

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE SECOND DAY OF FEBRUARY, NINETEEN HUNDRED EIGHTY-SEVEN, AT 7:04 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
 Stewart U. Taylor, Vice-Chairman, Stonehouse District
 William F. Brown, Roberts District
 Perry M. DePue, Powhatan District
 Thomas D. Mahone, Jamestown District

Darlene L. Burcham, Acting County Administrator
 Frank M. Morton, III, County Attorney

B. MINUTES - December 20, 1986 - Special
 January 5, 1987 - Regular

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

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

C. PUBLIC HEARINGS

1. Case No. MP-4-86. Ford's Colony Master Plan Amendment

Mr. Edwards opened the public hearing that was continued from the January 5, 1987 meeting.

1. Vernon Geddy, attorney representing Realtec, addressed the Board indicating his client in good faith has improved the development of the 1970s bankrupt Middle Plantation subdivision into the existing Ford's Colony. Ford's Colony acquired the roads, sewer, etc., approximately one year ago and the original master plan for development of the 1,410 acre parcel with 1,976 dwelling units. The amended plans contain 1,396 dwelling units, plus other improvements. Final build out of the parcel will occur in the next century with the possibility of 3,250 dwellings, plus fifty-four holes of golf, a conference center, hotel and restaurant. Ford's Colony will provide 615 new jobs, approximately one half that number by 1988. Proposed development will produce taxable property in excess of \$612 million with \$500,000.00 collected by the County in real estate taxes and personal property.

Mr. Geddy further stated fragmented development will not produce the advantages of the proposed amendment to the master plan. Traffic impacts will be addressed by Ford's Colony at the developers expense, including roads within the subdivision, various necessary turn lanes from major thoroughfares, contributions to the cost of improvements to Route 199, contributions to offset the County's costs for the Longhill Connector Road, all good faith offers to cushion and lessen the impact of the proposed development. Pending since July, Mr. Geddy indicated the Planning Commission recommended approval of the amendment to the master plan, and he further urged the Board to approve the plan subject to the County Attorney's approval of the proffers.

Mr. Edwards indicated the Board is not prepared to make a decision at this time.

Mr. DePue questioned the improvements to News Road and Country Club Drive before the need exists, specifically allowing through traffic on the existing Country Club Drive, and he asked when the development will benefit from this dispersal of traffic.

Mr. Geddy responded that improvements to the roads will depend on how rapidly development occurs.

Mr. Taylor inquired what items need to be addressed before the Board can consider the amendment.

Mr. Edwards responded the enforceability of the developer's proffers is the question that must be resolved.

Mr. DePue indicated the dispersal of traffic remains a concern for him.

Mr. Taylor stated the Board should make a decision soon as the case has been pending for some time.

Mr. DePue indicated his reluctance to approve is based on the fact that the Route 199 corridor is not definite.

2. Ken Kinsinger, 106 Argall Town Lane, Williamsburg, VA, representing the Coalition for Quality Growth, expressed concern related to overloading the road networks and the impact in the next 10-20 years unless this factor is settled prior to approval of developments of the magnitude of Ford's Colony.

3. William Bryant, 119 King William Drive, Williamsburg, VA, addressed the Board expressing helplessness concerning developments of the magnitude of Ford's Colony and its future impact on the natural environment, demands for public services, and its test of attitudes to manage growth. He suggested the Board must act for the people who have to live with the development.

4. Carolyn Lowe, 50 Summer East, Williamsburg, VA, commended the Board for its thoroughness in evaluating sensitive areas that impact our critical watershed, biological aspects of the development, the breeding grounds for more than 158 species of birds, plus conservation matters that may impact the environmentally sensitive area proposed for development. Further, more knowledge concerning the impact of the development on the watershed must be obtained before the final vote is taken, and Ms. Lowe requested the Board defer action until the February 23, 1987 meeting.

Mr. Taylor stated the Board should not delay action on this matter and requested Messrs. Edwards and DePue bring their recommendation forward at the earliest possible date.

Mr. Brown indicated it would not be in anyone's interest to vote on the case at this time.

Mr. DePue stated he, Mr. Edwards, and members of staff have not intentionally delayed action on this case, but rather have worked diligently toward resolving issues of concern to all parties.

Mr. DePue stated the Board has not had the citizen input on this matter that he envisioned would come forward. He noted that this case epitomizes where the County is and where it is going. The Williamsburg Community Planning Partnership has asked the question of how fast and where will we develop. He appealed to the citizens to communicate with the Board concerning their feelings on this proposal.

Mr. Geddy requested the Board's subcommittee meet with his clients and the County Attorney to resolve issues of concern.

Mr. Edwards made a motion to continue the public hearing and defer action on this case.

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

2. Case No. Z-34-86. Ware Creek Manor

Mrs. Burcham presented this case to the Board indicating that Paul Small has applied on behalf of Pete Benavage to rezone approximately 69.9 acres from A-1, General Agricultural, to R-1, Limited Residential for the purpose of subdividing the property into 65 single-family residential lots. The Planning Commission recommended approval of this application with proffers.

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

Mr. DePue made a motion to approve Case No. Z-34-86. Ware Creek Manor.

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

RESOLUTION

CASE NO. Z-34-86. WARE CREEK MANOR

WHEREAS, in accordance 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-34-86 for rezoning approximately 69.9 acres from A-1, General Agricultural, to R-1, Limited Residential, on property identified as parcel (1-2) on James City County Real Estate Tax Map No. (14-2); and

WHEREAS, the Planning Commission following its public hearing on December 16, 1986, recommended approval of this application with proffers by a 9-0 vote.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Zoning Case No. Z-34-86 with proffers dated December 8, 1986.

Mr. Edwards made a motion to recess into a work session with the Parks and Recreation Commission.

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

The Board recessed its formal agenda at 7:59 p.m.

Members of the Parks and Recreation Commission joined the Board for a work session. Those in attendance included: M. Joy Archer; Charles Glazener; Douglas L. Johnson; Kent F. Carpenter; Abram Frink; and John M. Charles; Sandra McPherson; Director of Parks and Recreation; and Gwenda Goggin; Recreation Center Manager.

A discussion followed concerning the proposed facility fees, hours of operation, and child admission policy at the Recreation Center.

Mr. Edwards expressed concern that the proposed fees not preclude usage of the facility by those on limited incomes.

Ms. McPherson indicated free time will be available, possibly at the end of each day of operation; however, another option would be for the Social Services Department to qualify reduced rate users.

Mr. Edwards stated he is interested in maximum usage of the facility and agreed with the 30-day promotional period to acquaint citizens with the facility.

Mr. Edwards made a motion to approve the Center Fees as presented.

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

A discussion followed regarding the need for passive recreational areas, possible use of the County Landfill as a recreational area and recreational facilities in the Ware Creek area, as well as the need for neighborhood and district parks, lights at Mid-County Parks, and bike paths.

Mrs. Burcham announced March 21, 1987 is the opening of the Recreation Center.

Mr. Brown suggested the Center Manager be innovative in her implementation of programs to maximize usage of the Center.

The Board returned to its formal agenda at 8:47 p.m.

E. CONSENT CALENDAR

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

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

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

1. Dedication of Streets in Lake Toano

R E S O L U T I O N

DEDICATION OF STREETS IN LAKE TOANO SUBDIVISION

WHEREAS, the developer of Lake Toano, Sections B and C, has requested the Board of Supervisors to include certain streets in the State Secondary Highway System; and

WHEREAS, the Board of Supervisors desires certain streets in Lake Toano, Sections B and C, to be included in the State Secondary Highway System, provided these streets meet with the requirements of the Virginia Department of Transportation, and providing that any alterations, corrections, or other matters that might be found desirable by the Virginia Department of Transportation are made within a ninety (90) day period from the date that the Virginia Department of Transportation makes its final inspection.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Virginia Department of Transportation be, and is hereby respectfully requested, contingent on the above, to include the following streets in the Lake Toano Subdivision, Sections B and C, Stonehouse Magisterial District, James City County, in the State Secondary Highway System:

1. Church Lane - 60-foot right-of-way
From: State Route 1001
To: Intersection of Church Lane
Distance: 1,104 feet (0.20 miles)
2. Church Lane - 60-foot right-of-way
From: Church Lane Extended
To: End of Cul-de-sac
Distance: 2,731 feet (0.51 miles)

The rights-of-way of 60 feet, along with drainage easements, are guaranteed as evidenced by the following plats of record:

Lake Toano, Section B, recorded in Plat Book 36, Page 5, dated February 12, 1980; and Lake Toano, Section C, recorded in Plat Book 38, Pages 47 and 48, dated June 22, 1983.

BE IT FURTHER RESOLVED that this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

2. Mid-Year Budget Transfers

R E S O L U T I O N

MID-YEAR BUDGET ADJUSTMENTS

WHEREAS, the Board of Supervisors of James City County has been requested to consider mid-year budget adjustments to avoid overspending in certain County budgets.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following mid-year budget transfers:

<u>Revenues</u>	
From Commonwealth - Sheriff	\$ 4,000
From Commonwealth - Registrar	<u>3,000</u>
	\$ 7,000
 <u>Expenditures</u>	
To Personnel Advertising	\$ 2,000
From Police Dept. Salaries	(7,400)
To Sheriff Salaries	4,000
To Registrar Salaries	3,000
To Planning Salaries/Fringes	18,800
To Planning Operating Expenses	16,600
From Mosquito Control	(15,000)
From Public Works	(5,000)
From Contingency	<u>(10,000)</u>
	\$ 7,000

3. Bank Resolution Correction

R E S O L U T I O N

SOVRAN BANK, N.A.

BE IT RESOLVED that the Sovran Bank, N.A., of Williamsburg, Williamsburg, Virginia, be and it is hereby designated a depository for the accounts herein named;

Checking 202-0197-7 James City County Subdivision Escrow
Checking 202-0955-7 Housing Rehabilitation Escrow

and that funds so deposited may be withdrawn upon a check, draft, note or order of the Board of Supervisors.

BE IT FURTHER RESOLVED that all checks, drafts, notes or orders drawn against said accounts be signed by three of the following:

Jack D. Edwards Chairman

OR

Stewart U. Taylor	Vice-Chairman	
Darlene L. Burcham	Acting Administrator	County
Frances B. Whitaker	Treasurer	
OR		
Betty S. Pettengill	Deputy Treasurer	

whose signatures shall be duly certified to said Bank, and that no checks, drafts, notes or orders drawn against said Bank shall be valid unless so signed.

BE IT FURTHER RESOLVED, that said Bank is hereby authorized and directed to honor and pay any checks, drafts, notes or offers so drawn, whether such checks, drafts, notes or orders be payable to the order of any such persons signing and/or countersigning said checks, drafts, notes or orders, or any of such persons in their individual capacities or not, and whether such checks, drafts, notes or orders, or the individual credit of any of the other officers or not. For cash investment purposes, the Bank is also authorized and directed to honor requests for the transfer of money from savings to checking, checking to savings, and transfers from checking or savings to purchase certificates of deposit, repurchase agreements, or to make other lawful investments when requested by Frances B. Whitaker, Treasurer, or Betty S. Pettengill, Deputy Treasurer. This resolution shall continue in force and said Bank may consider the facts concerning the holders of said offices, respectively, and their signature to be and continue as set forth in the Certificate of the Clerk or Assistant Clerk, accompanying a copy of this resolution when delivered to said Bank or in any similar subsequent certificate, until written notice to the contrary is duly served on said Bank.

4. Virginia Public School Authority

R E S O L U T I O N

VIRGINIA PUBLIC SCHOOL AUTHORITY

- WHEREAS, the Board of Supervisors submitted an application on June 2, 1986 for \$4,000,000 to assist in the financing of the construction of a new elementary school in anticipation that the VPSA would issue debt in July, 1986; and
- WHEREAS, the Board of Supervisors identified and budgeted for the issuance of debt in both the current and the upcoming budget and has been advised that the Virginia Public School Authority has plans to issue debt in the next three months for school construction; and
- WHEREAS, the Williamsburg-James City County School Board consented to an amended application to include bonds in the amount of \$4,600,000 for a replacement elementary school and has voted, under Section 22.1-166 of the Code of Virginia, to consent to the issuance of Bonds of the Virginia Public School Authority for both schools.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the Acting County Administrator to contact the Virginia Public School Authority and make an amended application thereto for the inclusion of James City County in the list of participating local governments, not to exceed the amount of \$8,600,000 in the Virginia Public School Authority's next bond financing and to request that the VPSA consider it an amendment to the original application, submitted in June, 1986.

5. Budget Adjustments - Property Acquisitions

RESOLUTION

CAPITAL PROJECTS BUDGET ADJUSTMENTS

WHEREAS, the Board of Supervisors of James City County has unappropriated carryforward funds and wishes to use part of them to acquire property for a school site and land adjacent to the Landfill.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appropriates carryforward funds and a reimbursement from the City of Williamsburg, as follows:

Sources:

Appropriate June 30	
Undesignated Funds	\$280,793
Appropriate Residual	
Federal Revenue Sharing Funds	14,998
Appropriate City Share of	
School Site	<u>42,938</u>
Total	\$338,729

Uses:

School Site Account	\$184,840
New School Funds	(122,832)
Bogger Site Funds	(11,900)
County Property - Gilliam	181,586
Landfill Land Acquisition Account	100,061
Landfill Equipment Account	(59,040)
Capital Contingency Account	<u>66,014</u>
	\$338,729

F. **BOARD CONSIDERATIONS**

1. Case No. MP-3-86. Powhatan Master Plan Amendment

Mrs. Burcham presented this case indicating action was deferred from the October 20, 1986 Board meeting. At that meeting, the applicant requested withdrawal of the application. In January, staff met with the applicant and arrived at a set of mutually agreeable conditions for approval of the master plan amendment. The Planning Commission unanimously recommended approval of the originally proposed amendment, with numerous conditions. Staff recommends approval of the master plan changes now proposed.

Mr. Edwards inquired concerning conditions accepted by the applicant, in particular, the phasing plan.

Mrs. Gussman indicated the phasing plan is linked to traffic counts and it will limit the number of units permitted until such time as the necessary improvements identified in the phasing plan are in place.

Mr. DePue stated there is no assignment of responsibility for such improvements; however, development will be limited until the improvements are made.

Mr. Edwards stated the existing conditions are an incentive to approve the amendment.

Mr. Brown expressed concern regarding the recreation facility as proposed. If the developer does not specifically include the recreation facility in the formal conditions prior to approval, he will not support the amendment.

Norman Mason, Langley and McDonald, stated it is anticipated that each attached residential area developed by others will provide their own internal recreational facilities.

Mr. Edwards inquired as to how that requirement can be enforced.

Mr. Mason responded during the site plan review process.

Mrs. Gussman indicated Mr. Beamer, the developer, has agreed to strike "it is anticipated" and insert "shall provide" in the "Plan for Transfer of Recreational Land to Powhatan Homeowner's Association."

Mr. Morton suggested staff confer with Mr. Beamer and then come forward with an additional condition for the Board's consideration.

G. PUBLIC COMMENT - None

H. REPORTS OF THE ACTING COUNTY ADMINISTRATOR

1. Farmers Market

Mrs. Burcham presented this matter indicating that at its December 15, 1986 meeting the Board requested staff review the proposal for a farmers market. Staff evaluated six potential sites based upon the following criteria: cost, access, adequate size (at least 1.5 acres), compatible natural features, and location in the Primary Service area near a concentration of people and/or shops. Two sites suggested by the farmers, Richardson Meadows and Eastern State Hospital at the water tower were selected for further analysis based upon their immediate availability without purchase requirements.

The current definition of a farmers market in our zoning ordinance does not include a year-round operation as envisioned by the Farmers' Coop. Both sites preferred by the farmers would require a rezoning. Staff recommends that if either site is selected, the parcel be rezoned LB and Farmers Market be added to that zone with a Special Use Permit.

Placement of the market on the Richardson Meadows property will be on the west side away from the intersection of John Tyler and Route 199 to avoid potential interference with the extension of Route 199. Similar restrictions do not apply to the Eastern State parcel given the proposed Longhill Connector's location. Eastern State Hospital has agreed in concept to the use of their parcel for the market if the Richardson Meadows tract is not available.

Mrs. Burcham stated she met with Eastern State Hospital officials and they continue to be supportive of a trade-off on the parcel in exchange for creation of a greenhouse on the property by the County. The greenhouse is perceived as a therapeutic benefit to patients of the Hospital who would work there.

Mr. Brown asked if the proposed market will work on the Richardson Meadows Tract, which he favors over the Hospital parcel.

Mr. DePue inquired if the County Attorney's office has completed its compilation of information concerning the County's ability to fund the proposed market.

Mr. Morton indicated he has contacted the County's bond counsel and given that it is a new issue for Mr. Frazier, it will take some time to research.

Mr. Taylor made a motion to approve the concept of a Farmers Market and to build on the Richardson Meadows Tract.

Mr. DePue expressed his concern with the County subsidizing the private sector and also with use of the Richardson Meadows Tract for the market.

Mr. Brown indicated he does not see the County's role as subsidizing the market but rather an opportunity to shore up an important aspect of our community by stabilizing the tax base, the labor market, and providing a benefit for consumers at a minimal cost to the County. Farming is a historic economic base and the Richardson Meadows Tract has been idle for some time. A Farmers Market seems a logical use for the property given the probable delays with utilization of the Hospital site.

Mr. DePue inquired if the Richardson Meadows Tract is large enough for commercial development.

Mr. Brown stated the site is better suited for a Farmers Market.

Mr. Taylor stated the market will pay for itself.

Mr. Edwards expressed concern regarding expenditure of a large sum of money compared to the number of farmers involved with the market.

Mr. DePue questioned which capital budget item would be deleted to add the market given that the County is faced with many other capital needs.

Hammond Branch, a local farmer speaking from the audience, indicated the concept of a Farmers Market was developed to keep farming in James City County and keep an area of the County in a green state. Farmers intend to buy the market from the County as profits are realized.

Joseph Cottrell, a local farmer speaking from the audience, stated it is the farmer that provides food for residents.

Mr. Brown stated this concept is an economic development tool.

Mr. Edwards questioned whether the tailgate concept of selling farm produce is working.

Mr. Brown stated a market is better for the long term than tailgate salesmen.

Mr. DePue questioned utilization of a lease arrangement for the market.

Mr. Morton stated the County could appropriate \$155,000 to the Industrial Development Authority.

Mr. Mahone indicated he is supportive of the Farmers Market concept; however, he is concerned that the Richardson Meadows Tract is valuable in terms of development as a commercial site. Further, he stated concern regarding the financing mechanism.

Mr. Brown suggested the Board continue this matter until the February 23, 1987 meeting.

Mr. Mahone requested comments from the Planning Department concerning landscaping, and land use.

Mr. Taylor stated the farmers would appreciate approval as soon as possible.

Mr. Brown stated public property should be used for the market.

Mr. DePue stated he will need to be convinced to use the Richardson Meadows Tract for the market.

Mr. Brown suggested the Board sell the Richardson Meadows Tract for commercial development if it is not to be used for a public purpose.

Mr. Taylor concurred with Mr. Brown; however, he prefers use of the land for the Farmers Market.

Mr. Mahone inquired if the farmers considered location of the market at Five Forks.

Mr. Branch indicated Five Forks does not meet their locational concerns.

Mr. Brown made a motion to defer action on the Farmers Market until the February 23, 1987 meeting.

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

Mr. Taylor made a motion to reappoint A. G. Bradshaw, retroactive to January 15, 1987, and Gary M. Massie to the Planning Commission, each for four year terms.

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

Mr. Brown made a motion to appoint L. Scott Trainum to fill the unexpired term of Gary Lenz who resigned his position on the Planning Commission.

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

Mr. Taylor requested information concerning expiration of Walter Scruggs approval to develop a 38 acre subdivision.

Mr. Morton responded to the letter which applicants receive states the approval period and the engineer in this instance did not keep up with the deadline.

Mrs. Gussman brought forward the additional condition for the Powhatan Master Plan Amendment as follows: "In each area proposed for multi-family or townhouse development, additional recreational facilities shall be provided as approved by the Site Plan Review Committee."

Mr. DePue made a motion to approve the Master Plan Amendment with the additional condition.

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

R E S O L U T I O N

CASE NO. MP-3-86. POWHATAN MASTER PLAN AMENDMENT

WHEREAS, Mr. Norman H. Mason has applied on behalf of Powhatan Enterprises for an amendment to the approved master plan for Powhatan; and

WHEREAS, Section 20-15 of the James City County Zoning Ordinance reserves to the Board of Supervisors the authority to amend a master plan; and

WHEREAS, the James City County Planning Commission has considered the application and recommended approval with revisions to the master plan; and

WHEREAS, the Planning staff has recommended approval of the amendment with the conditions outlined below.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the amended master plan for Powhatan consisting of a redesignation of 10.4 acres containing 18 dwelling units, from "A" to "B"; a redesign of the internal road system aligning and reducing the number of entrances on News Road; a relocation of nine acres of recreational property adjacent to the Mid-County Park to an area surrounding a tributary to Powhatan Creek; and a limitation of commercial development to 420,000 square feet.

BE IT FURTHER RESOLVED, that the following conditions shall apply to the master plan.

1. The developer shall execute an agreement and post surety for the completion of roads within the first phase of this community (Powhatan Secondary) in order that they may be accepted by the VDOT. The agreement shall be executed prior to approval of any further development under the amended plan.
2. The 10-inch water lines shall be shown as 12-inch water lines on the master water plan. Sewer flow projections shall be provided.
3. The Land Utilization Table on the master plan shall identify housing types as permitted by Section 20-13(b)(4) of the Zoning Ordinance. The Land Utilization Table shall be corrected.
4. The master plan shall contain a statement on the guarantees and assurances to be provided for the maintenance of common open space, recreation areas, sidewalks, parking, private streets and other privately owned, but common facilities serving this project.
5. A homeowner's association shall be responsible for the maintenance and ownership of all common areas.
6. The restrictions on the landscape protection zones shall be clearly noted on the master plan. The L.P.Z.'s shall be controlled by recorded easements or deeded to the homeowner's association.
7. A revised master plan incorporating the changes required in conditions 2, 3, 4 and 6 shall be submitted to the Planning Department by April 2, 1987.
8. Along Ironbound Road and News Road, the L.P.Z. shall be a minimum of 40 feet in width on each side of the road. The 40 feet shall be exclusive of any required right-of-way dedication for road improvements.
9. A trail or L.P.Z. shall be created along the bank of the 6.9 acre lake to allow for fishing, etc.
10. Pedestrian ways and/or other open space shall be provided as a part of each final plan for each residential section in order to meet the required open space percentages established in the master plan.
11. No entrances shall be permitted on Ironbound Road or News Road except the major collector roads indicated in the master plan. Entrances may be considered for the commercial area, the Mid-County Park, and the 21.2 acre townhouses area in Phase 3 onto Ironbound Road and News Road but only in conjunction with review and approval of final plans for these areas.

12. A phasing plan shall be provided by the developer and approved by the Board of Supervisors prior to final approval of any development beyond the 18 units identified on SP-65-86, Powhatan Cluster Homes, and the 33 lots in Case No. S-90-86, Powhatan Secondary, Phase II and III. The phasing plan shall be based on a traffic analysis provided by the developer and approved by the County, including but not limited to, consideration of the following improvements:
- a. The improvement of News Road to a four-lane divided highway from Ironbound Road to the loop road (east).
 - b. The improvement of News Road between the loop road (east) and the western end of the development to a two-lane roadway (24-feet with standard width shoulders and turn lanes) and 90-feet of right-of-way.
 - c. Separate left and right turn lanes on News Road at each of the two major intersections.
 - d. Left and right turn lanes on News Road and Ironbound Road at the intersection of News Road and Ironbound Road, unless determined by the Virginia Department of Transportation to be unnecessary due to a realignment of News Road.
 - e. Traffic signals at the intersection of News Road and Ironbound Road, at the intersection of Ironbound Road and the main entrance (Road "A"), and at the commercial entrance on Ironbound Road.
 - f. A left turn lane on Ironbound Road at the major entrance on Ironbound Road.
 - g. The construction of Ironbound Road to four lanes between Route 199 and the main entrance.

The phasing plan and improvements identified in the phasing plan shall be linked to traffic counts.

The phasing plan shall limit the number of units permitted until such time as the necessary improvements identified in the phasing plan are in place or guaranteed.

13. The "Plan For Transfer of Recreational Land to Powhatan Homeowner's Association" shall be amended to include playground equipment in each recreation area and to indicate the size of the swimming pool. The amended plan shall be submitted prior to approval of any final plan for this development beyond the 18 units identified on SP-65-86, Powhatan Cluster Homes, and the 36 lots identified on Case No. S-90-86, Powhatan Secondary, Phase II and III.
14. In each area proposed for multi-family or townhouse development, additional recreational facilities shall be provided as approved by the Site Plan Review Committee.

I. BOARD REQUESTS AND DIRECTIVES

Mr. Mahone requested staff prepare a response to the Toano Hunt Club regarding leasing land adjacent to the Landfill.

Mr. DePue made a motion that the Board approve categorical funding of the School Operating Budget.

Mr. Taylor suggested such action will require additional work for staff.

Mrs. Burcham stated that some of the analysis necessary is already routinely done.

Mr. Taylor stated he agrees with the present method of appropriating the School Operating Budget.

Mr. DePue stated his desire is to provide the Board with more authority regarding specific expenditure of County funds for school operating expenses.

Mr. Edwards stated in a jointly operated school system, categorical funding does not provide much control. Further, he, County Staff, School Board Staff, City Council as well as City Staff have met several times concerning the School budget.

Mr. Brown indicated that until the law is changed to allow for general election of School Board representatives or until a referendum is placed on the ballot giving the citizens of James City County the opportunity to decide if they wish the School Board to be appointed by the Board of Supervisors, not much can be done to increase the Board's oversight of the School budget.

Mr. DePue withdrew his motion.

Mr. Mahone inquired if staff would research the possibility of a change in State law regarding School appropriations. Also, he inquired if the School budget would allow for money to be placed in contingency.

Mr. DePue stated his desire is to make the School Board cognizant of the Board's desire for priority designation of expenditures.

Mr. Brown expressed pleasure that the Board's relationship with the School Board has improved.


Mr. Brown inquired if members of the Board would be willing to participate in a tour of the Surry Plant.

Mr. Mahone requested information regarding a previous resolution concerning the proposed York River crossing. He also requested a list of charges incurred by staff and Board members who attended the Virginia Association of Counties meeting in November and a status report on zoning signs for the February 23, 1987 meeting.

Mr. Edwards made a motion to recess until February 7, 1987 at 9:00 a.m.

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

The Board recessed at 11:05 p.m.


Darlene L. Burcham
Clerk to the Board

vas/bkh
0112w

AGREEMENTTASKINAS ESTATESJCC CASE # Z-34-86

WHEREAS, Taskinas Estates, a Virginia limited partnership, (hereinafter called "the applicant") owns certain real property in James City County, Virginia, (hereinafter called "the property") and more particularly described as follows:

All that certain lot, piece or parcel of land situate in James City County, Virginia, more fully shown and described on a plat entitled, "Plat of 74.5 Acres Stonehouse District", dated November 25, 1986 and made by William L. Miller, Jr., CLS, a copy of which is attached.

WHEREAS, the applicant has applied for rezoning of the property from the General Agricultural District, A-1, to the Limited Residential District, R-1; and

WHEREAS, the County of James City may be unwilling to rezone the property from the General Agricultural District, A-1, to the Limited Residential District, R-1, because the Limited Residential District, R-1, zoning regulations may be deemed inadequate for the orderly development of the property; and

WHEREAS, more flexible and adaptable zoning methods are deemed advisable to permit the use of the property; and


WHEREAS, the applicant is desirous of offering certain conditions for the protection of the community that are not applicable to land similarly zoned in addition to the regulations provided for in the Limited Residential District, R-1.

NOW, THEREFORE, this agreement witnesseth that for and in consideration of the County of James City rezoning the property from the General Agricultural District, A-1, to the Limited Residential District, R-1, and pursuant to Section 15.1-491.1, et seq of the Code of Virginia, 1950, as amended and Section 20-14.2 et seq of Chapter 20 of the Code of James City County, Virginia, the applicant agrees that in addition to the regulations provided for in the Limited Residential District, R-1, but subject to the limitations set forth in the aforesaid Codes, it will meet and comply with all of the following conditions for the development of the property.

1. The applicant agrees to limit overall density for the subject property to 65 single family building lots. This produces an overall density of approximately 0.93 lots per acre.

2. The applicant agrees to establish a Homeowner's Association and to convey and dedicate approximately 20 acres of land for passive and active recreational use. Further, the applicant agrees to provide at least one area large enough to construct a regulation softball field or similar facility as the Homeowner's Association may desire. In addition, the applicant agrees to construct such active recreational facilities after at least sixty percent of the lots are recorded.
3. The applicant agrees to establish a fifty foot scenic easement adjacent to and parallel with Croaker Road, said easement to be measured 75 feet from centerline of Croaker Road.

The applicant has also indicated its willingness to comply with the following condition, which is not a proffer, but is a previous requirement of James City County: In accordance with the subdivision regulations, the applicant agrees to: (a) dedicate a ten foot strip for future widening of Croaker Road, (b) to construct or cause to be constructed underground electrical service, and (c) to construct a public water supply system and dedicate same to the James City Service Authority. The water supply system is to be constructed in accordance with the applicable regulations of the Virginia Department of Health and the Regulations Governing Utility Service.

 (SEAL)
Partner and Agent for Taskinas
Estates

STATE OF VIRGINIA

CITY/COUNTY OF James City, to wit:

The foregoing instrument was acknowledged before me this 8th day of December, 1986, by Peter Benavage, Partner and Agent for Taskinas Estates.


Notary Public

My commission expires: May 17, 1988

LAW OFFICES

JONES
BLECHMAN
WOLTZ & KELLY, P.C.
2600 Washington Avenue
Newport News, Va.

Plan For Transfer of Recreational Land to Powhatan
Homeowner's Association

The Powhatan recreational development plan is conceived to allow the Homeowner's Association the opportunity of deciding what facilities they desire. Basic facilities will be provided in the four recreational areas indicated on the Master Plan. These areas will be provided with picnic facilities and a fireplace for use by the homeowners. Additional facilities can be provided by the homeowners at their option. The associated costs that must be borne by the homeowners will occur only at their choice.

The Master Plan indicates four recreational areas totaling 21.3 acres. In addition to these areas, a 15.0 acre lake will be deeded to the Homeowner's Association also. These areas will be developed and deeded to the Homeowner's Association at different stages in Powhatan's overall development. The first 4.3 acre area would be deeded to the Homeowner's Association after selective clearing and construction of picnic facilities. This transfer of property would occur at the time a total of 150 lots were platted and put to record. The 150 lots could be in any of the lot areas marked 83.4 AC/144 lots, 58.6 AC/101 lots, 31.3 AC/54 lots or 29.6 AC/51 lots. At such time as 250 lots are put to record in these same areas a swimming pool will be built in the 4.3 acre recreational area, if agreeable with the residents.

The largest recreational area is created by a combination of 5.5 acres contiguous to the existing lake and 9.0 acres on the other side of the existing dam. Preparations of this area and transfer of the 5.5 acre around the lake, and the lake itself, to the Homeowner's Association will occur when 50 or more residential units are platted and recorded in areas 22.0 AC/290 units, 18.3 AC/168 units, and 19.2 AC/176 units. The lake provides a major recreational amenity that can provide small boat sailing, fishing and canoeing. The dollar value of the

amenity exceeds that of a swimming pool, yet presents lower maintenance costs for the Homeowners. The range of recreational activities presented by the lake is far greater than those provided by a pool. Upon platting and recordation of 300 units, the remainder of the 14.5 acres will be transferred to the Homeowner's Association. In addition to the basic facilities to be provided, the developer will construct a small boat dock and racks for storage of small boats for use on the lake contiguous to this area. The dock and rack storage facility would be constructed prior to transfer of the 5.5 acre area.

The remaining 2.5 acre recreational area will be deeded to the Homeowner's Association at the time development occurs in the surrounding areas, 54.3 AC/94 lots, 18.9 AC/250 units, and 21.2 AC/195 units. Transfer to the Homeowner's Association would occur when a total of 50 or more residential units are platted and recorded in this area.

In addition to the basic facilities to be provided for these areas, the developer will provide a hard surfaced access road to each area before it is deeded to the Homeowner's Association. The area will also be selectively cleared to remove undesirable undergrowth, deadfalls and windfalls.

In addition to the facilities previously discussed, it is anticipated that each attached residential area developed by others will provide their own internal recreational facilities. Oxford's Steeplechase Apartments are the first example of this plan.