

136 AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 13TH DAY OF MAY, NINETEEN HUNDRED NINETY-SEVEN, AT 5:03 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

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

David L. Sisk, Roberts District
Perry M. DePue, Powhatan District
Stewart U. Taylor, Stonehouse District
Sanford B. Wanner, County Administrator
Leo P. Rogers, Deputy County Attorney

B. WORK SESSIONS

1. Neighborhood Connections Steering Committee Report

Mr. Magoon introduced Ms. Veronica Nowak, Neighborhood Connections Administrator. Ms. Nowak introduced members of the Neighborhood Connections Steering Committee, who presented the Neighborhood Connections Strategic Plan of vision and mission, goals and guiding principles, and outcomes associated with activities.

Mr. DePue made a motion to approve the Neighborhood Connections Strategic Plan as recommended by the Neighborhood Connections Steering Committee.

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

2. District Park: Warhill Athletic Facility Planning

Mr. Anthony Conyers, Jr., Manager, Community Services, introduced Parks and Recreation staff who presented an alternative layout which would reduce the impact on the developable acreage of the site.

Board and staff discussed the differences in original and alternative designs.

Mr. DePue made a motion that the Board accept the concept of the Warhill Athletic Facility and authorize staff to proceed with Phase I as designed.

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

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

Mr. Magoon reconvened the Board at 7:03 p.m.

- C. **MINUTES - April 10, 1997 - Budget Work Session**
- April 14, 1997 - Budget Work Session**
- April 17, 1997 - Budget Work Session**
- April 22, 1997 - Regular Meeting**

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

Mr. Sisk made a motion to approve the four sets of minutes.

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

D. CONSENT CALENDAR

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

Mr. Edwards asked that Item No. 3 be removed.

Mr. DePue made a motion to approve the remainder of the Consent Calendar.

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

- 1. Outstanding Adult Volunteer for 1997

RESOLUTION

CERTIFICATE OF APPRECIATION

WHEREAS, Carolyn Baker has worked tirelessly over the last six years to improve her neighborhood and to unite the larger community; and

WHEREAS, she rallied her neighborhood to support a Community Development Block Grant begun in 1992 with a culminating road opening celebration on September 17, 1994; and a dedication the following year; and

WHEREAS, through her leadership, the Lightfoot/Mooretown Road Neighborhood Association was the first recipient of a James City County Matching Grant to landscape and plant shrubs at the neighborhood park and she organized an active Neighborhood Watch that has resulted in a dramatic decline in crime; and

WHEREAS, Carolyn has participated in Citizen Leadership Training Activities, and has shared her experience and training as a presenter and a member of the Planning Committee for the James City/Williamsburg Neighborhoods Conference.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby recognize the extraordinary volunteer contributions and expresses its gratitude to

CAROLYN BAKER

2. Support of AMTRAK Funding for 1998**RESOLUTION****AMTRAK FUNDING**

WHEREAS, AMTRAK's Federal funding for 1998 has been severely cut, putting its future in jeopardy; and

WHEREAS, AMTRAK is a significant part of the Williamsburg area transportation network; and

WHEREAS, Williamsburg is located at the terminus of the highly populated Norfolk, Virginia, to Boston, Massachusetts northeast corridor and the curtailment of AMTRAK routes could jeopardize future tourism and access of visitors to the Historic Triangle and students to the College of William and Mary.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby supports adequate Federal AMTRAK funding and encourages its congressional delegation to support AMTRAK.

4. National Emergency Medical Services Week**RESOLUTION****EMERGENCY MEDICAL SERVICES WEEK**

WHEREAS, Emergency Medical Services provides a vital contribution to the quality of life enjoyed by the citizens and visitors to James City County; and

WHEREAS, emergency medical services teams are ready to provide lifesaving care to those in need, and access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, our citizens and visitors benefit daily from the knowledge and skills of these highly trained individuals.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby proclaims the week of May 18-24, 1997, as EMERGENCY MEDICAL SERVICES WEEK and encourages County citizens to observe this week with appropriate programs, ceremonies, and activities.

5. Grant - Virginia Criminal Justice**RESOLUTION****GRANT FUNDS - VIRGINIA CRIMINAL JUSTICE**

WHEREAS, the Board of Supervisors of James City County has been provided additional funds for services provided to juveniles through the Colonial Group Home Commission.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appropriates the additional grant funds, as follows:

Revenue from the Commonwealth:

VJCCA Funds \$55,078

Contribution:

Colonial Group Home Commission \$55,078

6. Grant - Library of Virginia

RESOLUTION

GRANT FUNDS - LIBRARY OF VIRGINIA

WHEREAS, the Board of Supervisors of James City County has been provided additional funds for a microfilm reader/printer in the office of the Clerk of the Circuit Court.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appropriates the additional grant funds to the Capital Budget, as follows:

Revenue from the Commonwealth:

Library of Virginia \$13,940

Capital Equipment:

Clerk of the Circuit Court \$13,940

7. Additional Allocation, JOBS Program, Social Services Division

RESOLUTION

APPROPRIATION TO THE DIVISION OF SOCIAL SERVICES

WHEREAS, the State Department of Social Services has provided additional funding for the Administration of the JOBS program; and

WHEREAS, funds are needed to support neighborhood technology and transportation services for welfare recipients; and

WHEREAS, no local matching funds are required.

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

Revenues:

From the Commonwealth	<u>\$41,006</u>
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Expenditures:

Equipment and Supplies	\$24,006
New Vehicle	<u>17,000</u>
Total	<u>\$41,006</u>

8. **Appropriation Request - Visitor Shuttle****RESOLUTION****APPROPRIATION - VISITORS SHUTTLE**

WHEREAS, James City County wishes to operate a Visitors Shuttle; and

WHEREAS, James City County has received Federal demonstration revenues for the Visitors Shuttle; and

WHEREAS, the City of Williamsburg, York County, and James City County are participating in the implementation of the Visitors Shuttle.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, make the following appropriation within the FY 97 Transit fund.

Transit Company Revenues:

Federal Demonstration Grant	<u>\$90,000</u>
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Expenditures:

Operations (one month)	<u>\$90,000</u>
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9. **Jail Tower Lease****RESOLUTION****RESOLUTION TO EXECUTE LICENSE AGREEMENT FOR****LEASE OF JAIL TOWER**

WHEREAS, James City County needs to provide radio communication service in the southern end of the County; and

WHEREAS, the Virginia Peninsula Regional Jail Authority is willing to lease space on its communication tower to James City County for the next 25 years.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Chairman is hereby authorized and directed to execute the License Agreement with the Virginia Peninsula Regional Jail Authority to allow the County to use certain space on a telecommunications tower.

- 10. Industry Appreciation Week, May 18-24, 1997

RESOLUTION

INDUSTRY APPRECIATION WEEK

MAY 18 - 24, 1997

WHEREAS, James City County is blessed with a strong industrial and commercial base; and

WHEREAS, these businesses provide much needed jobs for the citizens of James City County and provide local taxes from which the entire local citizenry benefits; and

WHEREAS, we recognize and appreciate the many contributions the businesses make to the life of the community.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby salutes our existing industrial and commercial base, and by virtue of this proclamation gives notice to our citizens that the Week of May 18 - 24, 1997, is Industry Appreciation Week in James City County.

- 3. Regional Competitiveness Program Fund Distribution Methodology - Hampton Roads Partnership

Mr. Edwards asked for an explanation of fund distribution methodology.

Mr. Sanford B. Wanner, County Administrator, responded that the resolution contained required additional State language for the application as well as from State Code. The methodology for fund distribution has not changed from the earlier resolution adopted by the Board.

Mr. Edwards made a motion to approve the resolution.

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

RESOLUTION**REGIONAL COMPETITIVENESS PROGRAM****FUND DISTRIBUTION METHODOLOGY****HAMPTON ROADS PARTNERSHIP**

A RESOLUTION OF THE BOARD OF SUPERVISORS OF JAMES CITY COUNTY, VIRGINIA, AUTHORIZING THE HAMPTON ROADS PARTNERSHIP TO CARRY OUT THE PROVISIONS OF THE REGIONAL COMPETITIVENESS PROGRAM (RCP) AND APPROVING THE FUND DISTRIBUTION METHODOLOGY PROPOSED BY THE HAMPTON ROADS PARTNERSHIP.

- WHEREAS, in 1996, the Virginia General Assembly adopted the Regional Competitiveness Act (the Act), Chapter 26.3 of Title 15.1 (§ 15.1-1227.1 through § 15.1-1227.5) of the Code of Virginia, 1950, as amended, to encourage counties, cities, and towns to work together for their mutual benefit and that of the Commonwealth of Virginia; and
- WHEREAS, to encourage regional strategic planning and cooperation, the Act established an Incentive fund administered by the Virginia Department of Housing and Community Development (VDHCD) to be used to encourage and reward regional strategic economic development planning and joint activities; and
- WHEREAS, the Act provides a monetary Incentive, totaling Six Million Dollars (\$6,000,000) in 1997, for distribution among the State's regions for communities to undertake new levels of regional activity to address obstacles to economic competitiveness, by granting funds for five (5) years in accord with VDHCD standards adopted pursuant to the RCP, with applications for the first round incentive funds being due on July 1, 1997; and
- WHEREAS, Incentive funds will be disbursed to eligible regions in an amount equal to the percentage of the funds appropriated in incentive payments for a fiscal year that represents the region's percentage of the total population of all eligible regions; and
- WHEREAS, the Hampton Roads Partnership (the Partnership) is a Virginia nonprofit, non-stock corporation comprised of leading representatives from the public, business, education, civic, and military communities and whose mission is to enhance regional cooperation and improve economic competitiveness in the Hampton Roads Region which is defined as the Cities of Norfolk, Virginia Beach, Portsmouth, Chesapeake, Suffolk, Newport News, Hampton, Franklin, Poquoson, and Williamsburg and in the Counties of Gloucester, Isle of Wight, James City, Southampton, and York; and
- WHEREAS, the Partnership has formally adopted the Hampton Roads Region's Plan 2007 (the Plan) as its strategic plan and as such has a clear strategic road map for improving the economic competitiveness of the Hampton Roads Region. A copy of the Plan 2007 Vision and Goal Statement is attached hereto to be read as a part hereof; and
- WHEREAS, the Partnership in close cooperation with the Hampton Roads Planning District Commission will take responsibility for submitting the Hampton Roads Region's application for incentive funding under the RCP and for seeing that the Plan's joint activities are enacted; and
- WHEREAS, in recognition of the Partnership's role in Implementing the Plan's joint activities, the Partnership's executive committee formally requested that the Hampton Roads Mayors and

Chairs caucus support distributing all 1997 RCP funds received by the region directly to the Partnership (distribution methodology); and

WHEREAS, prior to completing the application process the RCP guidelines require that each municipality designate by resolution approval of the region's RCP incentive funds distribution methodology; and

WHEREAS, the Board of Supervisors of James City County, Virginia, has reviewed the RCP and supports the Partnership's efforts to carry out the provisions of the RCP and apply for monetary incentives on its behalf.

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

1. It recognizes the Hampton Roads Region as a region contemplated by the Act and hereby declares itself to be a member of and a participant in the Hampton Roads Region.
2. It supports the Partnership's efforts to carry out the provisions of the RCP and apply for monetary incentives on its behalf.
3. It approves the RCP fund distribution methodology and authorizes the Partnership to receive on its behalf all 1997 Incentive funding.

Mr. Magoon read and presented the Certificate of Appreciation for Outstanding Adult Volunteer for 1997 to Ms. Carolyn Baker, who thanked the Board.

Mr. Magoon read and presented the Emergency Medical Services Week resolution to Firefighter Medic Michael Browning and Senior Firefighter Gary Crayton. They thanked the Board.

E. PUBLIC HEARINGS

1. Case No. Z-9-96/MP-4-96. Hiden Property Rezoning/Powhatan Crossing, Inc.

Mr. Paul D. Holt, III, Planner, stated that the applicant had asked for deferral, until the June 10, 1997, Board of Supervisors meeting, of the cases to rezone approximately 401.5 acres zoned, R-8, Rural Residential, and 2.5 acres zoned R-1, Limited Residential, to R-4, Residential Planned Community, located off Ironbound Road between the existing Powhatan Crossing subdivision and Powhatan Creek, known as Hiden tract and further identified as Parcel Nos. (1-1) and (17-1A) on James City County Real Estate Tax Map No. (46-2).

Staff concurred with the applicant's request for deferral.

Mr. Magoon opened the public hearing.

1. Mr. Robert Mouck, 4481 Powhatan Crossing, spoke in opposition to rezoning of the property because of traffic, congestion, lack of infrastructure, and the devastation of tree harvesting washing topsoil into swamp. He asked the Board to vote for denial rather than defer the cases.

2. Ms. J. D. Wright, 4484 Powhatan Crossing, spoke in opposition to the cases and was concerned about the watershed wildlife, timbering, traffic, proposal not meeting R-4 requirements, and infrastructure not in place for development.

3. Ms. Marg Gossner, 3420 Deerlope, spoke of problems development would bring to the area.

4. Mr. Ed Oyer, 139 Indian Circle, read from a past document regarding Route 5 as a scenic and historic byway.

Without objection, Mr. Magoon continued the public hearing until the June 10, 1997, Board of Supervisors meeting.

2. Case No. SUP-1-97. Lynette Drive Office Building

Mr. Gary A. Pleskac, Planner stated that Mr. Gilbert A. Bartlett, on behalf of Charles E. Lewis, had applied for a special use permit for construction of an office building of approximately 4,200 square feet with parking, zoned R-8, located at 4250 Longhill Road, further identified as a portion of Parcel No. (1-7) on James City County Real Estate Tax Map No. (31-4).

Mr. Pleskac stated that staff determined the proposed use is generally compatible with surrounding zoning and land use; no access would be available from Longhill Road; proposal would not set a precedent for additional nonresidential development in the area and property was within the Primary Service Area.

In concurrence with staff, the Planning Commission unanimously voted to approve the special use permit with conditions listed in the resolution.

The Board and staff discussed the positioning of the office building on the irregularly shaped parcel, clearing vegetation in buffer, landscaping, proposal being inconsistent with Comprehensive Plan, and designing the office building to look like a single-family dwelling.

Mr. Magoon opened the public hearing.

1. Gilbert Bartlett, Esq., representing Mr. Charles Lewis, stated that the site was uniquely figured, the buffer and revegetation were committed to by the applicant, and the building was positioned to allow maximum use of the remainder of the lot.

Mr. Magoon closed the public hearing.

Mr. DePue made a motion to approve the special use permit.

The Board discussed setting a precedent of mixing commercial with residential.

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

RESOLUTION

CASE NO. SUP-1-97. LYNETTE DRIVE OFFICE BUILDING

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance certain land uses requiring a special use permit; and

WHEREAS, James City County Planning Commission following its public hearing on April 7, 1997, voted 7-0 to approve the special use permit.

NOW, THEREFOR BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does permit the issuance of SUP-1-97 as described herein with the conditions listed below:

1. If construction has not commenced on the project within eighteen (18) months from the issuance of the special use permit, the permit shall become void. Construction shall be defined as the obtaining of any permits for building construction and demolition, connections to water and sewer, clearing and grading of the site, and the installation of footings and/or foundations.
2. This special use permit shall be limited to the following structures and uses:
 - a. The construction of one new, single-story building for use as business and professional offices with no retail, whose total floor area shall not exceed 4,200 square feet; and
 - b. a new parking lot to serve the proposed structure, whose surface shall be paved with asphalt or concrete, whose location shall be behind the proposed structure and opposite Longhill Road.

The new structure and parking lot shall be located as generally shown on the plan entitled "Lynnette Drive Duplexes, Charles E. Lewis," prepared by AES Consulting Engineers, dated March 21, 1997, except as required by the conditions attached to the special use permit.

3. The colors of external finish materials for the proposed office building shall be limited to earth tones that blend with the natural features of the site as deemed acceptable to the Director of Planning. Color samples and descriptions of external finished building materials for the proposed building shall be submitted with the site plan application.
4. The proposed office building shall have a gable roof.
5. The use shall be limited to a single commercial entrance. The location of the entrance shall be on Lynnette Drive.
6. There shall be an undisturbed greenbelt buffer along Longhill Road, 75 feet in depth, measured from the edge of the additional road right-of-way as referenced in Condition 14, which shall be exclusive of utilities, drainage improvements, and clearing for sight distance. Clearing shall be reviewed and approved by the Director of Planning prior to the issuance of a land disturbing permit. The limits of clearing shall be shown on the site plan for the project. Up to 25 feet of the greenbelt buffer directly adjacent to the proposed structure may be disturbed for the purpose of clearing and grading to accommodate the proposed structure. Of this 25-foot disturbed area, an area 15 feet in depth along the undisturbed buffer shall be revegetated using evergreen trees and shrubs in an amount not less than one tree and five shrubs per 200 square feet of disturbed area. A revegetation plan shall be submitted with the site plan and shall be acceptable to the Director of Planning prior to final site plan approval.
7. There shall be a minimum 35-foot landscaped buffer between the proposed parking lot and the existing duplex directly to the north. The buffer shall be planted with a number of trees that exceeds minimum ordinance requirements by at least 25 percent so as to provide an effective visual screen.
8. There shall be a minimum 45-foot buffer along the east property line of the site. The buffer shall be supplemented with a number of trees that exceeds minimum ordinance requirements by at least 25 percent so as to provide an effective visual screen.

9. All landscaping and buffer revegetation for the proposed use shall be installed prior to the issuance of a Final Certificate of Occupancy.
10. External heating and air conditioning units shall not be installed on the sides of the proposed structure that fronts on Longhill Road and Lynnette Drive unless they are screened with a wooden fence that is painted or stained to match approximately the color of the exterior walls of the main building. A detailed illustration of the fence shall be submitted, along with the site plan, subject to the approval of the Director of Planning. Such fence shall be installed prior to issuance of a Final Certificate of Occupancy.
11. Dumpsters and dumpster pads shall not be installed on the sides of the proposed structure that front on Longhill Road and Lynnette Drive, nor shall they be installed on the side of the parking lot that fronts on Lynnette Drive. Any dumpster or garbage receptacle facility shall be screened on at least three sides by a wooden fence acceptable to the Director of Planning. Such fence shall be installed prior to issuance of a Final Certificate of Occupancy.
12. External lighting for the building and parking lot shall be minimized so as not to shed glare on adjacent properties. A lighting plan shall be submitted with the site plan application for review and approval by the Director of Planning. All external luminaries shall have recessed fixtures with no bulb, lens or globe extending below the casing.
13. The site shall be limited to one externally luminated monument sign not to exceed four feet in height and eight feet in width.
14. The owner shall dedicate to James City County prior to final site plan approval an additional 10 feet of right-of-way to accommodate a bikeway along Longhill Road. This dedication shall be exclusive of the Greenbelt buffer.
15. The owner shall reserve an additional 10 feet of right-of-way along the Longhill Road frontage of the property measured from the edge of the dedicated right-of-way for the possible future four-lane expansion of Longhill Road. This reserved area may be part of the Greenbelt buffer.

3. Case No. Z-3-97. Williamsburg Music Theater

Ms. Jill E. Schmidle, Planner, stated that Mr. Alvin Anderson, had applied on behalf of Mr. John B. Barnett, Jr., to rezone approximately ten acres from M-1, Limited Business/Industrial District, to MU, Mixed Use, for construction of an outdoor theater and museum, located adjacent to 7521 Richmond Road, further identified as a portion of Parcel No. (1-66) on James City County Real Estate Tax Map No. (23-2).

Ms. Schmidle detailed the proffers, surrounding zoning and land use, utilities, transportation, access and shared parking, traffic impact study, Comprehensive Plan, and landscaping. Staff determined that the proposal was appropriate as commercial uses compatible with adjacent property, shared parking, buffer along Richmond road, tree retention, landscaping, and proffers for entrance and intersection improvements at Richmond Road/Croaker Road intersection.

In concurrence with staff, the Planning Commission recommended approval of the proposal.

Mr. Magoon opened the public hearing.

1. Alvin Anderson, Esq., stated that a Mixed Use designation included indoor theater, museum, and public meeting hall. Outer Bypass Road was deleted during the Comprehensive Plan discussions, and bikeway was not proffered as the bikeway was proposed in existing right-of-way.

Mr. Magoon closed the public hearing.

Mr. Sisk made a motion to approve the rezoning.

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

RESOLUTION

CASE NO. Z-3-97. WILLIAMSBURG MUSIC THEATER

WHEREAS, in accordance with section 15.1-431 of the Code of Virginia, and Section 20-13 of the James City County Zoning Ordinance, a public hearing was advertised, adjacent property owners notified and a hearing was scheduled on Zoning Case No. Z-3-97 for rezoning approximately 10 acres of land from M-1, Limited Business/Industrial District, to MU, Mixed Use District, with proffers, further identified as a portion of Parcel No. (1-66) on James City County Real Estate Tax Map No. (23-2); and

WHEREAS, the Planning Commission of James City County, following its public hearing on May 5, 1997, recommended approval of Case No. Z-3-97, by a vote of 6 to 0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-3-97 as described herein, and accepts the voluntary proffers.

4. Case No. SUP-6-97. Williamsburg Pottery Factory

Mr. Gary A. Pleskac, Planner, stated that Mr. Richard Costello of AES Consulting Engineers had applied on behalf of Williamsburg Pottery Factory for a special use permit to allow construction of a new two-story building, approximately 75,400 square feet at the existing Williamsburg Pottery complex, zoned M-1, Limited Business/Industrial District, located at 6692 Richmond Road, and further identified as Parcel No. (1-31) on James City County Real Estate Tax Map No. (24-3).

Staff determined that the proposal was compatible with surrounding zoning and development, was consistent with the Comprehensive Plan, traffic analysis recommended no additional improvements to Richmond Road or the Richmond Road/Williamsburg Pottery Factory entrance, and property was within the Primary Service Area.

In concurrence with staff, the Planning Commission unanimously recommended approval of the special use permit with conditions listed in the resolution.

Mr. Magoon opened the public hearing.

1. Mr. Richard Costello, AES, and Preston Smith, Williamsburg Pottery, were present and available for questions.

Mr. Magoon closed the public hearing.

Mr. Taylor made a motion to approve the resolution.

Mr. DePue asked about additional landscaping along Richmond Road, and staff responded that landscaping would be transferred from the proposed building and located along Route 60 frontage.

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

RESOLUTION

CASE NO. SUP-6-97. WILLIAMSBURG POTTERY FACTORY

NEW TWO-STORY BUILDING

WHEREAS, the Board of Supervisors of James City County has adopted, by ordinance, certain land uses requiring a special use permit; and

WHEREAS, James City County Planning Commission, following its public hearing on April 7, 1997, voted 7-0 to approve the special use permit.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does permit the issuance of SUP-6-97 as described herein with the conditions listed below:

1. If construction has not commenced on the project within eighteen (18) months from the issuance of the special use permit, the permit shall become void. Construction shall be defined as the obtaining of any permits for building construction and demolition, connections to water and sewer, clearing and grading of the site, and the installation of footings and/or foundations.
2. This special use permit shall be limited to the following structures and uses:
 - a. The construction of one new, two-story structure, whose retail floor area shall not exceed 37,900 square feet and whose retail activities shall be confined to the first floor of the structure, and whose warehousing area shall not exceed 37,500 square feet, and whose warehousing activities shall be confined to the second floor of the structure; and
 - b. a new outdoor display area whose area shall not exceed 19,000 square feet; and
 - c. the relocation of two existing 4,500-square foot open-air buildings on the proposed site to other areas within the Williamsburg Pottery Factory.

The new structure, outdoor display area and designed parking lot shall be located as generally shown on the plan entitled "Williamsburg Pottery Factory, SUP Master Plan, New Warehouse-Retail Building-Two Story," prepared by AES Consulting Engineers, dated February 24, 1997.

3. The net increase in retail floor area for the Williamsburg Pottery Factory shall not exceed 23,200 square feet in combination with the retail floor area of the proposed building, and the relocation and/or demolition of the existing structures on the site of the proposed building.
4. The applicant shall transfer the required building foundation and up to 50 percent of the parking lot landscaping to area along Richmond Road, including an area along the Pottery Outlet stores, the Mall Building, and the Richmond Road frontage of the Mall

Building parking lot, subject to the approval of the Director of Planning prior to final site plan approval.

5. Case No. SUP-15-97. Virginia Power Substation at Anheuser-Busch

Mr. Pleskac stated that Elizabeth Harper of Virginia Power had applied on behalf of Anheuser-Busch, Inc., for a special use permit to expand an existing electrical substation with a new transformer and supporting equipment located on an 0.087-acre site adjacent to the Anheuser-Busch Brewery building on Route 60 and further identified as a portion of Parcel No. (1-1) on James City County Real Estate Tax Map No. (51-3).

Staff determined that the proposed use was compatible with surrounding zoning and land uses and the Comprehensive Plan, and no traffic impact would be generated.

In concurrence with staff, the Planning Commission voted 5-0 with one abstention to approve the special use permit with the condition listed in the resolution.

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

Mr. Sisk made a motion to approve the special use permit.

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

RESOLUTION

CASE NO. SUP-15-97. VIRGINIA POWER SUBSTATION AT ANHEUSER-BUSCH

WHEREAS, the Board of Supervisors of James City County has adopted, by ordinance, certain land uses requiring a special use permit; and

WHEREAS, James City County Planning Commission, following its public hearing on May 5, 1997, voted 5-0, with one abstention, to approve the special use permit.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does permit the issuance of SUP-15-97 as described herein with the conditions listed below:

1. If construction has not commenced within twelve (12) months of the issuance of the special use permit, the special use permit shall become void. Construction shall be defined as the securing of permits for clearing and grading of the site and the installation of foundations and footings.

6. Outdoor Gathering, Junior Woman's Club of Williamsburg, Inc.

Mr. William C. Porter, Jr., Assistant County Administrator, stated that Junior Woman's Club of Williamsburg had applied for an outdoor gathering permit to raise money for charity on May 30, 1997, from 6:00 to 10:00 p.m. at the Williamsburg/Jamestown Airport, 100 Marclay Road, Williamsburg.

Staff had received all required approvals and recommended approval of the resolution.

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

Mr. Edwards made a motion to approve the resolution.

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

RESOLUTION

OUTDOOR GATHERING PERMIT - JUNIOR WOMAN'S CLUB OF WILLIAMSBURG

WHEREAS, James City County received an application from the Junior Woman's Club of Williamsburg to hold an outdoor gathering on May 30, 1997, from 6:00 p.m. to 10:00 p.m. at Williamsburg/Jamestown Airport, 100 Marclay Road, James City County, Virginia; and

WHEREAS, the application was reviewed and approved with comments by the James City County Fire Chief, Police Chief, Emergency Medical Services Coordinator, the Health Department and the Zoning Administrator/Building Official.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to issue a permit to the Junior Woman's Club of Williamsburg, to hold an outdoor gathering as proposed on the Outdoor Gathering Permit Application and the written comments made thereto.

7. Case No. SUP-10-97. James City Service Authority - Change in Conditions for Governor's Land Force and Water Mains, Jolly Pond Road Water Main, and Cranston's Mill Pond Water Main Special Use Permits

Mr. Paul D. Holt, III, Planner, stated that James City Service Authority had applied to amend conditions for special use permits of Governor's Lane Waterline and Force Main on Route 5, Jolly Pond Water Main Extension, and Cranston's Mill Pond Water Main that extend outside the Primary Service Area (PSA) to bring them into compliance with the Utility Connection Policy adopted as part of the 1997 Comprehensive Plan. He further stated that the amended conditions would allow connections of one per parcel to vacant property outside the PSA and adjacent to the mains.

Staff determined the change in conditions was consistent with the Utility Connection Policy.

In concurrence with staff, the Planning Commission unanimously approved the special use permits with a condition for each as listed in the resolution.

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

Mr. Taylor made a motion to approve the resolution.

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

RESOLUTION

CASE NO. SUP-10-97. JAMES CITY SERVICE AUTHORITY - CHANGE IN CONDITIONS

FOR SUP-42-89, SUP-43-89, SUP-47-90, AND SUP-25-93

WHEREAS, the Board of Supervisors of James City County, Virginia, has adopted by Ordinance specific land uses that shall be subjected to a special use permit process; and

WHEREAS, the Board of Supervisors of James City County, adopted a Utility Connection Policy as part of the 1997 Comprehensive Plan which was approved on January 28, 1997; and

WHEREAS, the Planning Commission of James City County, following its public hearing on April 7, 1997, recommended approval of Case No. SUP-10-97, by a vote of 7 to 0, to amend the connection condition for SUP-42-89, SUP-43-89, SUP-47-90 and SUP-25-93.

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-10-97 which amends the connection condition for SUP-42-89, SUP-43-89, SUP-47-90 and SUP-25-93 by replacing the following condition in each:

SUP-42-89. Governor's Land Water Main.

7. No connections shall be made to the water main which would serve any property located outside the Primary Service Area except for connections to the Governor's Land project and existing structures located on property outside the PSA adjacent to the proposed mains. In addition, for each platted lot recorded in the James City County Circuit Court Clerk's office as of January 28, 1997, that is vacant, outside the PSA and adjacent to the main, one connection shall be permitted with no larger than a 3/4" service line and 3/4" water meter.

SUP-43-89. Governor's Land Force Main.

7. No connections shall be made to the force main which would serve any property located outside the Primary Service Area except for connections to the Governor's Land project and existing structures located on property outside the PSA adjacent to the proposed mains. In addition, for each platted lot recorded in the James City County Circuit Court Clerk's office as of January 28, 1997, that is vacant, outside the PSA and adjacent to the main, one connection shall be permitted with no larger than a 1-1/4" service line.

SUP-47-90. Jolly Pond Road Water Main Extension.

6. No connections shall be made to the water main which would serve any property located outside the Primary Service Area except for connections to the Williamsburg/James City County Schools Operations and Maintenance Center and existing structures located outside the PSA, on property adjacent to the proposed mains. In addition, for each platted lot recorded in the James City County Circuit Court Clerk's office as of January 28, 1997, that is vacant, outside the PSA and adjacent to the main, one connection shall be permitted with no larger than a 3/4" service line and 3/4" water meter.

SUP-25-93. Cranston's Mill Pond Road Water Main Extension.

6. No connections shall be made to the water main which would serve any property located outside the Primary Service Area except for connections to the Governor's Land project and existing structures located on property outside the PSA adjacent to the proposed mains. In addition, for each platted lot recorded in the James City County Circuit Court Clerk's office as of January 28, 1997, that is vacant, outside the PSA and adjacent to the main, one connection shall be permitted with no larger than a 3/4" service line and 3/4" water meter.

F. PUBLIC COMMENT

1. Mr. Ed Riley, 611 Tam-O-Shanter, gave an update on overpopulation of deer that carry infected ticks that cause Lyme disease.
2. Mr. Ed Oyer, 139 Indian Circle, stated that certain County and School vehicles could be less expensive vehicles which would save on operating costs.
3. Mr. Grant Olson, 105 Holman Road, on behalf of the citizens, thanked the Board members for their service and dedication.

The Board thanked Mr. Olson for his statement.

G. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner introduced Ms. Robin Deacle, Daily Press reporter, and thanked Ms. Alison Freehling for a job well done. He announced the rededication of James City County-Williamsburg Community Center scheduled for Saturday, May 17, 1997, at 1:00 p.m.

Mr. Wanner stated that a response had been received from CSX Corporation regarding the moving of Norge Station from its present site. He asked the Historical Commission to be the lead agency in raising funds and encouraged interested citizens to donate.

Mr. Wanner explained that the County cable subscribers franchise fee of 3 percent was included in the cable bill since June 1981; Federal Communications Corporation increased the fee to 5 percent in 1984; James City County Board of Supervisors approved raising the fee July 1996; Continental Cable itemized the 2 percent increase on subscribers' bills, leaving the original 3 percent calculated in the total bill; and when Continental Cable swapped cable systems with Cox Communications, Cox announced the 5 percent would be itemized in full on the bill. Mr. Wanner stated that a follow-up to Mr. John Rhein's request to connect the optic fiber cables in Powhatan Crossing installed one and one-half years ago provided information that Cox installation would begin on the Southside and proceed to the Peninsula.

Mr. Wanner recommended that the Board recess to 5:00 p.m., Tuesday, May 27, 1997, for a work session.

H. BOARD REQUESTS AND DIRECTIVES

Mr. Taylor asked that the Board respond to Mr. R. M. Hazelwood, Jr.'s request made at the April 8, 1997, Board of Supervisors' meeting.

Mr. Wanner responded that a letter would be drafted and circulated among the Board for each member's input.

Mr. Edwards reminded citizens that local jurisdictions have no control over cable television rates and announced that a Historic Triangle Leadership bicycle ride was scheduled leaving the Yorktown Visitors Center in York County at 9:00 a.m.

Mr. Sisk asked staff to explain the fire hydrant service charge on water service in Newport News service area.

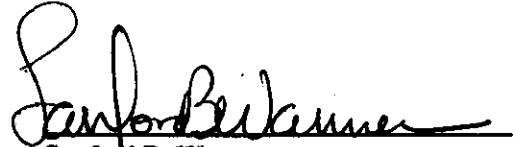
Mr. Wanner stated that Mr. Larry Foster, General Manager, James City Service Authority, would bring that item forward at the May 27, 1997, Board of Directors' meeting.

Mr. DePue urged the public to read Ms. Martha McCartney's newly published historical book, "James City County Keystone to the Commonwealth."

Mr. Taylor made a motion to recess until 5:00 p.m., Tuesday, May 27, 1997, for a budget work session.

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

The Board recessed at 9:08 p.m.


Sanford B. Wanner
Clerk to the Board

051397bs.min

970010719

PROFFERS

These Proffers are made as of the 6th day of May, 1997, by JOHN B. BARNETT, JR. ("the Owner"), together with his successors and assigns, who owns certain real property shown on James City County Real Estate Tax Map 23-2 as a portion of parcel 1-66.

RECITALS

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

All that certain tract of land containing 10.00 acres, more or less, now or formerly situate in Powhatan District, James City County, Virginia, as shown and set forth on a drawing entitled "REZONING MAP FOR LANDS OWNED BY JOHN B. BARNETT, JR." dated 3/24/97 made by Steven O. Wigley of AES, a copy of which plat is attached hereto and made a part hereof marked as Exhibit "A."

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

B. The County's Comprehensive Plan Land Use Map specifically designates the Property as "Mixed Use" expressly providing:

Williamsburg Soap and Candle Factory For that area currently zoned M-1 (as of May, 1991) located adjacent to Richmond Road, the principal suggested uses are a mixture of limited industrial and commercial uses.

C. The Property is and has been since the inception of zoning in the County zoned M-1; however, the M-1 zoning district as currently written does not permit generally or specially indoor theaters, museums and public meeting halls.

D. The Owner has requested that the Property be rezoned from the Limited Business/Industrial, M-1 district to the Mixed Use, MU district to permit the construction of indoor theaters, museums and public meeting halls and other uses.

E. The provisions of the County Zoning Ordinance may be deemed inadequate for the

JUL-8 97 0250

orderly development of the Property.

F. The Owner desires to offer to the County certain proffers on the development of the Property not generally applicable to land zoned MU for the protection and enhancement of the community and to provide for the high quality and orderly development of the Property.

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

PROFFERS

1. USES: The uses to be permitted on the Property are more particularly described on a list entitled "Permitted Uses On The Property" attached hereto and made a part hereof marked as Exhibit "B."

2. CONCEPTUAL PLAN OF DEVELOPMENT: The Property shall be developed in accordance with a drawing entitled "CONCEPTUAL PLAN - WILLIAMSBURG MUSIC THEATER, OWNER/DEVELOPER: JOHN BARNETT, JR." attached hereto and made a part hereof marked as Exhibit "C" ("the Conceptual Plan of Development"). The Owner shall provide for the approximate location of proposed streets, the approximate location of areas of open space, and the approximate location of areas for buildings and parking all as approximately shown on the Conceptual Plan of Development. Site constraints including, but not limited to, topography, finished grades, wetlands, steep slopes, utility and drainage easements, and soils may warrant deviations from the Conceptual Plan of Development. The County's Planning Director shall

JUL-85 0251

permit deviations from the Conceptual Plan of Development if such deviations do not: (1) conflict with the other requirements of these proffers, the Virginia Code and the County Code; or (2) change the general character or content of the Conceptual Plan of Development; or (3) result in any change of major external access points.

3. TREE RETENTION AREAS: In the area adjacent to and parallel with the westerly boundary line of the Property, to a depth of 100 feet, as shown on the Conceptual Plan of Development, the Owner shall provide for the preservation of existing trees, to the end that said area shall be left in its existing natural wooded state. Notwithstanding the aforesaid, dead, diseased or dying trees or trees weakened by age, storm or other injury and dead, diseased or dying shrubbery may be removed. Furthermore, selective clearing may be performed within said area to allow for an attractive appearance, to remove trees that might become a hazard to visitors and to enhance the growth potential of trees to remain. The existing native mulch layer and existing grade around trees in said area shall be retained. Finally, additional mulch and understory planting may be added.

Notwithstanding the aforesaid, nature trails, footpaths, roads, bridges, utility crossings, stormwater structures and stormwater management facilities may be permitted in said tree retention area provided they are approved by the County's Planning Director and a replanting plan for disturbed areas is approved by the County's Planning Director. Any roads and bridges constructed in said area must also be approved by the adjoining property owners.

4. TRAFFIC STUDY: TRAFFIC IMPROVEMENTS: The access to the Property shall be in the approximate location shown on the Conceptual Plan of Development and shall be limited to one access on U. S. Route 60. The Owner has commissioned, at his expense, and provided to each of the County and the Virginia Department of Transportation ("VDOT"), a

JUL-86 0252

traffic study for the intersection of U. S. Route 60 and Route 607 and the entrance to the Property on U. S. Route 60 entitled "Traffic Impact Study For Old Dominion Opry At Richmond Road/Croaker Road, James City County, Virginia" prepared by Dexter B. Williams and dated March 12, 1997 ("the Traffic Study"). The Traffic Study and the improvements recommended therein shall be reviewed and approved by the County and VDOT prior to final site plan approval. After said approval, the Owner shall, if not previously constructed by others, construct said improvements recommended in the Traffic Study or guarantee the construction of the same with corporate surety or cash bond in accordance with the applicable standards of the County and VDOT all prior to the issuance of certificates of occupancy for the prescribed improvements. Any existing traffic sensors imbedded in existing pavement to be disturbed will be replaced at the expense of the Owner.

5. LANDSCAPING AND BERMS: Development of the Property shall include the following:

- **Parking Lot Buffer:** Adjacent to and parallel with U.S. Route 60, the Owner shall provide a 3' high landscaped berm commencing approximately 355 feet east of the westerly property line of the Property and extending approximately 120 feet toward the easterly property line of the Property. The berm shall be landscaped as necessary with evergreen and deciduous shrubs and trees to be approved by the County's Planning Director to provide an effective visual screen between the adjacent portion of the parking lot and U.S. Route 60.
- **Landscaping for Entranceway:** The traffic islands along the easterly boundary of the Property shall be landscaped in accordance with a landscape plan prepared by a Certified Landscape Architect and approved by the County's Planning Director. The plan shall provide for a homogeneous mixture of evergreen and deciduous ground covers, low shrubs (18" - 24"), medium shrubs (2' - 4'), ornamental trees such as Crepe Myrtle and Dogwood, and large deciduous and evergreen trees. Pockets shall be provided for inclusion of annuals and/or perennials into the overall scheme. Notwithstanding the aforesaid, all such plantings shall be positioned to buffer the parking lot on the Property from U.S. Route 60 but not obstruct visibility from U.S. Route 60 of the structure

JUL-86 0253

contemplated in the Conceptual Plan of Development.

6. **SHARED PARKING:** Barnett Development Company, Inc. ("the Company"), owns the parcel adjacent to and on the easterly side of the Property which adjacent property is designated as parcel 67 on the James City County tax map 23-2. In an effort to limit unnecessary clearing, grading and installation of impervious cover on the Property, the Company agrees to make its existing parking shown on a drawing entitled "EXISTING PARKING AT WILLIAMSBURG SOAP AND CANDLE FACTORY, OWNER/DEVELOPER: JOHN BARNETT, JR." attached hereto and made a part hereof marked as Exhibit "D" available to the Property when not needed for its own use. The Company joins in these proffers solely for the purpose of evidencing its consent to the terms of this proffer.

GENERAL PROFFERS

7. **HEADINGS:** All section and subsection headings of these proffers are for convenience only and are not part of these proffers.

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

JUL-8 5 0254

John B. Barnett Jr.
JOHN B. BARNETT, JR.

BARNETT DEVELOPMENT COMPANY, INC.

By: John B. Barnett Jr.
President

STATE OF VIRGINIA

COUNTY OF JAMES CITY, to-wit:

The foregoing instrument was acknowledged before me this 7th day of May, 1997 by JOHN B. BARNETT, JR, individually and as President of and acting on behalf of BARNETT DEVELOPMENT COMPANY, INC.

I was commissioned a notary public as Annette M. Taylor

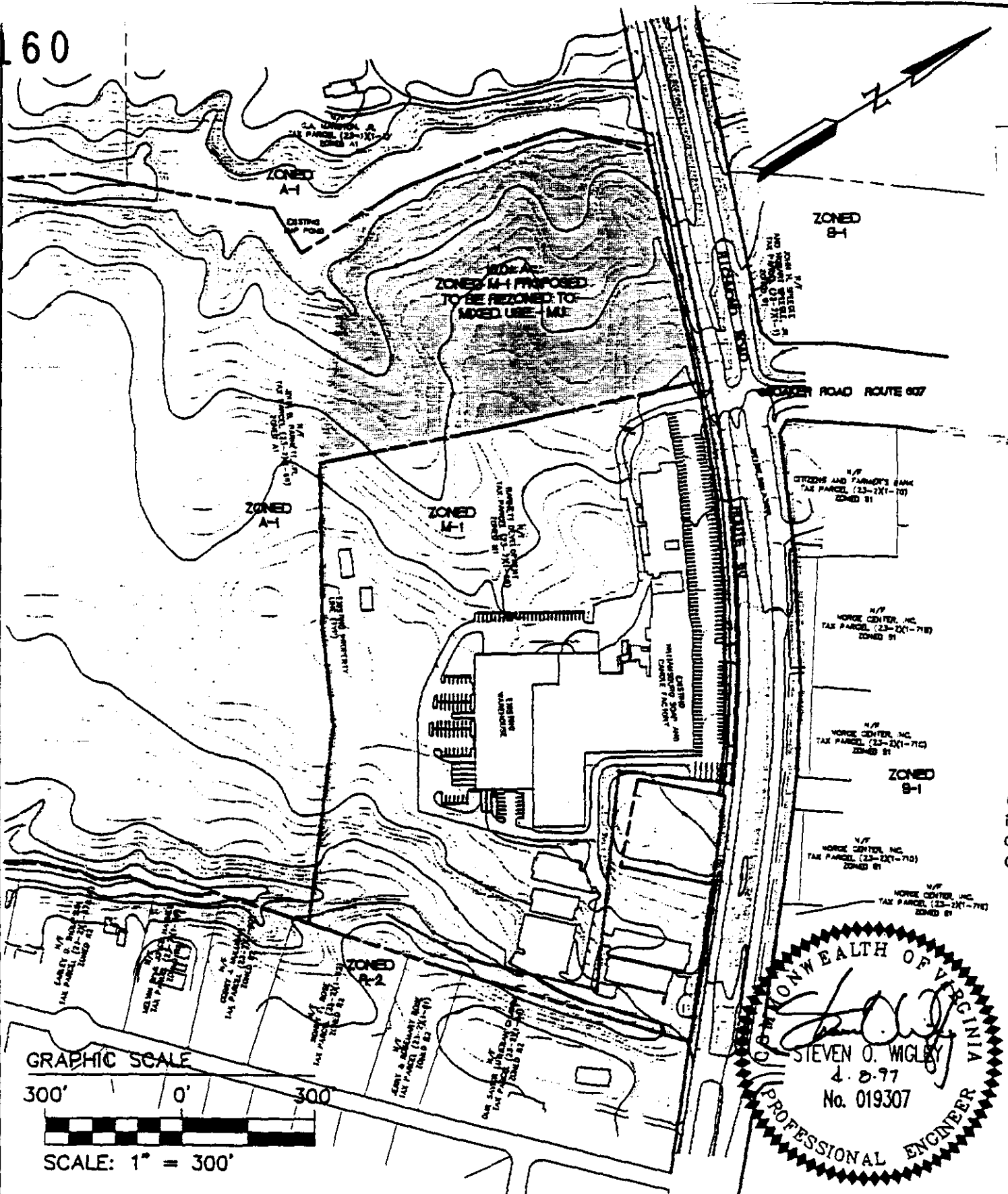
Annette S. Dilbert
NOTARY PUBLIC

My commission expires: 11-30-99

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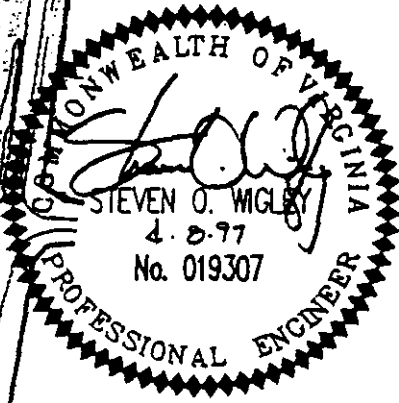
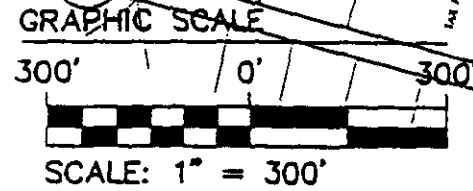
JUL-85 0255





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0110037101010

1-A-7 0256



ES Consulting Engineers Engineers, Surveyors, Planners Williamsburg, Virginia

EXHIBIT "A"
 REZONING MAP FOR LANDS OWNED BY
 JOHN B. BARNETT, JR.
 JAMES CITY COUNTY

MARCH 24, 1997
 VIRGINIA

POWHATAN DISTRICT

Exhibit "B"**Permitted Uses On The Property**

Accessory structures, as defined in section 20-2.

Apartments.

Arts and crafts shops.

Automobile rental.

Automobile repair and service including tire, transmission, glass, body and fender, and other automotive products sales (new and/or rebuilt) and service with major repair under cover and storage of parts and vehicle storage screened from adjacent property by landscaping and fencing.

Automobile service stations; if fuel is sold, then in accordance with section 20-38.

Banks and other similar financial institutions.

Barber and beauty shops.

Book stores.

Business, professional and governmental offices.

Cabinet and upholstery shops.

Candy stores.

Carpet stores.

Contractor offices, equipment storage yards, shops and warehouses with storage under cover or screened with landscaping and fencing from adjacent property.

Data processing centers.

Department stores.

Dressmaking stores.

Drug stores.

Dry cleaners and laundries.

JUL-85 0257

Employment services or agencies.

Farmer's markets.

Feed, seed and farm supply stores.

Florist stores.

Food processing and storage, but not the slaughter of animals.

Food processing and storage in a residence.

Framing stores.

Furniture stores.

Furrier stores.

Greeting card stores.

Heavy equipment sales and service, with major repair under cover or screened with landscaping and fencing from adjacent property.

Home appliance sales and service.

Houses of worship and cemeteries accessory hereto.

Hotels, motels, tourist homes and convention centers.

Ice cream stores.

Indoor sport facilities, health clubs, exercise clubs and fitness centers.

Indoor theaters, museums and public meeting halls.

Industrial and technical training schools.

Janitorial service establishments.

Jewelry sales and service.

Locksmith shops.

Lumber and building supply with storage limited to a fully enclosed building or screened with landscaping and fencing from adjacent property.

Machinery sales and service with major repair under cover.

JUL-85 0258

Manufacture and assembly of musical instruments, toys, novelties and rubber and metal stamps.

Manufacture and bottling of soft drinks and wine.

Manufacture and processing of textiles and textile products.

Manufacture, compounding, assembly or treatment of products made from previously prepared paper, plastic, metal, textiles, tobacco, wood, paint, fiber glass, glass, rubber, leather, cellophane, canvas, felt, fur, horn, wax, hair and yarn.

Manufacture, compounding, processing or packaging of cosmetic, toiletry and pharmaceutical products.

Manufacture of carpets and carpet yarns.

Manufacture of pottery and ceramic products, using kilns fired only by gas or electricity.

Manufacture or assembly of appliances, tools, firearms, hardware products and heating, cooling or ventilating equipment.

Manufacture or assembly of electronic instruments, electronic devices or electronic components.

Manufacture or assembly of medical, drafting, metering, marine, photographic and mechanical instruments.

Music and record stores.

Nonemergency medical transport.

Off-street parking as required by section 20-53.

Pet stores.

Plant and garden supply stores.

Plumbing and electrical supply with storage limited to a fully enclosed building or screened with landscaping and fencing from adjacent property.

Printing and publishing establishments,

Private streets within "qualifying industrial parks" in accordance with section 20-55.

Processing, assembly and manufacture of light industrial products or components, with all storage, processing, assembly and manufacture conducted indoors and under cover, with no dust, noise, odor or other objectionable effect.

JUL-85 0259

Research, development and design facilities or laboratories

Restaurants, tea rooms and taverns.

Retail food stores, bakeries and fish markets.

Security service offices.

Shoe stores.

Sporting goods stores.

Stamp and coin stores.

Tailor shops.

Taxi service.

Telephone exchanges and telephone switching stations.

Timbering in accordance with Section 20-43.

Tobacco and pipe stores.

Toy stores.

Travel bureaus.

Veterinary offices.

Warehouse, storage and distribution centers with storage under cover or screened with landscaping and fencing from adjacent property.

Water impoundments, new or expansion of.

Water well drilling establishments.

Wearing apparel stores.

Welding and machine shops with storage limited to a fully enclosed building or screened with landscaping and fencing from adjacent property.

Yard good stores.

JUL-85 0260

PLAT ATTACHED

WITNESSETH: City of Williamsburg and County of James City, to Wit:
In Clerk's Office of the Circuit Court of the City of Williamsburg and County of James City, this 8th day of July, 1997. This Plat was presented with certificate annexed and returned to record at 3:36 o'clock P.M. Teste: Helene S. Ward, Clerk
By: *[Signature]*
Deputy Clerk

N/F
CITIZENS AND FARMERS BANK
TAX PARCEL (23-201-70)
ZONED BY

JOHN W. SPEEGLE
AND MARY SPEEGLE, JR.
TAX PARCEL (23-204-1)
ZONED M1

RICHMOND ROAD

ROUTE 60

100'+200' TURN & TAPER

FUTURE BOX OFFICE
AND INFORMATION CENTER

JUL-85 0261

N/F
BARNETT DEVELOPMENT
TAX PARCEL (23-2)(1-68)
ZONED M1

THEATER
(730 SEAT)

FUTURE MUSEUM

100' TREE
PENHOLA, JR.

N/F
C.A. MARSTON, JR.
TAX PARCEL (23-1)(1-2)
ZONED A1

ZONING PROPOSED
A-1

N/F
JOHN B. BARNETT, JR.
TAX PARCEL (23-2)(1-66)
ZONED A1

EXISTING/PROPER
LINE (TYP)

GRAPHIC SCALE



68834M03

04.18.97-11:28

DPW



Consulting Engineers

Engineers, Surveyors, Planners

Williamsburg, Virginia

EXHIBIT "C"

CONCEPTUAL PLAN - WILLIAMSBURG MUSIC THEATER

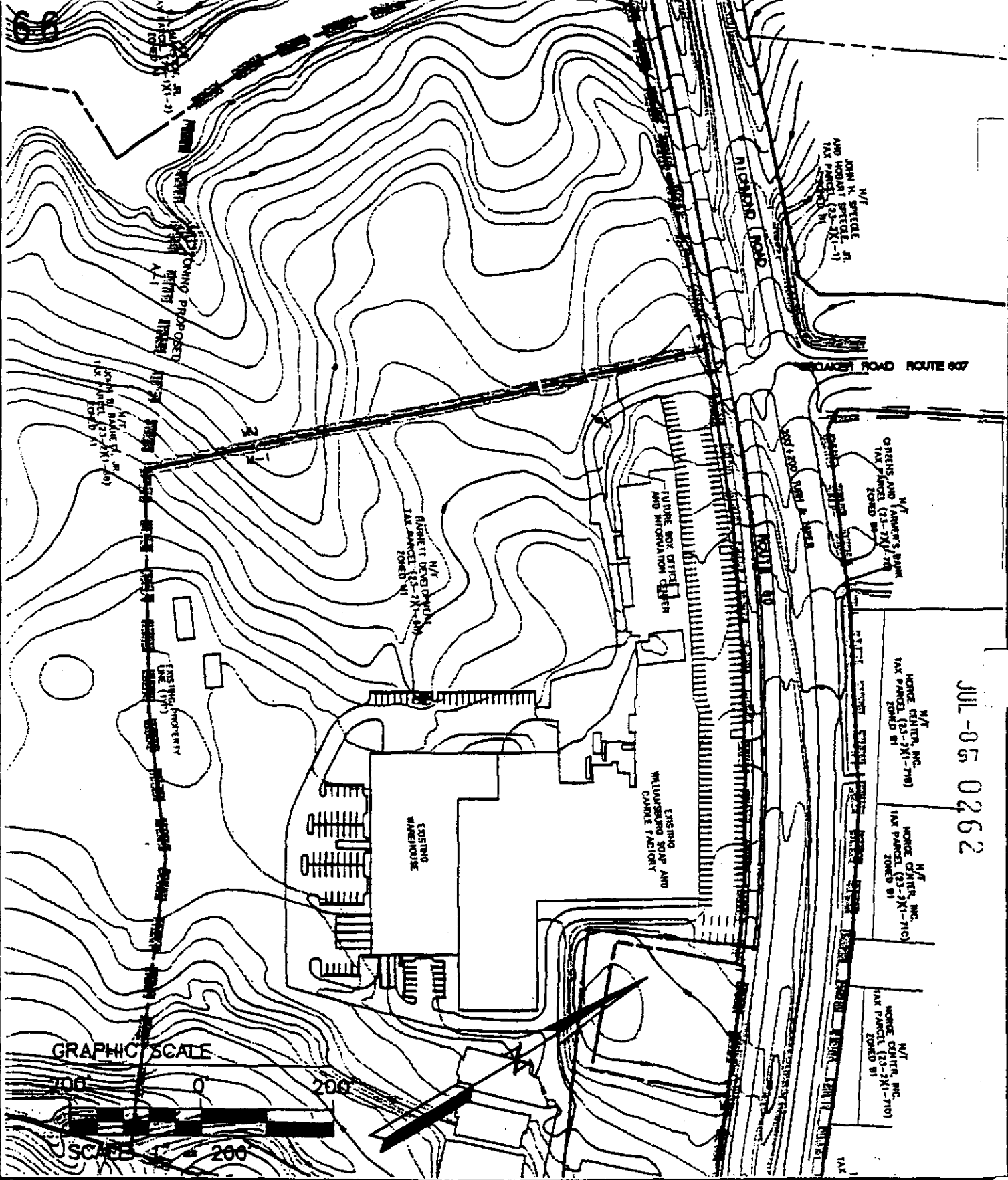
OWNER/DEVELOPER: JOHN BARNETT, JR.

JAMES CITY COUNTY

POWHATAN DISTRICT

VIRGINIA

168



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04.21.97-08:48

DPW

JUL-85 0262



Consulting Engineers

Engineers, Surveyors, Planners

Williamsburg, Virginia

EXHIBIT "D"
 EXISTING PARKING AT WILLIAMSBURG SOAP AND CANDLE FACTORY.
 OWNER/DEVELOPER: JOHN BARNETT, JR.

POWHATAN DISTRICT

JAMES CITY COUNTY

VIRGINIA

JAMES CITY COUNTY

Application for Permit to Hold
an Outdoor Gathering

Chapter 12 of the James City County Code requires a permit from the Board of Supervisors to hold an outdoor gathering. An outdoor gathering is defined as follows:

...any music festival, dance festival, public dance, show or similar gathering at which music or entertainment is provided by professional or amateur performers or by prerecorded means and which is held at any place other than in a public building or permanent installation, which permanent installation has been constructed so that it can be used for the holding of such activities, to which members of the public are invited or admitted for a charge or free of charge and which is attended by more than three hundred (300) persons.

This permit application, along with the necessary supporting documents, must be submitted to the County Administrator, P.O. Box JC, Williamsburg, Virginia 23187, at least 90 days in advance of the proposed gathering.

A. General

1. Name, address, phone number of applicant (where the applicant is a partnership, a corporation or other association, this information shall be provided for all partners, officers, and directors):

	<u>Name</u>	<u>Address</u>	<u>Phone</u>
Chairman:	Cathi Lynch	3016 Lethbridge La Williamsburg, Va. 23185	757-565-0328

Organization: Junior Women's Club of Williamsburg, Inc.
P.O. Box 1117 Williamsburg, Va. 23187

2. Location of gathering (exact location of the premises at which the outdoor gathering is planned, including all land to be used for parking or other uses incidental to the gathering):

Williamsburg/Jamestown Airport
100 Marclay Road 23185

The property adjacent to the airport along with the parking lot. This site will accommodate adequate space and parking for 5000 people

3. Name, address, phone number of property owner of the premises. Be sure to attach a lease, license, or contract from the owner of such property authorizing or permitting such use.

<u>Name</u>	<u>Address</u>	<u>Phone</u>
Williamsburg - Jamestown Airport Jean + Larry Whittrip	100 Marclay Rd. Wmsbg, Va. 23185	229-68555

4. Description of the type of outdoor gathering; including the names and addresses of the expected performers:

A fundraiser to benefit local charities through the Junior Woman's Club. The event will include live music, food (to be sold by selected vendors) and beverages (including wine and beer) will be sold.

5. Date(s) and time(s) for gathering - please provide a detailed schedule of events (attach additional pages as necessary):

May 30th, 1997
6-10 p.m.

6. An estimate of the minimum and maximum number of customers, spectators, participants and other persons expected to attend the outdoor gathering for each day it is conducted. Also include the total number of tickets to be offered for sale.

We estimate 1200 in attendance
We will offer 1500 tickets for sale.


7. Financial statements. Attach financial statements of the promoter or financial backers sufficient to give assurance of the ability of such persons to meet the conditions of the permit and respond in damages which may arise out of the outdoor gathering. Liability insurance information may be substituted as an alternative.

See liability insurance attached.

B. Site Plan

Attach a site plan showing:

1. The areas for performances or activities and grandstands or seats, showing the location of all aisles for pedestrian travel and other crowd-control measures.
2. All physical facilities existing or to be constructed on the premises, including, but not limited to, fences, ticket booths, grandstands, and stages.
3. The location, capacity and nature of all temporary lighting, sound and public address systems. Include estimate Db(A) at perimeter of premises.
4. The location, capacity, and nature of all temporary water, toilet, and all other public health-related facilities.
5. Vehicle ingress, egress, and parking plan. Attach maps or plans showing means of access to the premises, including freeways and local roads and parking areas. Demonstrate the feasibility of handling the projected amount of vehicular and pedestrian traffic entering or leaving the premises. Be sure to show emergency vehicle access routes.



 APPROVAL: Chief of Police




 APPROVAL: Fire Chief

C. Service Plan

1. Security and Protection Plan. At least one off-duty County Sheriff's deputy or policeman shall be in attendance during all performances for each 500 expected attendees approved in the permit. Describe the plan for adequate security and protection.

A minimum of four security guards will be provided. We will also hire 2 off-duty police officers.

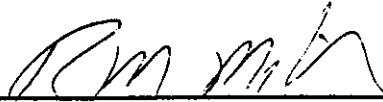
Applicants will obtain Alcohol permits from state ABC.



 APPROVAL: Chief of Police

7. Medical and first-aid facilities plan.

Station # 3 is 3 minutes away.



APPROVAL: Emergency Medical Services Director

8. Communications Plan.

The airport facility has a communications system. A cellular phone will also be on the premises for use



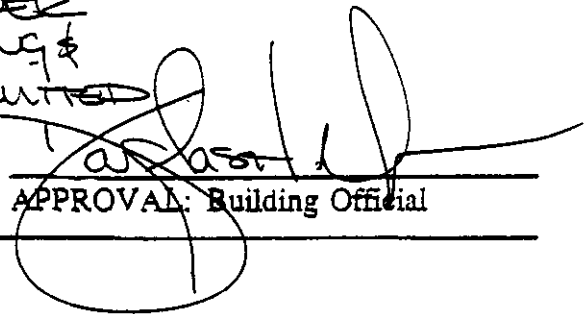
APPROVAL: Emergency Services Coordinator

9. Consistency with Zoning Ordinance.


APPROVAL: Zoning Administrator

10. Consistency with Building Code and Regulations.

PERMITS FOR TENTS, TEMP. POWER & MISC. ITEMS REQ'D. SITE DWG & TENT LAYOUTS MUST BE SUBMITTED FOR REVIEW

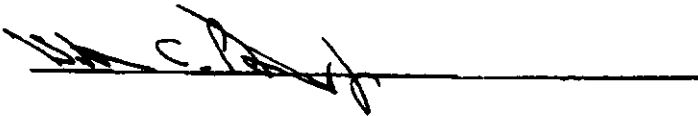


APPROVAL: Building Official

For Office Use:

Date Application Received: 2/97

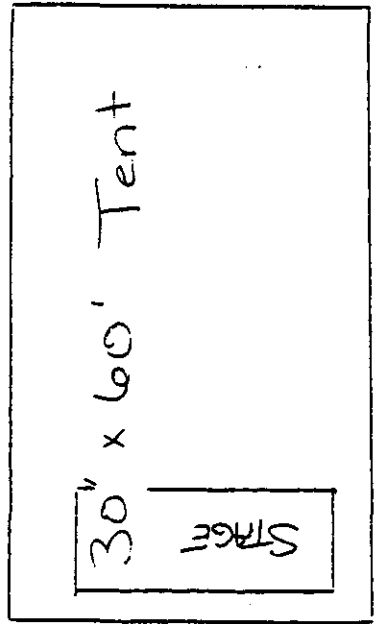
Reviewed by Assistant County Administrator



4/25/97
Date

PARKING IN THE FIELD

FRIDAY POLICE
CATHY LYNETT
WK 020-020-157M
HW 565-0328



Entrance

TICKET SALES

Williamsburg Winery

Beer Truck

Food Vendors

FOOD VENDORS

FOOD VENDORS

Williamsburg / Jamestown Airport + Building

VEHICLE PARKING LOT

Beer Truck

Park-O-Johns (10)

Grass

Rope

Rope

Williamsburg-Jamestown Airport, Inc.

100 Marclay Road
Williamsburg, Virginia 23185

Larry T. Waltrip, President.

February 19, 1997

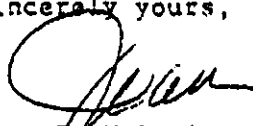
To: James City County Board of Supervisors

This letter is to state that the Williamsburg-Jamestown Airport gives the Junior Women's Club of Williamsburg permission to stage FRIDAY FROLICS on May 30, 1997, at 100 Marclay Road.

Enclosed is a copy of our Certificate of Liability Insurance.

We are looking forward to this event and if you have any questions, please contact me at 757 229-9256.

Sincerely yours,



Jean I. Waltrip
Airport Manager
Williamsburg-Jamestown Airport

Enclosure



NATIONAL UNION
FIRE INSURANCE COMPANY
OF PITTSBURGH, PA.
INCORPORATED IN PENNSYLVANIA
100 MARKET STREET, NEW YORK, N.Y. 10038



DECLARATIONS - COMMERCIAL GENERAL LIABILITY AVIATION POLICY

Policy Number: AP 3380432-03

Previous Policy Number: AP 3380432-02

This policy is issued by the company as indicated by an "X" in the box to the left of the company's name.

- AMERICAN HOME ASSURANCE COMPANY
- NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA.
- THE INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA

ITEM 1. Named Insured: **WILLIAMSBURG - JAMESTOWN AIRPORT, INC. AND LARRY WALTRIP AND W-70, INC.**

Mailing Address: 100 Marclay Road
Williamsburg, Virginia 23185

ITEM 2. Policy Period: From August 16, 1996 to August 16, 1997, 12:01 a.m. standard time at your mailing address shown above. In return for the payment of premium, and subject to all terms of this policy we agree to provide insurance as stated in this policy.

Named Insured is [D] A. Individual B. Corporation C. Partnership D. Municipality

Business Description: Fixed Base Operator Interest: Owner

Audit Period: Annual unless otherwise stated.

ITEM 3. In return for the payment of premium, and subject to all the terms of this Policy, we agree with you to provide insurance as stated in this Policy.

Coverage

Limits of Insurance

Commercial General Liability Coverage

General Aggregate Limit

(other than Products/Completed Operations) \$ Not Applicable

Products/Completed Operations Aggregate Limit \$ 1,000,000.

Personal and Advertising Injury Aggregate Limit \$ Not Covered

Each Occurrence Limit \$ 5,000,000.

Fire Damage Limit (any one fire) \$ Not Covered

Medical Expense Limit (any one person) \$ Not Covered

Hangarkeeper's Liability Coverage

Each Aircraft Limit \$ 100,000.

Each Loss Limit \$ 200,000.

Deductible

(each aircraft) \$ 250. TOTAL ADVANCE PREMIUM \$ 3,900.

ITEM 4. Location of premises owned, rented to or occupied by the Named Insured at the beginning of the Policy Period: **Williamsburg - Jamestown Airport**
Williamsburg, Virginia

ITEM 5. Endorsements and forms forming a part of this policy on its effective date:
CGL01, AV209, AV214, AV219, SE52172

Producer A.W. Hargrove Insurance Agency, 10321 Washington Hwy., Glen Allen, VA 23069

Countersigned _____ 19_____

At _____

By _____

(Authorized Representative)

- AIG Aviation, Inc.**
- AIG Aviation Insurance Services
- AIG Aviation (Canada), Inc.
- AIG Aviation (Illinois) Corporation
- AIG Aviation (Texas), Inc.

Approved By _____

(Authorized Representative)