

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 1ST DAY OF FEBRUARY, NINETEEN HUNDRED NINETY-THREE, AT 7:02 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

**A. ROLL CALL**

Judith N. Knudson, Chairman, Jamestown District  
Stewart U. Taylor, Vice Chairman, Stonehouse District

Perry M. DePue, Powhatan District  
Jack D. Edwards, Berkeley District  
David L. Sisk, Roberts District  
Sanford B. Wanner, Assistant County Administrator  
Frank M. Morton, III, County Attorney

**B. PUBLIC HEARINGS**

**1. Case No. SUP-33-92. Robert S. Bryan - Manufactured Home**

Mr. David Fletcher, Planning Technician, stated that Mr. Robert S. Bryan had applied for a special use permit to allow the replacement of a nonconforming manufactured home in R-8, Rural Residential, located at 157 Powhatan Springs Road, further identified as Parcel No. (2-6) on James City County Real Estate Tax Map No. (46-2).

Ms. Knudson opened the public hearing, and as no one wished to speak, she closed the public hearing.

Mr. Sisk made a motion to approve the resolution.

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

**R E S O L U T I O N**

**CASE NO. SUP-33-92. ROBERT S. BRYAN, MANUFACTURED HOME**

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

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

Applicant: Mr. Robert S. Bryan

Real Estate Tax Map ID: (46-2)

Parcel No.: (2-6)

Address: 157 Powhatan Springs Road

District: Berkeley

Zoning: R-8

Conditions:

1. This permit shall be valid only for the manufactured home applied for. If the manufactured home is removed, this permit shall become void. Any replacement shall require a new permit from the Board of Supervisors. If the permit is not exercised, it shall become void one year from the date of approval.
2. The manufactured home shall be skirted and meet the requirements of the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards.
3. The existing manufactured home shall be removed within 30 days of the placement of the new unit.

2. Case No. CP-2-92. Comprehensive Plan Amendment - Williamsburg-Jamestown Airport  
(continued from January 19, 1993)

Mr. Trenton L. Funkhouser, Senior Planner, stated that the Board of Supervisors, at its January 19, 1993, meeting, deferred action on changing the land use designation of the Williamsburg-Jamestown Airport to allow the owners' consultant to be in attendance.

Mr. Funkhouser stated the proposed wood recycling/mulching operation on property adjacent to the Airport would require an amendment to the Comprehensive Plan. Staff recommended revisions to provide for limited expansion and continuation of construction debris landfill and/or any similar less intensive use; a special use permit would be required to conduct manufacture and sale of wood products in R-8, Rural Residential.

Ms. Knudson reopened the public hearing.

1. Mr. Alvin Anderson, Esq., representing the owners, Larry and Jean Waltrip, explained their desire to have a wood mulching operation on the adjacent 19-acre site on a permanent basis for the benefit of the owners and the County.

2. Mr. Larry Waltrip, owner, stated the primary need to use the 19-acre site was for storage purposes.

3. Ms. Jean Waltrip, owner, stated the recent truck traffic count would be reduced considerably with the closure of the landfill.

4. Dr. Charles Wilhelm, new resident of Kingspoint, spoke of concerns of noise and pollution from the mulching machine.

5. Mr. William Schneider, Kingspoint neighbor of Dr. Wilhelm, expressed concerns of land use for the airport and the effect on the environment.

6. Mr. R. E. Gilley, Neck-O-Land Road, spoke in favor of the wood mulching operation on the 19-acre site adjacent to the airport.

7. Mr. Arthur Hancock asked the Board to consider the broader picture of industrialization of the airport site.

8. Mr. Jay Everson, 130 Oslo Court, expressed support for the airport as a benefit to the County.

Ms. Knudson closed the public hearing.

Mr. DePue made a motion to approve the alternative proposal.

Mr. Edwards requested the revised and alternative proposals be returned to the Planning Commission for its recommendation.

Mr. DePue withdrew his motion.

Mr. Edwards made a motion to return the revised proposal and alternative proposal to the Planning Commission at its February 8, 1993, meeting and put the case with Planning Commission recommendation on the Board of Supervisors' agenda for February 16, 1993.

Mr. Jay Tolbert, of Tolbert and Bright Engineering and Planning Consultants, and Mr. Dale Holland gave a brief presentation of the Airport Master Plan on the moderate growth expected and planned improvement phases to enhance safety through the year 2013.

Mr. Cliff Burnett, State Department of Aviation, indicated Williamsburg was number one in a State program to stimulate aviation business at local airports and attract persons to Williamsburg area.

Ms. Knudson stated discussion would be needed at a later date concerning the low density residential area not designated for airport expansion, and asked for a roll call on Mr. Edwards' motion.

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

3. Route 5 Funding Plan

Mr. John T. P. Horne, Manager, Development Management, stated that the Board discussed the Route 5 funding options with associated risks at its December 21, 1992, work session.

Staff recommended approval of the resolution creating the Route 5 Transportation Improvement District.

Ms. Knudson reopened the public hearing.

1. Mr. Lawrence Beamer, developer of Powhatan Secondary Subdivision, spoke in opposition to the funding plan as alternate Route 5 would be detrimental to the quality of life in that subdivision. He further asked that Powhatan Secondary Subdivision not be included in the Transportation Improvement District.

2. Mr. Frank Tsutras, 5828 Hawthorne Lane, urged the County to advise area realtors of the Transportation Improvement District and include them in further discussions of important issues.

3. Mr. R. E. Gilley, Neck-O-Land Road, spoke in support of alternate Route 5.

4. Mr. Jerry Moore, representative of Governor's Land Associates, stated many persons were involved in the process and he would welcome a meeting with community real estate brokers.

Ms. Knudson closed the public hearing.

Ms. Knudson made a motion to approve the resolution.

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

R E S O L U T I O N

CREATION OF THE ROUTE 5 TRANSPORTATION IMPROVEMENT DISTRICT

WHEREAS, the Board of Supervisors of the County of James City, Virginia, ("Board") has received a petition from certain landowners ("Petition") requesting the creation of the Route 5 Transportation Improvement District ("District") pursuant to Virginia Code Section 15.1-791.1 et seq., from landowners representing fifty-one percent (51%) of the acreage or assessed valuation of the unimproved land in the proposed District; and

WHEREAS, the Petition complies with the requirements of Virginia Code Section 15.1-791.1 et seq.; and

WHEREAS, notice has been given pursuant to Virginia Code Section 15.1-791.3 and Section 15.1-431, by publication for three successive weeks in a newspaper of general circulation in James City County; a public hearing was held by the Board on the question of whether the residents and owners of real property within the proposed District would benefit from the establishment of the proposed District; and a copy of this proposed resolution was delivered to the attorney-in-fact for the petitioning landowners ("Landowners"); and

WHEREAS, the Board has determined that the creation of the District is in furtherance of the Comprehensive Plan and furthers the general health, safety, and welfare of James City County by enabling the construction of the Route 5 Bypass; and

WHEREAS, Route 5 and the proposed Route 5 Bypass are important transportation facilities which will provide vital access to the western portion of James City County ("County"); and

WHEREAS, Route 5 has been designated as a scenic byway, and because of the historic and environmentally sensitive area which it serves, should only be improved in a manner that maintains a balance between transportation service levels and the highest aesthetic standards; and

WHEREAS, the principal landowners in the western portion of the County have previously made proffers of approximately \$5.6 Million in cash and in road improvements to the County for improvement of Route 5 to a four-lane divided highway or for the construction of a new two-lane facility to provide an alternative to Route 5 (the "Route 5 Bypass"), and desire to provide for such orderly and appropriate development in a comprehensive and coordinated way so that the desired balance between transportation and environmental, aesthetic and historical considerations can be maintained; and

WHEREAS, the Landowners wish to join with the Board to forge an important public-private partnership designed to implement a carefully balanced plan for road improvements in the Route 5 corridor with a goal of eliminating the need to widen existing Route 5; and

WHEREAS, creation of the District is essential to realizing these benefits by providing a sound financial plan to fund the costs of these improvements.

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

1. Creates the "Route 5 Transportation Improvement District" for a period of thirty-five (35) years from the date of this resolution or until the District is abolished in accordance with Virginia Code Section 15.1-791.14. The boundaries of the District are shown on Attachment A ("District Boundaries").
2. Declares that the purpose of the District is the financing and construction of the Route 5 Bypass - for the purpose of constructing a new two-lane, limited access highway on a four-lane right-of-way from a point approximately one quarter of a mile east of the entrance to the Governor's Land project on existing Route 5, a distance of approximately five (5) miles to News Road where it will connect

with the Virginia Department of Transportation's ("VDOT") proposed improvements for the new Route 199 interchange with adequate access to the property of each Landowner, as shown on Attachment B ("Transportation Improvements"), subject expressly to the design specifications set out in Attachment C ("Design Specifications").

3. Confirms its intention that construction of the Transportation Improvements commence at such time as the average daily traffic count on existing Route 5 reaches 13,000 vehicles as provided in Attachment D ("Threshold").
4. Proposes that the Virginia Department of Transportation ("VDOT") construct an additional two lanes parallel to those constructed pursuant to the scope of work set out in Attachment B as a part of its highway construction program at such time as VDOT deems appropriate and at no expense to the District or to the County.
5. Appoints Donald E. Priest, Dominion Lands, Inc., 901 E. Byrd Street, Richmond, VA 23219; C. Lewis Waltrip, Jr., C. Lewis Waltrip, Inc., P.O. Box 3522, Williamsburg, VA 23187; Marc B. Sharp, Bush Companies, 4029 Ironbound Road, Suite 200, Williamsburg, VA 23188; John J. Digges, Bush Companies, 4029 Ironbound Road, Suite 200, Williamsburg, VA 23188; Lawrence Beamer, Beamer Construction Corp., 13441 Warwick Blvd, Newport News, VA 23602; and Robert M. Saunders, P.O. Box 1037, 11048 Warwick Blvd., Newport News, VA 23601; as members to the District Advisory Board ("Advisory Board"); and Jack D. Edwards, Berkeley District Supervisor; Judith N. Knudson, Jamestown District Supervisor; Perry M. DePue, Powhatan District Supervisor; David L. Sisk, Roberts District Supervisor; and Stewart U. Taylor, Stonehouse District Supervisor, or such individual's successors in office, to the District Commission ("District Commission").
6. Indicates its intent that the District Commission and the Board of Supervisors enter into a contract with the Commonwealth Transportation Board ("CTB") pursuant to Virginia Code Section 15.1-791.6, generally consistent with the draft contract attached as Attachment E ("Contract") with the advice and comments of the District Advisory Board, to provide for the design, planning, construction, financing, and any other undertakings necessary to complete the Transportation Improvements. It is the Board's intent that the following provisions be agreed to and implemented in the Contract by and between the CTB, District Commission and Board of Supervisors:
  - a. The CTB shall advance funds over a two-year period from the Revenue Sharing Program, commencing in the 1998-1999 construction year (or such time as the Threshold is met, whichever occurs later) to provide a portion of Phase I construction costs of the initial two lanes of a realigned Route 5, not to exceed \$1 Million, in accordance with the provision of the CTB Resolution attached as Attachment E, the terms of which are incorporated herein by reference.
  - b. The County shall join in the Contract for the purpose of making all previously proffered funds within its control available for construction of the Transportation Improvements on a timely basis, including, without limitation funds received from Governor's Land Associates ("GLA") or its successors in interest, pursuant to the GLA Funding Plan Outline attached

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as Attachment G ("GLA Plan"), which funds shall constitute the matching funds required to be provided by the County under the CTB Resolution. In addition, the District shall execute a Subordinated Note in favor of GLA in the form attached as Attachment H in order to provide for the repayment of funds advanced under the GLA Plan. The Commission shall seek the advice and comments of the Advisory Board prior to finalizing the contract. The CTB shall designate an officer to manage the design and construction of those portions of Transportation Improvements not previously constructed by a landowner in the district in accordance with and to the standards set forth in proffered conditions applicable to the landowner.

- c. The initial contracts for construction of the Transportation Improvements shall be let within 180 days of the date upon which the Threshold has been met. The Contract will further provide that the District shall have no further obligation of any kind or nature if the Transportation Improvements are not completed and opened to vehicular traffic in all directions within 48 months of the commencement of construction thereof, subject only to delays caused by force majeure events.
  - d. Subject to the provisions herein, the District shall obligate itself under the Contract to reimburse the CTB for all construction funds advanced pursuant to (a) hereinabove in annual payments calculated on the basis of a repayment over eight (8) years commencing in the year after all CTB funds have been expended; provided that any amount unpaid after said eight (8) years shall bear interest at the rate of eight percent (8%) per year.
  - e. The District shall obligate itself under the Contract to reimburse the County for any funds expended by the County for Transportation Improvements.
7. Agrees that in order that the construction of the Transportation Improvements shall proceed in a timely and cost-effective manner, the Virginia Department of Transportation and County shall work expeditiously with respect to the acquisition of all right-of-ways and easements necessary for construction of the Transportation Improvements in the District to the County. The Landowners shall dedicate all required right-of-way through their respective properties within sixty (60) days of receipt of a written request to do so from the County.
  8. States that upon the written request of the District Commission, the Board shall impose an annual special improvements real estate tax ("Tax") not to exceed in any year \$.10 per \$100 ("Maximum Rate") of the assessed value of any real estate, or the assessable value of taxable leasehold interest, of all real property within the District which was unimproved at the time the District was created; provided that the Tax shall be initially set, effective on the date hereof, at \$.01 per \$100 of assessed value until the later of (a) January 1 of the year following the year in which the CTB advances funds under the Contract for construction as provided hereinabove; or (b) January 1, 1998. The County will not levy any

additional special improvement tax or impact fee of any kind or nature relating to transportation on the properties within the District so long as the Tax is imposed; provided, however, that nothing herein shall restrict the County's ability to negotiate proffers with any landowner. The Tax thereafter collected from the District shall be used by the District Commission in accordance with the Virginia Code Section 15.1-791.1 et seq., as amended solely for the annual payments required under the Contract, and related costs, for services performed in connection with the implementation of the Transportation Improvements. The Tax shall be set annually at the lowest rate required to provide adequate revenues to the District to make its payment under the Contract, and related costs, as determined by an annual audit.

9. States that pursuant to Virginia Code Section 15.1-791.3, and such other zoning authority as the Board possesses, the Board of Supervisors hereby extends, for a period of twenty (20) years, commencing on the effective date of the creation of the District ("Protected Period"), that:
  - a. That all properties within the District shall be entitled to pursue all by right and special uses heretofore granted and permitted by the Zoning Ordinance, as modified by proffers and/or approved master plans or other plans of development approved by the County at the request of the landowners, on the date the District is created, and any additional by right uses as may be added to the relevant classifications of the Code during the Protected Period. The Board will continue to grant or deny rezoning and special use permit requests according to law and legislative prerogative.
  - b. All development shall occur in accordance with the adopted Comprehensive Plan in force at the date of adoption of this resolution. Designation of Zoning district categories and classifications shall be as set forth in the adopted Zoning Ordinance in force at the date of adoption of this resolution.
  - c. The foregoing shall be subject to the superseding exceptions of Virginia Code Section 15.1-791.3C.
10. Reconfirms the County's ability to update its Comprehensive Plan, Zoning Ordinance, and related regulations throughout the life of the District; provided, however, that notwithstanding any other provision herein, no such amendment shall in any way eliminate, reduce or restrict permissible uses or densities, save and except upon the written request or approval of the owner of any property affected by a change or except as specifically required to comply with the Chesapeake Bay Preservation Act or other state law. The foregoing provisions shall be subject to the superseding exceptions of Virginia Code Section 15.1-791.3C.
11. Confirms that nothing herein shall be construed to delete, nullify or void conditions proffered or included in an approved master plan pursuant to Virginia Code Section 15.1-491 et seq approved prior to the date of the Petition in which



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certain uses, densities or other development criteria were deleted, reduced or otherwise restricted as a part of the rezoning process, nor shall it prevent the same from occurring during any future rezoning case with the concurrence of the effected landowner, save and except as superseded hereunder.

12. Directs the Commission to reimburse the Landowners for reasonable costs and expenses incurred in the formation of the District pursuant to Virginia Code Section 15.1-791.2, including, without limitation, legal, consulting and engineering fees, provided that the aggregate reimbursement to be paid hereunder shall not exceed One Hundred Fifty Thousand Dollars (\$150,000.00).
  13. a. Declares that the execution of the Contract shall satisfy all applicable transportation proffers related to Route 5 contained in Paragraph 19 of the Governor's Land Proffer Agreement dated September 10, 1992, shall constitute a "Funding Plan" as required thereunder and shall release The Governor's Land of all limitation on the approval of site plan and/or subdivisions contained therein.
  - b. Declares that the execution of the Contract constitutes fulfillment of the transportation proffers contained in paragraph 15(e) of the Amended and Restated Greensprings Proffer Agreement dated April 30, 1992, and a release of any building restrictions relating thereto.
  14. States that upon abolition of the District pursuant to State law, title to all funds and properties owned by the District at the time of dissolution shall vest in the County for expenditure on transportation improvements within the District. In the event the Route 5 Bypass, construction has not been initiated unused revenues of the District shall be returned to the County, and such funds would be distributed on a pro rata basis to the landowners who paid the tax. In addition, the District shall return any borrowed funds, including but not limited to the \$1.3 million under the Governors Land Funding Plan adopted February 1, 1993, to the Lender.
4. Case No. Z-7-92. Williamsburg Crossing
  5. Case No. SUP-32-92. Williamsburg Crossing

Mr. O. Marvin Sowers, Jr., Director of Planning, stated that Mr. Gray Werner had applied on behalf of University Square Associates and Michael's Mews Associations for a special use permit to amend a previously approved special use permit (Case No. SUP-49-90) and the accompanying Williamsburg Crossing Master Plan and to rezone approximately 13.3 acres from B-1, General Business, to MU, Mixed Use. He further stated that the property was located immediately southwest of the intersection of Route 5 and Route 199, further identified as Parcel (1-1) on James City County Real Estate Tax Map No. (48-1) and Parcels (15-2 and 15-3) on James City County Real Estate Tax Map No. (47-2).

Staff recommended deferral of the case until March 15, 1993, Board of Supervisors' meeting as requested by the applicant.

Ms. Knudson opened the public hearings, and, without objection, continued the public hearings until March 15, 1993, Board of Supervisors' meeting.

6. Case No. Z-5-92. Donald E. Newsom

Mr. Sowers stated that Mr. Donald E. Newsom had applied to rezone approximately 2.489 acres from R-2, General Residential, to L-B, Limited Business, located at 7242 Merrimac Trail, further identified as Parcel (1-3) on James City County Real Estate Tax Map No. (50-2) and part of Parcel (1-19) on James City County Real Estate Tax Map No. (41-4).

Staff recommended deferral of the case until the February 16, 1993, Board of Supervisors' meeting as requested by the applicant.

Ms. Knudson opened the public hearing, and, without objection, continued the public hearing until February 16, 1993, Board of Supervisors' meeting.

Ms. Knudson stated that for the convenience of citizens in attendance and the television audience, future cases requested by an applicant for a deferral would be announced at the beginning of the Board of Supervisors' meeting, and during the agenda when the public hearing was opened.

7. Case No. Z-6-92. Renick Property

Ms. Elizabeth Friel, Senior Planner, stated that Mr. John H. Kniest, Incorporated had applied to rezone approximately 30 acres from R-8, Rural Residential, to R-2, General Residential, located on the east side of Ironbound Road, just northwest of Ironbound Road's intersection with News Road, further identified as a portion of Parcel (1-27) on James City County Real Estate Tax Map No. (38-4).

Ms. Friel further stated that the proposal was consistent with surrounding zoning and development and generally consistent with the Comprehensive Plan.

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

Ms. Knudson opened the public hearing.

1. Mr. John Kniest, developer of property, was available for questions.

Ms. Knudson closed the public hearing.

Mr. Sisk made a motion to approve the resolution.

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

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## R E S O L U T I O N

### CASE NO. Z-6-92. RENICK PROPERTY

WHEREAS, in accordance with Section 15.1-431 of the Code of Virginia, and Section 20-15 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-6-92 for rezoning approximately 30 acres from R-8, Rural Residential, to R-2, General Residential, on property identified as a portion of Parcel (1-27) on James City County Real Estate Tax Map No. (38-4); and

WHEREAS, the James City County Planning Commission unanimously approved Zoning Case No. Z-6-92.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Zoning Case No. Z-6-92 and does hereby accept the voluntary proffers, this rezoning shall be effective upon the transfer of the Property to the applicant, Van Kniest, Incorporated, and the recordation of the proffers.

8. Case No. ZO-12-92. Zoning Ordinance Amendment/Solid Waste Transfer Station

Mr. Funkhouser stated the Zoning Ordinance amendment proposed the definition of a solid waste transfer station and added solid waste transfer stations as a land use permitted by special use permit in A-1, General Agriculture; MU, Mixed Use; M-1, Limited Business-Industrial; M-2, General Industrial; and, M-3, Limited Industrial.

In concurrence with staff, the Planning Commission unanimously recommended approval of the Zoning Ordinance amendments.

Ms. Knudson opened the public hearing, and as no one wished to speak, she closed the public hearing.

Mr. Edwards made a motion to approve the Zoning Ordinance amendments.

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

9. Lease of Property to Virginia Peninsulas Public Service Authority

10. Transfer Station Lease Agreements with Virginia Peninsulas Public Service Authority

Mr. Larry M. Foster, General Manager, James City Service Authority, stated that three alternatives for disposal of solid waste had been discussed at work sessions. He explained that Virginia Peninsulas Public Service Authority (VPPSA) proposed financing the closure of the existing landfill and construction of a transfer station.

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Staff recommended approval of the Ground Lease Agreement, to lease approximately 4 acres of property to locate the transfer station at the entrance of the landfill.

Staff further recommended deferral of the Transfer Station Lease Agreement to allow time for the Virginia Resources Authority to finalize the financing agreement.

Board discussion of the \$1,000,000 cost to close landfill, estimated tonnage needed to cover annual loan payment, and need for transfer station versus convenience center for volume of trash followed.

Ms. Knudson opened the public hearings.

1. Mr. Jay Everson, 130 Oslo Court, spoke of concerns that commercial trash haulers would not pay higher fee per ton at transfer station where 100 percent of residential trash would be required. He suggested closure of landfill and testing the market before construction of a transfer station.

Ms. Knudson closed the public hearings.

Ms. Knudson made a motion to approve the resolution authorizing the lease of the property to VPPSA.

After a brief discussion, Mr. Sisk requested staff review having a satellite center operated by private haulers.

Ms. Knudson withdrew her motion to approve, and by consensus, declared deferral of the Virginia Peninsulas Public Service Authority Ground and Transfer Station Lease Agreements until the February 16, 1993, Board of Supervisors' meeting.

11. Ordinance Amendment, Chapter 8, Health and Sanitation, Article IV - Smoking

Mr. Leo P. Rogers, Assistant County Attorney, stated that the proposed ordinance amended Section 8-30, Posting of Signs, and Section 8-33, Enforcement as required by State code.

Staff recommended approval of the Ordinance amendment.

Ms. Knudson opened the public hearing, and as no one wished to speak, she closed the public hearing.

Mr. Edwards made a motion to approve the Zoning Ordinance amendments.

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

Ms. Knudson declared recess for a break at 9:35 p.m.

Ms. Knudson reconvened the Board at 9:45 p.m.

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## C. BOARD CONSIDERATIONS

### 1. Comprehensive Parks and Recreation Master Plan

Mr. Needham Cheely, III, Director of Parks and Recreation, stated that the Comprehensive Parks and Recreation Master Plan was developed by staff, EDAW, Inc., Parks and Recreation Commission, Planning Commission and the public. He indicated the plan provided a framework to guide County efforts in providing adequate parks and recreation programs and facilities for its citizens.

Staff recommended approval of the resolution.

Ms. Knudson made a motion to approve the resolution.

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

## R E S O L U T I O N

### COMPREHENSIVE PARKS AND RECREATION

#### MASTER PLAN

WHEREAS, the Parks and Recreation Commission and the Planning Commission has recommended the adoption of the Comprehensive Parks and Recreation Master Plan; and

WHEREAS, said plan provides a framework for the future development of Parks and Recreation programs and facilities.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopts the Comprehensive Parks and Recreation Master Plan dated December 1992 as amended.

### 2. Six-Year Plan for Secondary Road Improvements - 1993

Mr. John T. P. Horne, Manager, Development Management, stated that Section I projects of the 1993 Six-Year Secondary Road Plan were traditional widening and straightening of two-lane roads and that Section II projects recommended were intersection improvements, bikeways, four-lane improvements and new construction.

Staff recommended approval of the 1993 Secondary Roads Priority List and resolution.

A brief discussion of the priorities ensued.

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Ms. Knudson made a motion to approve the resolution.

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

## **R E S O L U T I O N**

### **SECONDARY ROADS SIX-YEAR PLAN**

WHEREAS, the Board of Supervisors of James City County, Virginia, has reviewed 1993 Secondary Roads Construction priorities proposed by the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the Secondary Roads Priority List dated April, 1993.

Ms. Knudson requested a work session in the future to discuss the Outer Bypass Road.

#### **D. PUBLIC COMMENT**

1. Mr. Robert Hampel, President, Animal Shelter Association of Williamsburg, Inc., spoke of efforts to raise funds of \$40,000 to open animal shelter. He requested James City County assistance toward that goal.

Mr. Sanford B. Wanner, Assistant County Administrator, responded that Mr. Hampel's request would be brought forward during the upcoming budget process.

#### **E. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Wanner reported that a work session was scheduled for 5:00 p.m. on February 16, 1993.

#### **F. BOARD REQUESTS AND DIRECTIVES**

Mr. DePue requested that Mr. Hampel provide information of private fund-raising efforts for the animal shelter when returning with a funding request during the budget process.

Mr. Morton stated that he appeared before a subcommittee of the Committee for Towns and Cities regarding the County's charter legislation.

Ms. Knudson expressed pleasure that a self-sufficiency volunteer had achieved a full-time job, and noted the memorandum in the Reading File from Mr. Horne stating the special use permit requirements work session had been canceled for February 16, 1993.

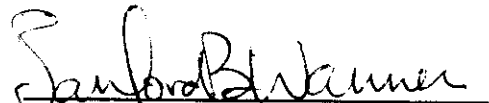
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The Board agreed by consensus.

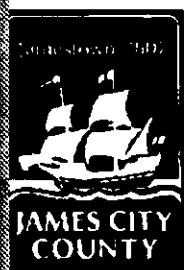
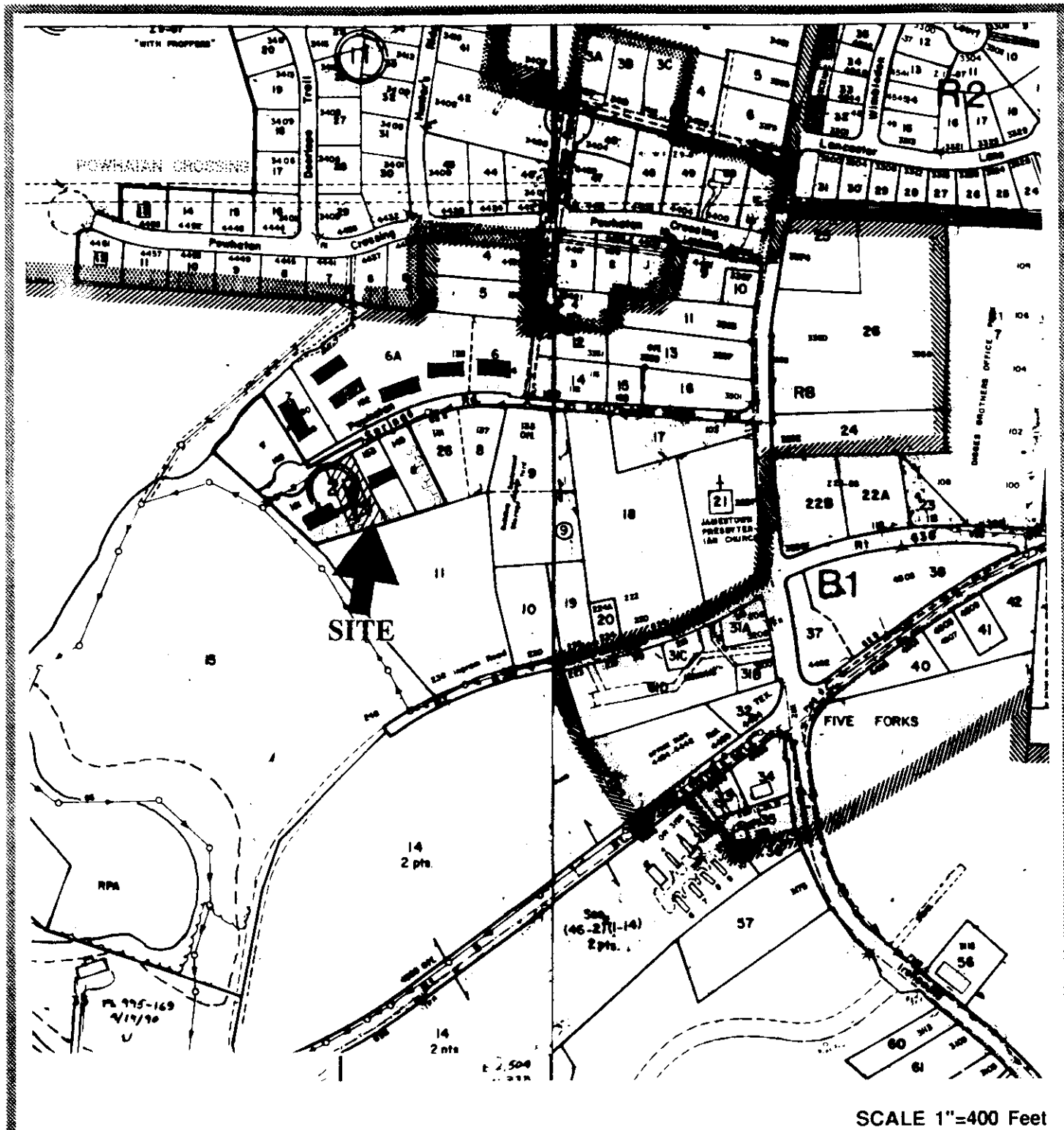
Ms. Knudson made a motion to recess until 5:00 p.m., Tuesday, February 16, 1993, for a work session with Performance Service and Improvement staff.

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

The Board recessed at 10:17 p.m.

  
Sanford B. Wanner  
Deputy Clerk to the Board

J19bosmt.F01



Case No: SUP-33-92  
 Name : Robert S. Bryan, Manufactured Home  
 ■ : Existing Manufactured Homes  
 ⊠ : Proposed Manufactured Home

PLANNING DIVISION



ATTACHMENT 1



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NOTICE

BOOK 605 PAGE 839

NOTICE OF THE CREATION OF THE ROUTE 5 TRANSPORTATION  
IMPROVEMENT DISTRICT AND THE FILING OF RESOLUTION

TAKE NOTICE that on February 1, 1993, the Board of Supervisors of the County of James City, Virginia, adopted a Resolution creating the Route 5 Transportation Improvement District pursuant to Virginia Code Section 15.1-791.1 et seq. A certified copy of the Resolution is attached to this Notice. The following properties, as identified on the February 1, 1993, James City County Real Estate Tax Map and as shown on the attached maps, are subject to an annual special improvement tax on taxable real property.

Tax Map/Parcel No.

Owner

(38-3)(1-11)

POWHATAN ENTERPRISES, INC.

(38-3)(1-9A)

(38-3)(1-9)

(38-3)(1-12)

(38-3)(1-21)

(38-3)(1-19)

(46-2)(1-1)

POWHATAN ASSOCIATES  
HIDEN, MARTHA ESTATE ET AL  
WOODRUFF, H. HUSSEY  
GREENSPRINGS PLANTATION, INC.  
TORRISON, INC. *L.P.R.*

(46-1)(1-1)

(44-2)(1-5)

(45-1)(1-16)

(45-1)(1-4)

(45-1)(1-3)

(45-1)(1-15)

(45-1)1-14)

(44-2)(1-15)

(44-2)(1-16)

TOPP, HOWARD S. & CAROLYN A.  
ADAMS, ALLEN L. & LELA C.  
HOPKINS, PAUL & NANCY  
MICALE, PETER N. & JOSEPHINE A.

MCDERMITT, HOWARD C.  
GOVERNOR'S LAND ASSOCIATES

This Notice and the attached Resolution shall run with land and bind all property owners and their heirs, successors, purchasers, and assigns. For further information on the Route 5 Transportation Improvement District contact the Development Management Department or County Attorney's Office of James City County.

County of James City, Virginia

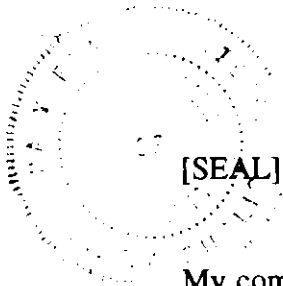
By: *Law P. Rogers*  
of Counsel

66b

COMMONWEALTH OF VIRGINIA  
COUNTY OF JAMES CITY,

Before me, the undersigned Notary Public, personally appeared Leo P. Rogers, who acknowledged the execution of the foregoing Notice, for the purposes therein contained, by signing it in my presence this 23rd day of February, 1993.

WITNESS my signature and notarial seal.



Mary Frances Rieger  
Notary Public

My commission expires: March 12, 1993

Frank M. Morton, III  
County Attorney

Leo P. Rogers  
Assistant County Attorney  
P.O. Box 8784  
Williamsburg, VA 23187-8784  
(804) 253-6612

**RESOLUTION****CREATION OF THE ROUTE 5 TRANSPORTATION IMPROVEMENT DISTRICT**

- WHEREAS, the Board of Supervisors of the County of James City, Virginia, ("Board") has received a petition from certain landowners ("Petition") requesting the creation of the Route 5 Transportation Improvement District ("District") pursuant to Virginia Code Section 15.1-791.1 et seq., from landowners representing fifty-one percent (51%) of the acreage or assessed valuation of the unimproved land in the proposed District; and
- WHEREAS, the Petition complies with the requirements of Virginia Code Section 15.1-791.1 et seq.; and
- WHEREAS, notice has been given pursuant to Virginia Code Section 15.1-791.3 and Section 15.1-431, by publication for three successive weeks in a newspaper of general circulation in James City County; a public hearing was held by the Board on the question of whether the residents and owners of real property within the proposed District would benefit from the establishment of the proposed District; and a copy of this proposed resolution was delivered to the attorney-in-fact for the petitioning landowners ("Landowners"); and
- WHEREAS, the Board has determined that the creation of the District is in furtherance of the Comprehensive Plan and furthers the general health, safety, and welfare of James City County by enabling the construction of the Route 5 Bypass; and
- WHEREAS, Route 5 and the proposed Route 5 Bypass are important transportation facilities which will provide vital access to the western portion of James City County ("County"); and
- WHEREAS, Route 5 has been designated as a scenic byway, and because of the historic and environmentally sensitive area which it serves, should only be improved in a manner that maintains a balance between transportation service levels and the highest aesthetic standards; and
- WHEREAS, the principal landowners in the western portion of the County have previously made proffers of approximately \$5.6 Million in cash and in road improvements to the County for improvement of Route 5 to a four-lane divided highway or for the construction of a new two-lane facility to provide an alternative to Route 5 (the "Route 5 Bypass"), and desire to provide for such orderly and appropriate development in a comprehensive and coordinated way so that the desired balance between transportation and environmental, aesthetic and historical considerations can be maintained; and
- WHEREAS, the Landowners wish to join with the Board to forge an important public-private partnership designed to implement a carefully balanced plan for road improvements in the Route 5 corridor with a goal of eliminating the need to widen existing Route 5; and

WHEREAS, creation of the District is essential to realizing these benefits by providing a sound financial plan to fund the costs of these improvements.

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

1. Creates the "Route 5 Transportation Improvement District" for a period of thirty-five (35) years from the date of this resolution or until the District is abolished in accordance with Virginia Code Section 15.1-791.14. The boundaries of the District are shown on Attachment A ("District Boundaries").
2. Declares that the purpose of the District is the financing and construction of the Route 5 Bypass - for the purpose of constructing a new two-lane, limited access highway on a four-lane right-of-way from a point approximately one quarter of a mile east of the entrance to the Governor's Land project on existing Route 5, a distance of approximately five (5) miles to News Road where it will connect with the Virginia Department of Transportation's ("VDOT") proposed improvements for the new Route 199 interchange with adequate access to the property of each Landowner, as shown on Attachment B ("Transportation Improvements"), subject expressly to the design specifications set out in Attachment C ("Design Specifications").
3. Confirms its intention that construction of the Transportation Improvements commence at such time as the average daily traffic count on existing Route 5 reaches 13,000 vehicles as provided in Attachment D ("Threshold").
4. Proposes that the Virginia Department of Transportation ("VDOT") construct an additional two lanes parallel to those constructed pursuant to the scope of work set out in Attachment B as a part of its highway construction program at such time as VDOT deems appropriate and at no expense to the District or to the County.
5. Appoints Donald E. Priest, Dominion Lands, Inc., 901 E. Byrd Street, Richmond, VA 23219; C. Lewis Waltrip, Jr., C. Lewis Waltrip, Inc., P.O. Box 3522, Williamsburg, VA 23187; Marc B. Sharp, Bush Companies, 4029 Ironbound Road, Suite 200, Williamsburg, VA 23188; John J. Digges, Bush Companies, 4029 Ironbound Road, Suite 200, Williamsburg, VA 23188; Lawrence Beamer, Beamer Construction Corp., 13441 Warwick Blvd, Newport News, VA 23602; and Robert M. Saunders, P.O. Box 1037, 11048 Warwick Blvd., Newport News, VA 23601; as members to the District Advisory Board ("Advisory Board"); and Jack D. Edwards, Berkeley District Supervisor; Judith N. Knudson, Jamestown District Supervisor; Perry M. DePue, Powhatan District Supervisor; David L. Sisk, Roberts District Supervisor; and Stewart U. Taylor, Stonehouse District

Supervisor, or such individual's successors in office, to the District Commission ("District Commission").

6. Indicates its intent that the District Commission and the Board of Supervisors enter into a contract with the Commonwealth Transportation Board ("CTB") pursuant to Virginia Code Section 15.1-791.6, generally consistent with the draft contract attached as Attachment E ("Contract") with the advice and comments of the District Advisory Board, to provide for the design, planning, construction, financing, and any other undertakings necessary to complete the Transportation Improvements. It is the Board's intent that the following provisions be agreed to and implemented in the Contract by and between the CTB, District Commission and Board of Supervisors:
  - a. The CTB shall advance funds over a two-year period from the Revenue Sharing Program, commencing in the 1998-1999 construction year (or such time as the Threshold is met, whichever occurs later) to provide a portion of Phase I construction costs of the initial two lanes of a realigned Route 5, not to exceed \$1 Million, in accordance with the provision of the CTB Resolution attached as Attachment F, the terms of which are incorporated herein by reference.
  - b. The County shall join in the Contract for the purpose of making all previously proffered funds within its control available for construction of the Transportation Improvements on a timely basis, including, without limitation funds received from Governor's Land Associates ("GLA") or its successors in interest, pursuant to the GLA Funding Plan Outline attached as Attachment G ("GLA Plan"), which funds shall constitute the matching funds required to be provided by the County under the CTB Resolution. In addition, the District shall execute a Subordinated Note in favor of GLA in the form attached as Attachment H in order to provide for the repayment of funds advanced under the GLA Plan. The Commission shall seek the advice and comments of the Advisory Board prior to finalizing the contract. The CTB shall designate an officer to manage the design and construction of those portions of Transportation Improvements not previously constructed by a landowner in the district in accordance with and to the standards set forth in proffered conditions applicable to the landowner.
  - c. The initial contracts for construction of the Transportation Improvements shall be let within 180 days of the date upon which the Threshold has been met. The Contract will further provide that the District shall have no further obligation of any kind or nature if the Transportation Improvements are not completed and opened to vehicular traffic in all directions within 48 months of the

commencement of construction thereof, subject only to delays caused by force majeure events.

- d. Subject to the provisions herein, the District shall obligate itself under the Contract to reimburse the CTB for all construction funds advanced pursuant to (a) hereinabove in annual payments calculated on the basis of a repayment over eight (8) years commencing in the year after all CTB funds have been expended; provided that any amount unpaid after said eight (8) years shall bear interest at the rate of eight percent (8%) per year.
  - e. The District shall obligate itself under the Contract to reimburse the County for any funds expended by the County for Transportation Improvements.
7. Agrees that in order that the construction of the Transportation Improvements shall proceed in a timely and cost-effective manner, the Virginia Department of Transportation and County shall work expeditiously with respect to the acquisition of all right-of-ways and easements necessary for construction of the Transportation Improvements in the District to the County. The Landowners shall dedicate all required right-of-way through their respective properties within sixty (60) days of receipt of a written request to do so from the County.
  8. States that upon the written request of the District Commission, the Board shall impose an annual special improvements real estate tax ("Tax") not to exceed in any year \$.10 per \$100 ("Maximum Rate") of the assessed value of any real estate, or the assessable value of taxable leasehold interest, of all real property within the District which was unimproved at the time the District was created; provided that the Tax shall be initially set, effective on the date hereof, at \$.01 per \$100 of assessed value until the later of (a) January 1 of the year following the year in which the CTB advances funds under the Contract for construction as provided hereinabove; or (b) January 1, 1998. The County will not levy any additional special improvement tax or impact fee of any kind or nature relating to transportation on the properties within the District so long as the Tax is imposed; provided, however, that nothing herein shall restrict the County's ability to negotiate proffers with any landowner. The Tax thereafter collected from the District shall be used by the District Commission in accordance with the Virginia Code Section 15.1-791.1 et seq., as amended solely for the annual payments required under the Contract, and related costs, for services performed in connection with the implementation of the Transportation Improvements. The Tax shall be set annually at the lowest rate required to provide adequate revenues to the District to make its payment under the Contract, and related costs, as determined by an annual audit.

9. States that pursuant to Virginia Code Section 15.1-791.3, and such other zoning authority as the Board possesses, the Board of Supervisors hereby extends, for a period of twenty (20) years, commencing on the effective date of the creation of the District ("Protected Period"), that:
  - a. That all properties within the District shall be entitled to pursue all by right and special uses heretofore granted and permitted by the Zoning Ordinance, as modified by proffers and/or approved master plans or other plans of development approved by the County at the request of the landowners, on the date the District is created, and any additional by right uses as may be added to the relevant classifications of the Code during the Protected Period. The Board will continue to grant or deny rezoning and special use permit requests according to law and legislative prerogative.
  - b. All development shall occur in accordance with the adopted Comprehensive Plan in force at the date of adoption of this resolution. Designation of Zoning district categories and classifications shall be as set forth in the adopted Zoning Ordinance in force at the date of adoption of this resolution.
  - c. The foregoing shall be subject to the superseding exceptions of Virginia Code Section 15.1-791.3C.
10. Reconfirms the County's ability to update its Comprehensive Plan, Zoning Ordinance, and related regulations throughout the life of the District; provided, however, that notwithstanding any other provision herein, no such amendment shall in any way eliminate, reduce or restrict permissible uses or densities, save and except upon the written request or approval of the owner of any property affected by a change or except as specifically required to comply with the Chesapeake Bay Preservation Act or other state law. The foregoing provisions shall be subject to the superseding exceptions of Virginia Code Section 15.1-791.3C.
11. Confirms that nothing herein shall be construed to delete, nullify or void conditions proffered or included in an approved master plan pursuant to Virginia Code Section 15.1-491 et seq approved prior to the date of the Petition in which certain uses, densities or other development criteria were deleted, reduced or otherwise restricted as a part of the rezoning process, nor shall it prevent the same from occurring during any future rezoning case with the concurrence of the effected landowner, save and except as superseded hereunder.
12. Directs the Commission to reimburse the Landowners for reasonable costs and expenses incurred in the formation of the District pursuant to Virginia Code Section 15.1-791.2, including, without limitation, legal, consulting and engineering fees, provided that the aggregate reimbursement to be paid

hereunder shall not exceed One Hundred Fifty Thousand Dollars (\$150,000.00).

13. a. Declares that the execution of the Contract shall satisfy all applicable transportation proffers related to Route 5 contained in Paragraph 19 of the Governor's Land Proffer Agreement dated September 10, 1992, shall constitute a "Funding Plan" as required thereunder and shall release The Governor's Land of all limitation on the approval of site plan and/or subdivisions contained therein.
- b. Declares that the execution of the Contract constitutes fulfillment of the transportation proffers contained in paragraph 15(e) of the Amended and Restated Greensprings Proffer Agreement dated April 30, 1992, and a release of any building restrictions relating thereto.
14. States that upon abolition of the District pursuant to State law, title to all funds and properties owned by the District at the time of dissolution shall vest in the County for expenditure on transportation improvements within the District. In the event the Route 5 Bypass, construction has not been initiated unused revenues of the District shall be returned to the County, and such funds would be distributed on a pro rata basis to the landowners who paid the tax. In addition, the District shall return any borrowed funds, including but not limited to the \$1.3 million under the Governors Land Funding Plan adopted February 1, 1993, to the Lender.

*Judith N. Knudson*

Judith N. Knudson  
Chairman, Board of Supervisors

SUPERVISOR	VOTE
------------	------

TAYLOR	AYE
EDWARDS	AYE
DEPUE	AYE
SISK	AYE
KNUDSON	AYE

VIRGINIA: City of Williamsburg and County of

ATTEST:

*Sanford B. Wanner*

Sanford B. Wanner  
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 1st day of February, 1993.

In the Clerk's office of the Circuit Court of the City of Williamsburg and County of James City the 3 day of Feb. 1993 This *Plat* was presented with certificate annexed and admitted to record at 3:55 o'clock

trandist.res

Teste *Deborah S. Ward*, Clerk

I hereby certify that the foregoing document is a true and correct copy of the original resolution.

PLAT RECORDED IN  
P.B. NO. 576 PAGE 934 94

*Mari Lou Smith*  
Mari Lou Smith  
Secretary to the Board



BOOK 603 PAGE 726

1657  
These PROFFERS are dated the 28th day of January, 1993 by Van Kniest Inc, Purchaser (a Virginia Corporation). and O. Jean Renick and Crestar Bank, Executor under the Will of Fern C. Renick, Owner.

## RECITALS

A. Purchaser is purchasing 30 acres (plus/minus) of certain real property in James City County, Virginia and being more particularly described as all that certain lot, piece or parcel of land situate in the County of James City, Virginia, shown as Parcel "A" on a certain plat entitled: "RENICK SUBDIVISION LYING IN JAMES CITY COUNTY, VIRGINIA" dated June 1, 1977, made by Woodson, Little, Page & DeYoung, Inc., Engineers, Surveyors & Planners, which plat is recorded in the office of the Clerk of the Circuit Court for the City of Williamsburg and County of James City in Plat Book 34, page 55, and to which plat reference is here made for a more particular description of the property. Further, (the "Property") being more particularly described on Exhibit A entitled: CONCEPT PLAN FOR REZONING OF THE RENICK PROPERTY 30 Ac. +/- prepared by AES Consulting Engineers, Williamsburg, Virginia.

B. The Property is now zoned R-8, Rural Residential.

C. Purchaser <sup>and Owner</sup> requests that James City County rezone the property to R-2, General Residential.

NOW, THEREFORE, in consideration of the County of James City rezoning the Property from the existing zoning to the proposed zoning and pursuant to Section 15.1-491.1 of the Code of Virginia, 1950, as amended, and Section 20-18 of the Zoning Ordinance of James City County, the \* ~~Purchaser~~ agrees that in \* OWNER addition to the regulations provided in the Proposed Zoning, it will meet and comply with all of the following conditions in the development of the Property.

1. ARCHAEOLOGICAL SITES A Phase I Archaeological Study of the Property meeting the guidelines set forth in the Virginia Department of Historic Resource's Guidelines for Preparing Archaeological Resource Management Reports and conducted under the supervision of a qualified archaeologist shall be prepared and submitted to the Director of Planning in accordance with the procedures and guidelines established by the James City County Archaeological Condition Policy (12-21-92), a copy of which is hereby attached and becomes a part of this proffer.

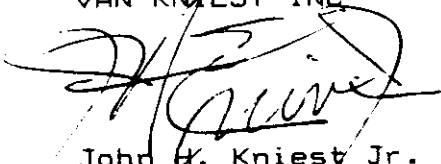
OWNER

2. IRONBOUND ROAD GREENBELT The ~~Purchaser~~ shall designate a minimum 50 foot greenbelt buffer along the Property's Ironbound Road frontage measured from the existing Ironbound Road right-of-way. The greenbelt buffer shall be exclusive of any lots and shall be undisturbed, except for approved utilities, drainage improvements, community entrance roads, pedestrian/bicycle trails and signs as approved by the Development Review Committee.

3. ENTRANCE There shall be one entrance to the proposed development and it shall be opposite the News Road / Ironbound Road intersection.

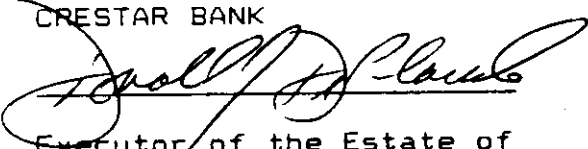
This agreement shall bind and inure to the benefit of COUNTY and ~~XEROX~~ and their respective successors and assigns.  
Purchaser, Owner

VAN KNIEST INC

  
John H. Kniest Jr.  
President

  
O. Jean Renick

CRESTAR BANK

  
Executor of the Estate of  
Fern C. Renick

STATE OF VIRGINIA

CITY/COUNTY OF Williamsburg, to-wit:

The foregoing instrument was acknowledged before me this 28th day of January, 1993 by John H. Kniest Jr., President of Van Kniest Inc.

  
NOTARY PUBLIC

My commission expires: 2-28-95

STATE OF VIRGINIA

BOOK 603 PAGE 728

CITY/COUNTY OF Richmond, to-wit:29<sup>th</sup> The foregoing instrument was acknowledged before me this day of January, 1993 by O. Jean Renick.Helen Mitchum Brown  
NOTARY PUBLICMy commission expires: My Commission Expires 6/30/95.  
HELEN MITCHUM BROWN, NOTARY PUBLIC

STATE OF VIRGINIA

CITY/COUNTY OF Williamsburg, to-wit:1st The foregoing instrument was acknowledged before me this day of February, 1993 by Donald J. D. Placido, on the behalf of Crestar Bank.Janice M. Thompson  
NOTARY PUBLICMy commission expires: 2-28-95

VIRGINIA: 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

4 day of Feb, 1993 This Proffer was presented with certificate annexed and admitted to record at 3:27 o'clock

Teste: Helene B. Ward, Clerk

by Debrae Smith  
Deputy Clerk

Archaeological Condition Policy

12/21/92

It is the goal of the Development Management Department to identify and protect significant archaeological sites in the County. To achieve this goal a condition has been developed and staff will recommend it be added to all special use permit cases and rezonings where it appears significant archaeological potential exists.

*A Phase I Archaeological Study for the entire site 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 in the Phase I study, that are 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 Director of Planning 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 area. 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.*

The purpose of this policy is to explain how the condition is to be interpreted. The following procedures and guidelines will be followed:

1. *A Phase I Archaeological Study for the entire site shall be submitted to the Director of Planning for his review and approval prior to land disturbance. Since the County lacks the expertise to review such documents, the County will send the studies to the Virginia Division of Historic Resources (VDHR) for review. VDHR's responsibility is to determine if the study meets the Virginia Department of Historic Resource's Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation, as applicable, and has been conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards. This is the preferred option for review of these studies.*

The developer may request staff to hire an independent archaeologist to review the study. The Director of Planning shall select the independent archaeologist. The developer will pay the full costs of this review. It would be the independent archaeologist's responsibility to determine if the study meets the Virginia Department of Historic Resource's Guidelines for Preparing Archaeological Resource Management

Reports and the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation, as applicable, and has been 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 will take full risk in this matter. If at some point in the future the developer needs to go before the VDHR, and comments are made regarding previous studies, it will be the County's position that all VDHR issues need to be resolved. The County's archaeologist will not participate in this process.

2. *A treatment plan shall be submitted to and approved by the Director of Planning for all sites in the Phase I study, that are recommended for a Phase II evaluation and/or identified as being eligible for inclusion on the National Register of Historic Places. The treatment plan shall list treatment measures for each of the sites meeting the criteria listed in the condition and shall include, at a minimum, the extent of impact to the area, a description of the probable boundaries and recommendations for treatment of the area. These plans shall be reviewed by staff who may, if necessary, consult with VDHR. The developer may request review by an independent archaeologist subject to the provisions of Guideline #1. Once identified concerns have been addressed, staff (not VDHR) will approve the study. At this time acceptable treatment measures can include the preparation of a Phase II study or preservation of the site in situ. Site in situ can include leaving the site completely undisturbed and/or preserving the site in a manner acceptable to the Director of Planning.*
3. *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. The study will be reviewed as outlined in Guideline #1.*  
  
*The treatment plan shall list treatment measures for each of the sites meeting the criteria listed in the condition. If there is a question as to whether or not sites are impacted by development, staff will examine these sites and determine if a treatment plan is necessary. These plans shall be reviewed by staff who may, if necessary, consult with VDHR. The developer may request review by an independent archaeologist subject to the provisions of Guideline #1. Once identified concerns have been addressed, staff (not VDHR) will approve the study. At this time acceptable treatment measures can include the preparation of a Phase III study or preservation of the site in situ. Site in situ can include leaving the site completely undisturbed and/or preservation of the site in a manner acceptable to the Director of Planning.*
4. *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. The developer shall pursue the nomination of eligible sites. However, submission of the application to initiate this process will fully satisfy the condition.*
5. *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 area. The study will be reviewed as outlined in Guideline #1.*
6. *All approved treatment plans shall be incorporated into the plan of development for the site, and the clearing, grading or construction activities thereon.*

FEB 1 1993

ORDINANCE NO. 31A-149BOARD 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, BY AMENDING ARTICLE IV. DISTRICTS, DIVISION 2. GENERAL AGRICULTURAL DISTRICT, A-1, SECTION 20-111, USES PERMITTED BY SPECIAL USE PERMIT ONLY; DIVISION 6, MIXED USE, MU, SECTION 20-198, USES PERMITTED BY SPECIAL USE PERMIT ONLY; DIVISION 13. LIMITED BUSINESS-INDUSTRIAL DISTRICT, M-1, SECTION 20-351, USES PERMITTED BY SPECIAL USE PERMIT ONLY; DIVISION 14. GENERAL INDUSTRIAL DISTRICT, M-2, SECTION 20-376, USES PERMITTED BY SPECIAL USE PERMIT ONLY; AND DIVISION 15. LIMITED INDUSTRIAL DISTRICT, M-3, SECTION 20-390, USES PERMITTED BY SPECIAL USE PERMIT ONLY; TO PERMIT SOLID WASTE TRANSFER STATIONS WITHIN THESE DISTRICTS UPON THE ISSUANCE OF A SPECIAL USE PERMIT IN ORDER TO PROTECT THE HEALTH, SAFETY AND WELFARE OF THE RESIDENTS OF JAMES CITY COUNTY BY ENSURING THAT THIS USE, DUE TO ITS POTENTIAL ADVERSE IMPACTS, IS REVIEWED BY BOTH THE PLANNING COMMISSION AND THE BOARD OF SUPERVISORS.

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 20-2. Definitions; Section 20-111. Uses Permitted by Special Use Permit Only; Section 20-198. Uses Permitted by Special Use Permit Only; Section 20-351. Uses Permitted by Special Use Permit Only; Section 20-376. Uses Permitted by Special Use Permit Only; and 20-390. Uses Permitted by Special Use Permit Only.

CHAPTER 20. ZONING

ARTICLE I. IN GENERAL

Section 20-2. Definitions.

**SOLID WASTE TRANSFER STATION.** *A facility for the collection of solid waste and shipment to a final point of disposal. The facility may serve one or more localities and may include accessory facilities for the collection of recyclable materials such as glass, aluminum, paper and plastic products, waste motor oil, tires and appliances.*

ARTICLE IV. DISTRICTS

DIVISION 2. GENERAL AGRICULTURAL DISTRICT, A-1

Section 20-111. Uses permitted by special use permit only.

*Solid waste transfer station*

DIVISION 6. MIXED USE, MU

Section 20-198. Uses permitted by special use permit only.

*Solid waste transfer station*

**DIVISION 13. LIMITED BUSINESS-INDUSTRIAL DISTRICT, M-1**

Section 20-351. Uses permitted by special use permit only.

*Solid waste transfer station*

**DIVISION 14. GENERAL INDUSTRIAL DISTRICT, M-2**

Section 20-376. Uses permitted by special use permit only.

*Solid waste transfer station*


**Division 15. LIMITED INDUSTRIAL DISTRICT, M-3**

Section 20-390. Uses permitted by special use permit only.

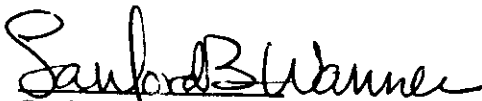
*Solid waste transfer station*



Ordinance to Amend and Reordain  
Chapter 20. Zoning  
Page 4

  
Judith N. Knudson  
Chairman, Board of Supervisors

ATTEST:

  
Sanford B. Wanner  
Deputy Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
TAYLOR	NAY
EDWARDS	AYE
DEPUE	AYE
SISK	AYE
KNUDSON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 1st day of February, 1993.

Z01292.Ord

ORDINANCE NO. 116A-24

FEB 1 1993

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 8, HEALTH AND SANITATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE IV. SMOKING, SECTION 8-30, POSTING OF SIGNS; AND SECTION 8-33, ENFORCEMENT.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 8, Health and Sanitation, is hereby amended and reordained by amending Section 8-30, Posting of signs, and Section 8-33, Enforcement.

#### Chapter 8. Health and Sanitation

##### Article IV. Smoking

##### Section 8-30. Posting of signs.

(a) Any person who owns, manages or otherwise controls any building or area in which smoking is regulated by this Article shall post *signs conspicuous to public view stating in an appropriate manner "Smoking Permitted" signs or "No Smoking "signs* (or a sign displaying the international "No Smoking" symbol, consisting of a pictorial representative of a burning cigarette enclosed in a red circle with a red bar across it). *Restaurants subject to the provisions of this Article shall post signs conspicuous to public view at or near each public entrance stating "No Smoking" or "No-Smoking Section Available."* Print on such signs shall be at least one (1) inch in height and the international symbol, if used, shall have a circle of at least four (4) inches in diameter.

(b) "No Smoking" signs may, but are not required to, contain language that smoking is prohibited by ordinance and that violation of the no smoking prohibition is a violation punishable by a fine of \$25.00.

Section 8-33. Enforcement.

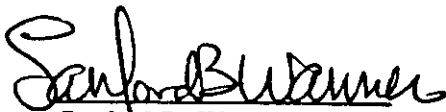
~~(a) The provisions of this article shall be enforced by the police department, office of code compliance, or any other department or person duly designated.~~

(a)(b) Any citizen who desires to register a complaint under this Article may contact the Police Department or Office of Code Compliance who may initiate civil enforcement.

(b)(c) The Director of Code Compliance or duly authorized designee ~~or other duly designated department~~ shall perform an evaluation for compliance with all requirements of this Article while an establishment is undergoing otherwise mandated inspections. *The director of Code Compliance or duly authorized designee may issue a civil summons for any violation under Section 8-32(a).*

  
Judith N. Knudson, Chairman  
Board of Supervisors

ATTEST:

  
Sanford B. Wanner  
Deputy Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
TAYLOR	NAY
EDWARDS	AYE
DEPUE	AYE
SISK	AYE
KNUDSON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 1st day of February, 1993.

PROPOSED PRIORITY LIST  
SECONDARY ROAD IMPROVEMENTS  
SIX YEAR PLAN  
APRIL 1993

SECTION I

PRIORITY	ROAD, ROUTE # AND LENGTH	TRAFFIC 1990 (ADT)	ACCIDENTS (1992) Total/Per Mile/Injuries	NTR	ESTIMATED COST	ESTIMATED COMPLETION	*POINT VALUE
1	Centerville Road (Route 614) from Jolly Pond Road N (Route 611) to Va. Power Easement - 0.92 miles	3630	7/7.6/1	0	\$859,000	FY95	3700 SEE NOTE 1
2	Centerville Road (Route 614) from Longhill Road (Route 612) to Jolly Pond Road N (Route 611) - 1.37 miles	4599	12/8.8/7	500	\$1,272,250	FY95	5219 SEE NOTE 2
3	Centerville Road (Route 614) from News Road (Route 613) to Jolly Pond Road S (Route 633) - 1.67 miles	2713	10/6.0/4	500	\$1,000,000	FY96	3313 SEE NOTE 2
4	Forge Road (Route 610) from Richmond Road (Route 60) to Diascund Road (Route 603) - 3.10 miles	2331	4/1.3/4	500	\$1,690,000	FY96	2871
5	Forge Road (Route 610) from Diascund Road (Route 603) to North Riverside Drive (Route 715) - 1.11 miles	1441	0/0/0	500	\$665,000	FY96	1941
6	Neck-o-Land Road (Route 682) from Jamestown Road (Route 31) to Constance Avenue (Route 1450) - 1.19 miles	1905	1/.84/1	0	\$1,185,000	FY98	1915
7	Lake Powell Road (Route 617) from Chestnut Drive (Route 709) to Lake Powell Road W (Route 618) - 0.90 miles	654	0/0/0	500	\$595,000	FY99	1154
8	Mooretown Road (Route 603) from 0.21 miles west of Raintree Way (Route 1447) to 0.36 miles east of Lightfoot Road (Route 646) - 0.76 miles	438	0/0/0	500	\$625,000	FY00	938

PRIORITY	ROAD, ROUTE # AND LENGTH	TRAFFIC 1990 (ADT)	ACCIDENTS (1992) Total/Per Mile/Injuries	NTR	ESTIMATED COST	ESTIMATED COMPLETION	*POINT VALUE
9	Croaker Road (Route 607) from Woodland Road (Route 1601) to Croaker Landing Road (Route 605) - 1.73 miles	415	1/.58/1	500	\$600,000	FY00	925
10	Racefield Drive (Route 622) from 1.32 miles East of Stewarts Road (Route 621) to Stewarts Road (Route 621) - 1.32 miles	28	1/.76/0	500	\$415,000	FY00	538 SEE NOTE 3

\*Point Value = ADT + (Accidents x 10) + NTR

Non-Tolerable Road = 500

Tolerable Road = 0

NOTES:

- (1) VDOT to advertise for construction in July 1993
- (2) VDOT to advertise for construction in September 1993
- (3) VDOT unpaved road funds

**PROPOSED PRIORITY LIST  
SECONDARY ROAD IMPROVEMENTS  
SIX YEAR PLAN  
APRIL 1993**

**SECTION II**

PRIORITY	ROAD, ROUTE # AND LENGTH	TRAFFIC 1990 (ADT)	ACCIDENTS (1992) Total/Per Mile/Injuries	ESTIMATED COST	ESTIMATED COMPLETION	POINT VALUE
1	Ironbound Road (Route 615), left & right turn lanes @ Tawning Road (Route 747) - 0.30 miles	14,508	1/3.3/0	\$ 150,000		14,518
2	Strawberry Plains Road (Route 616), left turn lane @ Midlands Road (Route 780) - 0.15 miles	12,807	4/26.7/2	75,000		12,847
3	Longhill Connector Road (Route 615), right turn lane @ Ashbury Road (Route 322) - 0.15 miles	10,392	3/20.0/2	75,000		10,422
4	Bikeway-Longhill Road (Route 612) from Olde Towne Road (Route 658) to Longhill Connector Road (Route 615) including intermodal transfer station @ Recreation Center - 0.86 miles	10,932	10/11.6/1	*87,000		11,032
	Bikeway-Ironbound Road (Route 615) from Longhill Connector Road (Route 322) to Strawberry Plains Road (Route 616) - 1.08 miles	14,508	6/5.6/3	*206,500		14,568
	Bikeway-Monticello Ave (Route 321) from Ironbound Road (Route 615) to Compton Drive - 0.72 miles	11,000(est)	5/6.9/0	0		11,050

PRIORITY	ROAD, ROUTE # AND LENGTH	TRAFFIC 1990 (ADT)	ACCIDENTS (1992) Total/Per Mile/Injuries	ESTIMATED COST	ESTIMATED COMPLETION	POINT VALUE
5	4 lane widening-Longhill Road (Route 612) from Longhill Connector Road (Route 322) to Centerville Road (Route 614) - 3.53 miles	10,932	16/4.5/5	7,100,000		11,092
6	New construction-Outer Bypass from Croaker Road (Route 607) to Centerville Road (Route 614) - 2.98 miles	20,000 (future)	NA	3,000,000		20,000

\*Anticipate 80% funding by CEMAQ.