Route 5 Association, he requested that the Woodbury applications be deferred until the opening of Alternate Route 5 when the roads could handle the traffic. He asked the audience to stand in support of denial; approximately 60 persons stood.

3. Mr. William Holcombe, 4715 Lady Slipper Path, asked that Alternate Route 5 be completed before approval of any subdivisions in the Route 5 corridor.

4. Ms. Julia Leverenz, Running Cedar Way, asked that the development be denied to control growth and traffic and water problems.

5. Mr. Don Milkavich, 4707 Wood Violet Lane, spoke in opposition to the approval because of traffic levels, and stated that the subdivision would be used as a shortcut between the main highways.
6. Mr. John Shelton, 4512 The Foxes, urged the Board to listen to the speakers and not approve the cases.
7. Ms. Aimee Shelton-Barker, college student, stated that the development would add to traffic safety matters.
8. Ms. Shaina Shelton, 4512 The Foxes, stated that she usually was taken to school so she would not have to stand by the road waiting for the school bus.
9. Mr. Dean Fowler, 103 Crossover Road, spoke in opposition to the development for the impact on schools, and he spoke to the need for economic growth to keep tax base low.
10. Mr. M. D. Galbreath, III, stated that he understood both sides of the cases and that the Board should be consistent in decision making.
11. Ms. Ann Ray, 35336 Cherry Grove, Round Hill, VA, spoke in support of her family's opportunity for appropriate development.
12. Mr. Steven Meyer, 4700 Wood Violet Lane, stated the fundamental problem was that Route 5 was beyond capacity several times daily.
13. Mr. Keith Nowaldy, 4702 Wood Violet Lane, asked the Board to take the conservative approach by not approving the cases to keep Route 5 as a scenic byway.
14. Mr. Ed Oyer, 139 Indian Circle, urged the Board to allow development by-right and not approve all requests. He stated the Board's obligation was to the County citizens and not to those who may come.
15. Mr. Mark Sexton, 8 Crestwick, commented that retired persons make many vehicle trips per day and urged the Board to support preservation of environment.
16. Mr. Grant Olson, 105 Holman, stated that the Coalition of Quality Growth, consisting solely of volunteers, opposes additional residential growth for degradation of quality of life.
17. Mr. Norman Mason, representing the applicant, 201 Packets Court, stated that the studies show traffic below capacity in the vicinity of Woodbury and asked that the cases be considered by existing Comprehensive Plan.
18. Ms. Joan Milkavich, 4707 Wood Violet Lane, stated that the decision on the cases should not be made until after the Comprehensive Plan was approved later in the evening.
19. Mr. Mark Finn, 4703 Yarrow Court, urged the Board not to approve the cases for the reason of consistency of procedures.
20. Mr. Mac Mestayer, 105 Gilley Drive, stated overdevelopment provided a decrease in his property rights. He asked for consistency with the present zoning laws.
21. Mr. Steven Smith, 5015 Hickory Sign Post Road, asked Mr. Magoon as his district representative to vote on the cases and in his opinion, the conflict of interest concept could possibly apply to all the Board members.

Mr. Magoon closed the public hearing, and personally thanked the audience for the tone of the public hearing.

Mr. Sisk made a motion to approve the cases.

Individual Board members commented that approval would be a bad decision because traffic level of service would worsen; the plan was a nice subdivision in the taxing district that would help fund Alternate Route 5 when traffic levels reach projected need; cases should be denied because current traffic studies show that Route 5 traffic was at unacceptable levels of service; the cases were the best open space design proposal brought forward to this time; and less government regulations are needed by property owners.

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

RESOLUTION

CASE NO. Z-6-96. WOODBURY (BROOKSTONE VENTURES)

WHEREAS, in accordance with section 15.1-431 of the Code of Virginia, and Section 20-13 of the James City County Zoning Ordinance, a public hearing was advertised, adjacent property owners notified and a hearing was scheduled on Zoning Case No. Z-6-96 for rezoning approximately 49 acres of land from R-8, Rural Residential, to R-1, Limited Residential District, with proffers, further identified as Parcel No. (1-29) on James City County Real Estate Tax Map No. (47-1); and

WHEREAS, the Planning Commission of James City County, recommended approval of Case No. Z-6-96 by a vote of 7-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Zoning Case No. Z-6-96, and accepts the voluntary proffers.

RESOLUTION

CASE NO. SUP-12-96. WOODBURY (BROOKSTONE VENTURES)

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 2, 1996, recommended approval of Case No. SUP-12-96, by a vote of 7 to 0, to permit the construction of single-family homes in accordance with the Residential Cluster provisions of the James City County Zoning Ordinance, further identified as Parcel (1-29) on James City County Real Estate Tax Map No. (47-1).

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-12-96 as described herein.

Mr. Magoon declared a ten-minute recess at 9:32 p.m.

Mr. Magoon reconvened the Board at 9:42 p.m.

2. Case No. ZO-11-96 Ordinance Amendment, Chapter 20, Zoning, Article I, Section 2, Article V, Division 9, Section 20-368, Division 20, Section 20-390, Define Adult Day Care Centers and Permit Use in Limited Business and General Business Districts

Mr. John Patton, Development Management Technician, stated that the proposed amendment would define adult day care center and add as a generally permitted use in Limited Business, LB, and General Business, B-1 zoning districts.

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

Mr. Magoon 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.

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

3. Transfer of Property to Virginia Department of Transportation for Widening of Pocahontas Trail

Mr. Leo P. Rogers, Deputy County Attorney, stated that the resolution authorized the County Administrator to execute a deed transferring 0.266± acres of the Grove Fire Station property to Virginia Department of Transportation for widening of Pocahontas Trail.

Staff recommended approval of the resolution.

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

RESOLUTION

TRANSFER OF PROPERTY TO VDOT FOR WIDENING OF POCAHONTAS TRAIL

WHEREAS, the Virginia Department of Transportation ("VDOT") requires a certain strip of land from the County's Grove Fire Station property on State Route 60, Pocahontas Trail ("Grove Fire Station"); and

WHEREAS, VDOT has offered to pay \$18,491.00 to the County to acquire 0.266± acres along the front of the Grove Fire Station property for the widening of State Route 60 and for a relocated Virginia Power easement; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion the County should convey such property to VDOT for the agreed-upon price.

NOW, THEREFORE, BE IT RESOLVED the Board of Supervisors of James City County, Virginia authorizes and directs Sanford B. Wanner, County Administrator, to execute a deed and any other document needed to convey the above-referenced property to the Commonwealth of Virginia and Virginia Power for \$18,491.00.

H. BOARD CONSIDERATIONS**1. Resolution of Approval for Patriot's Colony, Inc., Revenue Bond Issue**

Mr. Sanford B. Wanner, County Administrator, stated that the Industrial Development Authority had authorized issuance of up to \$30,500,000 of Residential Care Facility Revenue Bonds to assist in financing of acquisition, construction and equipping facilities for residence and care of the aged in James City County. He further stated that State and Federal statutes require that the governing body of the jurisdiction to adopt a Resolution of Approval in support of the Industrial Development Authority's action.

Staff recommended approval of the resolution.

Mr. Sisk made a motion to approve the resolution.

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

RESOLUTION**PATRIOT'S COLONY, INC., REVENUE BOND ISSUE**

WHEREAS, the Industrial Development Authority of the County of James City, Virginia (the "Authority"), has considered the application of Patriot's Colony, Inc., (the "Applicant"), a nonprofit Virginia non-stock corporation described in Section 501 (c) (3) of the Internal Revenue Code of 1986, as amended (the "Code"), and exempt from tax under Section 501 (a) of the Code having its principal place of business at 6000 Patriot's Colony Drive, Williamsburg, Virginia 23187. In that application, the Industrial Development and Revenue Bond Act, Chapter 33, Title 15.1 of the Code of Virginia of 1950, as amended (the "Act"), up to \$30,500,000 of its revenue bonds for the residence and care of the aged (the "Bonds"); and

WHEREAS, the proceeds of the Bonds will be used to assist the Applicant in: 1) financing the acquisition, construction and equipping of a 150-unit continuing care retirement facility for the residence and care of the aged, consisting of a five-story apartment building, a one-story community center and eight one-story attached villa courtyards, located on approximately 90 acres of land in James City County, Virginia (the "County") at 6000 Patriot's Colony Drive, Williamsburg, Virginia 23187 (the "Project"); and 2) payment of the costs of issuing the Bonds. The Authority held a public hearing regarding this matter on behalf of the Authority and the County on January 13, 1997, which is a date within sixty (60) days of the adoption of this resolution; and

WHEREAS, Section 147(f) of the Code provides that both the governmental unit having jurisdiction over the issuer of private activity bonds and the governmental unit having jurisdiction over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds. The Project is located in the County, the Authority issues its bonds on behalf of the County and the Board of Supervisors of the County (the "Board") constitutes the highest elected governmental unit of the County; and

WHEREAS, the Authority has recommended that the Board approve the issuance of the Bonds and has forwarded to the Board: 1) a copy of the Authority's resolution approving the issuance of the Bonds, subject to terms to be agreed upon, which was adopted following its public hearing on January 13, 1997; 2) a copy of the Fiscal Impact Statement submitted by the Applicant; and, 3) a reasonably detailed summary of the comments made at the public hearing.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that:

1. The recitals made in the first and second paragraphs of this resolution are hereby adopted as a part of this resolution.
2. The Board approves the issuance of the Bonds by the Authority in an aggregate principal amount not to exceed \$30,500,000 for the benefit of the Applicant, to the extent required by Section 147 (f) of the Code and Section 15.1-1378.1 of the Code of Virginia of 1950, as amended.
3. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Applicant or the Project, and, as required by the Act and Virginia law, the Bonds shall provide that none of the Commonwealth of Virginia, the County or the Authority shall be obligated to pay the principal, or premium, if any, of the Bonds or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefor, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia, the County, or the Authority shall be pledged thereto.
4. Pursuant to the limitation contained in Temporary Treasury Regulation Section 5f.103-2 (f) (1), this Resolution shall remain in effect for a period of one year from the date of its adoption.
5. The County, including its elected representatives, officers, employees, and agents shall not be liable and hereby disclaims all liability for any damage to the Applicant or the Project, direct or consequential, resulting from the Authority's failure to issue the Bonds for any reason.
6. This resolution shall take effect immediately upon its adoption.

2. 1997 Comprehensive Plan

Mr. Donald E. Davis, Principal Planner, stated that the Comprehensive Plan was a culmination of over one-year of work by citizens, Community Participation Team, Steering Committee, Planning Commission, Board of Supervisors and staff. He further stated that five work sessions were held to allow the Board to discuss and make decisions on policy initiatives, changes to the land use map and the Comprehensive Plan text.

In concurrence with staff, the Planning Commission, by a vote of 6-1, recommended approval of the Comprehensive Plan and Land Use Map. Staff recommended approval of the resolution which would adopt the Comprehensive Plan and the Land Use Map, as amended.

Mr. Edwards made a motion to approve the Comprehensive Plan with the proposed language for Low Density Residential as submitted by the staff.

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

Board members commented that the effort was to obtain a quality document with more control over some kinds of development; the document produced a land guide for the next five years; and portions of the Comprehensive Plan discriminate against residents of the Stonehouse District.

Mr. Edwards made a motion to approve the resolution.

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

RESOLUTION

ADOPTION OF THE COMPREHENSIVE PLAN

- WHEREAS, the Code of Virginia, Title 15.1, Chapter 11, Section 15.1-446.1 requires James City County to prepare and recommend a Comprehensive Plan for the physical development of its territory, and Section 15.1-454 mandates that at least once every five years the Comprehensive Plan be reviewed by the local Planning Commission; and
- WHEREAS, the James City County Planning Commission has reviewed the original Comprehensive Plan and determined it advisable to amend that plan; and
- WHEREAS, amendments have been proposed for incorporation in the 1997 James City County Comprehensive Plan; and
- WHEREAS, the James City County Planning Commission held a public hearing and recommended approval of the 1997 Comprehensive Plan on November 11, 1996; and
- WHEREAS, a public hearing on the 1997 James City County Comprehensive Plan was held on November 26, 1996, by the Board of Supervisors; and
- WHEREAS, the Board of Supervisors held five work sessions to discuss the Comprehensive Plan and Land Use Map; and
- WHEREAS, staff will continue to make minor editorial and graphic changes to improve the quality of text while making no substantive changes in intent.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopts the 1997 Comprehensive Plan and Land Use Map for James City County.

I. PUBLIC COMMENT

1. Mr. William A. Lawrence, Jr., 1 Jonathan Court, Toano, spoke of problems with his home builder and stated he had not received help from the County.

Mr. Frank M. Morton, III, County Attorney, reported that Mr. Leo Rogers, Deputy County Attorney, had indicated that a January 28, 1997, meeting with Mr. Lawrence had apparently produced positive results and that the issues should be resolved in the very near future.

2. Mr. Ed Oyer, 139 Indian Circle, spoke of lack of technical training in the County and requested the Board to support getting a Thomas Nelson Community College campus to make the County more attractive for industrial developers.

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner reported that initiatives for locating Thomas Nelson Community College in the upper peninsula were underway. He recommended the Board recess this meeting until 12:30 p.m., on February 6 to travel to Richmond for Virginia Municipal League Legislative Day.

Mr. Magoon recessed the Board for a James City Service Authority meeting at 10:17 p.m.

Mr. Magoon reconvened the Board at 10:22 p.m.

K. BOARD REQUESTS AND DIRECTIVES

Mr. Wanner requested the Board to consider a contribution of up to \$10,000 for a study arranged by York County on the feasibility of constructing a baseball stadium. He estimated the cost of the study to be up to \$10,000. Mr. Wanner told the Board the consultant was needed to review the proposal submitted.

Board discussion followed regarding the spending of public funds when the public had shown no interest in a baseball franchise.

Mr. Magoon made a motion to approve up to \$3,000 for the study.

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

The Board wanted the message conveyed that it was not interested in pursuing the proposal in its present form.

Mr. Magoon made a motion to recess until Thursday, February 6, 1997, at 12:30 p.m., to travel to Richmond for VML Legislative Day.

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

The Board recessed at 10:50 p.m.


Sanford B. Wanner
Clerk to the Board

CORRECTION
PROFFERS

These Proffers are made as of the 19th day of December, 1996, by THELMA V. ALTIZER ("the Owner"), together with her successors and assigns, who owns certain real property shown on the James City County tax map 47-1 as Parcel 1-29.

FEB 19 1996 0053

RECITALS

A. The Owner is owner of certain real property in James City County, Virginia ("the County"), more particular described as follows:

All that certain tract of land containing 49.33 acres, more or less, now or formerly situate in Jamestown District, James City County, Virginia, as shown and set forth on a plat entitled "JAMESTOWN DIST., JAMES CITY COUNTY, VIRGINIA, PLAT SHOWING BOUNDARY OF SECTION NO. 3 OF JAMES B. VAIDEN ESTATE PROPERTY, PREPARED FOR THELMA VAIDEN ALTIZER" dated November 3, 1964 made by Vincent D. McManus, C.E., a copy of which plat is recorded in James City County Deed Book 99 at page 609.

The aforesaid real estate is herein referred to as "the Property".

B. The County's Comprehensive Plan Land Use Map specifically designates the Property as "Low Density Residential" expressly providing for conventional residential development patterns at densities of two dwelling units per acre or less and at densities greater than two dwelling units per acre, cluster development patterns are encouraged with such developments being considered for densities of up to four dwelling units per acre.

C. The Owner has requested that the Property be rezoned from the Rural Residential District, R-8 to the Limited Residential District, R-1 with a Special Use Permit to permit the construction of single family dwellings in a residential cluster development as a condominium.

D. The provisions of the County Zoning Ordinance may be deemed inadequate for the orderly development of the Property.

E. The Owner desires to offer to the County certain Proffers on the development of

the Property not generally applicable to land zoned Limited Residential District, R-1 for the protection and enhancement of the community and to provide for the high quality and orderly development of the Property.

F. NOW, THEREFORE, for and in consideration of the approval by the County of the rezoning of the Property and the issuance of the requested special use permit, and pursuant to Section 15.1-491.1 et seq. of the Code of Virginia, 1950, as amended, ("the Virginia Code"), and Section 20-16 of the County Code ("the County Code"), the Owner agrees that it will meet and comply with all of the following Proffers in developing the Property. In the event that both the requested rezoning and special use permit are not approved and these Proffers are not accepted by the County, these Proffers shall thereupon become null and void.

PROFFERS

1. USES: The uses of the Property shall be limited to the following:
 - Accessory buildings or structures as defined in the County's Zoning Ordinance;
 - Community recreation facilities associated with the proposed residential development, including parks, playgrounds, tennis courts, and other similar recreation facilities;
 - Single family dwellings not exceeding 110 in number; and
 - Water impoundments, new or expansion of, less than 50 acres and with dam heights of less than 25 feet.

2. PRELIMINARY MASTER PLAN OF DEVELOPMENT: The Property shall be developed in accordance with a Master Plan of Development pursuant to Section 20-552 of the County Code. In addition, the Master Plan of Development shall provide for the location of proposed public streets, the location of proposed areas of open space and the location of proposed areas for buildings all as approximately shown on a plan entitled "Site Development

Plan; A cluster Development, Woodbury, Prepared For Brookstone Ventures, L.L.C., James City County, Virginia" dated October 17, 1996 prepared by Langley and McDonald, P.C. attached hereto and made a part hereof marked as Exhibit "A" ("the Preliminary Master Plan of Development"). The County's Planning Director may permit amendment of the Preliminary Master Plan of Development only if such amendments do not: (1) conflict with the other requirements of these Proffers, the Virginia Code and the County Code; or (2) change the general character or content of the Preliminary Master Plan of Development; or (3) result in any substantial change of major external access points; or (4) increase the approved number of dwelling units on the Property as a whole.

The public road on the Preliminary Master Plan of Development shall be constructed to a width that allows parking and in accordance with the SUBDIVISION STREET REQUIREMENTS MANUAL issued in January 1996 by the Virginia Department of Transportation ("VDOT"), as it may be amended at the time of construction. All private streets and driveways that serve more than one dwelling unit shall be designed and constructed in accordance with the construction (but not geometric) standards of the County's private street guidelines; however, the horizontal and vertical geometry of all private streets shall be subject to the County's approval.

The Cluster Concept and the Unit Concept shall be developed on the Property as generally shown on Exhibit "B", the Typical Residential Area Plan. Site constraints including, but not limited to, topography, finished grade, wetlands, steep slopes, utility and drainage easements, archaeological sites, rights-of-way and soils, may warrant deviations from the Typical Residential Area Plan. Such deviations caused by these above-referenced limitations shall be reviewed and approved for general consistency with the Typical Residential Area Plan by the Development

FEB-76 0082

FEB 196 0055

Review Committee prior to final site plan approval.

3. TRAFFIC STUDY; ACCESS TO THE PROPERTY: The access to the Property shall be in the approximate location shown on the Preliminary Master Plan of Development and shall be limited to one access on Route 5 and one access on Route 615. The Owner shall commission, at its expense, and provide to each of the County and VDOT, a traffic study for both of the entrances to the Property on Route 5 and Route 615 prior to final site plan approval. The traffic study shall address the requirements, if any, of a turn lane(s) at either or both of said entrances based on the traffic generated by the total permitted number of dwelling units on the Property and the anticipated background traffic on each of Route 5 and Route 615 at the full build out stage. After review and approval of the traffic study by both the County and VDOT, the Owner shall, if not previously constructed by others, construct said turn lane(s) or guarantee the construction of the same with corporate surety or cash bond in accordance with the applicable standards of the County and VDOT all prior to the issuance of building permits for the prescribed number of dwelling units on the Property warranting such turn lane(s); however, at any time prior to the construction of the required turn lane(s), the Owner, VDOT or the County may request an updated analysis of turn lane warrants, based on the then current traffic volumes and standards, to determine the continued necessity of constructing the turn lane(s). If such subsequent analysis is approved and indicates that any of said turn lane(s) are no longer necessary, the Owner shall be under no obligation to construct the unnecessary turn lane(s) and the appropriate portion of any corporate surety or cash bond previously posted by the Owner for the same shall be returned.

4. CASH PAYMENTS FOR EACH DWELLING UNIT DEVELOPED ON THE PROPERTY: The Owner shall contribute to the County the sum of one percent (1%) of the estimated initial sales price, as hereinafter determined, for each dwelling unit developed on the

FEB-7 1966 0083

FEB 19 1966 0056

Property and the County shall make these monies available to the Route 5 Transportation Improvement District for the construction of alternate Route 5 or for any other project included in the County's Capital Improvement Plan, the need for which in whole or in part is generated by the development of the Property. The estimated initial sales price for each dwelling unit developed on the Property shall be determined by agreement between the Owner and the County's Director of Real Estate Assessment and, in the absence of such agreement, by the County's Board of Supervisors. Said contributions shall be payable for the number of units to be constructed within each residential pod of the Property as shown on the Preliminary Master Plan of Development but only when, as and if a final site plan is approved by the County for the construction of said units within said residential pod of the Property. Notice that such sum is due shall be recorded on all plats of the Property approved after the date hereof.

FEB-75 0084

FEB 19 5 0057

5. DEDICATION OF AND PAYMENT TOWARDS REGIONAL STORMWATER MANAGEMENT FACILITY: At the written request of the County Administrator and prior to the approval of any development plans of the Property, the Owner shall dedicate to the County, subject to the rights and easements herein reserved, all or any portion of the Property shown within the area on the Preliminary Master Plan of Development as the approximate location of the "Regional BMP" for non-exclusive use by the County for stormwater management purposes. The Owner shall have the right and easement to utilize said area as a part of its required open space and to install and construct over, under, across, and through such area such trails, drainage structures, stormwater management facilities, and utilities as may be necessary for the development of the Property, in accordance with the terms of these Proffers and as approved by the Development Review Committee of the County's Planning Commission.

Prior to the issuance of a land disturbing permit for any portion of the Property, the

Owner shall pay to the County the sum of Sixty-Thousand and No/100 Dollars (\$60,000.00) representing its proportional share of the construction costs associated with the construction of a regional stormwater management facility within the area designated "Regional BMP." If not previously constructed by the County, the County shall upon said payment cause to be constructed said regional stormwater management facility which shall accommodate all uses hereby anticipated.

6. TREE RETENTION AREAS AND CONSERVATION EASEMENT: In the designated areas hereinafter described, the Master Plan of Development shall provide for the preservation of existing trees, to the end that said areas shall be left in their existing natural wooded state:

- An area seventy-five (75) feet in depth between the residential pods within the Property and the Graylin Woods subdivision to the east;
- An area seventy-five (75) feet in depth between the residential pods within the Property and the Foxes subdivision to the north;
- An area seventy-five (75) feet in depth between the residential pods within the Property and the Baron Woods subdivision to the west;
- An area one hundred-fifty (150) feet in depth along the Route 5 frontage of the Property which area shall be measured from the northerly edge of right of way of Route 5 and any required turn lane;
- An area one hundred-fifty (150) feet in depth along the Route 615 frontage of the Property which area shall be measured from the easterly edge of right of way of Route 615 and any required turn lane; and
- An area fifty feet (50) in depth on both sides of the public portion of the main entrance road.

Notwithstanding the aforesaid, dead, diseased or dying trees or trees weakened by age, storm or other injury and dead, diseased or dying shrubbery may be removed. Furthermore, with the approval of the Director of Planning, selective clearing may be performed within all buffers to

FEB-75 0086

FEB 19 5 0059

allow for an attractive appearance, to remove trees that might become a hazard to residents and to enhance the growth potential of trees to remain. The existing native mulch layer and existing grade around trees in all of said buffers shall be retained. Finally, additional mulch may be added to enhance the survivability of trees to remain. Notwithstanding, the aforesaid, in the case of the buffers along the public portion of the main entrance road and along Route 5 and Route 615, utility crossings, turn lanes, the main public road entrances (without medians within said entrances), the entrances serving each group of dwelling units, signs, lighting and entry features, and stormwater management facilities may be permitted provided they are approved by the Development Review Committee of the County's Planning Commission. In the case of the buffers along Route 5 and Route 615, the Owner shall grant to the County a construction easement, at least twenty (20) feet in width, the location of which shall be approved by the County and the form of which shall be acceptable to the County Attorney, within which area, the County may, at its expense, construct a variable width bikeway and/or trail system. No portion of any residential pod shown on the Preliminary Master Plan of Development shall be located within the buffers along Route 5 or Route 615.

All areas designated for the preservation of trees shall be clearly marked with appropriate colored markings prior to the commencement of any construction on the Property. Additionally, all areas designated for the preservation of trees along the northerly and the easterly perimeter of the Property and trees to be retained within the areas designated for dwelling units shall be protected throughout the construction period by installation of orange mesh fencing.

Following the clearing of those portions of the Property designated for construction of dwelling units, the buffer areas adjacent to the Graylin Woods subdivision to the east, the Foxes subdivision to the north and the Baron Woods subdivision to the west may be inspected by the

Development Review Committee of the County's Planning Commission or its designee and if said Committee or its designee considers any portion of said buffers to provide inadequate levels of screening, said Committee or its designee may require and approve an enhanced planting plan to the end that these buffers shall be enhanced with a mixture of evergreen and deciduous shrubs and trees to ensure an effective visual screen between the new and existing residential areas.

7. LANDSCAPING: The Master Plan of Development shall provide for landscaping for each area of the Property designated for dwelling units as generally illustrated on the plan entitled "Typical Residential Area Plan, A Cluster Development, Woodbury, Prepared For Brookstone Ventures, L.L.C., James City County, Virginia" dated September 13, 1996 prepared by Langley and McDonald, P.C., attached hereto and made a part hereof marked as Exhibit "B". The following minimum number and type of plants shall be provided per dwelling unit:

- Two shade trees, minimum 2 - 2½" caliper;
- Two understory flowering trees, minimum 6 - 8' in height;
- Three understory or canopy evergreen trees, minimum 6 - 8' in height;
- Forty evergreen or deciduous shrubs; and
- Ninety square feet of groundcover plants, ornamental grasses or perennial ground covers.

The types and locations of all required plants shall be approved by the County's Planning Director and shall be distributed throughout each individual area of the Property designated for dwelling units. Plant locations may be adjusted as needed to protect existing retained vegetation within the residential areas and to provide plants for maximum enhancement of the overall area.

At least two (2) evergreen, deciduous or ornamental trees shall be provided for each 35 feet of length of road along the main public road with the specific type and location of such trees to be approved by the Director of Planning prior to final site plan approval. Such trees may be

FEB-76 0088

FEB 1976 0061

regularly spaced or grouped in areas where the least existing vegetation remains.

8. DWELLING UNIT DESIGN CRITERIA: In order to establish consistent materials, style and colors, the Owner shall prepare and submit for approval by the Development Review Committee of the County's Planning Commission a pattern book containing design criteria for all dwelling units to be constructed on the Property prior to the final site plan approval of the first residential pod within the Property which criteria shall specify the following:

- Typical building elevations;
- Community sign standards;
- Mailbox enclosures and other architectural screening;
- Exterior building materials;
- Siding, roof and trim colors;
- Site lighting standards and types;
- Typical orientation of garage doors;
- Decking materials, locations and heights; and
- Fence and wall materials, locations and heights.
- Typical building, driveway and parking layout.
- Entry features.

All dwelling units shall have a maximum height of roof peak from lowest finish floor elevation of 28 feet.

9. PEDESTRIAN WALK SYSTEM: When, as and if each portion of the Property is developed, a pedestrian walk system shall be provided along the easterly side of the main public road abutting said portion to be developed and into each area of the Property to be developed for dwelling units in order to provide a dedicated pedestrian access from the front of each unit to the

adjacent public street system. No portion of the pedestrian walk system shall be blocked by the parking hereinafter required.

10. SET BACK STANDARDS: The following set back standards shall apply within each area of the Property designated for dwelling units. The set backs shall apply not only to the dwelling units but also to any associated porches and decks:

- All buildings shall be located a minimum of 15 feet from any other building. Porches and decks shall be located a minimum of 10 feet from any other building, porch or deck; and
- All buildings, porches and decks will be located a minimum of 15 feet from the back of curb of shared drives and a minimum of 10 feet from the pavement edge of driveway shared by a maximum of three units.

11. PARKING: Within each area of the Property designated for dwelling units, a minimum of two dedicated parking spaces per dwelling unit shall be provided in addition to garage spaces. No driveways from individual dwelling units shall enter directly onto the public portion of the main entrance road.

12. NO INTERNAL STREETS BETWEEN THE PROPERTY AND ADJACENT RESIDENTIAL PROPERTY: No internal street connection shall be permitted between the Property and Graylin Woods subdivision to the east and between the Property and the Foxes subdivision to the north.

13. HOMEOWNER'S ASSOCIATION: The Owner shall organize a Homeowner's Association ("the Association") in accordance with Virginia law whereby all property owners within the Property, by virtue of their property ownership, must be members. The Articles of Incorporation, Bylaws and Restrictive Covenants (together, the "Governing Documents") creating and governing the Association shall be submitted to and reviewed by the County Attorney prior to the construction of any dwelling unit on any portion of the Property. The

FEB-7 5 0089

FEB 19 5 0062

FEB-76 0090

FEB196 0063

Governing Documents shall require that the Association adopt an annual maintenance budget and shall require the Association to: (i) assess all members owning dwelling unit(s) on the Property for the maintenance and/or replacement as appropriate for all properties owned or maintained by the Association including but not limited to all private roads, driveways, buffers and landscaping and Best Management Practice facilities; and (ii) file liens on said member's properties for non-payment of such assessments and for the costs of remedying the violations of or otherwise enforcing, the Governing Documents. The funding plan for the aforesaid maintenance budget for the first five years shall include cash or a bond with corporate security with the Association and the County as dual obligees or a combination of both in the total amount of \$45,000.00 to provide the Homeowner's Association sufficient funds for maintenance.

14. RECREATIONAL AMENITIES: A neighborhood park of approximately one acre shall be provided at the general location shown on the Preliminary Master Plan of Development. This area shall be dedicated to and maintained by the Association and shall be open to all members of the Association. In addition, a pedestrian walk shall be provided from the main public road to the park, and a bond for \$15,000 shall be posted for the development of facilities within the park, the exact nature of such to be determined by the members of the Association. The neighborhood park, pedestrian walk and facilities within the park shall be constructed prior to preliminary site plan approval of more than 25 units within the Property. The aforesaid bond shall be provided to the County prior to the final approval of the site plan for development of the first residential pod within the Property.

15. ARCHAEOLOGICAL STUDY: A Phase I Archaeological Study for the area to be disturbed on the Property shall be submitted to the Director of Planning for his review and approval prior to land disturbance. A treatment plan shall be submitted to and approved by the

Director of Planning for all sites that are, in the Phase I study, recommended for a Phase II evaluation and/or identified as being eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken such a study shall be approved by the Planning Director and a treatment plan for said sites shall be submitted to and approved by the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If, in the Phase II study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, Phase II and Phase III studies shall meet the Virginia Department of Historic Resource's Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standard and Guidelines for Archaeological Documentation, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards. All approved treatment plans shall be incorporated into the plan of development for the site and the clearing, grading or construction activities thereon.

16. LEGAL FORM OF OWNERSHIP: The Owner shall develop the Property as a condominium pursuant to the Virginia Code unless otherwise permitted by the County Code.

GENERAL PROFFERS

17. HEADINGS: All section and subsection headings of these Proffers are for convenience only and are not part of these Proffers.

18. SEVERABILITY OF PROVISIONS: If any clause, sentence, paragraph, section

FEB-75 0091

FEB 19 5 0064

FEB-76 0092

FEB 1965 0065

or subsection of these Proffers shall be adjudged by any Court of competent jurisdiction to be invalid for any reason, including a declaration that it is contrary to the Constitution of the Commonwealth or of the United States, or if the application thereof to the Owner or to any government agency or circumstance is held invalid, such judgment or holding shall be confined in its operation to the clause, sentence, paragraph, section or subsection hereof or the specific application thereof, directly involved in the controversy in which the judgment or holding shall have been rendered or made, and shall not in any way affect the validity of any other clause, sentence, paragraph, section or subsection hereof, or affect the validity of the application thereof to the Owner or to any other government agency, person or circumstance.

Thelma V. Altizer
 THELMA V. ALTIZER

STATE OF VIRGINIA

CITY/COUNTY OF LOUDOUN, to-wit:

The foregoing instrument was acknowledged before me this 24 day of

VIRGINIA December 1996 by Thelma V. Altizer
 James City, to Wit:

Proffer in the Clerk's Office of the Circuit Court of the City of Williamsburg and County of James City the 19 day of Feb 1997 This Proffer was presented with certificate annexed and admitted to record at 9:21 o'clock
 Teste: Helene S. Ward, Clerk
 by [Signature]
 My Commission expires: 1-31-2000

May E. McCully
 NOTARY PUBLIC

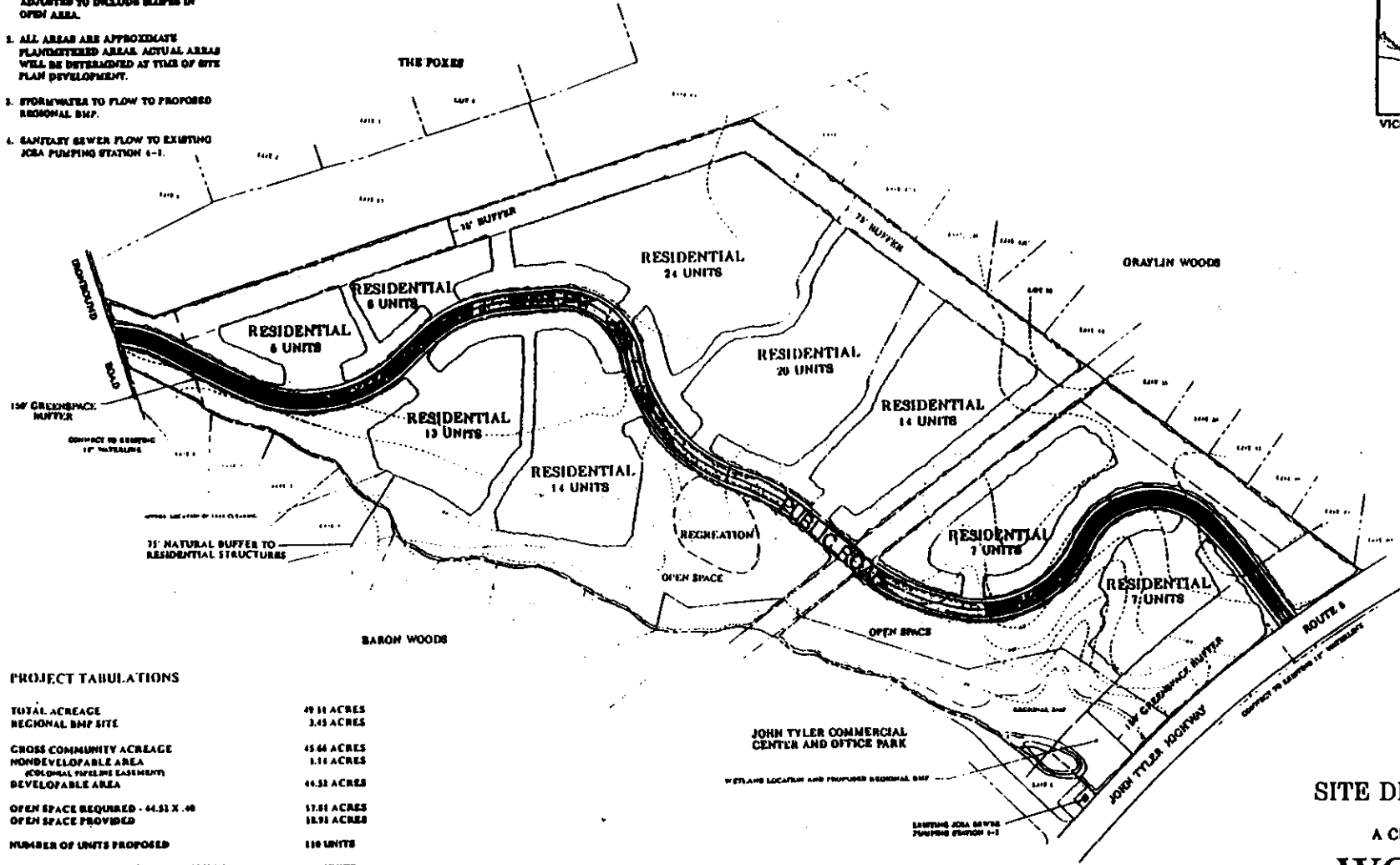
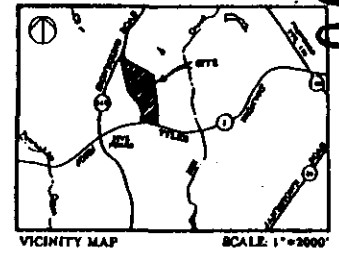


City of Williamsburg and County of James City, to Wit:
 In the Clerk's Office of the Circuit Court of the City of Williamsburg and County of James City the 19 day of Feb 1997 This Proffer was presented with certificate annexed and admitted to record at 1:02 o'clock
 Teste: Helene S. Ward, Clerk
 by [Signature]
 City Clerk

CAWP61VAF&DNREALESTDOCSALTZRPRF.D19
 This document prepared by:
 Alvin P. Anderson, Esquire
 1200 Old Colony Lane
 Williamsburg, VA 23185

NOTES:

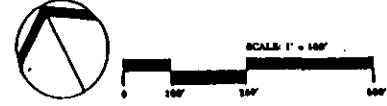
1. IF AREAS EXCEEDING 2% SLOPE ARE LOCATED WHEN TOPOGRAPHIC SURVEY IS PERFORMED, DEVELOPMENT WILL BE ADJUSTED TO INCLUDE SLOPES IN OPEN AREA.
2. ALL AREAS ARE APPROXIMATE PLANNED AREAS. ACTUAL AREAS WILL BE DETERMINED AT TIME OF SITE PLAN DEVELOPMENT.
3. STORMWATER TO FLOW TO PROPOSED REGIONAL BMP.
4. SANITARY SEWER FLOW TO EXISTING JOEA PUMPING STATION 1-1.



PROJECT TABULATIONS

TOTAL ACREAGE	49.81 ACRES
REGIONAL BMP SITE	3.45 ACRES
GROSS COMMUNITY ACREAGE	45.64 ACRES
NONDEVELOPABLE AREA (COLONIAL PARCELS EASEMENTS)	1.14 ACRES
DEVELOPABLE AREA	44.52 ACRES
OPEN SPACE REQUIRED - 44.52 X .40	17.81 ACRES
OPEN SPACE PROVIDED	18.91 ACRES
NUMBER OF UNITS PROPOSED	110 UNITS
NUMBER OF UNITS ALLOWED - 45.64 X 2.5 (WITH APPROVED MASTER PLAN)	114 UNITS
TOTAL UNITS ALLOWED - 45.64 X 3.8 (WITH BENEFIT BONUS AND APPROVED MASTER PLAN)	174 UNITS

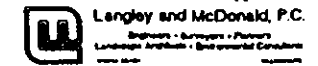
NOTE: COMMUNITY ACREAGE DOES NOT INCLUDE 3.45 ACRES PROPOSED FOR DEDICATION TO JAMES CITY COUNTY FOR REGIONAL BMP



SITE DEVELOPMENT PLAN

A CLUSTER DEVELOPMENT
WOODBURY
 PREPARED FOR
BROOKSTONE VENTURES L.L.C.

JAMES CITY COUNTY, VIRGINIA
 OCTOBER 17, 1998



REVISED DATE: 12/1/98 LAM / P041

EXHIBIT "A"

14 - 15

FEB 19 06 1993

FEB -75 0093

EXHIBIT "A"

SITE DEVELOPMENT PLAN

A CLUSTER DEVELOPMENT

WOODBURY

PREPARED FOR

BROOKSTONE VENTURES L.L.C.

JAMES CITY COUNTY, VIRGINIA

OCTOBER 17, 1998

Lesley and McDonald, P.C.

Landmarks: Architecture, Planning, Landscape Architecture, Environmental Education

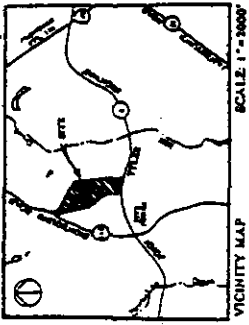


LAN / M01

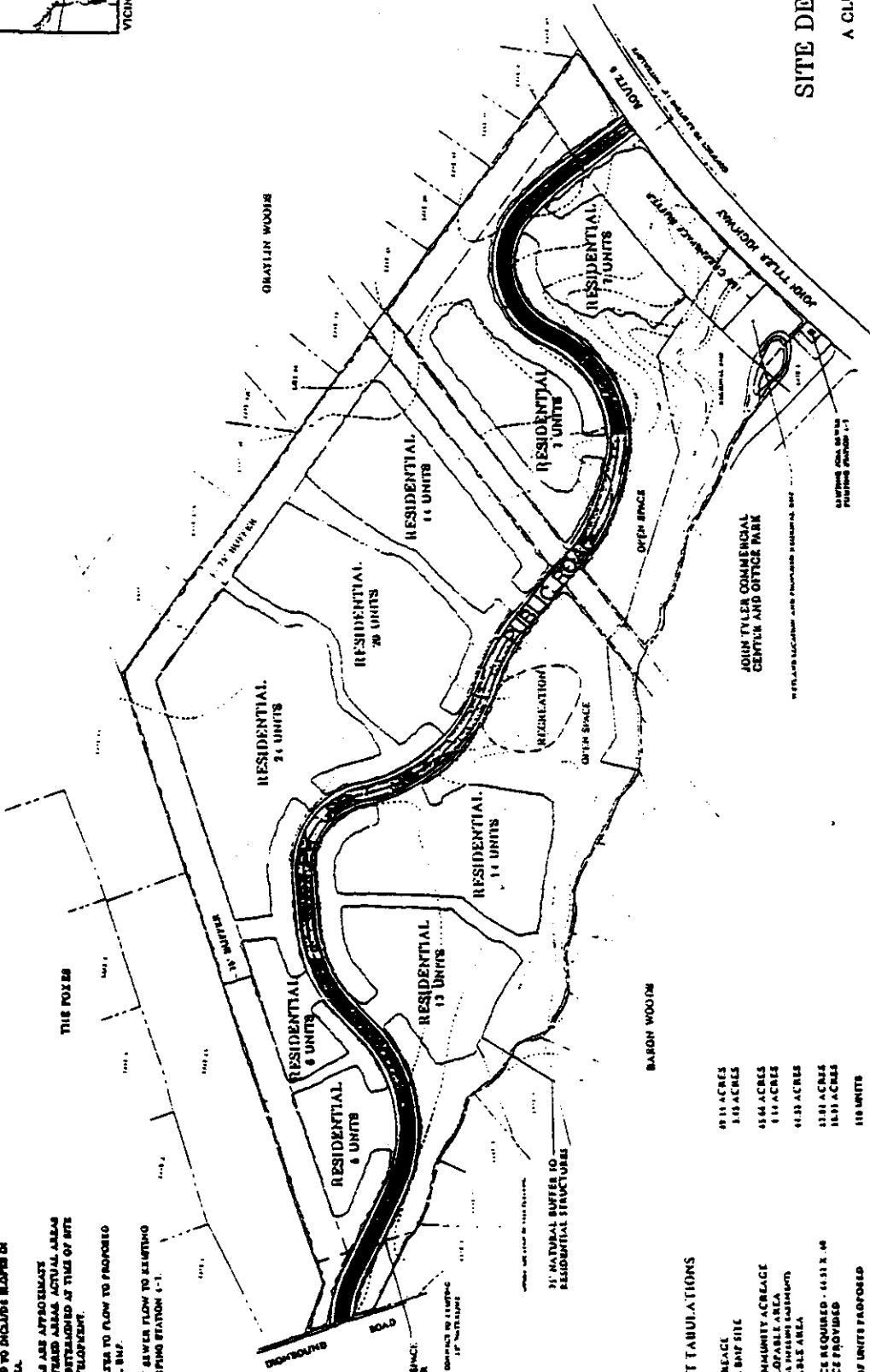
REVISED DATE 10/06

FEB-75 0093

FEB 195 0066



SCALE 1" = 3000'
VICINITY MAP



- NOTES**
- IF AREAS INCLUDING DEVELOPERS ARE LOCATED WITHIN THE DEVELOPMENT, THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING THE NECESSARY PERMITS TO INCLUDE BUFFER OR OPEN SPACE.
 - ALL AREAS ARE APPROXIMATE. PLANNED AREAS ACTUAL AREAS WILL BE DETERMINED AT TIME OF SITE PLAN DEVELOPMENT.
 - STORMWATER TO FLOW TO PROPOSED REGIONAL BMP.
 - SEWAGE TREATMENT PLANT TO REMAIN AS A PUMPING STATION (S.T.).

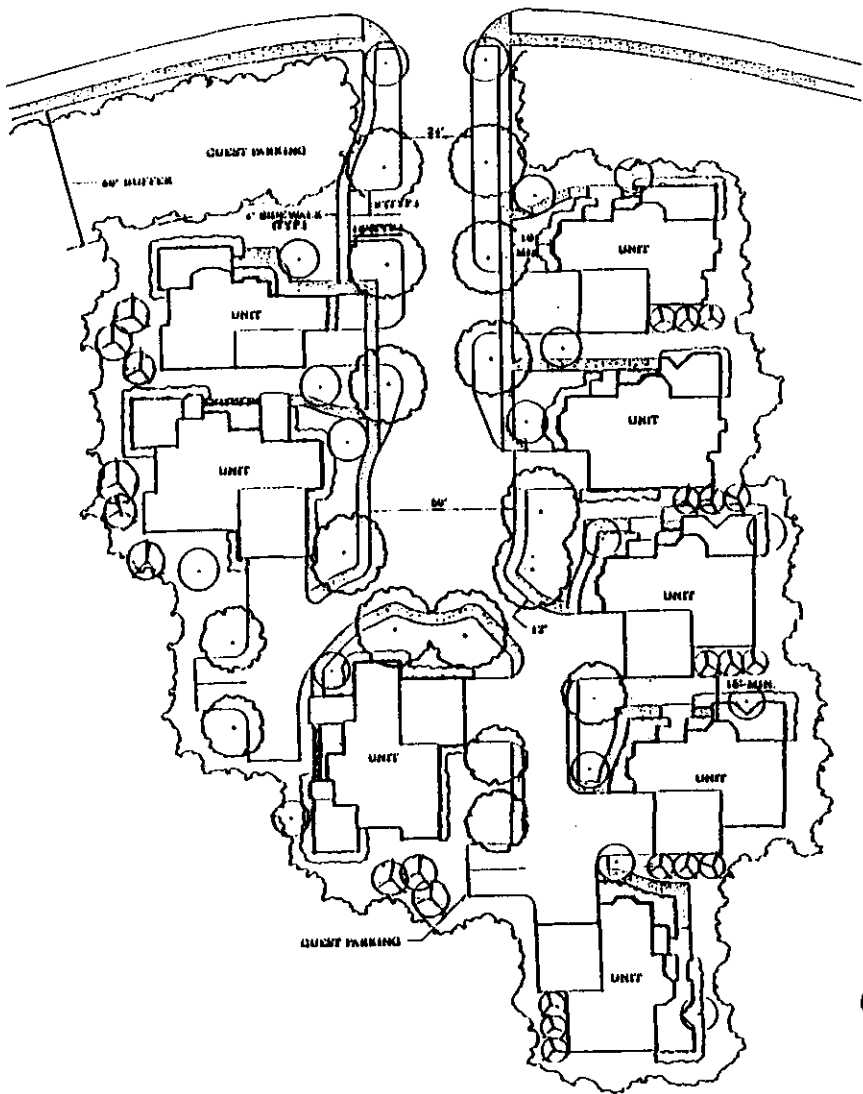
PROJECT TABULATIONS

TOTAL ACRES	49.11 ACRES
REGIONAL BMP SITE	3.45 ACRES
GROSS COMMUNITY ACREAGE	45.64 ACRES
NONDEVELOPABLE AREA	1.11 ACRES
DEVELOPABLE AREA	44.53 ACRES
OPEN SPACE REQUIRED - (4.11) X .16	0.66 ACRES
OPEN SPACE PROVIDED	16.11 ACRES
NUMBER OF UNITS PROPOSED	110 UNITS
NUMBER OF UNITS ALLOWED - (45.64 X 1.3)	111 UNITS
TOTAL UNITS ALLOWED - (44.53 X 1.3)	111 UNITS

NOTE: NECESSARY ACRES SHALL NOT INCLUDE 11 ACRES OF OPEN SPACE PROVIDED TO MEET CITY REQUIREMENTS FOR PARKING AND OPEN SPACE.

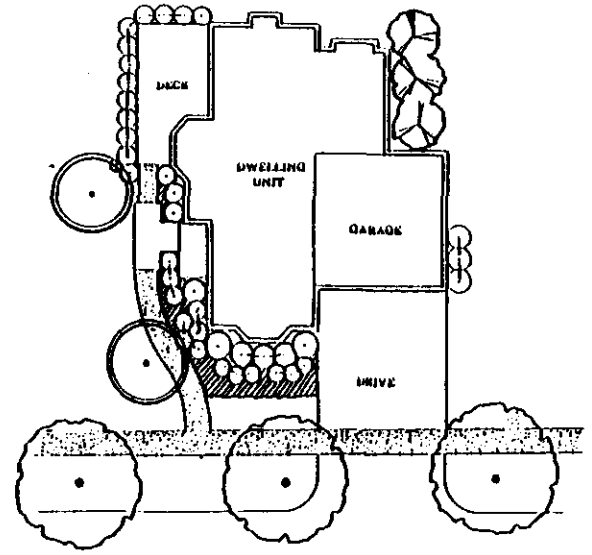


15-15



CLUSTER CONCEPT
SCALE: 1" = 20'

- LEGEND**
- MOUND TREE
 - PLANTING TREE
 - EVENING TREE
 - SHRUBS
 - GROUND COVER BED



UNIT CONCEPT
SCALE: 1" = 10'

TYPICAL RESIDENTIAL AREA PLAN

A CLUSTER DEVELOPMENT

WOODBURY

PREPARED FOR
BROOKSTONE VENTURES L.L.C.
JAMES CITY COUNTY, VIRGINIA
SEPTEMBER 13, 1996

Langley and McDonald, P.C.
Engineers • Surveyors • Planners
Landscape Architects • Environmental Consultants

EXHIBIT "B"

292

FEB 19 00 67

FEB-75 0094

JAN 28 1997

ORDINANCE NO. 31A-174

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 I, IN GENERAL, SECTION 20-2, DEFINITIONS; ARTICLE V, DISTRICTS, DIVISION 9, LIMITED BUSINESS DISTRICT, LB, SECTION 20-368, PERMITTED USES; AND DIVISION 10, GENERAL BUSINESS DISTRICT, B-1, SECTION 20-390, PERMITTED USES; IN ORDER TO DEFINE ADULT DAY CARE CENTERS AND ADD ADULT DAY CARE CENTERS AS PERMITTED USES IN THESE DISTRICTS.

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 20-368, Permitted uses; and Section 20-390, Permitted uses; in order to permit rest homes in these districts.

CHAPTER 20. ZONING

ARTICLE I. IN GENERAL

Sec. 20-2. Definitions

Adult day care center: A facility that provides care to adults during part of the day only, and which includes personal supervision of the adults and promotes social, physical and emotional well-being through companionship, self-education and leisure time activities.

ARTICLE V. DISTRICTS

DIVISION 9. LIMITED BUSINESS DISTRICT, LB

Sec. 20-368. Permitted uses.

Adult day care center:

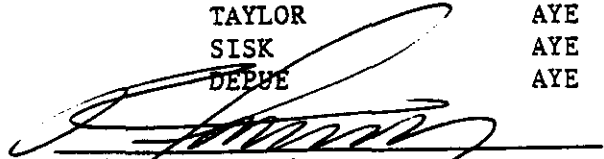
Ordinance to Amend and Reordain
Chapter 20. Zoning
Page 2

DIVISION 10. GENERAL BUSINESS DISTRICT, B-1

Sec. 20-390. Permitted uses.


~~Adult day care center.~~

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



Robert A. Magoon, Jr.
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of January, 1997.

daycare.ord

RW-16 Corp
Revised 10/95

Exempted from recordation taxes
and fees under Sections 58.1-811(A)(3),
58.1-811(C)(4), 58.1-3315 and 25-249.

1997

This Deed, made this 28th day of January, ~~1996~~, by and between JAMES CITY COUNTY, hereinafter designated as Grantor (even though more than one), and the COMMONWEALTH OF VIRGINIA, Grantee,

WITNESSETH: In consideration of the sum of \$18,491.00 paid by the Grantee to the Grantor, receipt of which is hereby acknowledged, the said Grantor hereby grants and conveys unto said Grantee in fee simple, with general warranty, the land located in Roberts Magisterial District, in James City County, and described as follows:

Parcel 016 - Being as shown on Sheets 13 and 14 of the plans for Route 64, State Highway Projects 0064-099-106, R/W201 and 0064-047-F05, R/W201, but lying solely on Project 0064-047-F05, R/W201 and lying on the south (right) side of Route 60 WBL survey centerline from the lands now or formerly belonging to Virginia Power, opposite approximate Station 200+42 to the lands now or formerly belonging to Busch Properties, opposite approximate Station 204+16 and containing 0.266 acre, more or less, land; together with the temporary right and easement to use the additional area shown as being required for the proper construction of cut and/or fill slopes and containing 0.025 acre, more or less. Said temporary easement will terminate at such time as the construction of the aforesaid project is completed; and being a part of the same land acquired by the grantor from Busch Properties, Inc. and Anheuser-Busch, Inc. by deeds dated August 15, 1979 and April 9, 1984 and recorded in Deed Books 201 and 249, Pages 277 and 257, in the office of the Clerk of the Circuit Court of James City County.

For a more particular description of the land herein conveyed, reference is made to photocopies of Sheets No. 13 and 14, showing outlined in RED the land conveyed in fee simple, in ORANGE the temporary construction easement, which photocopies are hereto attached as a part of this conveyance and recorded simultaneously herewith in the State Highway Plat Book _____, Page _____

The Grantor by the execution of this instrument acknowledges that the plans for the aforesaid project as they affect its property have been fully explained to its authorized representative.

The said Grantor covenants that it is seized of the land in fee simple herein conveyed; that it has the right to convey the said land to the Grantee; that it has done no act to encumber the said land; that the Grantee shall have quiet possession of the land, free from all encumbrances, and that it will execute such further assurances of the said land as may be requisite.

The said Grantor covenants and agrees for itself, its successors and assigns, that the consideration hereinabove mentioned and paid to it shall be in lieu of any and all claims to compensation for land, and for damages, if any, to the remaining lands of the Grantor which may result by reason of the use to which the Grantee will put the land to be conveyed, including such drainage facilities as may be necessary.

WITNESS the following signature and seal:

JAMES CITY COUNTY
By Sanford B. Wanner (SEAL)
Sanford B. Wanner
Title COUNTY ADMINISTRATOR

COMMONWEALTH OF VIRGINIA

County of James City, to wit:

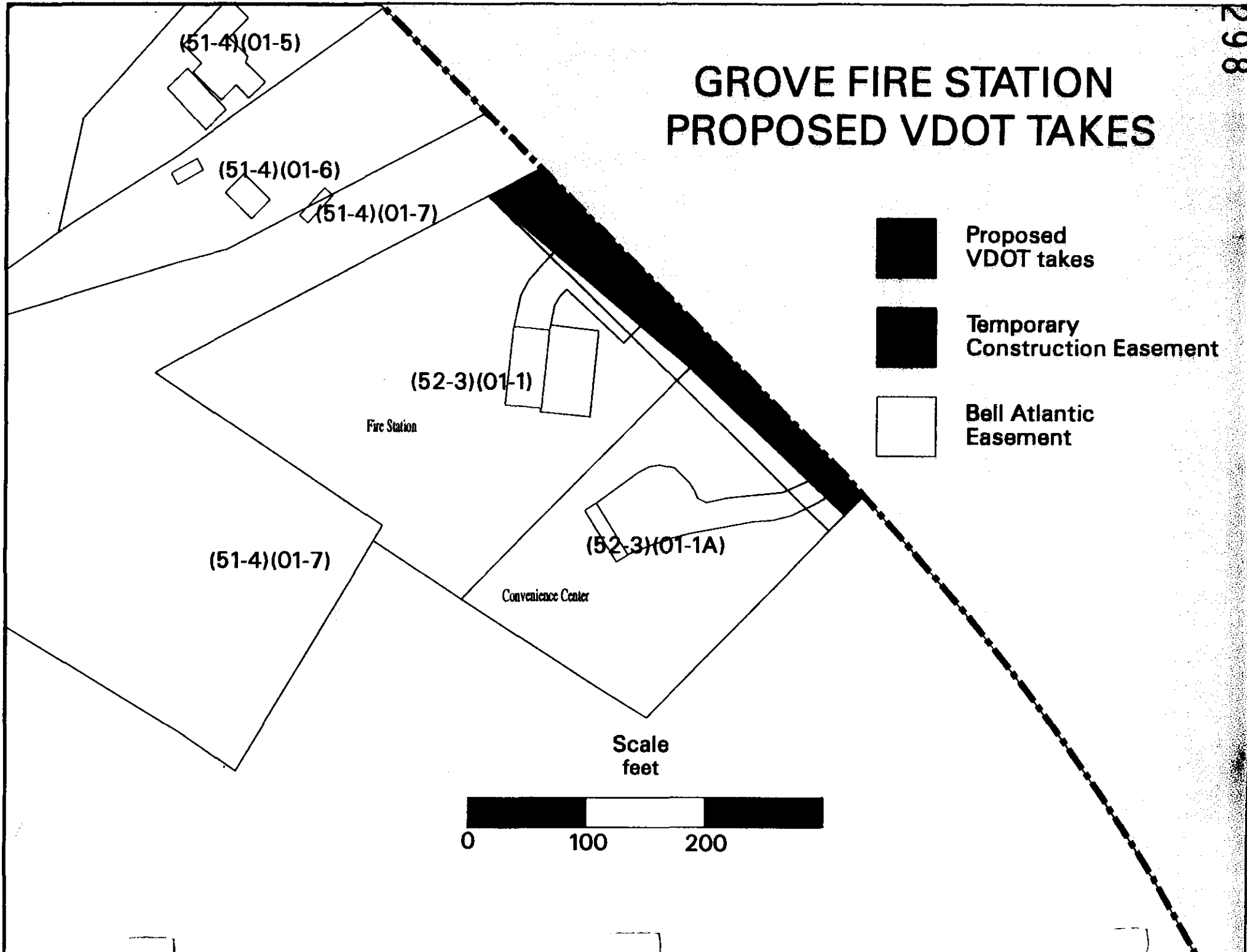
The foregoing instrument was acknowledged before me this 19th day of February, 1997, by Sanford B. Wanner,
County Administrator of James City County, VA.




My Commission expires: October 31, 1997.

[SEAL]

Mary Frances Rieger
Notary Public

GROVE FIRE STATION PROPOSED VDOT TAKES



-  Proposed VDOT takes
-  Temporary Construction Easement
-  Bell Atlantic Easement

