

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 11TH DAY OF FEBRUARY NINETEEN HUNDRED EIGHTY-FIVE AT 7:30 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Jack D. Edwards, Chairman, Berkeley District
 Thomas D. Mahone, Vice-Chairman, Jamestown District
 Stewart U. Taylor, Stonehouse District
 William F. Brown, Roberts District
 Perry M. DePue, Powhatan District

James B. Oliver, Jr., County Administrator
 Darlene L. Burcham, Assistant County Administrator
 Frank M. Morton, III, County Attorney

B. MINUTES - February 11, 1985 - Regular Meeting

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

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

C. PRESENTATIONS

1. 4-H Educational Center - H. Earl Longest

Mr. H. Earl Longest, Chairman of the 4-H Fund Raising Committee, made a presentation requesting \$40,000 matching funds from James City County to renovate a lodge at the 4-H Camp.

Mr. DePue asked if the \$40,000 was over the \$10,000 already funded for this project.

Mr. Longest responded the committee was asking for an additional \$30,000.

Mr. Edwards asked Mr. Longest if this issue could be considered along with other budget matters beginning next month.

Mr. Longest was agreeable to this time frame.

2. 1984 Clean Virginia Award of Excellence - Kathy Hawkins

Ms. Kathy Hawkins, Chairman of the Clean County Commission, introduced other members of the Clean County Commission and presented the Board of Supervisors with the Governor's Award as well as the Keep Virginia Beautiful first place award for the Education Program in James City County.

Mr. Edwards accepted the awards and noted that it was only through the efforts of citizens like these that the County achieved such recognition.

D. PUBLIC HEARINGS

1. Case No. Z-18-84. David M. Murray

Mr. DePue made a motion to accept the withdrawal request submitted by the applicant.

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

Mr. Frank Morton stated that assuming adoption of the new Zoning Ordinance, the Board may decide not to accept withdrawals but rather to render a decision as the applicant would then be prohibited from bringing substantially the same application for a period of one year.

Mr. Edwards opened the public hearing.

1. Mr. Claude Feigley, President of First Colony Civic Association, stated he concurred with the Planning Commission's recommendation and encouraged the Board to deny the application.

Mr. Edwards closed the public hearing.

2. Case No. Z-21-84. 64 Associates

Mrs. Victoria Gussman presented this matter to the Board. She stated the purpose of the application was to provide for the development of 48 apartment units. She stated public water and sewer were available. Mrs. Gussman stated the Planning Department had received a letter from C & O Railroad stating this development was too close to the railroad tracks. She further stated the Planning Commission unanimously recommended approval of this application.

Mr. Edwards opened the public hearing.

1. Mr. Douglas Johnson, 26 Magruder Lane, Williamsburg, Virginia, stated he represented Mrs. Kempton, the applicant, who asked that he request a 30-day delay or a deferral until the last Board of Supervisor's meeting in March on this proposal. Mr. Johnson stated that if the Board was not in favor of a delay, Mrs. Kempton requested the Board allow her to withdraw her application.

Mr. Edwards asked Mr. Johnson in what capacity he was representing Mrs. Kempton.

Mr. Johnson stated he was a realtor in Williamsburg.

Mr. Edwards closed the public hearing.

Mr. Brown stated that when this application was presented at the Planning Commission on behalf of Atlantic Homes, Inc. he stated the applicant needed to have a precise plan and specific proposals. Mr. Brown stated this is equally true for the 64 Associates, Inc. proposal. Mr. Brown stated he concurred with a deferral.

Mr. Johnson stated the main reason for the deferral request was because Atlantic Homes, Inc. had withdrawn from the project and additional time was needed to prepare a better proposal.

Mr. Mahone stated he would want to know what provisions there were for recreation in the project before voting on this issue and stated he was in favor of a deferral.

Mr. Brown made a motion to defer this issue.

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

Mr. Oliver advised the Board that for purposes of amending applications deferrals resulted in a great deal of staff time being expended. He suggested the Board consider denying the application if they were not in agreement with the proposal.

Mr. DePue asked if the Board could continue to defer an issue indefinitely.

Mr. Frank Morton stated they could defer up to one year.

3. Moses Lane - Right-of-Way Acquisition

Mr. Wayland Bass presented this matter to the Board. Mr. Bass stated staff had been attempting to acquire property for the Moses Lane street improvements and container site for East Williamsburg for about three years. He stated that the Board in September, had authorized the employment of an attorney, Bob Bland, to assist in this acquisition. Mr. Bass stated that after contact with Hattie Lee Thomas and William F. Hays by Mr. Bland, Hattie Lee Thomas refused to sell her property and William F. Hays would not agree on a selling price for his lot. Mr. Bass stated that it is recommended that the Board acquire the property by condemnation. Mr. Bass presented a series of slides to the Board showing the benefits of the dirt street improvement program and

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container site program to East Williamsburg. Mr. Bass stated the site was well screened by the railroad and by natural vegetation and encouraged the Board to adopt the resolution.

Mr. Mahone asked if the lots were large enough to build on.

Mr. Bass stated two were and a third was possibly large enough.

Mr. Brown asked if the dumpster site location was the reason for paving Moses Lane.

Mr. Bass stated Moses Lane is a priority street in the dirt street improvement program so it would be paved regardless of the dumpster site location.

Mr. DePue stated the Board needed to take into consideration two factors when voting on this issue. 1) VDH&T would fund 50% of the road construction under the rural addition program: 2) The road is a priority project for dirt street improvement regardless of the dumpster site.

Mr. Edwards opened the public hearing.

1. Mrs. Hattie Lee Thomas, 1305 Oak Drive, Williamsburg, Virginia, stated her life's earnings were in this property and she felt a dumpster site in the community would be very unattractive. She stated she would not sell her property nor would she give it away.

Mr. Edwards closed the public hearing.

Mr. Brown stated this location was less damaging than any other site looked at. He stated the site was secluded and the price offered to the owners was obtained from the tax appraisal of the property.

Mrs. Thomas asked the Board of Supervisors if they tried to negotiate with the Patterson's for their lot.

Mr. Brown stated there would be a detrimental effect in placing a dumpster site in front of three homes.

Mr. DePue stated there were two unanswered questions. He stated the first was whether a clear public necessity existed. Mr. DePue stated he had not heard East Williamsburg citizens say such a need exists. The second question was how to prevent York County citizens from using the site since the location was so close to the County line.

Mr. Brown stated a meeting with the East Williamsburg citizens had been held months ago and the citizens were in favor of a dumpster site. Mr. Brown stated he felt this location was the least damaging, but if a dumpster site was not placed there, the road should not be paved.

Mr. Mahone stated he would like to know if the Patterson's would sell the rear of their property. He also stated his concerns about York County citizens using the dumpster site because of the close proximity and stated he felt the appraisals for the property were too low. Mr. Mahone stated he was in favor of looking for another site where owners would be willing to sell.

Mr. Edwards made a motion to defer this issue.

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

E. CONSENT CALENDAR

Mr. Edwards asked the Board members if they wished to have any items removed from the Consent Calendar.

As no one wished to remove any items, Mr. Edwards made a motion to approve the items on the Consent Calendar.

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

1. Set Public Hearing Date of March 11, 1985 for:

- a. Case No. S-86-84. Code of the County of James City
b. Regulations Governing Utility Service

2. Second Crossing of the York River

RESOLUTION

A RESOLUTION TO REQUEST THE COMMISSION OF THE VIRGINIA DEPARTMENT OF HIGHWAYS AND TRANSPORTATION TO FURTHER CONSIDER ANALYZING ADDITIONAL LOCATIONS FOR A NEW CROSSING OF THE YORK RIVER

WHEREAS, the George P. Coleman Bridge across the York River is the only practical access to the Virginia Peninsula for the residents of the Middle Peninsula and the Northern Neck including the counties of Gloucester, Mathews, and Middlesex; and

WHEREAS, the Coleman Bridge has reached its capacity to safely handle existing traffic patterns and volumes causing considerable delays in travel times, and placing the motoring public at unnecessary accident risk; and

WHEREAS, the Virginia Department of Highways and Transportation has conducted preliminary studies of additional river crossings and has recommended a new bridge in the Gloucester Point-Yorktown area; and

WHEREAS, the addition of a new bridge in this area will serve to further exacerbate the traffic and congestion problems of Route 17 at Gloucester Point and in York County; and

WHEREAS, additional bridge location alternatives identified in the January 1984 Virginia Department of Highways and Transportation study would serve to alleviate present traffic congestion while simultaneously offering other opportunities to the affected communities; and

WHEREAS, the current and future growth patterns of Gloucester County are anticipated to occur nearer to the Gloucester Courthouse area; and

WHEREAS, the current and future growth patterns in York County are occurring in the Route 17 corridor adding to existing traffic congestion; and

WHEREAS, such upriver alternatives have been identified by the Virginia Department of Highways and Transportation to be potentially less costly to the Commonwealth and the motoring public who would presumably pay tolls to cross such a structure; and

WHEREAS, these factors serve to reinforce the need for further analyses of the identified upriver crossings beyond those at Gloucester Point and Yorktown;

THEREFORE, BE IT RESOLVED by the Board of Supervisors that the Commission of the Virginia Department of Highways and Transportation be, and hereby is, respectfully requested to conduct further detailed analyses of additional upriver crossings of the York River.

BE IT FURTHER RESOLVED, that such analyses include, but not be limited to, traffic patterns, vehicular safety, travel time, preliminary engineering and costs.

3. Dedication of Street in Grove - Magruder Avenue

RESOLUTION

DEDICATION OF STREET IN GROVE

WHEREAS, the County of James City received a H.U.D. grant to improve and construct certain streets in the Grove area; and

WHEREAS, the construction of a street connecting Magruder Avenue and Pocahontas Trail has been completed by the County; and

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WHEREAS, the Board of Supervisors desires this street in Grove to be included in the State secondary highway system provided this street meets with the requirements of the Virginia Department of Highways and Transportation, and provided that any alterations, corrections, or other matters that might be found desirable by the Virginia Department of Highways and Transportation are made within a 90-day period from the date that the Department of Highways and Transportation makes its final inspection.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Department of Highways and Transportation be and is hereby respectfully requested, contingent upon the above, to include the following street in Roberts Magisterial District, James City County, in the State secondary highway system:

1. Magruder Avenue extension - 50 foot to 72 foot right-of-way
From: Magruder Avenue (State Route 656)
To: Pocahontas Trail (State Route 80)
Distance: 826 feet (0.16 mile)

The unrestricted rights-of-way along with drainage easements are guaranteed as evidence by the following deeds and plats of record:

Deed Book 225, Page 211, dated April 22, 1982
Plat Book 37, Page 41, dated April 20, 1982
Deed Book 225, Page 129, dated April 20, 1982
Deed Book 259, Page 305, dated February 18, 1984

BE IT FURTHER RESOLVED that this resolution be forwarded to the resident engineer of the Department of Highways and Transportation.

4. Installation of Streetlights

R E S O L U T I O N

INSTALLATION OF STREETLIGHTS

WHEREAS, a petition has been filed for the installation of additional streetlights in James City County; and

WHEREAS, a streetlighting plan and a cost estimate have been prepared by the Virginia Electric & Power Company and reviewed by the County, and

WHEREAS, funds are available in the FY 1984-85 budget for the installation and annual rental charges.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors approves the installation of three additional streetlights on Diascund Reservoir Road between Richmond Road and Stewarts Road.

5. Case No. CUP-1-85. Walter J. Scruggs

R E S O L U T I O N

CONDITIONAL USE PERMIT

WHEREAS, it is understood that all conditions for the consideration of an application for a Conditional Use Permit have been met;

THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County that a Conditional Use Permit be granted for the placement of a mobile home on property owned and developed by the applicant as described below and on the attached site location map.

Applicant: Walter J. Scruggs

Real Estate Tax Map ID: (12-4)

Parcel No. (1-13A)
 District: Stonehouse
 Zoning: M-2, General Industrial
 Permit Term: Expire at the end of six months from this date.
 Further Conditions: If construction has not commenced within 60 days of issuance, this permit shall become invalid.

6. Season's Trace Subdivision Bird Sanctuary

RESOLUTION

SEASON'S TRACE SUBDIVISION BIRD SANCTUARY

WHEREAS, the Season's Trace Subdivision is desirous of establishing the Season's Trace community as a bird sanctuary;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, that the area known and designated as Season's Trace Subdivision be specified as a bird sanctuary; and

BE IT FURTHER RESOLVED that the Department of Highways and Transportation is requested to post appropriate signs at the Season's Trace entrance designating Season's Trace Subdivision as a bird sanctuary.

F. BOARD CONSIDERATIONS

1. Case No. Z-17-84. Timber Ridge Apartments

Mrs. Victoria Gussman presented this matter to the Board stating the purpose of this application was to rezone approximately 32 acres of an 89.3 acre tract, known as the Jefferson-Pilot tract, from B-1, General Business, to R-5, Multi-family Residential. Mrs. Gussman stated the applicant had submitted a revised proffer statement which would provide for the future dedication of two main internal streets, a 20-foot strip along John Tyler Highway for future road widening and a 100-foot undisturbed strip along Route 5. She also stated the applicant proffered to make the improvement recommended at the Carolina Boulevard entrance by the Highway Department and to reduce the total number of units from 350 to 280 on 32 acres. Mrs. Gussman stated the property owner had submitted a letter expressing their willingness to discuss appropriate ingress and egress points for the remaining property within the Jefferson-Pilot tract. Mrs. Gussman stated the Planning Commission by a 7-2 vote recommended approval of this application with the proffered conditions.

Mr. Mahone stated that with 280 units, more school-aged children would be in the area which would require more classrooms and in talking with school authorities the County is running out of school capacity now. Mr. Mahone stated commercial development in the area would provide traffic problems, concentrated more during business hours, and stated the entrance should be further east on Route 5, where it widens just before intersecting with Route 199. Mr. Mahone stated his main concern was that the entrance to Carolina Boulevard was close to the Law Enforcement Center and the Fire Station and stated traffic may conflict and block the entrance to the Fire Station. Mr. Mahone also stated if water and sewer capacity were used for residential purposes future developments may not have sewer available to them. Mr. Mahone stated usage of sewer facilities there would be less with commercial development. Mr. Mahone stated density was also a problem. He stated the applicant had agreed to reduce the number of units from 350 to 280 but he had also reduced the number of acres for those units.

Mr. Edwards stated the County needed to be careful about what it approves. Mr. Edwards stated the density of this project was too high, the traffic problem needed to be resolved and there were too many units. Mr. Edwards stated he did not feel this project fit into the community as well as it should nor did he feel there was a desperate need for these apartments. Mr.

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Mr. DePue stated that if the property were used for commercial purposes in a retail manner, it would create more traffic; but if used for offices, it would not have as much adverse affect as apartments. Mr. DePue agreed with Mr. Edwards that a master plan was needed before making a decision. Mr. DePue also stated that if the project were on a smaller scale, he would be in favor of it.

Mr. Taylor stated that if the tract was developed as commercial, the traffic would be greater and he was in favor of the project.

Mr. Mahone made a motion to deny the application.

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

RESOLUTION

RESOLUTION OF DENIAL - ZONING CASE NO. Z-17-84. TIMBER RIDGE APARTMENTS

WHEREAS, in accord with Section 15.1-431 of the Code of Virginia, and Section 20-14 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Zoning Case No. Z-17-84 for rezoning approximately 32 acres from B-1, General Business to R-5, Multi-family Residential on property identified as parcels (15-2), (15-3), (15-4) on James City County Real Estate Tax Map No. (47-2), and portions of parcels (1-1) and (1-3) on James City County Real Estate Tax Map No. (48-1), and;

WHEREAS, the Planning Commission held a public hearing on November 27, 1984 on Zoning Case No. Z-17-84.

THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County does hereby deny Zoning Case No. Z-17-84 as described herein.

G. MATTERS OF SPECIAL PRIVILEGE

Mr. E. Ware Warburton, Route 3, Box 193, Williamsburg, Virginia, addressed the Board stating the Ordinance to condemn his property was unfair. He stated the Board had approved acquisition of 24.9 acres of his property off Jolly Pond Road for expansion of the James City County Landfill on January 14, 1985, to become effective on February 14, 1985. Mr. Warburton stated the County owned 116 acres for use as a landfill but they were denied a permit due to the fact that it would take a minimum of 15 years before the need arose to use that site. Mr. Warburton stated the County could have his 50-foot right-of-way if they paid him what the property was worth.

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Oliver reminded the Board they needed to recess until February 20, 1985 at 7:30 p.m. at the Lafayette High School for a public hearing on the new Zoning Ordinance.

I. BOARD REQUESTS AND DIRECTIVES

Mr. Mahone stated he would like to see on a future agenda a proposal to increase the salary of Planning Commission members from \$20 to \$40 per month due to extra meetings.


Mr. Mahone requested staff to check into the eligibility of Canham Road receiving 50% funding from VDH&T under the Rural Addition Program.

Mr. Brown requested the County Attorney review the permits granted to the owner of Country Village Mobile Home Park to see whether the County could force the owner to provide a more reliable water supply or rescind the permits. Mr. Brown also requested the County Attorney to see what if any legal action could be taken against the owners.

Mr. Edwards made a motion to recess until February 20, 1985 at 7:30 p.m. at the Lafayette High School.

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

The Board recessed at 9:23 p.m.


James B. Oliver, Jr.
Clerk to the Board

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