

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

September 12, 2000

7:00 P.M.

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AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 8TH DAY OF AUGUST, 2000, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

Ronald A. Nervitt, Chairman, Powhatan District
Bruce C. Goodson, Vice Chairman, Roberts District

John J. McGlennon, Jamestown District
Jay T. Harrison, Sr., Berkeley District
James G. Kennedy, Stonehouse District
Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

Mr. Wanner welcomed members of Boy Scout Troop 414 who were in the audience.

B. PLEDGE OF ALLEGIANCE

Mr. Bobby Dawson, a Sophomore at Williamsburg Christian Academy, led the Board and citizens in the Pledge of Allegiance.

C. PUBLIC COMMENT

1. Ms. Loretta Garrett, Chairperson of the 2000 James City County Fair Committee, presented Robert Key with a plaque noting the dedication of this year's fair to him for his dedicated service to the County as James City County Police Chief from 1983 to 2000.

2. Ms. Ethelyn Springs, 128 Ron Springs Drive, informed the Board of the number of homes on Ron Spring Drive; the amount of traffic off Magruder Avenue taking a short cut to Pocahontas Trail via Ron Springs Drive; the number of large trucks utilizing Ron Springs Drive; that children play near the road; and that Ron Springs Drive is not in the Six-Year Secondary Roads Plan and the residents cannot wait six years for the road to be upgraded and repaired.

Mr. Nervitt requested staff review the Six-Year Secondary Roads Plan and see if Ron Springs Drive can be moved to a higher priority position on the list.

3. Mr. Ed Oyer, 139 Indian Circle, stated the Board can only make public policy that has been permitted by the Virginia General Assembly. He stated that the County has only those powers given in the Code of Virginia and the James City County Charter and that neither a moment of silence and prayer are permitted nor are they a tradition in James City County.

4. Reverend M. O. Smith, P.O. Box 636, recommended prayer to the Board and read an excerpt from Romans 8.

5. Mr. Don Kimball, 6151 South Mayfair Circle, recommended the Board adopt invocation; expressed his disappointment about what has been written in the papers concerning prayer; encouraged the Board members to develop a personal position on prayer and bring that position to the discussion; and referred to the second chapter of 1 Timothy.

6. Reverend Bill Cashman, 218 Plains View Road, invited the Board to take a stand with the Country's forefathers by inviting the invocation; read an excerpt from the second chapter of 1 Timothy; stated the Supreme Court and Congress open their meetings with prayer; gave a historical look at prayer in James City County; and urged the Board to open meetings with a prayer, not a moment of silence.

7. Mr. Steven C. Smith, 5013 Hickory Signpost Road, provided the Board with a copy of a document called *America's First Legislative Prayer* and quoted from it.

D. CONSENT CALENDAR

Mr. Nervitt inquired if any Board member wished to remove an item from the consent calendar.

Mr. Goodson asked that Item Number 7, Purchasing Limits be removed.

Mr. McGlennon made a motion to approve the remaining items on the Consent Calendar.

On a roll call, the vote was: AYE: McGlennon, Harrison, Goodson, Kennedy, Nervitt (5). NAY: (0).

1. Minutes

a. July 10, 2000, Joint Work Session, James City County Board of Supervisors and the Planning Commission

_____ b. July 25, 2000, Regular Meeting, as corrected.

c. July 26, 2000, Work Session – AFDs and Open Burning

2. Dedication of Streets

a. Grove Hill Estates, Section 2

RESOLUTION

DEDICATION OF STREET IN GROVE HILL ESTATES, SECTION 2

WHEREAS, the street described on the attached Additions Form SR-5(A), fully incorporated herein by reference, is shown on a plat recorded in the Clerk's Office of the Circuit Court of James City County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, the County and the Virginia Department of Transportation have entered into an agreement on November 1, 1993, for comprehensive stormwater detention which applies to this request for addition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation to add the street described on the attached Additions Form SR-5(A) to the secondary system of State highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

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

- b. Governor's Land, River Reach Blocks A, B, and C

RESOLUTION

DEDICATION OF STREETS IN GOVERNOR'S LAND,

RIVER REACH BLOCKS A, B, AND C

WHEREAS, the streets described on the attached Additions Form SR-5(A), fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of James City County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, the County and the Virginia Department of Transportation have entered into an agreement on November 1, 1993, for comprehensive stormwater detention which applies to this request for addition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation to add the streets described on the attached Additions Form SR-5(A) to the secondary system of State highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

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

3. Conversion of Case Supervisor Position to Full-Time, Colonial Community Corrections

RESOLUTION

CONVERSION OF CASE SUPERVISOR POSITION TO FULL-TIME,

COLONIAL COMMUNITY CORRECTIONS

WHEREAS, the Department of Criminal Justice Services has provided additional funding to increase the hours of a Case Supervisors position from part-time to full-time; and

WHEREAS, James City County is the fiscal agent for Colonial Community Corrections.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the conversion of the Case Supervisor position from part-time limited term to full-time limited term.

4. The Virginia Peninsula Regional Jail Law Enforcement Retirement Benefit

RESOLUTION

THE VIRGINIA PENINSULA REGIONAL JAIL

LAW ENFORCEMENT RETIREMENT BENEFIT

BE IT HEREBY RESOLVED that the Board of Supervisors of James City County, Virginia, a political subdivision participating with the Virginia Peninsula Regional Jail, acting by and through its Board does hereby concur that the Jail, participating in the Virginia Retirement System under Title 51.1, Chapter 1, Article 5 of the Code of Virginia, as amended, may elect to have such employees of the Jail who are employed in positions as full-time salaried Jail Superintendents and Jail Officers and whose tenure is not restricted as to temporary or provisional appointment, to become eligible, effective January 1, 2001, to be provided benefits in the Virginia Retirement System equivalent to those provided for State police officers of the Department of State Police, as set out in Section 51.1-138 of the Code of Virginia, in lieu of the benefits that would otherwise be provided as such code has been or may be amended from time to time.

5. Grant-in-Aid Program Awards

RESOLUTION

GRANT-IN-AID PROGRAM AWARDS

WHEREAS, the James City County Board of Supervisors approved \$25,000 for the Grant-in-Aid Program in FY 2000 for community park projects; and

WHEREAS, three organizations to include Kristiansand Homeowners Association, the Junior Woman’s Club of Williamsburg, and Rawls Byrd Elementary School PTA are recommended for funding.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, approves the matching grant awards to the abovementioned organizations

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following expenditures:

Expenditures:

Grant-in-Aid Account (0130220900)	
Junior Woman’s Club of Williamsburg	\$3,500.00
Kristiansand Homeowners Association	\$2,262.75
Rawls Byrd Elementary School PTA	<u>\$3,000.00</u>
Total:	<u>\$8,762.75</u>

6. Award of Contract – Fire Ladder Truck Chassis

RESOLUTION

AWARD OF CONTRACT - FIRE DEPARTMENT LADDER TRUCK CHASSIS

WHEREAS, funds are available in the Capital Improvement Program Budget for rehabilitation of a 1972 ladder truck; and

WHEREAS, original equipment will be reused therefore bids for the rehabilitation must be limited to the original manufacturer of the fire ladder truck; and

WHEREAS, Aerialscope, Inc., provided a price quote of \$226,415.70.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the County Administrator to execute a contract between James City County and Aerialscope, Inc., in the amount of \$226,415.70.

7. Purchasing Limits

Ms. Carol O. Swindell, Assistant Manager of Financial and Management Services, stated the resolution presented to the Board increases the Purchasing and Contract approval limits for the County. The proposed limits, which have not been adjusted since 1984, are below the State’s purchasing limits guidelines. This adjustment will allow staff to focus its efforts on those purchases where they add value and would allow County staff more flexibility in buying goods and services.

Mr. Harrison asked what the current policy hindrances are which justify the changes in purchasing bids.

Ms. Swindell stated the staff time required to obtain the number of quotes for a small cost savings outweighs the savings and the proposed purchasing limits will allow staff to refocus its time more effectively.

Mr. Goodson made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: McGlennon, Goodson, Kennedy, Nervitt (4). NAY: Harrison (1).

RESOLUTION

JAMES CITY COUNTY PURCHASING LIMITS

WHEREAS, County staff has researched the current purchasing limits, determined they are outdated and not adequately meeting the County’s needs; and

WHEREAS, the County would like the Purchasing staff to focus on those purchases where they add value, producing faster turnaround time and more flexibility in purchasing goods and services; and

WHEREAS, County staff has reviewed Purchasing Limits in other localities as well as Virginia Public Procurement Law and has proposed adjustments to James City County’s existing Purchasing Limits.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the following Purchasing and Contract Approval limits for all James City County Purchasing activities.

3 Phone Quotes Required	\$1,001 - \$5,000
3 Written Quotes Required	\$5,001 - \$30,000
Sealed Bid or Proposal	Over \$30,000
County Administrator Approval Required for Contracts	Less than \$100,000
Board of Supervisors Approval Required for Contracts	\$100,000 or more

E. PUBLIC HEARINGS

1. Resolution Authorizing the Sale to York County of James City County’s Interest in Certain Property Associated with Joint Sanitary District No. 1

Mr. Wanner recommended the Board adopt the resolution authorizing the County Administrator to take actions necessary to accomplish the sale of James City County’s interest in the property associated with Joint Sanitary District No. 1, and authorizes the execution of such agreements or documentation as may be required to release of the sewage disposal plant property from the terms and conditions of the Joint Agreement.

The property, once released from the terms and conditions of the Joint Agreement, will allow York County to own the property without the encumbrance and restrictions placed upon it by virtue of the Joint Agreement between the Counties. York County will then utilize the property in connection with a major sewer extension project in the vicinity of Route 199.

A brief Board and staff discussion followed.

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

Mr. Goodson made a motion to approve the resolution.

On a roll call, the vote was: AYE: McGlennon, Harrison, Goodson, Kennedy, Nervitt (5). NAY: (0).

RESOLUTION

TO AUTHORIZE THE SALE TO YORK COUNTY OF

JAMES CITY COUNTY'S INTEREST IN CERTAIN PROPERTY ASSOCIATED

WITH SANITARY DISTRICT NO. 1

WHEREAS, the respective Boards of York County and James City County entered into an agreement dated October 20, 1960, subsequently amended by an agreement dated November 12, 1962, whereby the two jurisdictions agreed to the manner by which property would be acquired and utilized in connection with Sanitary District No. 1, created by an order of the York County Circuit Court; and

WHEREAS, the agreement, as amended, recognized that James City County had contributed 33 percent of the cost of acquiring certain real property designated as the site for a proposed sewage disposal plant, such property consisting of three parcels in York County identified as York County Tax Map Parcels 11-46, 11-47, and 11-48 ("the Sewage Disposal Plant Property"); and

WHEREAS, the parties agree the value of the three parcels is \$20,000; and

WHEREAS, the agreement, as amended, provided that no real property acquired for the purpose of constructing any portion of the proposed sewage collection and disposal system would be disposed of by the respective owners without a duly authorized resolution by both jurisdictions permitting such disposal; and

WHEREAS, it is the desire of this Board to sell James City County's Sewage Disposal Plant Property and for Sanitary District No. 1 to release the Sewage Disposal Plant Property from any obligations imposed by virtue of the terms and conditions of the above referenced agreement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, acting as the Board for James City County Sanitary District No. 1, authorizes the County of James City, Virginia, to sell for the sum of \$6,600 its interest in and to the Sewage Disposal Plant Property, and to release the subject property from the terms and conditions of the referenced agreement of October 20, 1960, as amended, by an agreement dated November 12, 1962; and

BE IT FURTHER RESOLVED that the Board of Supervisors for York County has, by Resolution dated July 19, 2000, agreed to purchase James City County's interest for the sum of \$6,600; and

BE IT FINALLY RESOLVED that the County Administrator be, and he hereby is, authorized and directed to take all actions necessary to accomplish the sale of James City County's interest in the subject property, and in connection therewith to execute such agreements or other documentation as may be required to evidence the release of the Sewage Disposal Plant Property from the terms and conditions of the agreements referenced above, any such documentation to be approved as to form by the County Attorney.

2. Case No. AFD-13-86. Gospel Spreading Church (Gilley Addition) 2000 Rees Property Withdrawal

Mr. Paul D. Holt, III, Senior Planner, stated that Mr. John Hughes and Ms. Francis S. Rees applied for the withdrawal of 81.88 acres, zoned R-8, Rural Residential, from Agricultural and Forestal District 13-86, Gospel Spreading Church (Gilley Addition) 2000 Rees Property, to create a five-lot subdivision, located at 537 Neck-O-Land Road and further identified as Parcel Numbers (25-1), (25-3), (25-4), and (25-5) on the James City County Real Estate Tax Map No. (47-3).

The applicant has previously submitted a subdivision plat to staff that shows the property being subdivided into a total of five lots. The applicant has sold a scenic easement, ranging from 200-300 feet in width, to the County in order to protect the viewshed from the Colonial Parkway.

Staff stated the proposed use is compatible with the Low Density Residential Land Use Designation of the Comprehensive Plan and the scenic easement protects the Colonial Parkway, which is designated a Community Character Corridor.

The Agricultural and Forestal Advisory Committee voted 7-0 to recommend approval of the withdrawal. The Planning Commission also recommended approval by a vote of 6-0.

The Board and staff held a discussion regarding the use of the property; potential for future subdivision of the property; and requirements for an AFD withdrawal.

Mr. Morton informed the Board that although the Board can attach conditions to the withdrawal of the property from an AFD, the Board may not attach conditions that would extend beyond the removal date of the property from the AFD.

Mr. Nervitt opened the public hearing.

1. Mr. Ed Oyer, 139 Indian Circle, asked Mr. Morton where the County's criteria for AFD withdrawal originate.

Mr. Morton stated the criteria is a Board policy.

As no one else wished to speak, Mr. Nervitt closed the public hearing.

Mr. Goodson made a motion to approve the resolution.

On a roll call, the vote was: AYE: McGlennon, Goodson, Kennedy, Nervitt (4). NAY: (0). ABSENT: Harrison.

3. Case No. SUP-19-99. Olde Towne Road Timeshares

Mr. Paul D. Holt III, Senior Planner, stated that Mr. Vernon M. Geddy, III, on behalf of the applicant, has made a written request for deferral of this case until September.

Without Board objection, Mr. Nervitt deferred the case until September 2000.

F. BOARD CONSIDERATION

1. Court Support Services Space

Mr. Wanner stated the resolution presented for Board consideration authorizes the County Administrator to negotiate a lease with Morton Thalhimer for 12,000 square feet of office space for the purpose of subleasing that space to the following court supported agencies: District and Local Court Services Units, Adult Probation, Colonial Community Corrections, and the Colonial Group Home Commission.

The property is zoned for offices, within walking distance of the Courthouse, and the building is expected to be ready for occupancy prior to December 2001.

A brief Board discussion followed regarding what agencies or departments would lease the building; location of the building; adequacy of space for CASA's relocation to the building; and current market costs of office rentals.

Mr. McGlennon made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: McGlennon, Harrison, Goodson, Kennedy, Nervitt (5). NAY: (0).

RESOLUTION

COURT SUPPORT SERVICES SPACE

WHEREAS, a proposal to build a building to lease space to the County, submitted by Morton Thalhimer, has been received; and

WHEREAS, Court support agencies to include the District and Local Court Services Units, Adult Probation, Community Corrections, and the Group Home Commission have expressed an interest to relocate near the Courthouse.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to negotiate the lease of approximately 12,000 square feet of office space near the Courthouse.

H. PUBLIC COMMENT

1. Mr. Oscar Blayton, 115 Chinkapin Lane, inquired if a developer has been identified in connection with the building for the court support office space and if the RFP had been advertised.

Mr. Morton stated the Request for Proposal had been publicly advertised two times and staff received two proposals.

2. Mr. Ed Oyer, 139 Indian Circle, recapped an editorial from the August 15, 1990, paper on the Williamsburg Post Office and requested the Board and staff bring forward three items when design discussions are held regarding the new Post Office near New Town. The items include: a drive-up window, building design to accommodate future postal equipment, and construction of a second story.

Mr. Horne stated there is to be a meeting with the Postal Service architect within the next few weeks and the design issues will be a part of the discussions.

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner recommended the Board recess for a James City Service Authority Board of Directors meeting, following which the Board would reconvene for a closed session pursuant to Section 2.1-344 (A) (1) to consider personnel matters(s), the appointment of individuals to County boards or commissions.

Mr. Wanner recommended the Board adjourn following the closed session until 7:00 p.m., Tuesday, September 12, 2000.

J. BOARD REQUESTS AND DIRECTIVES

Mr. Goodson congratulated the Grove Community on its 55th Annual Grove Day.

Mr. Harrison congratulated Ironbound Square on its kickoff held on National Night Out.

Mr. McGlennon congratulated Kingspoint on receiving a matching grant from the County for the excellent work done in cooperation with the James City Service Authority around the entrance to Kingspoint.

Mr. Nervitt recessed the Board for a James City Service Authority meeting, at 8:22 p.m.

K. CLOSED SESSION

Mr. Nervitt reconvened the Board at 8:25 p.m. and made a motion to convene into closed session as recommended by the County Administrator.

On a roll call, the vote was: AYE: McGlennon, Harrison, Goodson, Kennedy, Nervitt (5). NAY: (0).

Mr. Nervitt reconvened the Board into open session at 8:34 p.m.

Mr. Nervitt made a motion to approve the closed session resolution.

On a roll call, the vote was: AYE: McGlennon, Harrison, Goodson, Kennedy, Nervitt (5). NAY: (0).

RESOLUTION

CERTIFICATION OF CLOSED MEETING

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

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and, ii) only such public business matters were heard, discussed or considered by the Board as were identified in the motion and Section 2.1-344(A)(1) to consider a personnel matter(s), the appointment of individuals to County boards and/or commissions.

Mr. McGlennon made a motion to reappoint G. Curtis Gaul, Frances H. Hamilton, Marie E. Sheppard, Carol W. Mathews, and Martha Hamilton-Phillips to the Historical Commission for a three-year term, term expiring on August 31, 2003.

On a roll call, the vote was: AYE: McGlennon, Harrison, Goodson, Kennedy, Nervitt (5). NAY: (0).

Mr. McGlennon made a motion to recess until 4 p.m. on September 12, 2000.

On a roll call, the vote was: AYE: McGlennon, Harrison, Goodson, Kennedy, Nervitt (5). NAY: (0).

The Board recessed at 8:35 p.m.

Sanford B. Wanner
Clerk to the Board

080800bs.min

MEMORANDUM

DATE: September 12, 2000
TO: The Board of Supervisors
FROM: Doug Powell, Assistant Community Services Manager
SUBJECT: Appropriation of Funds - Fatherhood Grant

Last year, the Greater Williamsburg Fatherhood Coalition received a grant in the amount of \$15,000 from the State. The Coalition, which consists of Big Brothers/Big Sisters, the Community Action Agency, Colonial Community Corrections, Virginia Cooperative Extension, and the Office of Community Services, has been awarded \$18,000 this year.

The purpose of the grant is to improve parenting skills of fathers in the community. Most of last year's funds were used to fund the position of Fatherhood Resource Coordinator, who worked for Big Brothers/Big Sisters. During the past year, the Fatherhood Resource Coordinator worked individually with several fathers in the community and began a program with fathers who are held in the Juvenile Detention Center.

This year's funds will be used by Big Brothers/Big Sisters to continue funding the position of Fatherhood Resource Coordinator and for related materials and operating supplies. The other agencies comprising the Coalition will continue to provide supportive services such as job counseling, job readiness training, and life skills training.

James City County is the fiscal agent and therefore the Board must appropriate the funds. Staff recommends approval of the resolution appropriating \$18,000 for the Fatherhood Grant.

Doug Powell

CONCUR:

Anthony Conyers, Jr.

DP/alc
fathergrant.mem

Attachment

RESOLUTION

APPROPRIATION OF FUNDS - FATHERHOOD GRANT

WHEREAS, the Greater Williamsburg Fatherhood Coalition (Coalition) has received a grant of \$18,000;
and

WHEREAS, James City County is the fiscal agent for the Coalition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia,
hereby authorizes the following amendments and changes in appropriations for FY 2001:

Revenues:

From the Virginia Fatherhood Campaign	<u>\$18,000</u>
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Expenditures:

Big Brothers/Big Sisters	<u>\$18,000</u>
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Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of
September, 2000.

fathergrant.res

M E M O R A N D U M

DATE: September 12, 2000
TO: The Board of Supervisors
FROM: Needham S. Cheely, III, Parks and Recreation Director
SUBJECT: Award of Contract - Greensprings Trail

During FY 1999, the Board of Supervisors accepted a \$52,140 matching grant that the Division of Parks and Recreation was awarded by the Virginia Department of Conservation and Recreation. The grant was to assist with the development of the County's pilot greenway project at the Greensprings Trail. The purpose of the grant is to assist with various surface improvements including gravel, fabric and mulch, and wooden puncheon footbridges that are needed to provide a smooth, all-weather trail. Once completed, the trail will provide recreation and interpretive education opportunities. A drawing of the trail is attached.

Eco-Systems, Inc., was the sole bidder and submitted a base bid of \$83,454 for the work to be completed on the trail. Bid alternatives including puncheon footbridges and additional surfacing material in the amount of \$41,158 were also submitted. As a result, the bid for the entire project is \$124,612.

The County Greenway Capital Improvement Project (CIP) account has sufficient funds to complete the entire trail project. When the project is complete, the Division will receive a \$52,140 reimbursement from the Virginia Department of Conservation and Recreation within thirty days of submission.

RECOMMENDATION:

Staff recommends approval of the attached resolution awarding the contract for trail improvements at the Greensprings Trail to Eco-Systems, Inc., in the amount of \$124,612.

Needham S. Cheely, III

CONCUR:

Anthony Conyers, Jr.

NSC/gb
trail.mem

Attachments

RESOLUTION

AWARD OF CONTRACT - GREENSPRINGS TRAIL

WHEREAS, funds are available from a Virginia Department of Conservation and Recreation grant in conjunction with the Greenways and Open Space Account for trail improvements at the Greensprings Trail; and

WHEREAS, the Board of Supervisors of James City County, Virginia, accepted the \$52,140 grant to help with the various surfacing needed to make the Greensprings Trail accessible; and

WHEREAS, Eco-Systems, Inc., provided a responsive and responsible bid in the amount of \$124,612.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the County Administrator to execute a contract between James City County and Eco-Systems, Inc., in the amount of \$124,612.

Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of September, 2000.

trail.res

M E M O R A N D U M

DATE: September 12, 2000

TO: The Board of Supervisors

FROM: Keith A. Taylor, Economic Development Director
Leo P. Rogers, Deputy County Attorney

SUBJECT: Bonded Industrial Access Road for James River Commerce Center

Attached for your consideration are two resolutions concerning an extension of Endeavor Drive to undeveloped property at the James River Commerce Center. The first resolution authorizes an agreement between the County and Williamsburg Developments, Inc., ("WDI") establishing the responsibilities of the parties and requiring that WDI post sufficient surety to guarantee repayment to the State if necessary. The second resolution requests funding for this road project from the State's Industrial Access Road Fund. The second resolution also authorizes the County to enter into an agreement with the State to build the road and post sufficient money in an escrow account to insure repayment to the State if necessary.

WDI and the Industrial Development Authority are jointly developing and marketing the 219-acre James River Commerce Center in the Roberts District of the County. In 1996, industrial access road funds were used, in part, to fund and to construct 1,600 linear feet of road. The entrance road, known as Endeavor Drive, made 36.5 acres available for development. Two businesses have located there as a result of that effort, and a third parcel has been sold but not yet developed. Only 15 acres remain available in the first phase.

Planning is underway to extend road, utilities, and infrastructure another 800 feet which will make an additional 72 acres available for development. By using the State's bonded industrial access road fund, a significant portion of the upfront cost can be deferred or reduced. In the event a qualifying user locates along the road within five years, all or a portion of the State money would not need to be repaid.

The Virginia Department of Transportation estimates that the 800-foot extension of Endeavor Drive will cost \$315,566. The State industrial access road fund will advance all of the first \$300,000 of qualifying costs and up to \$150,000 of additional qualifying costs on a dollar for dollar matching basis.

In the Agreement made December 1, 1991, between the County, the City of Williamsburg, the Colonial Williamsburg Foundation ("CWF"), and WDI concerning the exchange of property involved in the Bruton Height School property transfer, the County agreed to share certain development costs with WDI for the James River Commerce Center. The Agreement indicates that WDI will pay 70 percent and the County will pay 30 percent of certain road and infrastructure improvements. Because only half of the new road advances the road and infrastructure to the property owned by the IDA, the County's share of the expenses for this project is only 15 percent. WDI will be responsible for the remaining 85 percent of the costs.

Staff recommends that the Board adopt the two attached resolutions.

Keith A. Taylor

Leo P. Rogers

CONCUR:

Sanford B. Wanner

LPR/alc
bondindust.mem

Attachments

RESOLUTION

BONDED INDUSTRIAL ACCESS ROAD FUNDING

AT JAMES RIVER COMMERCE CENTER

WHEREAS, Williamsburg Developments, Inc., and the Industrial Development Authority of James City County, Virginia, own and have agreed to cooperate in the development of property, known as James River Commerce Center, in the Roberts District of James City County (the "Property"), for the purpose of promoting economic development; and

WHEREAS, this property is expected to be the site of new private capital investment in land, building, and/or manufacturing equipment which will provide new substantial employment; and

WHEREAS, the subject property has sold parcels along the existing entrance road and can benefit by offering additional parcels for sale along the new road; and

WHEREAS, Williamsburg Developments, Inc., has entered into an agreement with the County of James City to provide any necessary right-of-way for the new roadway and the installation, relocation or adjustment of utilities, to reimburse the County for eighty-five percent (85%) of the costs associated with the road improvements and provide adequate surety in the full amount of the cost of the industrial access road; and

WHEREAS, the County of James City hereby guarantees that the necessary right-of-way for this new roadway and utility relocations or adjustments, if necessary, will be provided at no cost to the Virginia Department of Transportation; and

WHEREAS, the Virginia Industrial Access Road program may make funds available for qualifying projects up to \$300,000 on an unmatched basis, and up to an additional \$150,000 on a dollar per dollar matching basis.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests that the Commonwealth Transportation Board provide Industrial Access Road funding to provide an adequate road to an undeveloped portion of the property.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the Chairman of the Board of Supervisors to execute an agreement with the Virginia Department of Transportation, an escrow or other surety agreement and such other documentation as may be necessary to facilitate this industrial access road project.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby agrees to provide a letter of credit, bond or other surety, acceptable to and payable to the Virginia Department of Transportation, in the full amount of the cost of the Industrial Access Road; this surety shall be exercised by the Department of Transportation in the event that sufficient qualifying capital investment does not occur either on the subject site or other eligible sites served by the Industrial Access Road within five years of the Commonwealth Transportation Board's allocation of funds pursuant to this request.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby agrees that the new roadway so constructed will be added to and become a part of the Secondary System of Highways.

Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of September, 2000.

indaccrd.res

MEMORANDUM

DATE: September 12, 2000
TO: The Board of Supervisors
FROM: Wayland N. Bass, County Engineer
SUBJECT: Virginia Power Right-of-Way Agreements for New Underground Wires

Attached for your consideration are two Virginia Power Right-of-Way Agreements for installation of new underground wires. Installation will be by directional drilling underground to avoid tree removal.

One Agreement grants a 15-foot wide easement along Greensprings Road on two parcels of County-owned land. One parcel is the conservation area received by gift from Mr. and Mrs. White several years ago. The County subsequently gave a conservation easement to the Williamsburg Land Conservancy over this parcel. The second parcel along Greensprings Road is the Mainland Farm property. Please see the following attachments to the Agreement.

1. The plat showing the conservation area and the Mainland Farm parcel. The plat shows the easement beginning on the east side of Greensprings Road across from Mott Lane and extending northward on these two parcels of County property.
2. Exhibit A contains terms and conditions imposed by the Army Corps of Engineers for the conservation area. At staffs request, these terms and conditions also apply to the Mainland Farm parcel.
3. Exhibit B contains three provisions requested by staff applying to both parcels: 1) installations by Virginia Power are limited to underground cable; 2) the County may require relocation in the future at Virginia Power costs; and 3) the County retains the right to install pedestrian or bicycle facilities on the Virginia Power easement.

The second Agreement grants Virginia Power a 20-foot wide easement for underground wires along Route 199 on the Warhill Property near Lightfoot. The map attached to the Agreement shows the location. Exhibit A requested by staff contains the same provisions as Exhibit B for the Greensprings Road easement.

Staff recommends adoption of the attached resolution.

Wayland N. Bass

CONCUR:

John T. P. Horne

WNB/tlc
vapwr wires. mem

Attachments

RESOLUTION

GRANTING VIRGINIA POWER EASEMENTS

FOR NEW UNDERGROUND WIRES

WHEREAS, Virginia Power has requested easements across County-owned land along Greensprings Road and along Route 199 for the purpose of installing new underground wires; and

WHEREAS, these new underground wires will improve power service to County residents and businesses.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute these Right-of-Way Agreements on behalf of James City County.

Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of September, 2000.

vapwr wires.res

**SPECIAL USE PERMIT-20-00. Hipple Family Subdivision
Staff Report for September 12, 2000, Board of Supervisors Public Hearing**

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS Building C Board Room; County Government Complex
 Planning Commission: N/A
 Board of Supervisors: October 10, 2000 (Tentative) 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. Michael Hipple
 Land Owner: Thomas and Ann Hipple

Proposed Use: Family Subdivision

Location: 106 Jolly Pond Road

Tax Map and Parcel No.: (31-1)(1-7)

Primary Service Area: Inside

Parcel Size: The proposed parcel would be approximately 1.0 acre in size

Existing Zoning: A-1, General Agricultural

Comprehensive Plan: Low Density Residential

Surrounding Zoning: The property is surrounded by other A-1 zoned land

Staff Contact: Paul D. Holt, III - Phone: 253-6685

STAFF RECOMMENDATION:

The Board approved a family subdivision earlier this year for Mr. Hipple (February 22, 2000, under Case No. SUP-2-00). That subdivision was approved with a condition which stated that final subdivision approval must be received within six (6) months or the SUP was void. Mr. Hipple encountered some unexpected soil problems whereby the ground was not suitable for a septic tank on the lot for which the previous SUP was granted. The subdivision was therefore never approved and the SUP expired on August 22, 2000. The current application is for a new family subdivision lot. The new lot has been tested by a Health Department "Authorized Soils Analyst" and found to be acceptable for a drainfield. Staff finds the proposal consistent with the Comprehensive Plan and compatible with surrounding uses and zoning and recommends approval of the request with the attached conditions. The proposed conditions are identical to those approved under Case No. SUP-2-00.

Proposal

Thomas and Ann Hipple have requested the Board approve a family subdivision on land zoned A-1, General Agricultural, for their son, John. On A-1 zoned property, while the minimum lot size for residential dwelling units is three acres, lots of less than three acres are allowed for family members only with an approved special use permit. The zoning ordinance only requires Board of Supervisors review and approval of this type of SUP. Three previously approved family subdivisions exist on the 19± acre parcel. The new parcel would be approximately 1± acre in size. The property is located at 106 Jolly Pond Road and is further identified as a portion of Parcel No. (1-7) on James City County Real Estate Tax Map No. (31-1).

Utilities

Public water and sewer are not currently available to this site. The new lot therefore, will have to be served by a septic system and well which must be approved by the Health Department prior to any construction. Furthermore, the Subdivision Ordinance states that locations for both a well and septic tank drainfields must be approved by the Health Department prior to final subdivision approval.

Access

The site is located on the northern most segment of Jolly Pond Road, approximately 1,500 feet west of Centerville Road. Access to the proposed lot will be from an existing gravel drive. The drive meets the criteria for access as stated in Section 19-17 of the James City County Subdivision Ordinance, Special Provisions for Family Subdivisions.

Comprehensive Plan and Surrounding Uses

The site is located inside the Primary Service Area and the Land Use Map designates the property as Low Density Residential. The surrounding area is zoned A-1 and consists of other residential homes scattered along Jolly Pond Road with a Boy Scout Camp located across the street to the north. Staff believes the proposal is consistent with Comprehensive Plan and compatible with surrounding zoning and uses.

RECOMMENDATION:

Staff believes the subdivision is compatible with the surrounding zoning, development, and Comprehensive Plan designation. This proposal is also consistent with previous family subdivisions approved by the Board for the Hipple property (1990 - 1.01 acres for Mark Hipple, 1.96 acres for Michael Hipple; 1997 - 1.32 acres for Matthew Hipple). For these reasons, staff recommends the Board approve this Special Use Permit with the conditions listed on the attached resolution.

Paul D. Holt, III

CONCUR:

O. Marvin Sowers, Jr.

PDH/tlc
sup20-00.wpd

Attachments:

1. Location Map
2. Conceptual Subdivision Plan
3. Signed Affidavit
4. Resolution

RESOLUTION

CASE NO. SUP-20-00. HIPPLE FAMILY SUBDIVISION

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 applicant has requested a special use permit to allow for a family subdivision in an A-1, General Agricultural District, of a parcel generally one± acre in size located at 106 Jolly Pond Road, further identified as a portion of Parcel No. (1-7) on James City County Real Estate Tax Map No. (31-1).

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-21-00 as described herein with the following conditions:

1. This special use permit is valid for only one (1) family subdivision for one parcel generally one acre in size.
2. Final subdivision approval must be received from the County within 180 days from the issuance of this special use permit or the permit shall become void.
3. The subdivision parcel submitted for approval shall be generally located between existing Parcel 3 and existing Parcel 4.
4. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of September, 2000.

Sup-20-00.res

SPECIAL USE PERMIT-7-00. Hertzler Clearing and Grading

Staff Report for the September 12, 2000, Board of Supervisors Public Hearing

This report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS Building C Board Room; County Government Center
Planning Commission: June 5, 2000, (deferred); July 5, 2000, (deferred)
August 7, 2000, 7:00 p.m.(approved)
Board of Supervisors: September 12, 2000, 7:00 p.m.

SUMMARY FACTS

Applicant/Landowner: Mr. Steven L. Hertzler

Proposed Use: Contractor's warehouse and office, storage and repair of heavy equipment, and the manufacture and sale of wood products.

Location: 9537 Barnes Road; Stonehouse District

Tax Map and Parcel No.: (4-3)(1-12A)

Primary Service Area: Outside

Parcel Size: 28.6 acres

Existing Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Surrounding Zoning: North: A-1, General Agricultural
South: B-1, General Business
East: A-1, General Agricultural
West: A-1, General Agricultural

Staff Contact: Christopher M. Johnson - Phone 253-6685

STAFF RECOMMENDATION:

Staff finds the proposal, with conditions, generally consistent with the surrounding zoning and development and generally consistent with the Comprehensive Plan. Staff recommends the Board of Supervisors approve this application with the conditions found in the staff report. At its August 7, 2000, meeting, the Planning Commission concurred with staff and voted to recommend approval of this application by a vote of 6 to 0, with one absence.

Description of Project

Mr. Steven L. Hertzler has applied for a special use permit to allow the construction of a contractor's warehouse and office, the storage and repair of heavy equipment, and the manufacture of wood products at 9537 Barnes Road. The property is zoned A-1, General Agricultural, and is further identified as Parcel No. (1-12A) on James City County Real Estate Tax Map No. (4-3). The applicant's father currently resides in a mobile home located on the site. The applicant owns and operates a clearing and grading business which currently has six full-time employees but has had as many as eight employees within the past year. If approved, this special use permit would allow the construction of a 5,000-square foot office/warehouse, the storage and repair of Hertzler Clearing and Grading vehicles and heavy equipment, the storage of cleared stumps and wood material, and the grinding of stumps and wood material into mulch. Approximately seven acres (one quarter of the 28.6-acre site) is proposed to be cleared for this operation. A tub grinder would be leased periodically and brought to the site to grind accumulated stumps and wood materials into mulch on a 2.5-acre wood storage, manufacturing and processing area. The applicant has stated that because of the high concentration of dirt in the mulch, it is not suitable for resale. **A condition has been added which eliminates the sale of wood, mulch, and wood materials on the site. A condition has also been added that restricts the transportation of wood, mulch or wood materials onto or off of the property to those vehicles registered to Hertzler Clearing and Grading and restricts both the number of vehicles used as part of the operation and the number used to transport materials onto or off of the property.**

Description of the Grinder Apparatus

The type of grinder to be used on this property periodically is a Moorbark tub grinder, Model 1300. The 36-ton grinder measures 38 feet in length and 13 feet in height and is powered by a 750 horsepower Caterpillar engine. The production rate varies depending on the type of material being processed but it is capable of grinding 320-cubic yards per hour. Stumps, wood, and wood debris are loaded into a large rotating tub which moves the wood over a hammer mill. Heavy hammers tear the wood to bits utilizing a grinding motion. When the bits are small enough, they fall through a screen onto a conveyer and the mulch is then stockpiled. A tractor would spread the mulch out on clear areas. The grinder achieves a three to one reduction from raw materials to the end product.

Field Visit/Sound Test

On May 12, 2000, several Planning Commission members and Mr. Kennedy joined staff on a visit to the property for the purpose of viewing the tub grinder and conducting sound tests from adjacent residential properties. The tub grinder was not located at the point where it would ultimately be used as that area has yet to be cleared. Staff and the applicant tried to locate the grinder in a manner which would best approximate the distance and sound levels adjacent residential properties would encounter if a special use permit is granted for this operation. It should be noted that if approved the grinder would be approximately the same distance from one of the residences as it was from one of the test sites. A map is included as an attachment that identifies the locations where sound tests were observed and lists the recorded noise levels. Readings taken at the nearby residential test sites when the grinder was not in operation ranged from 50 dBA to 56 dBA with the primary source of background noise coming from Interstate 64. The readings taken at the various residential test sites with the grinder in operation ranged from 55 dBA to 60 dBA. Staff conducted sound tests in advance of the official test to compare results and did not observe any appreciable difference in decibel levels between the two tests.

According to the Occupational Safety and Health Administration (OSHA), continued exposure to noise over 85 dBA will eventually harm hearing. While OSHA has no mandated definition for what constitutes a substantial increase over existing sound levels, state highway departments typically use either a 10 dBA increase or a 15 dBA increase in noise levels to define "a substantial increase" in existing noise levels. Neither

the Department of Environmental Quality (DEQ) and the Environmental Protection Agency (EPA) specifically define what constitutes a substantial increase. **The measured noise level increase falls well within this acceptable range of increase typically used by state highway departments.** Examples of noises which might be typically observed in a rural setting include freeway traffic 70 dBA, a tractor 90 dBA, a leafblower 110 dBA, a power lawn mower 65-95 dBA, and an ambulance siren 120 dBA. As a comparison, a decibel reading of 84 dBA was observed from a distance of approximately 200 feet when the tub grinder was in operation.

Surrounding Zoning and Development

The property is bordered on the west by Interstate 64 and further to the west by the Racefield subdivision which is zoned A-1, General Agricultural. Single-family homes and undeveloped properties are located to the north and east of the site and are also zoned A-1. The undeveloped and wooded 185-acre Hazelwood Farms property to the south of the site across Barnes Road is zoned B-1, General Business. Examples of by-right uses for B-1 include automobile service stations, professional office buildings, lumber and building supply stores, restaurants, schools, retail and service stores, and wholesale and warehouse facilities. As the Stonehouse planned community continues to develop, the B-1 properties south of Barnes Road will face increasing development pressure. **Staff finds the proposal, with conditions, consistent with the surrounding zoning and development.**

Physical Features and Environmental Considerations

The 28.6-acre site is relatively flat and wooded. A stormwater management facility may be required southeast of the proposed warehouse/office due to impervious areas associated with the construction of approximately 500 feet of entrance road. Most of the entrance road area collects to a low point in topography about midpoint between Barnes Road and the proposed site and would bypass the site's primary stormwater management facility located in the interior of the site. **A condition has been added which requires the Environmental Director's approval of an erosion and sediment control and stormwater runoff management plan prior to final site plan approval. This plan would also address the method of containment for the materials in the wood processing area and stabilization of the berms.** A stormwater pollution prevention plan must comply with County erosion and sediment control and stormwater management plan requirements established by the County's Erosion and Sediment Control and Chesapeake Bay Preservation Ordinances.

The proposed facility would require a construction and demolition debris landfill permit from the Virginia Department of Environmental Quality (DEQ). DEQ requires local approval of a land use before they will review an application for a permit. Condition No. 2 requires that the applicant acquire all State permits prior to final site plan approval. Wood product storage and processing may also require a general Virginia Pollutant Discharge Elimination System (VPDES) permit for Discharges of Storm Water associated with Industrial Activity from DEQ.

Transportation

Access to the property would be from Barnes Road (Route 601). Barnes Road is included in the FY 2000-2005 Six-Year Secondary Road Plan; however, the Virginia Department of Transportation (VDOT) has indicated that the "spot" improvements recommended for portions of Barnes Road to improve drainage and grading should not impact this site. VDOT has also indicated that a commercial entrance will be required for the site. **Given the low trip volume anticipated at the site, VDOT does not anticipate the need for turn lanes. VDOT did not identify road width as an issue in its preliminary review of this proposal.**

Three pickup trucks, two dump trucks, a single-axle chip truck, a log trailer, and a low-boy trailer are presently registered to Hertzler Clearing and Grading. The applicant has stated that the pickup trucks make an average of one to two trips per day to and from the site and typically go home with employees each night. Both of the trailers and the single-axle chip truck would typically make one trip per day each to and from a job site. The dump trucks make an average of three to four trips per day to and from the site. Staff estimates that the number of vehicle trips to and from the site will be approximately 24 to 34 per day. **Given the relatively low trip volume generated by the development and the fact that all traffic improvements are required to be installed or bonded prior to the issuance of an occupancy permit (Condition No. 10), staff feels that the traffic impacts generated by this proposal will have a minimal effect on the surrounding community.**

Fire Potential

Concern was expressed by residents in the surrounding community over the potential for mulch and debris waste fires. The Fire Department reviewed a conceptual plan for the proposal and concluded that fire response would not be a problem provided reasonable access is provided to the site. This would typically be reviewed by the Fire Department during the site plan review process. **The Deputy Fire Marshall reported no significant problems with similar rural properties in the past and stated that existing resources would be able to control a fire on the site.** The Fire Marshall stated in a subsequent analysis of the proposal that the department was not concerned about having a single entrance to the site.

Public Utilities

The property lies outside the Primary Service Area (PSA). The site is served by an on-site well and an on-site treatment and disposal system.

Comprehensive Plan

Land Use Designation

The property is designated as Rural Lands on the Comprehensive Plan Land Use Map. Rural Lands are areas containing farms, forests, and scattered houses, exclusively outside the Primary Service Area, where a lower level of public service delivery exists or where utilities and urban services do not exist and are not planned for the future. Appropriate primary uses include agricultural and forestal activities and certain recreational and public uses which may require a spacious site and which are compatible with the natural and rural setting. Most retail and commercial uses which will serve Rural Lands will be located at planned commercial locations on major thoroughfares inside the PSA. However, a few of the smaller uses and uses which require a specialized location may be located and approved on a case by case review, provided such uses are compatible with the natural and rural character of the area, in accordance with the Development Standards of the Comprehensive Plan. These uses should be located in a manner that minimizes effects on agricultural and forestal activities, and located where public services and facilities, especially roads, can adequately accommodate them.

Several conditions attached to this application require Environmental Director or Planning Director approval or Development Review Committee review in order to insure that the potential impacts of this development on adjacent properties are mitigated and the rural character of the surrounding area is preserved to the largest extent possible. **The unique location of the site adjacent to Interstate 64 mitigates many of the factors such as noise, dust, and odor which would be magnified if a more remote location had been proposed.** A condition has also been added which limits the project size to no more than 25 percent of the site without prior Board of Supervisors approval. This condition, in addition to requiring Board of Supervisors approval of any proposed expansion of the facility or specially permitted use which is not specified in this application, insures that the project scale is consistent with the surrounding natural and rural character of the area. **This proposal is consistent with the Rural Lands designation.**

Land Use Standards

Rural Land Use standards call for the natural, wooded, and rural character of the County to be preserved with particular attention given to locating structures and uses outside of sensitive areas, maintaining existing topography, vegetation, and tree lines to the maximum extent possible and limiting the height of structures to an elevation below the height of surrounding mature trees. This proposal would maintain an undisturbed 150-foot buffer along the eastern property line nearest adjacent residential homes and an undisturbed 50-foot buffer along the western property line bordering Interstate 64. A second rural land use standard seeks to minimize visual impact from public roads and not disturb agricultural/forestral uses. This proposal seeks to retain the wooded rural character of the site to the greatest extent possible by locating all operations interior to the site and by requiring the clearing of only 25 percent of the site. In addition, the use does not prevent most of the site from being returned to forestry use should the wood processing and manufacturing operation cease. The proposed use is similar to a forestry type use in that it involves handling and cutting of timber and the use of heavy trucks and equipment.

The noise generated on the site through the daily operations of trucks and equipment are typical for rural areas. The tub grinder itself makes less noise than a tractor. Unlike an agricultural operation, the tub grinder which would be used on the site will only be necessary when the applicant has accumulated sufficient material on site to justify the expense of leasing the equipment. The applicant anticipates that this will only occur every other month and use of the grinder will only be necessary for a few days at a time. The typical daily noise volume generated on adjoining areas will not be significantly different than the noise levels generated by the Interstate on any given day. **This proposal meets these land use standards.**

RECOMMENDATION

The Planning Commission conducted three public hearings on this application and received a significant number of comments at each of the hearings. A substantial amount of written information was received from citizens and interested parties and has been included as attachments to this report. **Significant changes were made to the conditions over the course of the three public hearings to address questions and concerns raised by Commission members and citizens.** Several conditions were added and others were revised to clarify areas of concern raised during the public hearings. Staff consulted with several agencies who would be required to review a site plan for this proposal should the Board of Supervisors approve this application and incorporated language into the conditions which addressed their areas of concern. At the request of the Planning Commission, several conditions were revised to require Planning Commission approval of such items as the location of the 2.5-acre wood material storage area, the location of the tub grinder, and the maximum height of stored wood materials. **It is important to note that several of the recommended additions and changes to the conditions rely heavily upon the good faith of the applicant to comply with the terms of the restrictions.** Staff would find it difficult to adequately monitor conditions which limit source material, limit the transport of material to vehicles registered to Hertzler Clearing and Grading, restrict the height of materials stored on the site, and eliminate the use of groundwater and chemicals in the decomposition process. **Condition No. 14 would allow staff to rescind the special use permit if any of the conditions were proven to have been violated.**

Staff finds the proposal, with the attached conditions, generally consistent with the surrounding zoning and development and generally consistent with the Comprehensive Plan. Staff recommends the Board of Supervisors approve this application with the conditions found in the attached resolution. At its August 7, 2000, meeting, the Planning Commission concurred with staff and voted to recommend approval of this application by a vote of 6 to 0, with one absence.

Should the Board of Supervisors wish to approve this special use permit, staff and the Planning Commission recommends the following conditions:

1. Construction on this project shall commence within 24 months from the date of approval of this special use permit or this permit shall become void. Construction shall be defined as securing permits for land disturbance, building construction, clearing and excavation, and the pouring of footings.
2. An erosion and sediment control and runoff management plan shall be approved by the Environmental Director prior to final site plan approval. This plan shall also address the method of containment for the materials in the wood processing area and stabilization of the berms. All required State permits shall be acquired prior to final site plan approval.
3. This permit shall allow the construction of a 5,000-square foot office/warehouse, the storage and repair of Hertzler Clearing and Grading vehicles and heavy equipment, the storage of cleared stumps and wood material, and the grinding of stumps and wood material into mulch. The total disturbed area for this project, including the location of the office/warehouse, vehicle and equipment storage and repair area, and 2.5-acre wood storage, manufacturing, and processing area, shall not exceed 25 percent of the site, except with prior approval of the Board of Supervisors. No portion of the project shall be located within 400 feet of Barnes Road with the exception of the entrance road.
4. The location of the disturbed area shall be approved by the Director of Planning or his designee prior to final site plan approval.
5. The storage, manufacturing, and processing of wood, mulch and wood materials shall be limited to a 2.5-acre area identified on a site plan to be approved by the Development Review Committee. The use of groundwater or chemicals shall not be used to aid in the decomposition of material.
6. The sale of wood, mulch, or wood materials shall not be permitted on the site.
7. The use or operation of the tub grinder shall be permitted only between the hours of 8:00 a.m. and 6:00 p.m., Monday through Saturday. Stumps and other accumulated material contained within the 2.5-acre area for storage, manufacturing, and processing of wood, mulch and wood materials shall be ground into mulch a minimum of four times and a maximum of six times per calendar year. Operation of the tub grinder shall be limited to a maximum of 15 days per calendar year with a minimum of 30 days elapsing between each usage. The applicant shall be required to submit written notification to the Planning Director a minimum of one week prior to each usage of the tub grinder.
8. The tub grinder shall be located so as to minimize potential adverse impacts on adjacent properties including, but not limited to noise, dust, debris, and odor. The final location for the tub grinder shall be shown on a site plan to be approved by the Development Review Committee.
9. A minimum 150-foot undisturbed buffer shall be provided along the eastern property line and a minimum 50-foot buffer shall be provided along the western property line adjacent to Interstate 64. The buffers shall contain enhanced landscaping, so that the required number of plant material equals at least 133 percent of the County's Landscape Ordinance requirements with at least 33 percent of the required number of trees being evergreen. The landscaping plan shall be approved by the Director of Planning or his designee prior to final site plan approval.
10. All traffic improvements required by the Virginia Department of Transportation or the Development Review Committee along Barnes Road (Route 601) shall be installed or bonded prior to issuance of a certificate of occupancy for any structure on the site.

11. The storage and repair of vehicles and heavy equipment on the site shall be limited to vehicles and equipment registered to Hertzler Clearing and Grading. No vehicles shall be allowed to transport wood, mulch, or wood materials onto or off of the property except those registered to Hertzler Clearing and Grading. No more than ten vehicles shall be used as part of this commercial operation and no more than four shall be used to transport materials onto or off of the property.
12. Source material to be transported onto the property for storage, manufacturing, and processing shall be limited to materials cleared, gathered, or removed from Hertzler Clearing and Grading residential and commercial job sites.
13. A maximum height for accumulated stumps, mulch, and other wood materials contained within the 2.5-acre wood storage, manufacturing, and processing area shall be identified on a site plan containing a line of sight cross section to be approved by the Development Review Committee. The line of site cross section shall also identify the finished grade of the 2.5-acre wood storage, manufacturing, and processing area.
14. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Christopher M. Johnson

CONCUR:

O. Marvin Sowers, Jr.

CMJ/gb
sup-7-00.wpd

Attachments:

1. Unapproved Planning Commission Minutes of the August 7, 2000, meeting
2. Planning Commission Minutes of the July 5, 2000, meeting
3. Planning Commission Minutes of the June 5, 2000, meeting
4. Location Map
5. Planning Commission Rural Lands Transition Policy
6. Noise Levels in our Environment Fact Sheet; source: League for the Hard of Hearing
7. Sound Test Sites and Results, May 12, 2000
8. Memorandum received from Deputy Fire Marshall Joe Davis, June 15, 2000
9. Resolution

RESOLUTION

CASE NO. SUP-7-00. HERTZLER CLEARING AND GRADING

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 warehouse, the storage and repair of heavy equipment and the manufacture and sale of wood products 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 August 7, 2000, voted 6 to 0, with one absence, to recommend approval of this application on the property identified as Parcel No. (1-12A) on James City County Real Estate Tax Map No. (4-3).

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-7-99 as described herein with the following conditions:

1. Construction on this project shall commence within 24 months from the date of approval of this special use permit or this permit shall become void. Construction shall be defined as securing permits for land disturbance, building construction, clearing and excavation, and the pouring of footings.
2. An erosion and sediment control and runoff management plan shall be approved by the Environmental Director prior to final site plan approval. This plan shall also address the method of containment for the materials in the wood processing area and stabilization of the berms. All required state permits shall be acquired prior to final site plan approval.
3. This permit shall allow the construction of a 5,000 square foot office/warehouse, the storage and repair of Hertzler Clearing and Grading vehicles and heavy equipment, the storage of cleared stumps and wood material, and the grinding of stumps and wood material into mulch. The total disturbed area for this project, including the location of the office/warehouse, vehicle and equipment storage and repair area, and 2.5 acre wood storage, manufacturing and processing area, shall not exceed twenty five percent of the site, except with prior approval of the Board of Supervisors. No portion of the project shall be located within 400-feet of Barnes Road with the exception of the entrance road.
4. The location of the disturbed area shall be approved by the Director of Planning or his designee prior to final site plan approval.
5. The storage, manufacturing and processing of wood, mulch and wood materials shall be limited to a 2.5 acre area identified on a site plan to be approved by the Development Review Committee. The use of groundwater or chemicals shall not be used to aid in the decomposition of material.

6. The sale of wood, mulch or wood materials shall not be permitted on the site.
7. The use or operation of the tub grinder shall be permitted only between the hours of 8:00 a.m. and 6:00 p.m. Monday through Saturday. Stumps and other accumulated material contained within the 2.5 acre area for storage, manufacturing and processing of wood, mulch and wood materials shall be ground into mulch a minimum of four times and a maximum of six times per calendar year. Operation of the tub grinder shall be limited to a maximum of fifteen days per calendar year with a minimum of 30 days elapsing between each usage. The applicant shall be required to submit written notification to the Planning Director a minimum of one week prior to each usage of the tub grinder.
8. The tub grinder shall be located so as to minimize potential adverse impacts on adjacent properties including, but not limited to noise, dust, debris, and odor. The final location for the tub grinder shall be shown on a site plan to be approved by the Development Review Committee.
9. A minimum 150-foot undisturbed buffer shall be provided along the eastern property line and a minimum 50-foot buffer shall be provided along the western property line adjacent to Interstate 64. The buffers shall contain enhanced landscaping, so that the required number of plant material equals at least 133 percent of the County's Landscape Ordinance requirements with at least 33 percent of the required number of trees being evergreen. The landscaping plan shall be approved by the Director of Planning or his designee prior to final site plan approval.
10. All traffic improvements required by the Virginia Department of Transportation or the Development Review Committee along Barnes Road (Route 601) shall be installed or bonded prior to issuance of a certificate of occupancy for any structure on the site.
11. The storage and repair of vehicles and heavy equipment on the site shall be limited to vehicles and equipment registered to Hertzler Clearing and Grading. No vehicles shall be allowed to transport wood, mulch or wood materials onto or off of the property except those registered to Hertzler Clearing and Grading. No more than ten vehicles shall be used as part of this commercial operation and no more than four shall be used to transport materials onto or off of the property.
12. Source material to be transported onto the property for storage, manufacturing and processing shall be limited to materials cleared, gathered or removed from Hertzler Clearing and Grading residential and commercial job sites.
13. A maximum height for accumulated stumps, mulch, and other wood materials contained within the 2.5 acre wood storage, manufacturing and processing area shall be identified on a site plan containing a line of sight cross section to be approved by the Development Review Committee. The line of site cross section shall also identify the finished grade of the 2.5 acre wood storage, manufacturing and processing area.
14. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of
September, 2000.

Sup-7-00.res

**SPECIAL USE PERMIT-17-00. PrimeCo Tower on Centerville Road
Staff Report for September 12, 2000, Board of Supervisors Public Hearing**

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS

Building C Board Room; County Government Complex
 Planning Commission: July 5, 2000 (applicant deferred), August 7, 2000
 Board of Supervisors: September 12, 2000

SUMMARY FACTS

Applicant: Mr. Vernon Geddy, III, and Mr. Marc Cornell
 Land Owner: Bernice W. Hawthorne

Proposed Use: 175-foot tall wireless communications facility

Location: 4881 Centerville Road

Tax Map and Parcel No.: (36-2)(1-56)

Primary Service Area: The primary service line cuts through the middle of the property

Parcel Size: Approximately 14 acres

Existing Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands/Low Density Residential

Surrounding Zoning: To the north, south, and west are other vacant lands zoned A-1. Across Centerville Road to the east is Ford's Colony - a residential planned community zoned R-4.

Staff Contact: Paul D. Holt, III - Phone: 253-6685

STAFF RECOMMENDATION:

Staff believes that, with the proposed special use permit (SUP) conditions, given the distance the tower is set back from the roadway and the existing residential development, the proposed height of the tower would appear comparable with surrounding vegetation and thus, compatible with all the surrounding zoning and uses. Staff further believes that with the proposed SUP conditions, the proposal is compatible with the Comprehensive Plan, fully meets the County's colocation and alternatives analysis policy, the buffering standards and the design standards and generally believes the proposal meets the County's design and location criteria policy. Therefore, with the attached conditions, staff recommends approval of the application. On August 7, 2000, the Planning Commission recommended approval of the application by a vote of 6-0.

Project

PrimeCo would like to erect a 175-foot tall monopole tower at 4881 Centerville Road. The 14± acre parcel is generally located between the southern most Jolly Pond Road intersection with Centerville Road and the rear entrance to Ford's Colony (Manchester Drive). In addition to the monopole structure, which would be located approximately 805 feet back from Centerville Road and outside the Primary Service Area, PrimeCo and other users of the tower would construct various accessory equipment huts and pads at the base of the tower to support the necessary electronic equipment. This equipment would be accessed via an access road which would be built by PrimeCo.

The tower would be a freestanding (self-supporting) structure with the antenna array located at the top. Additional antenna array would be located on lower levels of the tower. PrimeCo is proposing that this tower be equipped to handle two additional users. The tower would also be capable of supporting the radio equipment currently used by the County for public safety communications (e.g., fire and police).

The property is currently wooded with steep topography leading down to a tributary of Gordon Creek. The site is undeveloped and in its natural state.

The general vicinity around the proposed tower is currently a service coverage gap for PCS (digital service) providers. In an effort to provide service along Centerville Road and to those in the western part of the County, most carriers are located on an existing tower at Brick Bat Road and on an existing tower located further north on Centerville Road (at Massie's Borrow Pit, north of Longhill Road). These two towers are approximately 5-6 miles apart, a distance too far to span for PCS signals. The proposed tower, if approved, would allow carriers to provide uninterrupted service along the entirety of Centerville Road. If approved, staff would also view the proposed tower as an opportunity to limit future new towers in this portion of the County. Since, with the existing network of towers, adequate continuous coverage could be provided, staff would strongly encourage new companies and additional antenna to be collocated on these existing sites and would not likely support future additional requests for taller towers in this portion of the County.

Surrounding Zoning and Development

As shown on the attached vicinity map, Fords Colony, which is zoned R-4, Residential Planned Community, is east of the site across Centerville Road. Properties to the north, south, and west are all zoned A-1, General Agricultural and are undeveloped. Properties located to the south of this site are within the Gordon Creek Agricultural and Forestal District (AFD) and have been timbered in the past. Most of the surrounding vegetation between the tower and views from Centerville Road (to the south and east) therefore, is relatively young, not at full height, and sporadically dense. But nonetheless, staff generally believes the tower is located on property not likely to be developed to a more intense use in the mid- to long term. Surrounding properties are large and, as discussed below, retain a rural character since they are primarily located outside the Primary Service Area (PSA), which serve to buffer the proposed facility from incompatible adjacent land uses. Two other adjacent uses however, Ford's Colony and Centerville Road, are not rural in character. Centerville Road is a major public thoroughfare and the adjoining section of Ford's Colony is already developed. However, staff believes that, with the proposed SUP conditions, given the distance the tower is set back from the roadway and the existing residential development, the proposed height of the tower would appear comparable with surrounding existing vegetation and thus, compatible with all the surrounding zoning and uses.

Comprehensive Plan

The PSA splits through the middle of the property. For the portion of the property inside the PSA, the 1997 Comprehensive Plan Land Use Map designation is Low Density Residential. For the portion of the property outside the PSA, the Land Use Map designation is Rural Lands. As stated previously, the tower site is outside the PSA.

Low Density residential areas are located in the PSA where natural characteristics such as terrain and soils are suitable for residential development. Examples of acceptable land uses within this designation include single-family homes, duplexes, schools, and very limited commercial establishments. Nonresidential uses should not alter, but rather, compliment the residential character of the low-density residential area in which they are located.

Rural Lands are exclusively located outside the PSA, where a lower level of public service delivery exists or where utilities and urban services do not exist and are not planned for the future. Appropriate primary uses include agricultural and forestal activities, together with certain recreational and public or semipublic and institutional uses which may require a spacious site and which are compatible with the natural and rural surroundings. Most retail and commercial uses which will serve Rural Lands will be located at planned commercial locations on major thoroughfares inside the PSA. However, a few of the small service uses and certain uses which require a specialized location may be located on the basis of a case-by-case review, provided such uses are compatible with the natural and rural character of the area.

Because taller communication towers generally require specialized locations, such as along major transportation corridors and near population centers, opportunities exist for the County to evaluate the individual merits of proposed communication towers on the stated case-by-case basis.

As noted, surrounding properties are large and retain a rural character since they are primarily located outside the Primary Service Area (PSA), which serve to buffer the proposed facility from incompatible adjacent land uses. Due to the location of both the PSA line and the comprehensive plan designation, staff generally believes the property and the immediately surrounding properties, are not likely to be developed to a more intense use in the near future. Also, since the adjacent property was recently timbered, it is not likely to be timbered again soon. Staff therefore, believes the proposal, with the proposed SUP conditions, is compatible with the Comprehensive Plan.

Visual Impacts

On June 15, 2000, PrimeCo conducted a balloon test at the site to simulate the visual impacts of a 195-foot tall structure (195 feet is the height the applicant optimally desires). Staff concluded that a full view of the upper portions of the proposed balloon would be visible only at the intersection of Jolly Pond Road and Centerville Road as vehicles proceed south. It is anticipated that the view of the tower would have lasted approximately 4-5 seconds while driving the speed limit. For the south bound drivers, due to existing heavy vegetation, the tower would not be visible at all past that intersection. For drivers headed north on Centerville Road, the tower (as simulated by the balloon) would be seen sporadically through the trees, from generally a point north of Manchester Drive to the front of the site (a total distance of approximately 3,500 feet). Any potential views from residents of Ford's Colony would be even more muted through the trees as full vegetation exists between Centerville Road and the backs of the homes in Ford's Colony. Staff therefore, generally concluded that a 195-foot tall tower would not generally be noticeable to existing residents and somewhat visible through the trees, and in some short gaps where previous timbering has occurred to those traveling north on Centerville Road.

To be more compatible with existing viewsheds along Centerville Road, the applicant agreed to reduce the overall height of the tower 20 feet, to the currently proposed 175 feet, and to amend his original request of 195 feet. Staff concurs with the applicant's action and believes the shorter structure will not be overly noticeable to the general public. The Board should be aware that while staff believes the shorter tower better mitigates its' impacts, the shorter facility does not provide maximum colocation potential for additional users. At a proposed 175 feet, a colocator on the same tower would be placed at approximately 165 feet (due to the physical spacing requirements of the antenna). Such a height is less desirable for carriers as it does not provide optimal signal coverage. This may have an effect of increasing the needs of carriers to locate smaller secondary sites to accommodate any associated signal loss or gap in coverage. The applicants initial proposal of a tower that is 195 feet tall increases the service coverage area for PrimeCo and additional colocators, but is more visible than a tower that is 175-feet tall. Staff believes however, that the current proposal may still accommodate service providers' taller tower needs and through the proposed SUP conditions, a second tower location on-site, designed to accommodate an additional 175-foot tall tower at a future date, will be permitted in an effort to provide additional colocation opportunities for additional providers.

Relationship to the County's Performance Standards for Wireless Communications Facilities

On May 26, 1998, the James City County Board of Supervisors adopted several performance criteria for Wireless Communications Facilities (a copy of these standards are attached).

As noted in the performance criteria, in order to maintain the integrity of James City County's significant historic, natural, rural, and scenic resources, to preserve its existing aesthetic quality and its landscape, to maintain its quality of life and to protect its health, safety, general welfare, and property values, tower mounted wireless communications facilities (WCFs) should be located and designed in a manner that minimizes their impacts to the maximum extent possible and minimizes their presence in areas would they would depart from existing and future patterns of development. To implement these goals, the Planning Commission and the Board of Supervisors have adopted these performance standards for use in evaluating special use permit applications. While all of the standards support these goals, some may be more critical to the County's ability to achieve these goals on a case by case basis. Therefore, some standards may be weighed more heavily in any recommendation or decision on a special use permit, and cases that meet a majority of the standards may or may not be recommended for approval.

The standards generally address the need to explore any other colocation alternatives prior to proposing a new tower facility, locating and designing the tower to be consistent with existing and future surrounding development and the Comprehensive Plan, minimizing the visibility of a new tower and appropriately buffering the new tower from adjacent views. Most importantly, the performance standards call for two items. First, a 100-foot wide vegetated buffer around the base of the tower. The applicant has demonstrated that this criteria can be met, and will be assured through staff proposed SUP conditions. Second, the tower must not be visible above the tree line, but rather, the view of the tower should be below the tree line (i.e., through existing trees). As stated earlier, the proposed tower is located over 800 feet back from Centerville Road. The resulting line of sight of the proposed tower would be primarily through existing trees (although some minor gaps exist where adjoining properties have been timbered in the past, and as such, the tower can be seen above the height of the newer, immature trees). Staff believes that the proposal fully meets the colocation and alternatives analysis, the buffering standards and the design standards and staff generally believes the proposal meets the design criteria.

RECOMMENDATION:

Staff believes that, with the proposed SUP conditions, given the distance the tower is set back from the road way and the existing residential development, the proposed height of the tower would appear comparable with surrounding vegetation and thus, compatible with all the surrounding zoning and uses. Staff further believes that, with the proposed SUP conditions, the proposal is compatible with the Comprehensive Plan, fully meets the County's colocation and alternatives analysis policy, the buffering standards and the design standards and generally believes the proposal meets the County's design and location criteria policy. Therefore, with the attached conditions, staff recommends approval of the application. On August 7, 2000, the Planning Commission recommended approval of the application by a vote of 6-0.

Paul D. Holt, III

CONCUR:

O. Marvin Sowers, Jr.

PDH/tlc
sup17-00.wpd

Attachments:

1. Minutes from the August 7, 2000, Planning Commission meeting
2. Vicinity map
3. Performance standards for wireless communications facilities, dated May 26, 1998
4. Proposed site layout (separate)
5. Resolution

RESOLUTION

CASE NO. SUP-17-00. PRIMECO TOWER ON CENTERVILLE ROAD

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, James City County has developed certain policies for the placement of wireless communications facilities; and

WHEREAS, the applicant has requested a special use permit to allow for the construction of a 175-foot tall monopole tower and associated electronic equipment on a 14± acre parcel located at 4881 Centerville Road and more specifically identified as Parcel No. (1-56) on the James City County Real Estate Tax Map No. (36-2); and

WHEREAS, the Planning Commission recommended the proposal be approved by a vote of 6-0 at its public hearing of August 7, 2000.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-17-00 as described herein with the following conditions:

1. This special use permit shall be valid for a total of two (2) towers. The maximum height of all towers shall not be greater than 175 feet; however the towers shall be so designed as to accommodate future vertical expansions. Prior to final site plan approval, the applicant shall demonstrate to the satisfaction of the Planning Director, that the lease area is adequate to accommodate two towers and supporting equipment. The portion of the lease area for the future tower and equipment shall remain free of all structures until such time the second tower is constructed and the additional tower shall be subject to administrative approval only. In order to maximize the number of collocating opportunities, all supporting equipment pads, sheds, buildings and huts shall have the minimum footprint necessary and shall be located within the lease area as approved by the Director of Planning.
2. Each individual tower shall be designed and constructed for at least three (3) users and shall be certified to that effect by an engineering report prior to site plan approval.
3. Towers shall be located on the site in a manner that maximizes the buffering effects of trees as determined by the Planning Director. Tree clearing shall be limited to the minimum necessary to accommodate the tower and related facilities as determined by the Planning Director. Access drives shall be designed in a manner that provides no view of the tower's base or related facilities as determined by the Planning Director. A minimum buffer of 100 feet in width of existing mature trees shall be maintained around the tower. This buffer shall remain undisturbed except for the access drive and necessary utilities for the tower.
4. A final inspection shall be obtained within one (1) year of approval of this Special Use Permit, or the permit shall become void.

5. Unless otherwise approved by the Director of Planning, all supporting equipment sheds, buildings and huts shall be of a similar design to that generally used on a single-family residence and shall be approved by the Director of Planning prior to final site plan approval. A gable or shed roof shall be used on all equipment sheds, buildings, and huts as determined by the Director of Planning prior to final site plan approval.
6. Following construction of the facility, certification by the manufacturer, or an engineering report by a Virginia-registered structural engineer, shall be filed by the applicant indicating the tower height, design, structure, installation and total anticipated capacity of the structure, including number and type of antennas which could be accommodated, demonstrating to the satisfaction of the building official that all structural requirements and other safety considerations set forth in the BOCA Basic Building Code and Section 222(F) of the standards adopted by the Electronics Industries Association, or any amendment thereof, have been met.
7. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of September, 2000.

sup-17-00.res

**SPECIAL USE PERMIT-18-99. Olde Towne Road Timeshares
Staff Report for September 12, 2000, Board of Supervisors Public Hearing**

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS

Planning Commission: Board of Supervisors:	Building C Board Room; County Government Complex August 2, 1999, 7:00 p.m. (Deferred) September 8, 1999, 7:00 p.m. (Denied) July 5, 2000, 7:00 p.m. (Approved) November 23, 1999 7:00 p.m. (Deferred) August 8, 2000 7:00 p.m. (Deferred)
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SUMMARY FACTS

Applicant: Land Owner: Proposed Use: Location: Tax Map and Parcel No.: Primary Service Area: Parcel Size: Existing Zoning: Comprehensive Plan: Surrounding Zoning: Staff Contact:	Mr. Richard Costello, AES Consulting Engineers Mr. Philip Richardson and Philip Richardson Company, Inc. 365 timeshares within a residential cluster and one single-family lot, at a density of 2.80 dwelling units per acre. Residential clusters with a density greater than one dwelling unit per acre require a special use permit in the R-2, General Residential District. 5295, 5350, and 5380 Olde Towne Road, adjacent to Route 199; Berkeley District (32-4) (1-26); (32-4) (1-26-A); (32-4) (1-36); (33-3) (1-30) Inside 130.40 acres R-2, General Residential District Low-Density Residential North, West: R-2, General Residential South: R-5, Multifamily Residential (The Mews) East (JCC): R-2; R-5 (Chisel Run) East (Williamsburg): RM-1 and RM-2, Multifamily Dwelling Districts; RS2, Single-Family Dwelling District (Piney Creek Estates) Jill E. Schmidle - Phone: 253-6685
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STAFF RECOMMENDATION:

The applicant requests deferral of this case, and staff concurs with this request.

Jill E. Schmidle

CONCUR:

O. Marvin Sowers, Jr.

JES/gb
timeshare3.wpd

Attachment:

1. Applicant's Deferral Letter

M E M O R A N D U M

DATE: September 12, 2000
TO: The Board of Supervisors
FROM: John T. P. Horne, Manager of Development Management
SUBJECT: Regional Issues Committee Resolution - Corridor Beautification

Attached is a resolution adopted by the Regional Issues Committee (RIC) at its meeting on July 18, 2000. The RIC recommends a series of actions to be taken by both the public and private sector to help beautify entry corridors in the Historic Triangle. Roads being targeted are those leading from Route 199 into the City of Williamsburg, including Route 199 intersections. This resolution is also being considered for adoption by the York County Board of Supervisors and the City Council of the City of Williamsburg.

Additional plantings along Route 199 and other roadways in the County will be undertaken this fall. The County has purchased and installed road name signs similar to the Williamsburg designs on most of the major entry road intersections. A challenge remains with existing commercial developments that were developed prior to current development regulations which may contain nonconforming signs or landscaping. The RIC is attempting to work with the Williamsburg Area Chamber of Commerce to develop a program for private businesses to participate in upgrading the appearance of existing sites.

Staff recommends approval of the attached resolution endorsing the RIC proposal.

John T. P. Horne

JTPH/alc
richighbeauty.mem

Attachments

RESOLUTION

CORRIDOR BEAUTIFICATION

WHEREAS, the Regional Issues Committee (RIC) has approved a resolution proposing certain actions to beautify entry corridors in the Historic Triangle; and

WHEREAS, the Board of Supervisors wishes to support the proposal of the RIC with appropriate actions in James City County

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby endorses the proposal by the Regional Issues Committee as expressed in its resolution dated July 18, 2000 (attached), and directs staff to undertake appropriate actions to assist in the implementation of the proposal.

Ronald A. Nervitt
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of September, 2000.

richighbeauty.res