

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 21ST DAY OF DECEMBER, 1999, AT 7:02 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

**A. ROLL CALL**

Jack D. Edwards, Chairman, Berkeley District  
David L. Sisk, Vice Chairman, Roberts District

John J. McGlennon, Jamestown District  
Ronald A. Nervitt, Powhatan District  
M. Anderson Bradshaw, Stonehouse District  
Sanford B. Wanner, County Administrator  
Frank M. Morton, III, County Attorney

**B. PUBLIC COMMENT**

1. Mr. R. M. Hazelwood, Jr., Toano, thanked the individual Board members for their service through past years.

2. Mr. Ed Oyer, 139 Indian Circle, spoke of budget comparisons by State and thanked the Board for its public service.

**C. PRESENTATIONS**

1. Chairman's Award 1999

Mr. Edwards read a resolution recognizing the Neighborhood Connections program as recipient of the 1999 Chairman's Award and presented gift certificates to: Renee Dallman, Veronica Nowak, Barbara Watson, Vicki Sprigg, Vaughn Poller, Barbara Coughlan, Deborah Merritt, Larry Foster, Madeleine Conway, Orlando Caraballo, Anita Taylor, Caroline Rhodes, Jill Schmidle, Mike Gentry, and Seth Benton.

Mr. Edwards presented a Bonus Chairman's Award resolution recognizing the entire staff of James City County to County Administrator Sanford B. Wanner.

Mr. Edwards invited the outgoing members of the Board to speak.

Mr. Bradshaw stated that he was honored to have served with the Board and staff during the past two years and to have been a part of the decision making process in a meaningful and rewarding way.

Mr. Sisk stated that he had enjoyed working with the Board and staff, representing County citizens, meeting surrounding area officials, and serving on committees. He expressed appreciation to the County citizens and his family for the opportunity to serve.

Mr. Edwards expressed thanks to the voters, to all County citizens interested in public policy, to an excellent staff, to the Boards for listening and the willingness to be persuaded, and to his wife for her support. He concluded that he had been very fortunate to serve.

2. FY 1999 Audit - KPMG LLP

Ms. Suzanne Mellen, Accounting Supervisor, introduced Ms. Elizabeth Foster of KPMG LLP who presented a brief review of the unqualified audit findings of the financial statements and reported that the County had received the highest standard of an unqualified opinion and no findings of any material deficiencies. Ms. Foster also reported that a change in the government reporting model would be forthcoming, effective date of implementation, June 30, 2002. This change would change the way the audit would be presented.

3. Rural Lands Study Committee - Primary Principles Report

Mr. Jeff Barra, member of the Rural Lands Study Committee, identified the Committee's primary principles for rural lands in the County: enable rural property owners to keep their property and/or receive fair value for it; maintain the historic, educational, cultural, aesthetic, and environmental character of rural lands; ensure that future residential development is compatible with the County's rural character; strengthen the health of agricultural enterprises and home based businesses in rural lands; foster the economic health of those businesses in the rural setting that contribute to the character of the rural lands; and foster cooperative relationships between rural citizens and other County residents, recognize our differences and promote synergy, empathy, and understanding.

Mr. Barra asked the Board for guidance on the future direction and focus for the Committee.

Board discussion ensued, with Mr. Nervitt asking that staff schedule a work session on the primary principles soon.

The Committee was encouraged to continue its work.

**D. HIGHWAY MATTERS**

Mr. James Brewer, Williamsburg Area Assistant Resident Engineer, Virginia Department of Transportation (VDOT), expressed pleasure of working with the Board.

Mr. McGlennon thanked VDOT for attending the community meeting on the replacement of Lake Powell Bridge on Jamestown Road (Route 31) and asked about the status of the bridge repair.

Mr. McGlennon stated that debris at the intersection of Brookwood Drive and Lake Powell Road (Route 617/618) was affecting the drainage and asked for removal of that debris.

Mr. Bradshaw asked for a traffic study on the need for a left-turn lane on the westbound Route 60 median at Oakland subdivision.

Mr. Bradshaw asked VDOT to check if guard rail would be appropriate at the steep decline near the stormwater facility on Forge Road (Route 610) near the intersection of Lakeview (Route 776).

Mr. Edwards asked for a review of the traffic signal timing at Mounts Bay Road and Route 199 to relieve traffic backup.

Mr. Nervitt asked whether extension of the right-hand turn lane at Mounts Bay Road and Route 199 was a stability of shoulder problem, and what would be the cost of installation.

**E. CONSENT CALENDAR**

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

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

On a roll call, the vote was: AYE: Nervitt, Sisk, McGlennon, Bradshaw, Edwards (5). NAY: (0).

1. Minutes of November 23, 1999, Regular Meeting and December 1, 1999, Work Session
2. Williamsburg Community Health Foundation Grant

**RESOLUTION**

**WILLIAMSBURG COMMUNITY HEALTH FOUNDATION GRANT**

WHEREAS, the Board of Supervisors of James City County, Virginia has been requested to appropriate funds and approve a part-time, limited-term, one-year position within the budget of Communications and Neighborhood Connections for the Block Buddies Coordinator using Health Foundation grant funds.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approve a one-year, part-time, limited-term position beginning January 1, 2000, for the Block Buddies Coordinator and authorizes the following appropriation of additional funds within the FY 2000 Budget.

Revenues:

From the Williamsburg Community Health Foundation	<u>\$15,000</u>
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Expenditures:

Block Buddies Coordinator	\$ 7,425
Administrative costs and supplies	<u>7,575</u>
	<u>\$15,000</u>

3. Juvenile and Domestic Relations Court Grant for Pilot Mediation ProgramRESOLUTIONJUVENILE AND DOMESTIC RELATIONS COURT GRANTFOR PILOT MEDIATION PROGRAM

WHEREAS, the Board of Supervisors of James City County, Virginia, has been requested to appropriate funds and approve a part-time other, one-year position within the budget of the Juvenile and Domestic Relations (JDR) Court for the Custody Visitation Mediation pilot program using State Justice Institute grant funds.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves a part-time other position from January 1, 2000, to July 31, 2000, for a Deputy Clerk and authorizes the following appropriation of funds within the FY 2000 Budget.

Revenues:

From the State Justice Institute	<u>\$17,309</u>
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Expenditures:

Deputy Clerk	\$ 3,619
Mediation Services	<u>13,690</u>
	<u>\$17,309</u>

4. Ironbound Square Community Development Block Grant and Appropriation of FundsRESOLUTIONAUTHORIZATION TO SIGN COMMUNITY DEVELOPMENT BLOCK GRANTAGREEMENT AND APPROPRIATION OF FUNDS

WHEREAS, the James City County Board of Supervisors authorized by resolution on April 13, 1999, the submission to the Virginia Department of Housing and Community Development (VDHCD) of an application for a Community Development Block Grant (CDBG) for the Ironbound Square Residential Revitalization Project; and

WHEREAS, James City County has been notified of the award of \$982,000 of CDBG funds in two multiyear phases and has undertaken all actions required by DHCD prior to entering into an agreement to receive the CDBG funds.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to sign the Community Development Block Grant Agreement with the Virginia Department of Housing and Community Development.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the Budget, as adopted for the fiscal year ending June 30, 2000, as follows:

Revenues:

Community Development Block Grant (Phase One)	<u>\$482,000</u>
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Expenditures:

Ironbound Square Residential Revitalization Project	<u>\$482,000</u>
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BE IT FURTHER RESOLVED that the appropriation of funds for the CDBG Project be designated a continuing appropriation, to carry beyond FY 2000 until the Ironbound Square Residential Revitalization Project is completed.

**RESOLUTION**

**LOCAL BUSINESS AND EMPLOYMENT PLAN**

WHEREAS, James City County has been awarded a Community Development Block Grant of \$982,000 for the Ironbound Square Residential Revitalization Project; and

WHEREAS, Section 3 of the Housing and Urban Development Act of 1968 specifies that low-income project area residents and businesses should be utilized to the greatest extent feasible, and further requires that recipients of Community Development Block Grant funds must adopt and act in accordance with a written Local Business and Employment Plan Funds.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby adopt the attached Local Business and Employment Plan.

**RESOLUTION**

**HOUSING REHABILITATION PROGRAM GUIDELINES**

**AND RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION PLAN**

WHEREAS, the Virginia Department of Housing and Community Development requires that a locality, which utilizes Community Development Block Grant Funds for housing rehabilitation, replacement housing, and relocation assistance, have Program Guidelines adopted by its governing body.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopts the attached Housing Rehabilitation Program Guidelines and Residential Anti-Displacement and Relocation Plan as the policies that shall govern the provision of housing rehabilitation, replacement housing, and relocation assistance financed with Community Development Block Grant Funds.

BE IT FURTHER RESOLVED, that the Housing Rehabilitation Program Guidelines also govern the provision of housing rehabilitation assistance financed with funds from the Revolving Rehabilitation Loan Fund.

5. Award of Bids for the Planting and Maintenance of the Interchanges at Route 199/Longhill Road and Route 199/Route 60 (Lightfoot)

**RESOLUTION**

**BID AWARD - PLANTING AND MAINTENANCE OF THE INTERCHANGE**

**AT ROUTE 199 AND LONGHILL ROAD**

- WHEREAS, James City County has publicly advertised for a competitive bid to landscape the Route 199 and Longhill Road interchange; and
- WHEREAS, two firms submitted bids for the landscaping project with Virginia Turf Management submitting the low bid of \$61,400 for Item 1 of the contract.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the contract for Item 1 to the low bidder, Virginia Turf Management, in the amount of \$61,400.

**RESOLUTION**

**BID AWARD - PLANTING AND MAINTENANCE OF THE INTERCHANGE**

**AT ROUTE 199 AND ROUTE 60 (LIGHTFOOT)**

- WHEREAS, James City County has publicly advertised for a competitive bid to landscape the Route 199 and Route 60 (Lightfoot) interchange; and
- WHEREAS, one firm submitted bids for the landscaping project with Micor Sprinkler System submitting a bid of \$65,134.63 for Item 1 of the contract.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the contract for Item 1 to Micor Sprinkler System in the amount of \$65,134.63.

6. Department of Motor Vehicles Grant Award

**RESOLUTION**

**DEPARTMENT OF MOTOR VEHICLES GRANT AWARD**

- WHEREAS, the Department of Motor Vehicles has approved two grants to provide \$22,500 to the Police Department for equipment and selective enforcement overtime to combat the problem of Driving Under the Influence; and
- WHEREAS, the grants only require a soft money local match, thus eliminating any additional spending by the Police Department, excluding court overtime and equipment maintenance.

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

Revenues:

Grant: Department of Motor Vehicles \$22,500

Expenses:

Police Department \$22,500

**F. PUBLIC HEARINGS**

1. Case No. SUP-25-99. Williamsburg Heating and Air Conditioning

Mr. Christopher M. Johnson, Planner, stated that Mr. Brian D. Johnson had applied for a special use permit to allow the construction of approximately 1,500 square feet of office and storage space for heating and air conditioning equipment and supplies on 3.81 acres, zoned A-1, General Agricultural, located at 8876 Richmond Road, further identified as Parcel No. (1-7C) on James City County Real Estate Tax Map No. (11-1).

Staff determined that the application was inconsistent with the Rural Lands land use designation and would encourage further commercial development on adjacent undeveloped properties. Staff recommended denial of the application.

The Planning Commission, by a vote of 4-3, recommended approval with conditions listed in the resolution.

Board and staff discussed location of drainfield; buffers; and whether applicant residing on property would affect staff's recommendation.

Mr. Edwards opened the public hearing.

1. Mr. Walker Ware, 5004 River Drive, stated support for the applicant and that the market demands commercial businesses on the Route 60 corridor from Anderson's Corner to New Kent County line.

2. Mr. Brian Johnson, 115 Fairmount Drive, applicant, stated that his business would provide a service needed in the upper County, 60 percent residential/40 percent commercial, he had agreed to conditions, but disagreed that the driveway entrance should be commercial. He asked the Board to support his family business.

3. Ms. Angela Martin, 8863 Richmond Road, spoke in favor of Mr. Johnson's business as an asset to the community.

4. Ms. Joyce Hedrick, 9113 Richmond Road, stated support for the applicant and that having the business close by for quick response was needed.

5. Mr. Fred Dolan, 221 Cornell Drive, Newport News, stated Mr. Johnson was highly professional and asked the Board to consider Mr. Johnson's request fairly.

6. Mr. Don Hazelwood, 8630 Richmond Road, spoke of Mr. Johnson's excellent integrity and expressed his desire for the wooded area to stay in its natural state.

7. Mr. Ed Oyer, 139 Indian Circle, spoke in favor of the family owned property and business rather than having to pay rent.

8. Mr. R. M. Hazelwood, Jr., Toano, stated that he was a close neighbor and would not oppose the business.

Mr. Edwards closed the public hearing.

Mr. Sisk made a motion to approve the resolution.

Board members discussed that the a commercial entrance would be required by VDOT; concerns that other unknown businesses might be there in the future; and the precedent set by approval of this permit.

Staff requested time to allow for discussion of revised language for the resolution.

Mr. Edwards declared a recess at 9:12 p.m.

Mr. Edwards reconvened the Board into open session at 9:25 p.m.

Mr. John T. P. Horne, Manager of Development Management, read language to be added to the Now, Therefore, Be It Resolved paragraph following SUP-25-99 - to be limited to a contractor's office, storage of materials and equipment, and repairs all to be contained or conducted within the building.

Mr. Sisk made a motion to approve the inclusion of the language in the resolution.

On a roll call, the vote was: AYE: Nervitt, Sisk, McGlennon, Bradshaw, Edwards (5). NAY: (0).

Mr. Bradshaw made a motion to delete the last two sentences in Condition No. 5.

On a roll call, the vote was: AYE: Nervitt, Sisk, McGlennon, Bradshaw, Edwards (5). NAY: (0).

On a roll call on the original motion, the vote was: AYE: Nervitt, Sisk, Bradshaw (3). NAY: McGlennon, Edwards (2).

## RESOLUTION

### CASE NO. SUP-25-99. WILLIAMSBURG HEATING AND AIR CONDITIONING

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

WHEREAS, a contractor's office and storage of heavy equipment are specially permitted uses of the A-1, General Agricultural, zoning district; and

WHEREAS, the Planning Commission of James City County, following its public hearing on November 1, 1999, recommended approval of Case No. SUP-25-99 by a vote of 4 to 3 to permit the construction of a 1,500-square foot office and storage facility for heating and air conditioning equipment and supplies on Parcel No. (1-7C) on James City County Real Estate Tax Map No. (11-1).



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-25-99 to be limited to a contractor's office, storage of materials and equipment, and repairs, all to be contained or conducted within the building with the following conditions:

1. The applicant shall, within 180 days of approval of this special use permit, submit a site plan depicting the structure, entrance, driveway and parking area or the special use permit shall become void.
2. The location, design, and size of the parking area shall be approved by the Director of Planning prior to final site plan approval and shall contain no more than eight parking spaces.
3. Any freestanding sign shall be ground mounted, monument style, limited to a maximum of 16 square feet and shall be approved by the Director of Planning. The sign shall not be internally illuminated, but may be externally illuminated upon the approval of the Director of Planning.
4. All lighting shall be directed so as not to produce glare on any adjacent property or public right-of-way. All lighting shall be luminaries mounted horizontally and shall have recessed fixtures with no bulb, lens or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in a manner that all light will be directed downward and the light source is not visible from the side. Modifications may be approved by the Planning Director if it is determined that the modifications do not have any negative impact on the property or surrounding properties.
5. An undisturbed 150-foot wooded buffer shall be maintained from the edge of the road right-of-way except for a single driveway and utilities.
6. Any structures on the property shall be limited to a total of 2,000 square feet. Such structures shall have a gable roof and be constructed of brick or vinyl, wood or aluminum siding with a clapboard design. The design and materials for the structure shall be approved by the Director of Planning.
7. Buffers along the eastern and western sides of the property shall be a minimum of 30 feet in width and shall contain enhanced landscaping as approved by the Director of Planning.
8. If a Certificate of Occupancy for this project has not been obtained within 24 months from the date of issuance of this permit, this permit shall be void.
9. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

2. Case No. ZO-13-99. R-8, Rural Residential District

Ms. Tamara A. M. Rosario, Senior Planner, stated that the R-8, Rural Residential zoning district was reviewed by the Planning and legal staff and revisions developed in response to State code changes which would take effect on January 1, 2000.

Staff determined that raising the minimum lot size in R-8 to three acres would be comparable to the requirement in A-1, and would retain R-8 as a transition zone, meet the requirements of the State code and bring the district into compliance with the Comprehensive Plan.

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

Ms. Rosario also stated that staff recommended approval of the Zoning Ordinance transition resolution.

Mr. Edwards opened the public hearing.

1. Mr. R. M. Hazelwood, Jr., Toano, spoke in opposition to the Zoning Ordinance revisions.

2. Mr. Mark Ailsworth, Williamsburg Community Builders, spoke in opposition that in essence the ordinance would rezone 11,000 County acres and the revisions would increase sprawl and automobile dependency.

3. Mr. Walker Ware, 5004 River Drive, spoke in opposition to the further restriction on private property owners.

Mr. Edwards closed the public hearing.

Mr. Sisk made a motion to deny the ordinance.

On a roll call, the vote was: AYE: Sisk (1). NAY: Nervitt, McGlennon, Bradshaw, Edwards (4).

Mr. Bradshaw made a motion to approve the ordinance.

Mr. Nervitt spoke of concerns of growth and availability of water source and made a motion to propose five acre minimum lot size .

Mr. Frank M. Morton, III, County Attorney, stated that the public hearing advertisement was for minimum lot size of three acres.

Mr. Nervitt withdrew the motion.

Mr. Edwards made a motion to delete b and c of Section 24-350.

On a roll call, the vote was: AYE: Nervitt, Sisk, McGlennon, Edwards (4). NAY: Bradshaw (1).

On a roll call on the original motion with amendment, the vote was: AYE: Nervitt, Sisk, McGlennon, Bradshaw, Edwards (5). NAY: (0).

Mr. Edwards made a motion to approve the Zoning Ordinance transition resolution.

On a roll call, the vote was: AYE: Nervitt, Sisk, McGlennon, Bradshaw, Edwards (5). NAY: (0).

**RESOLUTION**

**ZONING ORDINANCE TRANSITION**

WHEREAS, the Board of Supervisors is considering comprehensive revisions and amendments to sections of Chapter 24, Zoning, of the Code of the County of James City, Virginia, as described in Case No. ZO-13-99; and

WHEREAS, the orderly transition from the existing zoning regulations to revised regulations requires a transition period to affect changes in law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, grandfathers proposed developments which meet the criteria identified below under the regulations in effect prior to the December 21, 1999, adoption of the comprehensive revisions to the James City County Zoning Ordinance as described in Case Nos. ZO-13-99, if one or more of the following are met:

1. A proposed development with proffered conditions that:
  - a. define the permitted densities or number of lots or dwelling units; or
  - b. were accepted by the County after July 1, 1990, which included a requirement for the dedication of real property of substantial value, or substantial cash payments for or construction of substantial public improvements, the need for which was not generated solely by the rezoning itself; or
2. A subdivision which has received preliminary subdivision approval on or before December 21, 1999; or
3. A site plan which has received preliminary site plan approval on or before December 21, 1999.
4. A proposed development with a valid special use permit issued on or before December 21, 1999.

3. **FY2000-2005 Six-Year Secondary Road Construction Plan**

Mr. Matthew W. Maxwell, Senior Planner stated that no significant changes in traffic count volumes or road conditions had occurred since last year. He briefly presented the description of projects by priority.

In concurrence with staff, the Planning Commission unanimously recommended approval of the FY 2000-2005 Six-Year Secondary Road Plan and funding schedule.

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

Mr. Bradshaw made a motion to approve the resolution.

On a roll call, the vote was: AYE: Nervitt, Sisk, McGlennon, Bradshaw, Edwards (5). NAY: (0).

**RESOLUTION****FY 2000 - 2005 SIX-YEAR SECONDARY ROAD PLAN**

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the FY 2000 - 2005 Secondary Roads Priority List and Plan and authorizes the County Administrator to approve VDOT budgets consistent with the approved Plan.

4. **Case No. SUP-10-99. James City Service Authority Warhill Gravity Sewer Extension**

Mr. Christopher Johnson, Planner, stated that the applicant had requested deferral until the January 11, 2000, Board of Supervisors meeting.

Mr. Edwards opened the public hearing and deferred the case until the January 11, 2000 Board of Supervisors meeting.

5. **Sale of Four Lots in Temple Hall**

Mr. Richard B. Hanson, Housing and Community Development Administrator, stated that authorization was requested for the sale of four County owned lots in Temple Hall Estates, properties the County originally acquired for the Ware Creek Reservoir, to Longhouse Village Associates, which will construct homes for first time home buyers through the Affordable Housing Incentive Program.

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

Discussion focused on impact on future Dirt Street Capital Budgets.

Mr. Nervitt made a motion to approve the resolution.

On a roll call, the vote was: AYE: Nervitt, Sisk, McGlennon, Bradshaw, Edwards (5). NAY: (0).

**RESOLUTION****SALE OF FOUR PARCELS****IN TEMPLE HALL ESTATES**

WHEREAS, the County owns certain real property commonly known as 107 Louise Lane, 115 Hazelwood Avenue, 237 Louise Lane, and 155 Louise Lane, all in the Stonehouse District, and designated on the Tax Map respectively as parcels (12-2)(3-33); (12-2)(4-3); (13-1)(2-33); and (13-1)(2-20) (the "Property"); and

WHEREAS, Longhouse Village Associates desires to purchase the Property to construct homes with sales prices not to exceed \$90,000, for first-time homebuyers approved by the County's Office of Housing and Community Development; and

WHEREAS, the Board of Supervisors of James City County, following a public hearing, is of the opinion that it is in the public interest to sell the Property to Longhouse Village Associates.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to execute deeds and such other documents as may be necessary to convey the Property to Longhouse Village Associates, with such necessary assurances that affordable homes will be built on the Property and sold to first-time homebuyers approved by the County's Office of Housing and Community Development.

#### G. BOARD CONSIDERATIONS

1. Case Nos. Z-5-99 and SUP-15-99. Armstead/Taylor

Ms. Tamara A. M. Rosario, Senior Planner, stated that the cases had been deferred at the November 23, 1999, Board of Supervisors meeting. She reiterated that Mr. Henry Stephens of Associated Developers, Inc., on behalf of the estate of Fred Taylor, Frederick L. Taylor, the estate of Cornelius Taylor, Bliss E. Armstead and Karen T. Armstead, had applied to rezone 27.86 acres from R-8, Rural Residential, and R-5, Multifamily Residential, to R-2, General Residential, and for a special use permit to allow residential development of 50 lots, density 1.79 dwelling units per acre, located at 5400 and 5440 Centerville Road and the rear portions of 5386, 5390, and 5450 Centerville Road, north of D. J. Montague Elementary School, further identified as Parcel Nos. (1-33) and (1-36), and the rear portions of (1-42), (1-43), and (1-34) on James City County Real Estate Tax Map No. (31-3).

Staff determined the proposal was consistent with surrounding zoning and development, current policies of the Board of Supervisors and with provisions of the Comprehensive Plan, although the school capital cost impacts have not been fully mitigated.

In concurrence with staff, the Planning Commission by a 7-0 vote, recommended approval of the cases with conditions listed in the resolution.

Board members discussed the Adequate Public Schools Facilities Test and asked for a work session for review of that policy.

Without Board objection, Mr. Edwards invited the applicant to respond to water conservation.

Mr. Henry Stephens, applicant, stated that the pilot program of ten percent reduction in total water usage per capacity use of drought resistant landscape plantings was discussed with Mr. Larry Foster of James City Service Authority.

Mr. Sisk made a motion to approve the cases.

Board members spoke of support for the water conservation program, perhaps creating new standards for developers and stated a concern that 50 lots rather than 38 would impact schools.

On a roll call, the vote was: AYE: Sisk, McGlennon, Bradshaw, Edwards (4). NAY: Nervitt (1).

**RESOLUTION****CASE NO. Z-5-99. ARMSTEAD/TAYLOR REZONING**

- WHEREAS, in accordance with §15.2-2204 of the Code of Virginia, and Section 24-15 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-5-99 for rezoning approximately 25 acres from R-8, Rural Residential, and approximately 2.86 acres from R-5, Multifamily Residential, to R-2, General Residential, with proffers; and
- WHEREAS, the Planning Commission of James City County, following its public hearing on November 1, 1999, recommended approval of Z-5-99, by a vote of 7 to 0; and
- WHEREAS, the property rezoned is identified as Parcel Nos. (1-33) and (1-36) and a portion of Parcel Nos. (1-42), (1-43), and (1-34) on James City County Real Estate Tax Map No. (31-3).
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-5-99.

**RESOLUTION****CASE NO. SUP-15-99. ARMSTEAD/TAYLOR REZONING**

- WHEREAS, the Board of Supervisors of James City County has adopted by Ordinance specific land uses that shall be subjected to a special use permit process; and
- WHEREAS, the Planning Commission of James City County, following its public hearing on November 1, 1999, recommended approval of SUP-15-99, by a vote of 7 to 0, to permit the construction of single-family homes in accordance with the R-2, General Residential, provisions of the James City County Zoning Ordinance, further identified as Parcel Nos. (1-33) and (1-36) and a portion of Parcel Nos. (1-42), (1-43), and (1-34) on James City County Real Estate Tax Map No. (31-3).
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-15-99 as described herein with the following conditions:
1. **Master Plan.** The plan of development shall be generally consistent with the "Master Plan of Development with Rezoning Request" prepared for Associated Developers, Inc., by AES Consulting Engineers, April 1999 and revised August 1999 ("Master Plan") as determined by the Director of Planning.
  2. **Density.** There shall be no more than 50 dwelling units on the property.
  3. **Streetscapes.** The Owner shall provide and install streetscape improvements along both sides of all streets in accordance with the Streetscape Guidelines Policy. The streetscape improvements shall be shown on the plan of development and submitted for approval to the Director of Planning.
  4. **Archaeology.** 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 areas. All Phase I, Phase II and Phase III studies shall meet the Virginia Department of Historic Resources' *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.

5. Pedestrian System. The Owner shall provide and construct a sidewalk along one side of all roads in the subdivision and along the subdivision's frontage with Centerville Road. A sidewalk shall be provided along Centerville Road adjacent to any turn lanes and associated improvements required by the Virginia Department of Transportation. An eight-foot wide paved trail shall be constructed within a 20-foot public access easement generally in the location shown on the Master Plan. A six-foot wide soft surface or unpaved pedestrian trail system shall be constructed generally in the location shown on the Master Plan. The Director of Planning shall review and approve the final design and location of the trails prior to construction. The sidewalks and trails shall be constructed prior to issuance of Certificates of Occupancy for any residence adjacent to the sidewalks and trails.
6. Recreation. A minimum of 1.16 acres of landscaped recreation area shall be provided in a manner generally consistent with the location and design shown on the Master Plan. The final design and location shall be reviewed and approved by the Director of Planning prior to construction. Recreational improvements to be provided in the recreation area shall include a gazebo or bandstand, playground, barbecue grill, picnic tables, one acre of open lawn, and a sidewalk. The playground shall include a minimum of five pieces of equipment for a variety of activities, including climbing, sliding, and swinging. Said recreation facilities shall be installed prior to the issuance of the first Certificate of Occupancy for more than twenty-five homes.
7.
  - a. Bike Lane along Property. The Owner shall construct a five-foot wide Virginia Department of Transportation ("VDOT") standard shoulder bike lane along the front of the property adjacent to Centerville Road.
  - b. Additional Bike Lane along Centerville Road. If turn lanes or other road, drainage, or utility improvements are required by VDOT along either side of Centerville Road ("Centerville Road Improvements"), then the Owner shall either construct an additional five-foot wide VDOT standard shoulder bike lane along the Centerville Road Improvements, as required by the Planning Director,

or construct the Centerville Road Improvements in such a way that subsequent installation of the bike lane shall not require relocation of the Centerville Road Improvements. The intent is that the County will only need to add base material and pavement for the additional bike lane.

- c. Approvals. In any event, the construction of the required bike lanes shall be completed or bonded prior to final subdivision approval.
8. Traffic Study Implementation. The access to the development shall be in the approximate location shown on the master plan of development. The Owner shall commission, at its expense, and provide to both the County and VDOT, a traffic study for the entrance on Centerville Road prior to final subdivision approval. The traffic study shall address the requirements, if any, of a turn lane(s) at the entrance based on the traffic generated by the total permitted number of dwelling units on the property and the anticipated background traffic on Centerville Road at the full build out stage. After review and approval of the traffic study by both the County and VDOT prior to final subdivision approval, the Owner shall, if not previously constructed by others, construct said turn lane(s) 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 building permits for the prescribed number of dwelling units on the property warranting such turn lane(s); however, at any time prior to the construction of the required turn lane(s), the Owner, VDOT or the County may request an updated analysis of turn lane warrants, based on the then current traffic volumes and standards, to determine the continued necessity of constructing the turn lane(s). If such subsequent analysis is approved and indicates that any of said turn lane(s) are no longer necessary, the Owner shall be under no obligation to construct the unnecessary turn lane(s) and the appropriate portion of any corporate surety or cash bond previously posted by the Owner for the same shall be returned.
9. Revegetation along Centerville Road. Where the implementation of turn lanes, utilities, drainage structures, or other improvements along Centerville Road causes the removal of trees, the Owner shall revegetate the area adjacent to the improvements with a combination of trees and shrubs to achieve a level of two trees per 400 square feet of landscape area. A minimum of fifty-percent of the trees shall be evergreen. A planting plan with an implementation schedule shall also be submitted for approval by the Director of Planning.
10. Landscaping in the Centerville Road right-of-way buffer. Enhanced landscaping, defined as being 133 percent of the Zoning Ordinance requirements for right-of-way buffers, shall be required in the Centerville Road right-of-way buffer. A planting plan shall be submitted for approval by the Director of Planning.
11. Landscaping in the perimeter buffer. In the areas of the perimeter buffer that area non-wooded, the Owner shall plant two trees per 400 square feet of landscape area. A minimum of fifty percent of the trees shall be evergreen.
12. Entrance. The entrance to the subdivision shall be constructed in such a manner that there is no median unless required by VDOT.
13. Utilities. Prior to final subdivision approval, the Owner shall commission, at its expense, and provide to both the County and the James City Service Authority



(JCSA), a study verifying the existing sewage pumping station's capacity to serve the development. If the capacity is not available, the study shall address any improvements necessary to increase the capacity to a level sufficient to serve the development. After review and approval of the study by both the County and JCSA prior to final subdivision approval, the Owner shall, if not previously constructed by others, construct the identified improvements to the sewage pumping station or guarantee the construction of the same with corporate surety or cash bond in accordance with the applicable standards of the County and JCSA all prior to the issuance of building permits for the prescribed number of dwelling units on the property warranting such improvements. In addition, the Owner shall acquire any easement(s) necessary for the off-site sanitary sewer line prior to final subdivision approval.

14. Time limit. If construction of the development has not commenced within a period of twenty-four months from the date of issuance of this special use permit, this permit shall become void. Construction shall be defined as clearing, grading, or excavation for the development.
15. Severability. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

2. Case No. SUP-18-99. Olde Towne Road Timeshares

Ms. Jill E. Schmidle, Planner, stated that the case had been deferred at the November 23, 1999, Board of Supervisors meeting, and the applicant had requested indefinite deferral.

Mr. Edwards, in granting the requested deferral, stated that staff should contact interested citizens when the case was brought back to the Board of Supervisors for action.

3. Go Karts Plus: Entrance Relocation

Mr. Paul D. Holt, III, Senior Planner, stated that Mr. Robert Miller applied to rezone approximately 3.84 acres from A-1, General Agricultural, to B-1, General Business, abutting the existing Go Karts Plus facility located at 6910 Richmond Road at which time Virginia Department of Transportation recommended the installation of a commercial entrance aligned with the existing crossover.

Mr. Holt stated that Mr. Miller had requested that the main entrance not be relocated. He further stated that staff concurred after consulting with the Police Department and discussing the issue with VDOT, which preferred leaving the existing entrance.

Staff recommended approval of the resolution.

Without objection, the Board allowed the applicant to speak.

Mr. Robert Miller, President and owner of Go Karts Plus, requested approval of leaving the entrance at its current location.

Mr. Sisk made a motion to approve the resolution.

On a roll call, the vote was: AYE: Nervitt, Sisk, McGlennon, Bradshaw, Edwards (5). NAY: (0).

**RESOLUTION****GO KARTS PLUS; ENTRANCE RELOCATION**

WHEREAS, on February 21, 1995, the James City County Board of Supervisors approved Case No. Z-10-94 and Case No. SUP-34-94 for an expansion of the existing Go Karts Plus facility located at 6910 Richmond Road, on property further identified as Parcel No. (1-18) on the James City County Real Estate Tax Map No. (24-3); and

WHEREAS, a condition of approval of Case No. SUP-34-94 states that: "this special use permit shall expire in five years from its issuance unless the applicant constructs a new, commercial grade, main entrance at the crossover in front of the new amusement site within five years from the issuance of the special use permit. When the new entrance is opened, the existing main entrance which served the original Go Karts Plus site shall be closed. During the five-year period, the applicant can ask the Board of Supervisors to examine the need for a new entrance. It shall be the responsibility of the applicant to demonstrate to the Board of Supervisors that a new entrance at the crossover is not warranted;" and

WHEREAS, the Virginia Department of Transportation does not deem the location of the existing entrance to be a safety problem and aligning the entrance with the existing median crossover will actually cause the entrance to be located closer to a substantial curve in the road where there is currently a 55 m.p.h speed limit which may have the effect of decreasing sight line distances.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that a relocation of the entrance to align with the existing median crossover is not warranted.

4. **New Government Center Design Contract**

Mr. Bernard M. Farmer, Capital Projects Administrator, stated that authorization was requested to amend the design contract for design of a new facility at the Government Center, with Daniel Mann Johnson and Mendenhall (DMJM) in the amount of \$349,061.

Staff recommended approval.

Board members asked whether the Board would have input in the design process.

Mr. Sanford B. Wanner, County Administrator, stated that a work session would be scheduled early in the new year.

Mr. McGlennon made a motion to approve the resolution.

On a roll call, the vote was: AYE: Nervitt, Sisk, McGlennon, Bradshaw, Edwards (5). NAY: (0).

**RESOLUTION****CONTRACT AUTHORIZATION, DANIEL MANN JOHNSON AND MENDENHALL**

WHEREAS, Daniel Mann Johnson and Mendenhall was competitively selected to be the design firm for the Government Center Facilities Plan and expansion design; and

WHEREAS, work for the Master Plan has been completed and fees successfully negotiated for the design effort necessary for an additional building as recommended by the Master Plan; and

WHEREAS, sufficient funds are available within the Government Center Master Plan Capital Budget for this contract.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator or his designee to execute the necessary contract documents for the Government Center expansion building design in the total amount of \$349,061.

5. Scenic Easement Acquisition - Claybank Landing, L.L.C.

Mr. John T. P. Horne, Manager of Development Management, stated that authorization was requested for acquisition of a 25-year terminable easement, 100 feet in width, located at 1670 and 1671 John Tyler Highway, west of Brickbat Road, from Claybank Landing, LLC. He further stated that the purchase price was \$50,000 for approximately 6.2 acres of easement area, plus \$700 to reimburse cost incurred by Claybank Landing.

Staff recommended approval of the resolution.

Mr. Nervitt made a motion to approve the resolution.

Mr. Bradshaw stated his concern with setting a precedent of buying a temporary easement and the price per acre was not a good use of taxpayer dollars.

On a roll call, the vote was: AYE: Nervitt, Sisk, McGlennon, Edwards (4). NAY: Bradshaw (1).

**RESOLUTION**

**AUTHORIZING ACQUISITION OF 100 FOOT TERMINABLE**

**EASEMENT ALONG STATE ROUTE 5**

WHEREAS, the Board of Supervisors of James City County, Virginia wish to protect the natural vista of State Route 5, John Tyler Highway; and

WHEREAS, certain timbering and land clearing is likely to occur on property commonly known as 1670 and 1671 John Tyler Highway and designated as Parcel No. (01-0-0001) on James City County Real Estate Tax Map No. (43-2) (the "Property"); and

WHEREAS, Claybank Landing, L.L.C., the property owner, and St. Laurent Forest Products Corp., the timbering company, are willing to sell a 25-year easement to James City County to preserve in a natural state a 100-foot deep buffer along the right-of-way for State Route 5, John Tyler Highway.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator, Sanford B. Wanner, to pay \$50,700 to acquire a 25-year easement to preserve a 100-foot buffer along State Route 5 and to execute such documents on behalf of the County necessary to effect this transaction.

**H. PUBLIC COMMENT - None****I. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Wanner announced the County was prepared for Year 2000 and that the Emergency Operations Center would be open and manned by emergency operations staff; he extended best wishes to the three members who would leave the Board on December 31, 1999; and following a James City Service Authority Board of Directors meeting, recommended a recess until 4:00 p.m., Monday, January 3, 2000, for the Board of Supervisors organizational meeting.

**J. BOARD REQUESTS AND DIRECTIVES**

Mr. Nervitt stated had head learned from this Board and appreciated serving with the outgoing Board members.

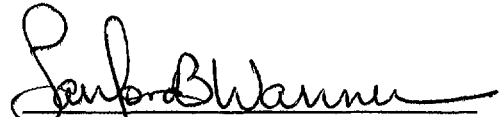
Mr. McGlennon expressed his sentiments individually to Messrs. Bradshaw, Sisk, and Edwards.

Mr. Edwards stated that this Board was the best he had served on because it was open for reasoning, arguments, and possible persuasion.

Mr. Edwards made a motion to recess until Monday, January 3, 2000, at 4:00 p.m., as recommended by the County Administrator.

On a roll call, the vote was: AYE: Nervitt, Sisk, McGlennon, Bradshaw, Edwards (5). NAY: (0).

The Board recessed at 11:45 p.m.

  
Sanford B. Wanner  
Clerk to the Board

000013916

**PROFFER AGREEMENT**

THIS PROFFER AGREEMENT made and entered into this 5th day of November, 1999, by and among the Heirs at Law of FRED TAYLOR SR. ("Taylor"), FREDERICK L. TAYLOR ("F. Taylor"), BLISS E. ARMSTEAD ("Armstead"), WARHILL CORPORATION ("WarHill") and ASSOCIATED DEVELOPERS, INC., a Virginia corporation ("Associated"), in favor of JAMES CITY COUNTY, VIRGINIA, a municipal corporation (the "County").

**RECITALS:**

- A. Taylor and F. Taylor are the owners of certain real property containing 10.62 acres located in James City County, Virginia, more particularly described on Exhibit A attached hereto; Armstead is the owner of certain real property containing approximately 14.24 acres, by current survey and originally described as 16 1/8 acres as set forth on Exhibit B; and Warhill is the owner of certain real property containing approximately 6.66 acres, more particularly described on Exhibit C, of which 3 acres is to be conveyed to Associated with all three parcels containing together approximately 27.86 acres, with all of said property being hereinafter described as the "Property".
- B. Associated has entered into contracts with Taylor, F. Taylor, Armstead and Warhill for the purchase of the Property, which is conditioned upon the re-zoning of the Property.
- C. Armstead, Taylor, F. Taylor, Warhill and Associated have submitted an application for the re-zoning to the County as Case #Z-5-99 and also known as Case #SUP 15-99.

NOW, THEREFORE, for and in consideration of the approval by the County of the re-zoning and pursuant to Section 15.2-2297, et seq. of the Code of Virginia, 1950, as amended, and Section 24-16 of the Zoning Ordinance of James City County, Associated, Taylor, F. Taylor, Armstead and Warhill agree that they shall meet and comply with all of the following conditions in developing and improving the Property. In the event the requested re-zoning is not approved by the County, these proffers shall become null and void and the Property shall maintain its current zoning.

- 1a. Bike Lane Along the Property. Associated, as the developer and owner, shall construct a five (5) foot wide Virginia Department of Transportation ("VDOT") standard shoulder bike lane along the front of the Property adjacent to Centerville Road.
- 1b. Additional Bike Lane Along Centerville Road. If turn lanes are required by VDOT along either side of Centerville Road, then Associated, as the developer and owner, shall construct a five (5) foot wide VDOT standard shoulder bike lane along and adjacent to the turn lanes, as required by the Planning Director. In addition, any road, drainage or utility improvements Required by VDOT along Centerville Road not adjacent to turn lanes constructed by Associated (the "Centerville Road

JUL 24 8 03 50

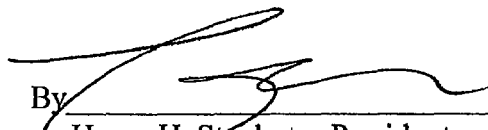
Improvements"), shall be constructed in such a way that subsequent installation of a bike lane along Centerville Road shall not require the relocation of the Centerville Road Improvements, as required by the Planning Director.

- 1c. Approvals. The construction of the bike lanes required hereunder shall be completed or bonded prior to final subdivision approval.
2. Associated, as the developer, agrees to make a voluntary cash contribution in the amount of \$50,000.00 to mitigate capital cost impacts of the proposed development, with \$25,000.00 payable one (1) year from the date of final subdivision approval and \$25,000.00 payable two (2) years from the date of final subdivision approval. The payments due hereunder will be secured by an irrevocable letter of credit issued by a bank and in a form acceptable to the County Attorney issued at the time of the final subdivision approval.
3. Associated, as the developer, agrees that the Declaration of Covenants, Conditions and Restrictions applicable to the lots in the proposed development shall provide for the establishment of an Architectural Review Board ("ARB") and that the ARB shall be responsible for developing standards to be approved by the James City Service Authority and subsequently for enforcing these standards. The standards shall address such water conservation measures as the installation and use of irrigation systems and irrigation wells, the use of landscaping, and the use of water saving fixtures to promote water conservation and minimize the use of public water and public water resources. The standards shall be approved by the James City Service Authority prior to final subdivision approval.

This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, successors and assigns. This Agreement may be executed in various counterparts with all such counterparts taken together constituting and being enforceable as one single instrument.

WITNESS the following signatures and seals:

ASSOCIATED DEVELOPERS, INC.

By   
Henry H. Stephens, President

JUL 24 8 03 51

## HEIRS OF FRED TAYLOR SR.

N/A  
Beulah Taylor

Frederick L. Taylor

Pearl Taylor  
✓ Pearl Taylor

Robert K. Taylor  
✓ Robert K. Taylor

Stanley E. Taylor  
✓ Stanley E. Taylor

Anni M. Taylor  
✓ Anni M. Taylor

Norma T. White  
Norma T. White

Louise T. Martin  
Louise T. Martin

Avi Taylor  
✓ Avi Taylor

N/A  
Emma Taylor

JUL 24 8 03 52

HEIRS OF FRED TAYLOR SR.

N/A  
Beulah Taylor

Frederick L Taylor  
Frederick L. Taylor

Pearl Taylor  
✓ Pearl Taylor

Robert K Taylor  
✓ Robert K. Taylor

✓ Stanley E. Taylor

Ann M Taylor  
✓ Ann M. Taylor

Norma T White  
Norma T. White

Louise T. Martin  
Louise T. Martin

Avi Taylor  
✓ Avi Taylor

N/A  
Emma Taylor

JUL 24 8 03 53



*Esther T. Love*  
\_\_\_\_\_  
Esther T. Love

JUL 24 8 03 54


268f

Bliss E. Armstead  
Bliss E. Armstead

JUL 24 8 03 55

2689

WARHILL CORPORATION

By   
Its PRESIDENT

185237

JUL 24 8 03 56

STATE OF VIRGINIA

CITY/COUNTY OF Newport News, To Wit:

Acknowledged and sworn to before the undersigned Notary Public this 5<sup>th</sup>  
day of November, 1999, by Henry H. Stephens, President  
of Associated Developers, Inc.

Carol Lynn Andrew  
Notary Public

My commission expires: May 31, 2000

JUL 24 8 03 57

STATE OF VIRGINIA

CITY/COUNTY OF Newport News, To Wit:

Acknowledged and sworn to before the undersigned Notary Public this 15<sup>th</sup>  
day of November, 1999, by Frederick L. Taylor

Carol Lynn Anderson  
Notary Public

My commission expires: May 31, 2000

JUL 24 8 03 58

268j

STATE OF VIRGINIA

CITY/COUNTY OF James City County, To Wit:

Acknowledged and sworn to before the undersigned Notary Public this 19<sup>th</sup>  
day of November, 1999, by Pearl Taylor.

Carol Lynn Andrews  
Notary Public

My commission expires: May 31, 2000

JUL 24 8 03 59

STATE OF VIRGINIA


CITY/COUNTY OF James City County, To Wit:Acknowledged and sworn to before the undersigned Notary Public this 19<sup>th</sup>  
day of November, 1999, by Robert K. Saylor.Carol Lynn Andrews  
Notary PublicMy commission expires: May 31, 2006

JUL 24 2003 0360

STATE OF VIRGINIA

CITY/COUNTY OF NEWPORT NEWS, To Wit:

Acknowledged and sworn to before the undersigned Notary Public this 19<sup>th</sup>  
day of November, 1999, by STANLEY E. TAYLOR.

  
\_\_\_\_\_  
Notary Public

My commission expires: 3/31/2000

JUL 24 8 03 61



STATE OF VIRGINIA

CITY/COUNTY OF James City County, To Wit:Acknowledged and sworn to before the undersigned Notary Public this 19  
day of November, 1999, by Ann M. Taylor.Carol Lynn Andrews  
Notary PublicMy commission expires: May 31, 2000

JUL 24 8 03 62

STATE OF VIRGINIA

CITY/COUNTY OF JAMES CITY, To Wit:

Acknowledged and sworn to before the undersigned Notary Public this 22<sup>nd</sup>  
day of November, 1999, by NORMA T. WHITE & LOUISE T. MARTIN.



Notary Public

My commission expires: 3/31/2000

JUL 24 8 03 63

STATE OF VIRGINIA

CITY/COUNTY OF James City County, To Wit:Acknowledged and sworn to before the undersigned Notary Public this 19<sup>th</sup>  
day of November, 1999, by Ani L. Taylor.Carol Lynn Andrews  
Notary PublicMy commission expires: May 31, 2000

JUL 24 8 03 64

STATE OF VIRGINIA

CITY/COUNTY OF Newport News, To Wit:Acknowledged and sworn to before the undersigned Notary Public this 15  
day of November, 1999, by Esther J. LoweLaral Lynn Anderson  
Notary PublicMy commission expires: May 31, 2000

JUL 24 8 03 65

STATE OF VIRGINIA

CITY/COUNTY OF James City County, To Wit:

Acknowledged and sworn to before the undersigned Notary Public this 19  
day of November, 1999, by Bliss E. Armstrong

Carol Lynn Andrew  
Notary Public

My commission expires: May 31, 2000

JUL 24 8 03 66

STATE OF VIRGINIA

CITY/COUNTY OF JAMES CITY County, To Wit:

Acknowledged and sworn to before the undersigned Notary Public this 22<sup>nd</sup>  
day of November, 1999, by William M. Lee, PRESIDENT WARHILL CORPORATION

  
\_\_\_\_\_  
Notary Public

My commission expires: 3/31/2001

JUL 24 8 03 67

EXHIBIT A

All that certain lot, piece or parcel of land, situate, lying and being in James City County, Virginia, containing 10.262 acres, being more particularly described as follows: Commencing at a n iron stob in the southerly right of way of Centerville Road which is the common corner with the property of Frederick L. Taylor, and from said point of beginning thence running along the southerly side of Centerville Road in a northeasterly direction with a curve having a radius of 2112.47' and a length of 117.66' to an iron pin in the common corner of the property of Roosevelt White and thence running the following courses and distances: S. 63° 57' 40" E, 297.66' to a point; thence N. 26° 02' 20" E, 173.64' to a point; thence S. 68° 59' 55" E, 358.71' to a point; thence N. 43° 53' 55" E, 150.00' to a point; thence S. 68° 59' 54" E, 110.51' to a point; thence S. 13° 59' 58" W, 417.63' to a point; thence S. 17° 16' 53" W, 365.78' to a point; thence N. 55° 34' 18" W, 74.72' to a pine stump; thence N. 61° 28' 13" W, 282.54' to a point; thence N. 60° 33' 15" W, 447.70' to a point; thence N. 29° 26' 45" E, 2246.39' to a point; thence N. 66° 51' 46" W, 210.00' to the point or place of beginning.

185242

JUL 24 8 03 68

**EXHIBIT B**

All that certain tract or parcel of land situate in Jamestown District, James City County, Virginia, containing sixteen and one-eighth (16 1/8) acres of land, but sold in gross and not by acre. Bounded on the West by land of the Fred Taylor estate; on the North by land known as the Centerville Tract, now owned by the War Hill Corporation and by property of Burton Woods; on the East by land formerly owned by the Jeremiah Wallace estate, now of the War Hill Corporation; and on the South by land formerly owned by the Bedford Pulp and Paper Co., now of Jeremiah Wallace and William Wallace estates.

185387

JUL 24 8 03 69



EXHIBIT C

All that piece of land containing 3.0 acres being the rear or southerly portion of a parcel containing 6.66 acres, located in Berkeley District, James City County, Virginia, fronting 210 feet on Route 614 adjacent to some land of Cora Lee Green to the south and by land of William Spencer Minor to the north, shown and designated on the survey plat thereof dated September 27, 1969, made by L. V. Woodsen Associates, engineers and surveyors, entitled, "A SURVEY FOR CONVEYANCE-WILLIAM SPENCER MINOR, et ux TO WILLIAM M. LEE, PART OF THE GEORGE W. MINOR TRACT LYING IN BERKELEY DISTRICT, JAMES CITY COUNTY, VIRGINIA", attached to that certain deed dated February 13, 1979 and recorded in the Clerk's Office of the Circuit Court for the County of James City, Virginia in Deed Book 192, page 125. This is the same land of which Gladys Lucille Marston Minor died intestate, on or about September 20, 1946, seized of a one-half interest.

Being the same property conveyed to War Hill Corporation by deed dated February 13, 1979 and recorded in the aforesaid Clerk's Office in Deed Book 192, page 125.

LESS AND EXCEPT 0.048± acres conveyed to the Commonwealth of Virginia by deed dated May 13, 1993 and recorded in the aforesaid Clerk's Office in Deed Book 619, page 403.

JUL 24 E 03 70

181938

VIRGINIA: City of Williamsburg and County of James City, to-wit:

This Offer Agreement was presented with certificate annexed and admitted to record on 24 July, 2000, at 2:20 PM, in the Clerk's Office of the Circuit Court of the City of Williamsburg and County of James City.

TESTE: BETSY B. WOOLRIDGE, CLERK

BY: Betsy B. Woolridge Deputy Clerk

DEC 21 1999

ORDINANCE NO. 31A-202

BOARD OF SUPERVISORS  
JAMES CITY COUNTY  
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE V, DISTRICTS, DIVISION 8, RURAL RESIDENTIAL DISTRICT, R-8, SECTION 24-348, PERMITTED USES; SECTION 24-349, USES PERMITTED BY SPECIAL USE PERMIT ONLY; SECTION 24-350, AREA REQUIREMENTS; AND SECTION 24-351, SETBACK REQUIREMENTS; BY ADDING SECTION 24-357, BMP REQUIREMENTS; AND SECTION 24-358, BUFFER REQUIREMENTS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article V, Districts, Division 8, Rural Residential District, R-8, Section 24-348, Permitted uses; Section 24-349, Uses permitted by special use permit only; Section 24-350, Area requirements; and Section 24-351, Setback requirements; by adding Section 24-357, BMP requirements; and Section 24-358, Buffer requirements.

Chapter 24. Zoning

Article V. Districts

Division 8, Rural Residential District, R-8

**Sec. 24-348. Permitted uses.**

In the Rural Residential District, R-8, structures to be erected or land to be used shall be for the following uses:

Accessory apartments in accordance with section 24-32.

Accessory buildings and structures.

Accessory uses, as defined herein.

Ordinance to Amend and Reordain  
Chapter 24. Zoning  
Page 2

~~General~~ Agriculture, dairying, forestry, general farming and specialized farming, excluding the raising of hogs, but not commercial livestock or poultry operations which require a special use permit in the General Agricultural District, A-1.

Communication towers and tower mounted wireless communication facilities, up to a height of 35 feet.

Farmers' markets, limited in area to 2,500 square feet.

Home occupations, as defined herein.

Horse and pony farms of less than 50 animals (including the raising and keeping of horses), riding stables.

House museums.

~~Houses of worship and cemeteries accessory thereto.~~

Nurseries.

Off-street parking as required by section 24-53.

Petroleum storage on a farm as an accessory use and not for resale.

Preserves and conservation areas for protection of natural features and wildlife.

Rest homes for fewer than 15 adults.

~~Retreat facilities.~~

~~Site-built~~ Single-family detached dwellings ~~and modular homes.~~

Slaughter of animals for personal use but not for commercial purposes.

Storage and repair of heavy equipment as accessory use to a farm.

~~Subdivisions of land into not more than five residential lots (lots created shall not be further subdivided if the number of lots created from a parcel existing on October 6, 1986, and subdivisions thereof, together with the proposed subdivision, exceed five lots).~~

Timbering in accordance with section 24-43.

Water impoundments, new or expansion of, less than 20 acres and with dam heights of less than 15 feet.

Wayside stands for seasonal sale of agricultural products, limited in area to 500 square feet.

Ordinance to Amend and Reordain  
Chapter 24. Zoning  
Page 3

Wineries, as herein defined, including a shop for retail sale of wine, but not including other commercial accessory uses.

Wireless communications facilities that utilize alternative mounting structures, or are building mounted, or are camouflaged, and comply with division 6, Wireless Communications Facilities.

**Sec. 24-349. Uses permitted by special use permit only.**

In the Rural Residential District, R-8, structures to be erected or land to be used for the following uses shall be permitted only after the issuance of a special use permit approved by the board of supervisors in accordance with the procedures, guides and standards of sections 24-9 and 24-10 and such other guides and standards as may be contained in this chapter:

Airports and landing fields, helistops or heliports and accessory uses.

~~Animal hospitals, veterinary offices and kennels hospitals.~~

~~Beauty shops, barber and beauty shops and drug stores.~~

Campgrounds.

Cemeteries and memorial gardens, not accessory to a church or other place of worship.

Commercial livestock or poultry operations for more than 100 slaughter or feeder cattle, 70 dairy cattle, 250 swine, 1,000 sheep, lambs, goats or similar animals, 50 horses, 10,000 chickens, or 5,500 turkeys or ducks.

Communication towers over 35 feet in height.

Community recreation facilities, public or private, including parks, playgrounds, clubhouses, boating facilities, swimming pools, ball fields, tennis courts, and other similar recreation facilities, but not those approved as a part of a planned unit development.

Convenience stores; if fuel is sold, then in accordance with section 24-38.

~~Day care and child day care centers.~~

~~Drug stores.~~

Electrical generation facilities (public or private), electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more.

Excavation or filling, borrow pits, extraction, processing and removal of sand and gravel and stripping of top soil (but not farm pond construction, field leveling or stripping of sod for agricultural purposes and

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excavations in connection with development which has received subdivision or site plan approval, which activities do not require a special use permit).

Family care homes, foster homes or group homes serving physically handicapped, mentally ill, mentally retarded or other developmentally disabled persons for more than five such persons.

Farm equipment sales and service establishments.

Farmers' markets over 2,500 square feet.

Feed, seed and farm supplies.

Fire stations or rescue squad stations, volunteer or otherwise.

Fish farming and aquaculture.

Flea markets, temporary or seasonal.

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

Food processing and storage in a residence.

Gift shops, antique shops.

Golf courses, and country clubs.

Greenhouses, commercial.

Group quarters for agricultural workers.

Home care facilities.

Horse and pony farms with 50 or more animals.

Horse show areas, polo fields.

Hospitals or clinic for humans.

Hotels and motels.

Houses of worship and cemeteries accessory thereto.

Hunting clubs.

Kennels.

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Lodges, civic clubs, fraternal organizations or ~~and~~ service clubs.

Manufacture and sale of wood products.

Manufactured home parks.

Manufactured homes in accordance with section 24-107 and section 24-108 not located within the primary service area.

Medical clinics ~~or offices~~.

~~Neighborhood Resource Centers~~

Nursing homes.

Photography, artist and sculptor studios.

Photography sales and arts and crafts shops.

Post offices and public buildings generally.

~~Professional, business, and governmental~~ ~~and professional~~ offices.

Radio and television stations or towers.

Railroad facilities including tracks, bridges, switching yards and stations. However, spur lines, which are to serve and are accessory to existing or proposed development adjacent to existing railroad right-of-ways, and track and safety improvements in existing railroad right-of-ways, are permitted generally and shall not require a special use permit.

Raising of hogs.

Rental of rooms to a maximum of three rooms.

Rest homes for 15 or more adults.

Restaurants, taverns.

Retail shops associated with community recreation facilities.

~~Retreat facilities~~

Sanitary landfills in accordance with section 24-40, waste disposal or publicly owned solid waste container sites.

Schools, libraries, museums and similar institutions.

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Seminaries.

~~Subdivisions of land into more than five residential lots.~~

Telephone exchanges and telephone switching stations.

Tourist homes.

Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, over 35 feet in height.

Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids. However, private extensions or connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit.

Two-family dwellings.

Utility substations.

Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment such as pumps to be owned and operated by political jurisdictions. However, ~~private connections to existing mains; with no additional connections to be made to the line, which are intended to serve an individual customer and which are accessory to existing or proposed development, and distribution lines and local facilities within a development, including pump stations; the following~~ are permitted generally and shall not require a special use permit:

- (a) ~~private connections to existing mains that are intended to serve an individual customer and are accessory to existing or proposed development, with no additional connections to be made to the line;~~
- (b) ~~distribution lines and local facilities within a development, including pump stations.~~

Water impoundments, new or expansion of, 20 acres or more or with dam heights of 15 feet or more.

Wayside stands for sale of agricultural products over 500 square feet in area.

Yacht clubs and marinas and commercial and service facilities accessory thereto.

**Sec. 24-350. Area requirements.**

- (a) ~~Minimum lot size. The minimum lot size shall be three acres, except for minor subdivisions as defined below.~~

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~~(b) **Minor subdivision.** For the purposes of this section, the term "minor subdivision" shall be defined as a division of a tract of land into not more than five lots abutting an existing public road within the transportation department road system and which does not create a new street or extend an existing street. Any contiguous property owned by the same subdivider, or deemed by the development review committee as a logical part of a contiguous subdivision cannot be subdivided into greater than five lots without meeting the density requirements.~~

~~(c) **Minimum lot size for minor subdivisions.** The minimum lot size for minor subdivisions shall be as follows:~~

- ~~(a) **1** Lots served by public water distribution and public sewage disposal systems shall have a minimum area of 30,000 square feet; however, lots intended for two-family dwellings and serviced by public water distribution and sewage disposal systems shall have a minimum area of 60,000 square feet.~~
- ~~(b) **2** Lots served by a public water distribution system or a public sewage disposal system but not both shall have a minimum area of 40,000 square feet; however, lots intended for two-family dwellings and served by a public water distribution system or a public sewage disposal system but not both shall have a minimum area of 60,000 square feet.~~
- ~~(c) **3** Lots served by individual water distribution and sewage disposal systems shall have a minimum area of 40,000 square feet; however, lots intended for two-family dwellings and served by individual water distribution and sewage disposal systems shall have a minimum area of 60,000 square feet.~~
- ~~(d) **4** These minimum sizes shall not apply to lots of less than 30,000 square feet recorded or legally in existence or for which preliminary approval has been obtained prior to the date of adoption of this article. Such lots of less than 30,000 square feet used for residential purposes shall be limited to one single-family residential use.~~

**Sec. 24-351. Setback requirements.**

Structures shall be located a minimum of 35 feet from any street right-of-way which is 50 feet or greater in width. ~~If~~ **Where** the street right-of-way is less than 50 feet in width, structures shall be located a minimum of 60 feet from the centerline of the street. This shall be known as the "setback line," except that the following shall apply:

- (1) Where 40 percent or more of frontage on one side of street within the same block is improved with buildings, no building shall project beyond the average front yard so established.
- (2) No building shall be required to have a front yard greater than that of one of two existing buildings on the immediately adjoining lots on each side, whichever is the farthest removed from the street.

(Note: Text crossed out was deleted by BOS members at their meeting.)



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- (3) All subdivisions platted and recorded prior to March 1, 1969, with building setback lines shown on their recorded plat, will be allowed to adhere to these established setback lines.

**Sec. 24-357. BMP requirements.**

To assure an appearance and condition which is consistent with the purpose of the Rural Residential District, R-8, structural BMPs serving the properties within the district shall comply with the landscaping regulations in article II, division 4 of this chapter.

**Sec. 24-358. Buffer requirements.**

(a) **Right-of-way buffer.** Within any major subdivision approved under this article, there shall be planned and maintained buffers along all external existing and planned arterial road rights-of-way, as follows:

- (1) The minimum right-of-way buffer on Community Character Corridor roads as defined in the Comprehensive Plan shall be 150 feet, except when the average lot depth of the parent parcel is less than 600 feet. In those cases, the required buffer shall be at a depth of 25 percent of the average lot depth.
- (2) The minimum right-of-way buffer on all non-Community Character Corridor roads shall be 75 feet, except when the average lot depth of the parent parcel is less than 300 feet. In those cases, the required buffer shall be at a depth of 25 percent of the average lot depth.
- (3) If the buffer is non-wooded as defined for the purpose of this article as having no mature trees, then a minimum of two trees per 400 square feet of area shall be planted with a minimum 50 percent of said trees being evergreen. Otherwise, the buffer shall remain undisturbed or supplemented with additional plantings to achieve the planting ratio stated above.

(b) **Perimeter buffers.** Within any major subdivision approved under this article, there shall be planned and maintained a perimeter buffer along the perimeter property lines of the development, except for areas adjacent to road rights-of-way. The minimum perimeter buffer shall be 35 feet. Landscaping guidelines for perimeter buffers shall follow the requirements in section 24-94(a) of this chapter.

(c) **Waiver provisions.** In instances where properties have more than a 300-foot average depth and are located along a Community Character Corridor, or in all instances of perimeter buffers, the planning commission may reduce the buffer depth requirements of this section for residential developments when:

- (1) The development is less than five acres and a majority of the development's units are dedicated to affordable housing; or

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(2) The developer demonstrates that due to natural or protected features, or due to adjoining physical features, a reduced buffer will screen the development as effectively as a full buffer; or

(3) The developer demonstrates that the development will be adequately screened and buffered from the road using berms and landscaping. Such a request shall be supplemented with a landscaping plan and/or planting plan with photos of the existing site.

In no case shall the right-of-way buffer be reduced by a waiver provision to less than 75 feet. The perimeter buffer shall not be reduced by a waiver provision to less than 20 feet. The planning commission may also, in the event of granting a waiver, require additional landscaping as determined on a case by case basis.

(d) Modifications to the landscape requirements. The planning commission may modify, permit substitutions, or permit transfer of required landscaping in accordance with the provisions set forth in article II, division 4 of this chapter.

(e) Requirements for buffers. All required buffers shall be exclusive of lots, remain free of structures and parking, and remain undisturbed, except for additional plantings and selective clearing approved by the director of planning or his designee. Soil stockpiles and staging areas shall not be permitted within any buffer, except that temporary soil stockpiles may be allowed upon approval by the planning commission under the following circumstances:

(1) The buffer in which the temporary stockpile is to occur is nonwooded, defined as having no mature trees.

(2) The stockpile should not be visible from a Community Character Corridor or Community Character Area, unless the soil stockpiling is needed for approved berming in that buffer.

(3) Stockpiles shall not exceed 35 feet in height.

(4) Stockpiles shall be temporary, with a time limit of six months.

(5) Once the use of the temporary soil stockpiles is completed, the ground must be adequately prepared for planting and revegetated in a manner that meets or exceeds the amount and quality of vegetation on the site previously.

(f) Limitations on stormwater management facilities within buffers. Wet ponds, dry detention basins, and other structural BMPs shall not generally be permitted in the buffers, except that the planning commission may approve them under the following circumstances:

(1) The need is necessitated by site conditions rather than economic factors; and

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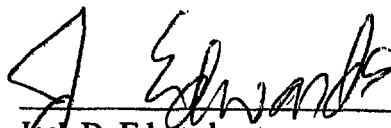
(2) The screening/buffering effect of the buffer has been retained by the design of the BMP and any degradation has been mitigated with additional plantings or berms as necessary.

(e) Improvements allowed within buffers. An entrance road, community and directional signage, bicycle and/or pedestrian paths, and utility connections and drainage improvements shall be permitted within the buffer with approval of the planning commission. Permitted utilities and constructed drainage conveyance systems shall cross the buffer at or near a perpendicular angle to the property line, with clearing kept to a minimum necessary to accommodate the utilities, except that minor improvements to natural drainage channels may be permitted at different angle to the property line upon the recommendation of the environmental director and the approval of the planning commission.

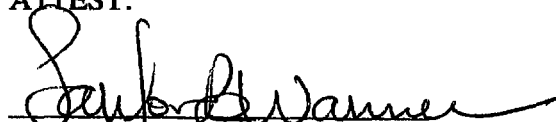
(h) Roads within buffers. Entrance roads through these buffers shall be built to the narrowest cross-section possible. Roads and open space shall be located and designed in a manner that minimizes views of structures within the development from the adjoining primary or secondary road as determined by the planning commission.

Secs. 24-357 ~~59~~ - 24-366. Reserved.

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\_\_\_\_\_  
Jack D. Edwards  
Chairman, Board of Supervisors

ATTEST:

  
\_\_\_\_\_  
Sanford B. Wanner  
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
NERVITT	AYE
SISK	AYE
MCGLENNON	AYE
BRADSHAW	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 21st day of December, 1999.

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