

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 1ST DAY OF OCTOBER, NINETEEN HUNDRED NINETY-ONE, AT 7:05 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Thomas K. Norment, Jr., Chairman, Roberts District
Judith N. Knudson, Vice Chairman, Jamestown District

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

B. CONSENT CALENDAR

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

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

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

1. Sexual Assault Awareness Week

R E S O L U T I O N

SEXUAL ASSAULT AWARENESS WEEK

WHEREAS, October 13 through October 19, 1991, has been designated as Sexual Assault Awareness Week by the Governor of the Commonwealth of Virginia; and

WHEREAS, one out of every three females and one out of every ten males will be a victim of sexual assault in their lifetime; and

WHEREAS, this experience can be devastating, not only for the victim, but also for the family and friends of the victim; and

WHEREAS, AVALON: A Center For Women and Children provides services to victims - past and present - of sexual assault, their family and friends; and

WHEREAS, AVALON will join the other 21 sexual assault crisis centers in Virginia and Virginians Aligned Against Sexual Assault, the State-wide coalition, in a public awareness campaign to generate greater public understanding of the issues surrounding sexual assault.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors, of James City County, Virginia, that the week of October 13 through October 19, 1991, be recognized as Sexual Assault Awareness Week.

C. PUBLIC HEARINGS

1. Case No. Z-10-89. Stonehouse, Incorporated Case No. SUP-10-80. Stonehouse, Incorporated Water Supply Wells
3. Case No SUP-4-91. Stonehouse Sewer Force Main Case No. AFD-3-86. Hill Pleasant Farm Agricultural and Forestal District (Hunt and Stevens Withdrawal)

Mr. R. Patrick Friel, Senior Planner, stated that a rezoning application, with proffers, was submitted in March 1989 to allow a large scale planned community known as Stonehouse, located on 5,750 acres, zoned A-1, General Agricultural, and B-1, General Business, to PUD-R, Planned Unit Development Residential, and PUD-C, Planned Unit Development Commercial. The site would be bounded by York River (east), New Kent County (north), Route 30 (west) and Interstate 64 (south), further identified as Parcel (1-1) on James City County Real Estate Tax Map (6-4).

Mr. Friel stated that on July 6, 1991, the Planning Commission voted 9-1 to recommend approval of the Stonehouse project. Staff recommended deferral of the cases until the Board of Supervisors' October 14, 1991, meeting.

Mr. Norment reopened the public hearings.

1. Mr. Vernon Geddy, III, Esq., representative for Stonehouse, Inc., wholly owned by Chesapeake Corporation, explained the revisions of the proffers and the separate well mitigation program agreement.

Mr. DePue requested a memorandum from staff with their comments about the revisions.

With no objections, Mr. Norment continued the four public hearings until the Board of Supervisors' October 14, 1991, meeting.

5. Case No. SUP-16-91. Skimino Golf Course

Mr. O. Marvin Sowers, Jr., Director of Planning, stated that Mr. William C. Cowardin, Jr., had applied for a special use permit to allow the development of a golf course on approximately 530 acres, zoned A-1, General Agricultural, located to the north of Skimino Creek and to the east of Newman Road, further identified as Parcels (1-7 and 1-11) on James City County Real Estate Tax Map Nos. (25-2 and 16-3), respectively.

Mr. Sowers described the project as a 27-hole golf course, with a driving range and practice area, and a clubhouse.

In concurrence with staff, the Planning Commission, by a 10-1 vote, recommended approval of the special use permit with conditions listed in the resolution.

Mr. Norment opened the public hearing.

1. Mr. William C. Cowardin, Jr., stated that he was available to answer questions.

2. Mr. Richard Guertin, 108 Devonshire Drive, spoke in favor of the special use permit, stating the golf course would be a good, quiet neighbor.

Mr. Norment closed the public hearing.

The Board discussed who grants exceptions to the Chesapeake Bay Preservation Act Ordinance; do exceptions violate the Chesapeake Bay Preservation Ordinance; traffic generated less than for residential; York County willing to participate in providing funds for road improvements; are residential units planned; and, how many acres cleared for golf course.

Staff and applicant responded that Director of Code Compliance granted exceptions; exceptions can be less environmentally degrading than what normally might occur; traffic for golf course about one-third generated for residential; York County unwilling to participate in funding; no residential units planned, and approximately 200 acres of woodlands cleared for golf course.

Mr. Norment made a motion to approve the resolution.

Mr. Taylor made a motion to amend the resolution by deleting the last sentence of Condition 12.

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

On the original motion, the vote was: AYE: DePue, Taylor, Edwards, Knudson, Norment (5). NAY: (0).

R E S O L U T I O N

CASE NO. SUP-16-91. SKIMINO GOLF COURSE

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, Virginia, following its public hearing on September 10, 1991, voted 10-1 and recommended approval of Case No. SUP-16-91 to permit a golf course in the A-1, General Agricultural district on property identified as Parcel (1-7) on James City County Real Estate Tax Map No. (25-2) and Parcel (1-11) on James City County Real Estate Tax Map No. (16-3).

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-16-91 as described herein with the following conditions:

1. In the event the owner receives an exception from the Chesapeake Bay Preservation Ordinance to clear on slopes 25 percent or steeper, then such areas shall be sodded immediately after clearing and grubbing associated with cut and fill operations. The sod shall be staked into place, as necessary, and temporary fill diversions shall be constructed to minimize water flow over slopes, until sod has become fixed to the slope by establishment of root structure.
2. In the event the owner receives an exception from the Chesapeake Bay Preservation Ordinance, all disturbed slopes 10 percent or steeper shall be stabilized immediately upon reaching final grade with sod or excelsior blanket and seed, or other approved erosion control matting. Cut and fill slopes shall be stabilized in vertical increments not exceeding 10 feet, or at the end of the work day, should a fill or slope greater than 10 feet occur during that period.
3. A construction phasing plan shall be provided. That plan shall divide the construction into phases. Land disturbance beyond the first phase shall be permitted based upon the adequacy of erosion and sediment control measures installed in prior phases.
4. An operation and maintenance plan, including an integrated pest management plan shall be submitted as part of the site plan submittal.
5. An environmental impact assessment for golf course irrigation shall be submitted for approval by the County Engineer prior to site plan approval.
6. A Phase I Archaeological Study shall be submitted to the Director of Planning for his review and approval. The study shall meet the guidelines set forth in the Virginia Department of Historic Resource's Guidelines for Preparing Archaeological Resource Management Reports 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. The developer shall undertake a Phase II and/or a Phase III study of archaeological

sites as recommended in any subsequent study of archaeological sites. Such studies shall be submitted to and approved by the County prior to any land disturbing on or adjacent to such sites. The recommendations of such studies shall be incorporated into the plan of development for the site and the clearing, grading or construction activities thereon. If as a result of a Phase II study, the County determines the site is eligible for inclusion in the National Register of Historical Places based on the Criteria established by the Department of the Interior, the developer shall develop and implement a plan for inclusion of the site on the National Register of Historic Places and for the mitigation of potential adverse impacts on the site.

7. If construction has not commenced on the project within 18 months from the date of issuance of this special use permit, it shall become void.
8. A 50-foot undisturbed buffer shall be placed around any portion of the project which abuts adjacent properties. The buffer shall remain in its natural state and if currently clear, shall be landscaped at a minimum in accordance with the landscaping section of the Zoning Ordinance.
9. A 100-foot undisturbed buffer shall be placed along Newman Road. The buffer shall remain in its natural state and shall be landscaped at a minimum in accordance with the landscaping section of the Zoning Ordinance. The entrance to the site and the location of necessary utilities shall be permitted within this buffer with the approval of the Development Review Committee.
10. No more than one entrance to the property shall be permitted. The entrance shall be located so as to be aligned with North Cove Drive. Such alignment shall be in a manner acceptable to VDOT and the Planning Division.
11. The driving range and practice area shall not be illuminated for night use.
12. Water used for golf course irrigation shall be drawn from Barlow's Pond. The level of the lake shall not drop below 1 foot from the top of the causeway (located near Newman Road) at anytime. If the lake level drops below this point, pumping of water from the pond shall cease until the level of the lake returns above the 1-foot mark. If it is determined that Barlow's Pond is not a suitable source of water, the special use permit shall become void.
13. Prior to the issuance of a Certificate of Occupancy for the golf course, improvements shall be made to Route 646 in a manner acceptable to the Director of Planning.

6. Case No. SUP-19-91. Gibson Brothers Development Corporation

Mr. Sowers stated that Mr. Gus Gibson, Jr., had applied for a special use permit to allow the sale of used cars in the B-1 zone, General Business, located at 8910 Pocahontas Trail, and further identified as Parcel (1-7A) on James City County Real Estate Tax Map No. (59-2). He noted that a previous special use permit (SUP-30-86) had been issued on December 15, 1986, with a five-year time limit.

Staff recommended the site's Pocahontas Trail entrance be closed due to deficient level of service on Route 60 and the need to minimize the number of disruptions along a significant economic development corridor.

In concurrence with staff, the Planning Commission, by an 8-3 vote, recommended approval of the special use permit with conditions, but with deletion of Condition 3 and addition of Condition 5, as listed in the resolution. Staff recommended approval of the special use permit with all five conditions as listed in the resolution.

The Board noted the taxi service operation, fence not installed and storage buildings on the site as issues.

Mr. Norment opened the public hearing.

1. Dwight Dansby, Esq., on behalf of owner, responded to Board questions that the taxi service operation had ceased, the storage buildings had been removed, and a fence would be installed.

Mr. Dansby stated that the used car sales did not generate excess traffic, car sales was characteristic of other nearby businesses, second entrance on Route 60 was needed for employees and residents of manufactured homes and did not create traffic problems. He asked that the Board approve the special use permit.

2. Mr. Martin Garrett, Planning Commission member, stated no safety factor was involved in closing the entrance on Route 60 and spoke in favor of two entrances.

3. Mr. Ed Oyer, 139 Indian Circle, also spoke in favor of two entrances and asked that the special use permit be approved.

Mr. Norment closed the public hearing.

With no objections, Mr. Norment deferred the case until the November 4, 1991, Board of Supervisors' meeting to allow applicant time to conform to the approved site plan by installation of fence and removal of storage buildings.

7. Case No. SUP-27-91. Child Development Resources, Inc.

Mr. Sowers stated that Mr. Vernon Geddy, III, had applied on behalf of Child Development Resources, Inc., (CDR), for a special use permit to allow the development of a 14,000-square foot child care facility on 3.1 acres, zoned R-1, Limited Residential, located on the west side of Point-O-Woods Drive approximately 900 feet north of the Croaker Road/Point-O-Woods Drive intersection, and further identified as part of Parcel (1-13) on James City County Real Estate Tax Map No. (13-4).

Mr. Sowers emphasized staff's position of a limit of one entrance on Point-O-Woods Drive with internal traffic circulation made on-site.

In concurrence with staff, the Planning Commission recommended approval of the special use permit with addition of number 5 condition and number of entrances limited to 2 in Condition 2, and other conditions listed in the resolution. Staff recommended approval of one entrance in Condition 2 and other conditions listed in the resolution.

Mr. Norment opened the public hearing.

1. Mr. Vernon Geddy, Vice Chairman of the Child Development Resources, Inc., Board of Directors, expressed thanks to all who worked on the case, and asked the Board to approve the special use permit with two entrances for the safety of the special children, the topography of the site and from a lightly traveled side road.

2. Mr. Martin Garrett, Planning Commission member, stated the Planning Commission had not received the detailed presentation, and requested the Board refer the case back to the Planning Commission.

Mr. Norment closed the public hearing.

Mr. Edwards made a motion to refer the special use permit case back to the Planning Commission for hearing at its October 8, 1991, meeting.

Mr. Norment reopened and continued the public hearing.

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

8. Case No. SUP-29-91. Chuck Marcotte

Mr. Sowers stated that Mr. Chuck Marcotte had withdrawn this application.

9. Case No. ZO-5-91. Zoning Ordinance Amendment

Mr. David N. Fletcher, Planning Technician, stated that the Ordinance revisions were following adoption of the Comprehensive Plan with changes proposed to Special Regulations for Exterior Signs, Minimum Off-Street Parking, and Site Plans. Mr. Fletcher showed slides depicting heights of

parking lot light poles and visual effects of halide lighting. He also included slides which showed internally illuminated signs along greenbelt highways.

Following a short discussion of the language of the Ordinance, Mr. Norment opened the public hearing.

1. Mr. Richard Costello, of AES, commented that 20-foot and 30-foot light poles are each appropriate in different areas; he spoke of the differences between halide and sodium vapor lights including the expense of installation and operation; and, spoke in opposition to prohibiting of internally illuminated building signs on greenbelt roads.

Mr. Edwards requested a memorandum from staff on issues raised by the Board, to include Mr. Costello's comments.

With no objections, Mr. Norment continued the public hearing until the October 14, 1991, Board of Supervisors' meeting.

10. Proposed Contract with Hampton Redevelopment and Housing Authority

D. BOARD CONSIDERATION

1. Little Creek Redevelopment Plan

2. Little Creek Community Development Block Grant - Program Guideline Revisions

Mr. Richard B. Hanson, Community Development Administrator, stated that authorization was requested to contract with the Hampton Redevelopment and Housing Authority, which would acquire the subdivision site and transfer lots in accordance with the County's plan of disposition. Mr. Hanson explained that State law required a public hearing be held on the existence of blight and substandard housing, and that a decision that the conditions can be remedied through the exercise of housing authority's powers prior to a County contract with a redevelopment and housing authority.

Mr. Hanson stated that the Little Creek Redevelopment Plan was for a 23.5-acre vacant parcel within the Chickahominy Road community. He further stated that the Plan identified property to be acquired and procedures to be followed including acquisition by condemnation.

Mr. Hanson also presented revisions to the Off-Site Replacement Housing and Lot Sales Policies of the Little Creek Community Development Block Grant Program Guideline. He noted the proposed revision would change the method of calculation of the amount of CDBG deferred payment loans which may be provided to eligible families for lot purchase and site improvement.

Mr. Norment opened the public hearing.

1. Mr. Edward English, P.O. Box 698, Toano, adjoining property owner to development, stated that the nearby school did not require 61 acres and that the development could be put there. He emphasized that more houses and people were not needed in the neighborhood.

2. Mr. Peyton Harcum, 3183 Chickahominy Road, spoke of increased traffic problems and a person's land should not be taken by condemnation.

3. Mr. Sherman Jones, Jr., property owner on Friendship Drive, urged the Board to delay voting on the development as owners were not ready to sell and did not want the development.

4. Mr. Gregory Leonard supported the other speakers' comments.

5. Mr. Dallas Graves spoke in opposition to bringing people from other areas who would cause additional problems in the neighborhood and expressed appreciation of Board support.

Mr. Norment closed the public hearing.

Mr. Taylor made a motion to defer the cases to allow time to view other location sites.

Mr. Anthony Conyers, Jr., Community Services Manager, stated staff would look at other appropriate sites which would meet this purpose, and reminded the Board of the successful Grove project which had added to the quality of that community.

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

E. PUBLIC COMMENT - None

F. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Norman stated that Dr. Gayden F. Carruth, Superintendent of Williamsburg-James City County Public Schools, had requested a Board of Supervisors' representative to serve on a task force for a magnet program for international study by elementary students, with the first meeting scheduled for October 8, 1991, at Berkeley Middle School Media Center.

Mr. Norman recommended an executive session pursuant to Section 2.1-344(a)(7) of the Code of Virginia to consult with legal and staff members on a specific legal matter.

G. BOARD REQUESTS AND DIRECTIVES

Mr. Taylor and Mr. DePue asked staff to respond to Mr. Albert Slater's letter on withdrawal of acreage from an Agricultural and Forestal district.

Mr. DePue and Mr. Taylor requested a memorandum from staff giving alternatives and information available for citizen from Norge who wanted to buy property and build a duplex.

Mr. Horne responded in the affirmative.

Mr. Edwards clarified that taxi service was not a permitted use in the County.

Mr. Horne responded that a change in the Zoning Ordinance was being processed to permit taxi service.

Mr. Norment mentioned that he had attended an agricultural meeting in Stonehouse district a couple of weeks ago, and urged the Board to take advantage of the opportunity and attend at some future date.

Mr. Taylor extended an invitation to the Board members to attend the Agricultural Board meetings on the third Monday evening of the month at 6:30 p.m (winter) and 7:00 p.m. (summer), held in the vicinity of Toano.

Mr. Norment told of attending a self-sufficiency meeting, videotaped at the Human Services Building, where he heard heartwarming statements from persons who had demonstrated personal commitment and had been removed from public assistance to a self-sufficiency program.

Mr. Norment noted that on Monday, September 30, 1991, he, Mr. Norman, Mr. Horne, Mr. Jon Nystrom, Chairman of Industrial Development Authority, and Mr. Keith Taylor, Economic Development Director had appeared before the Virginia Department of Economic Development for James City County's annual presentation, which emphasized being progressive in our approach to attracting business and commercial locations within the County.

Mr. Frank M. Morton, III, County Attorney, reported that the Ware Creek arguments were heard in 4th Court of Appeals today (October 1, 1991), in Richmond. He indicated that County's counsel, William B. Ellis, Esq., did an outstanding job of presenting the case.

Mr. Norment made a motion to convene into executive session as recommended above by the County Administrator at 10:06 p.m.

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

Mr. Norment made a motion to approve the executive session resolution at 10:30 p.m.

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

RESOLUTION

MEETING DATE: October 1, 1991

CERTIFICATION OF EXECUTIVE MEETING

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

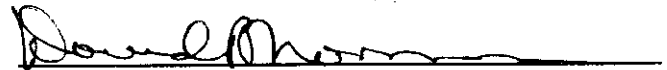
WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board that such executive meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge; (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies; and, (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board.

Mr. Norment made a motion to adjourn.

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

The Board adjourned at 10:30 p.m.


David B. Norman
Clerk to the Board