

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

April 9, 2002

7:00 P.M.

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1. Appointment of Individuals to County Boards/Commission, Pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia.
 - (a) Clean County Commission

L. ADJOURNMENT

M E M O R A N D U M

DATE: April 9, 2002
TO: The Board of Supervisors
FROM: Sanford B. Wanner County Administrator
SUBJECT: Employee and Volunteer Outstanding Service Awards

The Recognition Program is designed to provide meaningful recognition of exceptional achievement, performance, and improvement by employees and volunteers of James City County and James City Service Authority.

The Employee and Volunteer Recognition Review Committee has recommended the following groups to receive Outstanding Service Awards at the April 9, 2002, Board of Supervisors meeting.

- 5 individual volunteers;
- 3 volunteer teams;
- 2 individual employees;
- 2 teams of employees; and
- 2 teams of employees/volunteers

Sanford B. Wanner

SBW/adw
volrecog.mem

AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 26TH DAY OF FEBRUARY, 2002, AT 4:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

James G. Kennedy, Chairman, Stonehouse District
Jay T. Harrison, Sr., Vice Chairman, Berkeley District

John J. McGlennon, Jamestown District
Michael J. Brown, Powhatan District
Bruce C. Goodson, Roberts District

Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. BOARD CONSIDERATIONS

1. Powhatan Creek Stormwater Operating and Funding Study

Mr. John T. P. Horne, Director of Development Management, recommended that no matter how the Powhatan Creek Plan develops, it is to the County's advantage to develop a funding strategy; and requested that the Board provide staff with direction at the end of the presentation.

Mr. Horne introduced Ms. Elizabeth Treadway, AMEC, the Stormwater Operating and Funding Study consultant.

Ms. Treadway introduced Ms. Jean Haggerty, technical leader; Diana St. John, project manager, and Moreen Hanagan, public information.

Ms. Haggerty provided the Board with an overview of the scope of the Project's Phase I including the County's existing stormwater program, program objectives and priorities, the development of projected stormwater program, and the preparation of a funding feasibility study for the projected program costs FY 03-07.

The Board and Ms. Haggerty discussed the projected capital expenditures for conservation easements.

Ms. Treadway provided the Board with an overview of Phase II of the project: the potential funding methods that would give the County the long-term, stable, flexible financing including stormwater utility user fees and State and Federal Grants for stormwater related water quantity or quality projects as well as anticipated funding from the long-term financing.

The Board and Ms. Treadway discussed stormwater user fees and how those fees could be assessed, and how the fees could be adjusted for meeting the County's stormwater minimal standards.

Mr. Horne requested guidance from the Board regarding the primary and secondary funding sources to be carried into Phase II.

Mr. Goodson requested “impact fee” be changed to “proffers.”

The Board, staff, and the AMEC consultants discussed the projected allocation of the primary vs. secondary funding sources, and the breakout of the projected program costs by necessary expenditures and optional expenditures.

2. Financial Trends and Five-Year Forecast

Mr. John McDonald, Manager of Financial and Management Services, introduced Mr. David Rose and Mr. Courtney Rogers of Davenport & Company, LLC, the County’s financial advisor; and stated that they would be giving the Board an overview of the County’s current financial status and effect of long-range capital financing.

Mr. Rose provided the Board with an overview of the following topics:

a. The County’s Fiscal Goals and Objectives

An overview was given on the need for maintaining solid fund balances in light of Statewide budgetary shortfalls, operating within approved County fiscal goals, and the development of a preliminary strategy/plan of finance for potential school capital needs; and the County’s credit rating.

Mr. McGlennon and Mr. Rose discussed the impacts of moving to a biennial reassessment on credit ratings.

b. Rating, Economic, and Financial Comparisons of James City County with Other Selected Virginia Counties

c. Debt Ratios

A brief discussion was held on the current ratios with existing debt service, and fund balance designated for fiscal liquidity, and impacts of additional debt on the ratios.

d. Anticipated Projects to be Analyzed

A discussion was held regarding the 800 MHz Radio System and a new secondary school facility’s effect on the proposed CIP in FY08, and the incremental tax effect in FY 03 and FY 05.

e. Summary

Mr. Rose stated that the County’s solid financial management has resulted in a favorable credit rating, recommended adherence to the County’s fiscal goals, recommended financing the 800 MHz Radio System while long-term interest rates are near historical lows, and recommended the County be careful in planning a school related project to maintain long-term fiscal integrity.

The Board and Mr. Rose discussed financing options this year vs. waiting to finance the projects later, the incremental tax effects if financed at different levels or for different time frames, the Virginia Public School Authority bond advantages and disadvantages vs. general obligation bonds, and the radio system status.

C. BOARD REQUESTS AND DIRECTIVES - None

D. ADJOURNMENT

Mr. Kennedy requested a motion to adjourn until 7 p.m. on March 12, 2002.

Mr. McGlennon made a motion to adjourn.

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

Mr. Kennedy adjourned the Board at 6:10 p.m.

Sanford B. Wanner
Clerk to the Board

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AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 26TH DAY OF MARCH, 2002, AT 4:02 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

James G. Kennedy, Chairman, Stonehouse District
Jay T. Harrison, Sr., Vice Chairman, Berkeley District

John J. McGlennon, Jamestown District
Michael J. Brown, Powhatan District
Bruce C. Goodson, Roberts District

Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. BOARD CONSIDERATIONS

Mr. Kennedy introduced three Planning Commission members in the audience: Joe Poole, Peggy Wildman, and Joe McCleary.

1. Comprehensive Plan Methodology

Ms. Tamara Rosario, Senior Planner, provided the Board with an overview of the staff's efforts for the update of the Comprehensive Plan, groundwork for the Comprehensive Plan Methodology, emphasis on public input in the update of the Comprehensive Plan, and requested guidance from the Board on labor and cost options for the three main methodology options as well as on guiding principles for proceeding with the review and update of the 1997 Comprehensive Plan.

Mr. Goodson inquired if the staff will be driving the review even with the participation of a consultant.

Ms. Rosario stated that previous experiences shows that staff stays primarily involved in the review process even with the assistance of a consultant in the reviews.

Mr. Brown inquired if a consultant's involvement with the land use application review would permit staff to be involved and if other localities have staff involvement during the land use application reviews.

Ms. Rosario stated that other localities indicated that the consultants generally do not take the primary role in the land use application reviews.

Mr. Horne stated that the active decision making is made based on public input, then by the steering committees.

Mr. Goodson stated he would like to see the public be more involved in the process.

Mr. McGlennon stated that citizen input would be invited and recommended that staff does not need consultant services in developing the review process.

Mr. Goodson requested a locality be invited to give a presentation on its experience in working with a consultant in a Comprehensive Plan update.

Ms. Rosario stated that the Cities of Williamsburg, Suffolk, and Chesapeake utilize a consultant, although the City of Williamsburg is considering not using a consultant in the future.

The Board and staff held a brief discussion regarding the presentation request, locality experience in using consultants and staff in their comprehensive plan process, and what information the Board is looking for in considering utilizing a consultant.

Mr. Kennedy inquired if the staff time proposed will include Planning Commission members time or County staff time, the anticipated workload impacts on staff with the various labor and cost options, and schedules of citizen input meetings to accommodate the various schedules of the citizens.

The Board and staff held a brief discussion concerning interest in encouraging public participation throughout the entire process.

Mr. Harrison inquired if locality input regarding utilization of a consultant could be obtained prior to the Board making a decision on the labor and cost guidance.

Mr. Wanner advised the Board that the guidance concerning the labor and cost is needed to be included in the budget.

Mr. Horne stated that a deferral of guidance would impact the timeline of the Comprehensive Plan.

Mr. Goodson inquired if staff anticipates a need for additional personnel for the process and how the consultant cost would be allocated in the budget.

Mr. Horne stated that one additional position, an intern, has been requested, and Mr. Wanner stated that the allocation would be made in the FY 02 budget.

The Board and staff discussed the composition of the diversity of the County residents and its impact on the Comprehensive Plan, the number of building permits requested, the Steering Committee's composition, and the difference between the Community Participation Team and the Steering Committee.

The Board directed Mr. Wanner to put aside contingency funds in the event the Board directs staff to utilize a consultant for the process.

The Board deferred action on the labor and cost proposals until the April 23 work session.

The Board concurred with the guiding principles proposed by staff with the option to provide additional guidance on the principles as citizen input is provided.

Mr. Kennedy recessed the Board for a brief break at 4:45 p.m.

Mr. Kennedy reconvened the Board at 4:50 p.m.

2. Communication Strategic Management Plan

Ms. Jody Puckett, Communications Director, provided the Board with an overview of the Communication Strategic Management Plan, the Communications Office, and preliminary results of the Cable Channel 48 survey about the services provided by the Communications Office.

Mr. Goodson inquired if the Communications Office has looked at alternative methods of broadcasting program information for those without cable service, such as through the internet, and if the Communications Office will air General Assembly meetings.

Ms. Puckett stated that alternatives have been reviewed, but feels technology in the general public does not warrant alternative methods at this time, and that airing the General Assembly meetings is an option if the Board provides guidance to do so.

The Board stated their appreciation for the volunteers and staff's efforts with the services provided with the Communications Office.

C. BOARD REQUESTS AND DIRECTIVES

Mr. Brown inquired if a discussion will be held between staff and the Board concerning the E-911 tax.

Mr. Wanner stated that it would be discussed as part of the budget work sessions.

D. ADJOURNMENT

At 5:17 p.m., Mr. Kennedy recessed the Board until its regular meeting at 7 p.m.

Sanford B. Wanner
Clerk to the Board

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 26TH DAY OF MARCH, 2002, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

James G. Kennedy, Chairman, Stonehouse District
Jay T. Harrison, Sr., Vice Chairman, Berkeley District

John J. McGlennon, Jamestown District
Michael J. Brown, Powhatan District
Bruce C. Goodson, Roberts District

Sanford B. Wanner, County Administrator
Frank M. Morton, III, County Attorney

B. MOMENT OF SILENCE

Mr. Kennedy requested the Board and citizens observe a moment of silence.

C. PLEDGE OF ALLEGIANCE

Ms. Rebecca Oh, an eighth grade student at Toano Middle School, led the Board and citizens in the Pledge of Allegiance.

D. PRESENTATIONS

1. Volunteer Recognition

Mr. Kennedy presented Certificates of Appreciation to Blair Curly, Rachel Fitzgerald, Ankit Patel, Mike Weston, Meghan Williamson, and Brendan Williamson of the Sharpe Community Partnership, a residential service learning program for first-year students at the College of William and Mary, for their initiative to encourage local businesses to recycle and in promoting the Clean County Commission programs.

2. The State of the Travel Industry and Prospects for 2002

Mr. David Schulte, Executive Director of the Williamsburg Area Convention and Visitors Bureau, provided the Board and citizens with an overview of the local travel industry since September 11, 2001.

Mr. Kennedy called attention to the art work in the Board Room and thanked the students of Lafayette High School for providing the art work.

E. PUBLIC COMMENT

1. Ms. Sarah Nunley, Mr. Travis Small, and Ms. Adel Berra, members of the Student Shared Leadership Council at Lafayette High School, extended an invitation to members of the Board and County staff to spend a school day at Lafayette High School in April.

2. Mr. Ed Oyer, 139 Indian Circle, stated that another trailer has been removed from the property line at Country Village Mobile Home Park; stated that in January of 1999 the Stonehouse athletic fields were designated as public-use fields; and stated that a stoplight at Monticello Avenue and Centerville Road will not improve safety.

F. HIGHWAY MATTERS

Mr. Jim Brewer, Acting Resident Engineer, Virginia Department of Transportation (VDOT), was available to address comments from the Board.

Mr. Kennedy thanked VDOT for taking steps to begin installing a traffic light at Monticello Avenue and Centerville Road.

Mr. Harrison concurred with Mr. Kennedy's statement and inquired if VDOT has taken the opportunity to review concerns from citizens about the apparent settling of Route 199 over Tutter's Creek.

Mr. Brewer stated that VDOT will look into the settling issue.

G. CONSENT CALENDAR

Mr. Kennedy asked if a member wished to pull an item from the Consent Calendar.

Mr. Goodson requested Item Number 6, 2003 Primary Road Priorities, be pulled.

Mr. Goodson made a motion to adopt the remaining items on the Consent Calendar including the minutes as corrected.

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

1. Minutes

a. March 12, 2002, Regular Meeting

2. Dedication of Streets

a. Westmoreland, Sections 1 and 2

RESOLUTION

DEDICATION OF STREETS IN WESTMORELAND, SECTIONS 1 AND 2

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 advised the Board that 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 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, of the Code of Virginia, and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED, the 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. Springhill, Phases 3 and 4

RESOLUTION

DEDICATION OF STREETS IN SPRINGHILL, PHASES 3 AND 4

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 advised the Board that 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 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, of the Code of Virginia, and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED, the 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. Bonded Industrial Access Road Fund Resolution for James River Commerce Center

RESOLUTION

BONDED INDUSTRIAL ACCESS ROAD FUNDING AT

JAMES RIVER COMMERCE CENTER

WHEREAS, Williamsburg Developments, Inc. (WDI) and the Industrial Development Authority (IDA) 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 for the purpose of promoting industrial development; and

WHEREAS, additional property will be acquired by the IDA within the park with the intended use to be the site of an industrial shell building; and

WHEREAS, infrastructure is required to reach the new shell building; and

WHEREAS, addition of infrastructure will open new WDI property for development, as well as provide infrastructure to the IDA's property; and

WHEREAS, acquisition of the shell building site was conditioned upon provision of infrastructure to the site; 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 (VDOT); and

WHEREAS, the Virginia Bonded 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, 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, 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, hereby agrees that the new roadway, so constructed, will be added to and become a part of the Secondary System of Highways.

4. Reimbursement - 800 MHz Financing

RESOLUTION

REIMBURSEMENT - 800 MHz FINANCING

WHEREAS, James City County, Virginia (the "County") has made or will make expenditures (the "Expenditures") in connection with an 800-megahertz public safety radio system with related improvements/expansion of the Central Dispatch function and facility for the new radio system and mobile data terminals (the "Project"); and

WHEREAS, the County may determine that the funds advanced and to be advanced to pay Expenditures will be reimbursed to the County from the proceeds of one or more tax-exempt obligations to be issued by or on behalf of the County (the "Indebtedness").

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

1. The Board hereby adopts this declaration of official intent under Treasury Regulations Section 1.150-2 and declares that the County intends to reimburse itself with the proceeds of Indebtedness for Expenditures made on, after or within 60 days prior to the date hereof with respect to the Project, except that Expenditures made more than 60 days prior to the date hereof may be reimbursed as to certain de minimis or preliminary expenditures described in Treasury Regulations Section 1.150-2(f) and as to other expenditures permitted under applicable Treasury Regulations.

2. The maximum principal amount of Indebtedness expected to be issued for the Project is \$8,500,000.
3. This resolution shall take effect immediately upon its adoption.

5. Operating Contingency Transfer – Regional Jail

RESOLUTION

OPERATING CONTINGENCY TRANSFER - REGIONAL JAIL

WHEREAS, the County has seen a 30 percent increase in its average daily population at the Virginia Peninsula Regional Jail and previously budgeted funds of \$860,000 are not expected to be sufficient through the end of the fiscal year.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes a transfer of \$250,000 from Operating Contingency to the Regional Jail payment account.

6. 2003 Primary Road Priorities

Mr. John T. P. Horne, Manager of Development Management, stated that staff has prepared a report outlining the County's priorities for primary road projects to be presented to the Virginia Department of Transportation (VDOT) prior to the Commonwealth Transportation Board (CTB) making its allocation decision. He spoke to the Route 60E project phasing and the Route 199 projects.

Staff recommended the Board approve the resolution and endorsement of the County's request for funding of its 2003 priority primary road projects.

Mr. Goodson made a motion to approve the resolution and endorsement.

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

RESOLUTION

2003 PRIMARY ROAD PRIORITIES

WHEREAS, the James City County Board of Supervisors believes that a safe, efficient, and adequate transportation network is vital to the future of the County, the region, and State; and

WHEREAS, the James City County Comprehensive Plan and/or regional and state transportation plans and studies conclude that the following highway projects are essential to permit the safe and efficient movement to traffic in the Williamsburg-James City County area; and

WHEREAS, there exists a pressing need to implement the projects below in order to relieve traffic congestion which impedes the actions of emergency vehicles and personnel, causes inconvenience and delays, and contributes the major source of air pollution to the area.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the following list comprises the highest priority primary highway projects in James City County:

- A. Full funding and the minimization of delays for the widening of the existing sections of Route 199 to four lanes in those areas where only two lanes presently exist;
- B. Funding for design and construction of Route 60 East relocation with priority given to the section between Route 60 in James City County and the Fort Eustis Interchange;
- C. Funding for the improvements to the Route 199-Jamestown Road intersection and support of the locally preferred alternative;
- D. Funding for landscaping along the Route 199 corridor; and
- E. Proceeding with the next phases of preliminary design and environmental study for the Capital to Capital Bikeway project consistent with a resolution adopted by the Board of Supervisors on November 10, 1998.

Mr. Kennedy recognized Wilford Kale, member of the Planning Commission, in the audience.

H. PUBLIC HEARINGS

1. Case No. SUP-2-02. Walker Manufactured Home Replacement

Ms. Leah M. Nelson, Planner, stated that Robert Walker has applied for a special use permit to replace a manufactured home with a new 2002 Oakwood Series Model No. 1011 double-wide unit, on .59 acres zoned R-8, Rural Residential, at 2726 Little Creek Dam Road, further identified as Parcel No. (01-0-0018) on the James City County Real Estate Tax Map No. (21-4).

Staff found that the proposal, with conditions, will meet administrative criteria for placement of a manufactured home and will improve the living conditions of the applicant.

Staff recommended the Board approve the special use permit application with conditions.

Mr. Kennedy opened the public hearing.

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

Mr. Harrison made a motion to adopt the resolution.

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

RESOLUTION

CASE NO. SUP-2-02. WALKER MANUFACTURED HOME REPLACEMENT

WHEREAS, all requirements for the consideration of an application for a special use permit for the placement of a manufactured home have been met.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that a special use permit be granted for the placement of a manufactured home on property owned and developed by the applicant as described below.

Applicant: Mr. Robert Walker

Real Estate Tax Map ID: (21-4)

Parcel No.: (1-18)

Address: 2726 Little Creek Dam Road

District: Stonehouse

Zoning: R-8, Rural Residential

- Conditions:
1. This permit shall be valid only for the 2002 Oakwood Series Model No. 1011 double-wide unit applied for. If the 2002 Oakwood Series Model No. 1011 double-wide manufactured home is removed, this permit shall become void. Any replacement shall require a new permit from the Board of Supervisors. If the permit is not exercised, it shall become void one year from the date of approval.
 2. The manufactured home shall be skirted and meet the requirements of the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards.
 3. The existing manufactured home shall be removed prior to the placement of the new manufactured home.
 4. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.
 5. The new manufactured home shall be placed so as to comply with all current setback and yard requirements in the R-8, Rural Residential, Zoning District.

2. Virginia Energy Purchasing Governmental Association

Mr. John E. McDonald, Manager of Financial and Management Services, stated that the Virginia Municipal League (VML) and the Virginia Association of Counties (VACo) have gotten together to achieve the best rates for electric power generation service through the combined purchasing power of Virginia cities, counties, schools, and authorities by the creation of the Virginia Energy Purchasing Governmental Association (VEPGA).

The annual dues for the County to join the VEPGA are \$1,372 for the upcoming fiscal year.

Staff recommended the Board adopt the ordinance.

Mr. Kennedy opened the public hearing.

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

Mr. McGlennon made a motion to adopt the ordinance.

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

3. Dominion Virginia Power Easement for American Tower Corporation

Mr. Bernard M. Farmer, Jr., Capital Projects Administrator, stated that an easement has been requested by Dominion Virginia Power for underground utilities to a communications tower site leased from the County by American Tower Corporation.

Staff recommended the Board approve the resolution authorizing the County Administrator to grant an easement to Dominion Virginia Power to serve the American Tower Corporation lease site.

Mr. Kennedy opened the public hearing.

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

Mr. McGlennon made a motion to approve the resolution with the amended easement.

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

RESOLUTION

DOMINION VIRGINIA POWER EASEMENT FOR AMERICAN TOWER CORPORATION

WHEREAS, the Board of Supervisors has previously granted a lease for a tower site to American Tower Corporation; and

WHEREAS, in order to operate the tower it must be served by electrical power supplied by Dominion Virginia Power; and

WHEREAS, the location of the easement must be coordinated with other improvements being constructed for a new Government Center Office Building.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute the necessary easement documents once the design has been coordinated with the Government Center Office Building improvements and the appropriate plat prepared.

I. PUBLIC COMMENT - None

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner recommended the Board recess for a brief James City Service Authority Board of Directors meeting, then reconvene a closed session pursuant to Section 2.2-3711 (A) (1) of the Code of Virginia to consider appointment of individuals to County Boards and/or Commissions.

K. BOARD REQUESTS AND DIRECTIVES - None

Mr. Kennedy recessed the Board at 7:37 p.m. for a brief break while the James City Service Authority Board of Directors meeting convened.

Mr. Kennedy reconvened the Board at 7:52 p.m. into open session.

L. CLOSED SESSION

Mr. Harrison made a motion to go into closed session pursuant to Section 2.2-3711 (A) (1) of the Code of Virginia to consider appointment of individuals to County Boards and/or Commissions.

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

Mr. Kennedy convened the Board into closed session at 7:53 p.m.

At 8:02 p.m. Mr. Kennedy reconvened the Board into open session.

Mr. McGlennon made a motion to adopt the Closed Session resolution.

On a roll call vote, the vote was: AYE: McGlennon, Brown, Goodson, Harrison, Kennedy (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 2.2-3711 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, Section 2.2-3711(A)(1), appointment of individuals to County boards and/or commissions.

Mr. McGlennon made a motion to appoint Wayne Grimes to the Cable Television Advisory Committee for a four-year term, term to expire 3/26/06; to reappoint Alan Robertson, Mary Higgins, Joseph Hagy, and Sean Heuvel to the Parks and Recreation Advisory Committee for four-year terms, terms to expire on 4/11/06; to reappoint Jim Tucker to the Regional Issues Committee for a one-year term, term to expire on 3/26/03; to reappoint Lawrence Beamer, Phil Smead, and Lewis Waltrip to the Route 5 Transportation Improvement District Advisory Board for one-year terms, terms to expire on 3/26/03; and to appoint William Apperson to the Wetlands Board for a five-year term, term to expire on 3/26/07.

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

L. ADJOURNMENT

Mr. Kennedy requested a motion to adjourn until 7:00 p.m. on April 9, 2002.

Mr. Harrison made a motion to adjourn.

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

Mr. Kennedy adjourned the Board at 8:03 p.m.

Sanford B. Wanner
Clerk to the Board

**Agricultural and Forestal District-1-98. Barrett's Ferry AFD-2002 Renewal
Staff Report for April 9, 2002, 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
 AFD Advisory: February 21, 2002, 4:00 p.m., Human Services Center
 Planning Commission: March 4, 2002, 7:00 p.m., Building C Board Room
 Board of Supervisors: April 9, 2002, 7:00 p.m., Building C Board Room

SUMMARY FACTS

Applicant/Land Owner: Mr. Baxter Bell

Proposed Use: Renewal of the existing Barrett's Ferry Agricultural and Forestal District

Location: Generally located between the Chickahominy River, The Governor's Land at Two Rivers, and Route 5

Tax Map and Parcel No.: (43-2)(1-3)

Primary Service Area: Outside

Existing District Size: 210.49 acres

Existing Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Surrounding Zoning: North: A-1; Gordon's Creek AFD
 South: R-4; The Governor's Land at Two Rivers
 East: A-1; Undeveloped
 West: A-1; Barrett's Ferry Subdivision

Staff Contact: David Anderson - Phone: 253-6685

STAFF RECOMMENDATION:

Staff finds that the AFD is consistent with the surrounding zoning and development and consistent with the Comprehensive Plan and recommends the continuance of the Barrett's Ferry Agricultural and Forestal District for a period of four years subject to the conditions listed in the staff report. On February 21, 2002, the AFD Advisory Committee voted 8-0 to recommend approval of the renewal, and on March 4, 2002, the Planning Commission voted 7-0 to recommend approval of the renewal.

Barrett's Ferry Agricultural and Forestal District is approaching the end of its four-year term. In order for the continuation of this AFD, the Board of Supervisors will need to approve its renewal by April 28, 2002. This District is comprised of approximately 210 acres at 1671 John Tyler Highway in the Berkeley District. The property is located approximately 3,000 feet east of the Chickahominy River bridge on Route 5, John Tyler Highway, and is further identified as Parcel No. (1-3) on the James City County Real Estate Tax Map No. (43-2). The property is zoned A-1, General Agricultural District, and is designated Rural Lands and Conservation Area on the James City County Comprehensive Plan.

Property Description

The property lies generally between the Chickahominy River, The Governor's Land at Two Rivers, and Route 5. A small portion of the parcel is north of Route 5. The majority of the parcel is adjacent to the Barrett's Ferry subdivision. This subdivision was created by the property owner from a portion of the parent parcel. The property is wooded, but large areas have been selectively timbered. The land also has direct frontage on the Chickahominy River and has approximately 20-30 acres of marshland that drains directly into the Chickahominy River. There are no structures on the property and it is completely outside of the Primary Service Area (PSA). Public water and public sewer are not available to the property.

Surrounding Zoning and Land Uses

The property is zoned A-1, General Agricultural District. Land directly north of the site is also zoned A-1, and is part of the Gordon Creek AFD. To the west is Barrett's Ferry subdivision, also zoned A-1, and the Chickahominy River. To the south is Governor's Land, zoned R-4, Residential Planned Community. East of the property is undeveloped, wooded land zoned A-1.

Staff feels continuation of this AFD is compatible with surrounding zoning and land uses. The property is in an area of the County where suburban, residential development is not encouraged. The renewal of this AFD will help to ensure the property remains in forestal and/or agricultural uses for the duration of the District.

Comprehensive Plan

The property is designated Rural Lands and Conservation Area on the James City County Comprehensive Plan. Most of the southwestern quarter of the property is designated Conservation Area. This area drains directly into the Chickahominy River and is undevelopable. Preferred land uses in this area include hunting and fishing clubs, fish and game preserves, parks, and other open spaces which compliment the natural environment.

The balance of the property is designated Rural Lands and includes all of the land which fronts on Route 5. The continuation of this AFD is supported by several Rural Land Use Standards listed in the Comprehensive Plan, including preserving the natural, wooded, and rural character of the County. Staff feels that continuing an AFD on this property is consistent with the Comprehensive Plan.

Forestry Potential

The Resident State Forester had reviewed the initial application for this AFD and worked with the applicant to develop a forestry management plan for the property. Because the property has been selectively timbered, ensuing undergrowth makes it difficult for evergreen seedlings to establish themselves under such conditions. As a result, the Resident State Forester had suggested that the hardwoods be allowed to establish themselves on the property. In conjunction with the forestry management plan, the applicant has worked with the Department of Game and Inland Fisheries to create and preserve existing wildlife habitat on the property.

Soils

According to the Natural Resources Conservation Service, there are no less than nine soil complexes present on the property. Most of the soils on the property have moderate to very high tree potential. Some soils do not support tree growth nor are they suitable for agriculture because of their location in tidal areas. There are two Prime Farmland soil complexes present on the property, however, they constitute a very small percentage of the total property.

Transportation Issues

The property has approximately 3,500 feet of frontage on the south side of Route 5 and 1,000 feet of frontage on the north side. All lands within 25 feet of the existing right-of-way on the north side of Route 5 are excluded from the District for possible road and/or drainage improvements. Because of the Route 5 corridor's inclusion in the Capitol to Capitol Bikeway, all lands within 50 feet of the existing right-of-way on the south side of Route 5 are excluded from the District for the bikeway and for possible road and/or drainage improvements. This exclusion of land from the District does not negatively impact the applicant's ability to qualify for Use Value Taxation should his property otherwise qualify for it.

Recommendation

The location and physical characteristics of this property make it a viable candidate for continuation of an AFD. The analysis provided by the Natural Resources Conservation Service and the Virginia Department of Forestry supports the forestry potential of the property. In addition, the environmental sensitivity of the area is not conducive for intensive residential or commercial development. The Comprehensive Plan supports the continuation of this District by preserving forestry and agricultural lands, and by preserving the rural character of the County.

As stated earlier, the applicant has previously subdivided a 54-acre portion of the parent parcel. The 210-acre remaining portion abuts this earlier subdivision. Staff, the AFD Advisory Committee, and the Planning Commission, recommend continuation of AFD-1-98, Barrett's Ferry Agricultural and Forestal District for a period of four years, with the following conditions, as originally adopted by the Board of Supervisors on April 28, 1998:

1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment, provided: a) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.
2. No land within the Barrett's Ferry Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District.
3. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code Section 15.2-4301 et. seq. which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

In addition, staff recommends that all land within 50 feet of the existing right-of-way on the south side of Route 5, John Tyler Highway, continue to be excluded from the District for possible future road and/or drainage

improvements, and for the planned Capitol to Capitol Bikeway. Staff recommends that all land within 25 feet of the existing road right-of-way on the north side of Route 5, John Tyler Highway, continue to be excluded from the District for possible future road and/or drainage improvements.

David Anderson

CONCUR:

O. Marvin Sowers, Jr.

DA/g
afd1-98.wpd

Attachments:

1. Minutes from the March 4, 2002, Planning Commission Meeting
2. Unapproved Minutes from February 21, 2002, AFD Advisory Committee Meeting
3. Location Map
4. Resolution

ORDINANCE NO. _____

BARRETT'S FERRY AGRICULTURAL AND FORESTAL DISTRICT (AFD-1-98)

2002 RENEWAL

WHEREAS, the owner of the property comprising the existing 210.49-acre Barrett's Ferry Agricultural and Forestal District has requested to renew the District for a period of four years; and

WHEREAS, James City County has completed a review of the Barrett's Ferry Agricultural and Forestal District; and

WHEREAS, in accordance with Section 15.2-4314 of the Code of Virginia, property owners have been notified, public meetings have been held, public hearings have been advertised, and public hearings have been held on the continuation of the Barrett's Ferry Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal District Advisory Committee at its February 21, 2002, meeting recommended approval of the application; and

WHEREAS, the Planning Commission, following its public hearing on March 4, 2002, recommended approval of the application.

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

1. The Barrett's Ferry Agricultural and Forestal District is hereby continued for a period of four years beginning the 28th day of April 2002, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq.
2. That the District shall include the following parcels:

(43-2)(1-3) Baxter Bell 210.49 acres

provided, however, that all land within 50 feet of the existing right-of-way on the south side of Route 5, John Tyler Highway, shall be excluded from the District, and that all land within 25 feet of the existing right-of-way on the north side of Route 5, John Tyler Highway, be excluded from the District.

3. That pursuant to the Virginia Code, Section 15.2-4312, as amended, the Board of Supervisors requires that no parcel in the Barrett's Ferry Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically the following restrictions shall apply.

- a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment, provided: a) the subdivision does not result in the total acreage of the District to drop below 200 acres; and, b) the subdivision does not result in a remnant parcel of less than 25 acres.
- b. No land within the Barrett's Ferry Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District.
- c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code Section 15.2-4301 et. seq. which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of April,
2002.

afd1-98.ord

**Agricultural and Forestal District-12-86. Gospel Spreading Church AFD (Mikula Withdrawal)
Staff Report for April 9, 2002, Board of Supervisors Public Hearing**

This staff report is prepared by the James City County Planning Division to provide information to the AFD Advisory Committee, 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

AFD Advisory Committee: February 21, 2002, 4:00 p.m. - Human Services Center
 Planning Commission: March 4, 2002, 7:00 p.m. - Building C Board Room, Government Center
 Board of Supervisors: April 9, 2002, 7:00 p.m.- Building C Board Room

SUMMARY FACTS

Applicant: Thomas and Elva Mikula
 Land Owner: Same

Proposed Withdrawal: 22.97 acres

Proposed Use: Single-Family Dwelling

Location: 2258 and 2264 Lake Powell Road, Jamestown District

Tax Maps and Parcel Nos.: (48-3)(1-40), (48-3)(1-39)

Primary Service Area: Inside

Existing Zoning: R-8, Rural Residential

Comprehensive Plan: Low-Density Residential

Surrounding Zoning: North: R-1, Limited Residential (undeveloped)
 South, East, West: R-8, Rural Residential (predominately undeveloped)

Staff Contact: Jill E. Schmidle - Phone 253-6685

STAFF RECOMMENDATION:

Staff finds the proposed withdrawal is consistent with the surrounding zoning, development, and the Comprehensive Plan. Staff also finds that this application meets all three criteria of the adopted Board policy regarding the withdrawal of lands from Agricultural and Forestal Districts that are inside the Primary Service Area (PSA). Therefore, staff recommends that 22.97 acres be withdrawn from the Gospel Spreading Church AFD. Should this withdrawal be approved, the size of the Gospel Spreading Church AFD would become 971.94 acres. On February 21, 2001, the AFD Advisory Committee voted 8-0 to approve the withdrawal. On March 4, 2002, the Planning Commission voted 7-0 to approve the withdrawal. Staff recommends the Board approve the withdrawal.

District History

The Gospel Spreading Church Agricultural and Forestal District (AFD) was created on December 1, 1986, for a term of four years, and the Board of Supervisors has approved four-year renewals in 1990 and 1994. On September 22, 1998, the Board of Supervisors approved the renewal of this AFD for a period of four years with the conditions listed in the attached resolution. In 1999, the Board of Supervisors approved the addition of approximately 26.46 acres, bringing the total acreage in the district to 994.91 acres.

In September 1996, the Board of Supervisors adopted a policy and withdrawal criteria for AFD parcels within the PSA. Should this withdrawal be approved, the size of the Gospel Spreading Farm AFD would become 971.94 acres, which exceeds the 200-acre minimum requirement.

Site Description

The properties to be withdrawn are zoned R-8, Rural Residential, and are predominantly woodland. Surrounding property is undeveloped or has developed residentially. The 14.42-acre parcel contains an existing single-family residential house and a new single-family residential house is proposed for the 8.55-acre parcel.

Surrounding Zoning and Development

Surrounding property is predominantly undeveloped, except for a few large-lot single-family residences. Property to the north is zoned R-1, Limited Residential, and is undeveloped. Property to the west, south, and east is zoned R-8, Rural Residential, and contains large lots that are either undeveloped or contain scattered single-family homes. Existing R-8 zoning requires a minimum three-acre lot size. Staff finds this withdrawal request to be consistent with the surrounding zoning.

Comprehensive Plan

Comprehensive Plan Land Use Designation

The portion of the Gospel Spreading Church AFD that is under consideration for withdrawal has a Low-Density Residential designation on the Comprehensive Plan Land Use Map.

Public Utilities

A majority of the land within this district (860 acres) is located outside of the PSA (PSA). 134.35 acres within this district are located inside the PSA. The 22.97 acres requested as part of this withdrawal are located within the PSA.

Transportation and Access

Most of the AFD is located along Lake Powell Road and Treasure Island Road. All land within 25-feet of the road rights-of-way of Treasure Island Road, Lake Powell Road, Neck-O-Land Road, and Jamestown Road shall be excluded from the district.

Analysis

On September 24, 1996, the Board of Supervisors adopted a policy and withdrawal criteria for AFD parcels that are within the PSA. That policy and criteria are as follows:

“For Agricultural and Forestal Districts Within the Primary Service Area, the Board of Supervisors will use the minimum standards listed below. These standards are different standards from the standards

applied to those districts located outside the PSA. They are in recognition that lands within the PSA are intended for urban development at some point in the future and, therefore, are not expected to remain in agricultural and forestal use in the long-term. Lands outside the PSA are intended to remain rural and the preferred use for rural lands is agricultural and forestal use.

1. Withdrawals will be approved no more than once per year, per AFD, per landowner. This means that an owner of multiple parcels within an AFD will be allowed only one withdrawal per year in the AFD.
2. The minimum acreage for withdrawals shall be 75 acres, either as a single parcel or in combination with more than one parcel. Individual landowners who own less than 75 acres must withdraw all of their parcel from the district. Parcels withdrawn as part of any one request need not be contiguous.
3. The new land use shall be in conformance with the Comprehensive Plan. A formal application to convert the use of the property shall accompany any request for withdrawal, such as an application for rezoning, special use permit or any development plans. The application shall include a conceptual plan acceptable to the Director of Planning. The application for withdrawal and the application to convert the use of the property shall be submitted together and processed as a single development request.”

The policy states that the Board shall weigh each of the above criteria in its deliberation, but may also use whatever criteria it deems appropriate for the individual case. Each of these three criteria have been evaluated by staff:

Criteria 1: One Withdrawal Per Year

The applicant has not requested a withdrawal within the past year and is requesting to remove all of their land presently included in the AFD. The application meets this criterion.

Criteria 2: Minimum Acreage of 75 Acres

The applicant has requested a withdrawal of 22.97 acres, which represents all of their land presently in the Gospel Spreading Church AFD. The application meets this criterion.

Criteria 3: Conformance with the Comprehensive Plan and Submitted Land Development Application and Plan

The parcels are designated as Low-Density Residential on the Comprehensive Plan. The 14.42-acre parcel contains an existing single-family residential house, and a new single-family house is proposed for the 8.55-acre parcel. The Comprehensive Plan recommends a density of one dwelling unit per acre. This proposal constitutes a density of one dwelling unit per 11.45 acres. The application meets these criteria.

Existing AFD Conditions

The current conditions of the Gospel Spreading Farm Agricultural and Forestal District are as follows:

1. The Gospel Spreading Church Agricultural and Forestal District is hereby continued for a period of four years beginning the twenty-second day of September 1998, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq.

2. That the district shall include the following parcels:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
JCC Bible and Agricultural and Training School	(48-3)(1-35)	403.560
JCC Bible and Agricultural and Training School	(56-2)(1-1)	457.000
Floyd P. Carmines	(47-4)(1-37)	27.920
Lyman Hall	(47-4)(1-11)	17.890
Lyman Hall	(47-4)(1-13)	39.110
Thomas M. and Elva Mikula	(48-3)(1-39)	14.420
Thomas M. and Elva Mikula	(48-3)(1-40)	8.550
*Dr. Stanley H. and Mrs. Mavis Powell	(47-4)(1-33)	<u>26.460</u>
Total:		<u>994.910</u>

**Added on January 12, 1999*

Provided, however, that all land within 25 feet of the road rights-of-way of Treasure Island Road (Route 617), Lake Powell Road (Routes 617 and 618), Neck-O-Land Road (Route 682), and Jamestown Road (Route 31) shall be excluded from the district.

3. That pursuant to the Virginia Code, Sections 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Gospel Spreading Church Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

- a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment, provided:
 - a) the subdivision does not result in the total acreage of the district to drop below 200 acres;
 - and b) the subdivision does not result in a remnant parcel of less than 25 acres.
- b. No land outside the PSA and within the Agricultural and Forestal District (AFD) may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Parcels inside the PSA and within the Agricultural and Forestal District may be withdrawn from the District in accordance with the Board of Supervisors policy pertaining to "A Withdrawal of Lands From Agricultural and Forestal Districts Within the PSA," adopted September 24, 1996.
- c. No special use permit shall be issued except for agricultural, forestal, or other activities and use is consistent with the State Code Section 15.1-4301 et. seq., which are not in conflict with the policies of this district. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

RECOMMENDATION:

Staff finds the proposed withdrawal consistent with the surrounding zoning, development, and the Comprehensive Plan. Staff also finds that this application meets all three criteria of the adopted Board policy regarding the withdrawal of lands from Agricultural and Forestal Districts that are inside the PSA. Therefore, staff recommends that 22.97 acres be withdrawn from the Gospel Spreading Church AFD. Should this withdrawal be approved, the size of the Gospel Spreading Church AFD would become 971.94 acres. On February 21, 2002, the AFD Advisory Committee voted 8-0 to approve the withdrawal. On March 4, 2002, the Planning Commission voted 7-0 to approve the withdrawal. Staff recommends the Board approve the withdrawal.

Jill E. Schmidle

CONCUR:

O. Marvin Sowers, Jr.

JES/gs
gospel.afd12-86.wpd

Attachments:

1. Planning Commission minutes
2. AFD Advisory Committee minutes, dated February 21, 2002
3. Location Map
4. Withdrawal request letter dated January 8, 2002
5. Gospel Spreading Church AFD Ordinance No. 173A-9, approved on September 22, 1998
6. Gospel Spreading Church AFD Powell Addition Resolution Ordinance No. 173A-11, approved on January 12, 1999
7. Board of Supervisors Policy for withdrawal of lands from AFD's within the Primary Service Area, approved on September 24, 1996
8. Resolution

RESOLUTION

CASE NO. SUP-5-02. LAFAYETTE HIGH SCHOOL

CASE NO. SUP-6-02. JAMESTOWN HIGH SCHOOL

CASE NO. SUP-7-02. CLARA BYRD BAKER ELEMENTARY SCHOOL

CASE NO. SUP-8-02. TOANO MIDDLE SCHOOL

CASE NO. SUP-9-02. D.J. MONTAGUE ELEMENTARY SCHOOL

TEMPORARY CLASSROOM TRAILERS

WHEREAS, all conditions for the consideration of these special use permit applications have been met; and

WHEREAS, the Williamsburg-James City County School Board has applied for a special use permit to allow one temporary classroom trailer and extend the permit period for two temporary classroom trailers at Lafayette High School on property owned and developed by the applicant located at 4460 Longhill Road, and further identified as Parcel No. (1-1) on James City County Real Estate Tax Map No. (32-3); and

WHEREAS, the Williamsburg-James City County School Board has applied for a special use permit to allow one temporary classroom trailer and extend the permit period for one temporary classroom trailer at Jamestown High School on property owned and developed by the applicant located at 3751 John Tyler Highway, and further identified as Parcel No. (1-2D) on James City County Real Estate Tax Map No. (46-1); and

WHEREAS, the Williamsburg-James City County School Board has applied for a special use permit to extend the permit period for one temporary classroom trailer at Clara Byrd Baker Elementary School on property owned and developed by the applicant located at 3131 Ironbound Road, and further identified as Parcel No. (1-58) on James City County Real Estate Tax Map No. (47-1); and

WHEREAS, the Williamsburg-James City County School Board has applied for a special use permit to extend the permit period for three temporary classroom trailers at Toano Middle School on property owned and developed by the applicant located at 7817 Richmond Road, and further identified as Parcel No. (1-51) on James City County Real Estate Tax Map No. (12-4); and

WHEREAS, the Williamsburg-James City County School Board has applied for a special use permit to allow one temporary classroom trailer at D.J. Montague Elementary School on property

owned and developed by the applicant located at 5380 Centerville Road, and further identified as Parcel No. (1-49) on James City County Real Estate Tax Map No. (31-3).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the issuance of special use permits for the placement of temporary classroom trailers as described above and on the attached site location maps with the following condition:

These permits shall be valid until July 1, 2006.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of April, 2002.

sup5,6,7,8,9-02.res

**SPECIAL USE PERMIT-1-02. VoiceStream Wireless Extension
Staff Report for April 9, 2002, 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: March 4, 2002, 7:00 p.m.
 Board of Supervisors: April 9, 2002, 7:00 p.m.

SUMMARY FACTS

Applicant: Ms. Ambre Blatter
 Land Owner: Mr. Jonathan C. Kinney, Trustee

Proposed Use: 20 foot extension of existing 190-foot tower-mounted wireless communication facility

Location: 10039 Old Stage Road; Stonehouse District

Tax Map and Parcel No.: (4-1)(1-10)

Primary Service Area: Outside

Parcel Size: 196 acres

Existing Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

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

Staff Contact: Jill E. Schmidle - Phone: 253-6685

STAFF RECOMMENDATION:

Staff finds the proposed addition consistent with the surrounding zoning and development and consistent with the Comprehensive Plan. On March 4, 2002, the Planning Commission voted 7-0 to approve the proposal with the attached conditions. Staff recommends the Board approve this proposal with the conditions listed in the staff report.

Description of Project

Ms. Ambre Blatter of VoiceStream Wireless has applied on behalf of Jonathan C. Kinney for a special use permit to extend an existing 190-foot telecommunications tower twenty feet, for an overall height of 210 feet plus radio equipment cabinets. The purpose of the extension is to allow co-location on the existing Alltell tower. Communications towers over 35 feet require a special use permit in the A-1, General Agricultural District. On June 10, 1997, the Board of Supervisors approved Case No. SUP-12-97, which permitted a 190-foot telecommunications tower on this site. An extension of the existing tower also requires a special use permit.

Existing Conditions

The existing tower is located on a 100 foot x 100 foot compound at the western end of a large, timbered parcel of approximately 196 acres. The property is located between Old Stage Road and Interstate 64. The tower location is approximately 3,400 feet west of the nearest residences on Route 30, Old Stage Road, including King's Village subdivision. The tower is located approximately 3,500 feet west of Old Stage Road and approximately 3,500 feet north of the closest home site in the Racefield subdivision. The site is approximately 800 feet northeast of the westbound lanes of Interstate 64. The parcel has approximately 4,000 feet of frontage on I-64 and 300 feet of frontage on Old Stage Road. The topography of the parcel is rolling with ravines and flatter areas. The tower is located on a relatively flat area within a depression. A band of mature pines and hardwoods, approximately 150 feet deep, has been retained along the parcel's I-64 frontage.

Surrounding Zoning and Development

The property is zoned A-1, General Agricultural District and is surrounded by A-1 property. There are five parcels north of the site that total 252 acres, which belong to the Barnes Swamp Agricultural and Forestal District and are wooded and predominantly undeveloped. There are several parcels between the property and Old Stage Road that are zoned A-1 and contain single-family residences on large lots. Across Old Stage Road is the King's Village subdivision, zoned A-1. Interstate 64 is located to the west of the property. Across I-64 are several large parcels zoned A-1.

Staff finds the proposed use is compatible with the surrounding zoning and development. The site's relatively remote location places it at least two-thirds of a mile away from the closest residences, and the balloon test revealed minimal visibility from most areas. Visibility is discussed in greater detail in a later section.

Access

Access to the site is from Old Stage Road through an existing dirt and gravel logging road which is locked when not in use. The length of the road is approximately 4,000 feet. The use does not generate a significant amount of additional traffic, and staff does not anticipate an extension would generate significant additional traffic.

Comprehensive Plan

The property is designated Rural Lands by the 1997 Comprehensive Plan. Rural Lands are properties containing farms, forest, and scattered houses, and are exclusively outside the Primary Service Area. 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.

General Land Use Development Standards suggest siting nonagricultural and nonforestal uses in areas designated away from agricultural/forestal uses, away from open farm fields, and away from important agricultural/forestal soils and resources. Due to the small size of the tower site, staff finds that this use does not interfere with surrounding forestal activity. Because of its distance from public roads and existing development, staff finds an

extension of this tower would not significantly impact the rural character of the area. In addition, the tower has minimal impact on the site's forestry use.

Visual Analysis of the Proposal

To simulate the proposed height of the tower extension, the applicant conducted a publicly advertised balloon test on February 21, 2002. A balloon was raised and staff drove on nearby streets to gauge visual impacts.

Balloon Test Results

The balloon test revealed the existing structure and proposed extension has minimal to no visibility on adjacent roadways and surrounding properties. Pictures taken during the test and a location map are attached.

Approximately one mile from the tower traveling westbound on I-64, the tower and balloon were visible for a distance less than .1 of a mile, due to higher topography at that location. The tower is not visible from any other section of I-64 west as a result of the wooded buffers along the property. Traveling eastbound on I-64, the balloon was not visible.

On Racefield Drive, approaching the intersection of Stewarts Road, at a point approximately one mile from the tower, the balloon was visible at the treeline. The balloon was not visible from any other portion of Racefield Drive.

At Barnes Swamp on Stewarts Drive at the New Kent County line, the balloon was visible above the treeline.

The balloon was not visible along Old Stage Road. At the Dzula Farm on Old Stage at the New Kent County line, the balloon was visible from portions of the property, approximately 600 feet off of Old Stage Road. At this location, the balloon was visible through the treeline, at a distance of approximately 3/4 of a mile from the tower location. The property owner did not express any reservations with the existing tower or the proposed extension.

Federal Aviation Administration (FAA) requirements

Per Federal requirements, all structures greater than 200 feet above ground level (AGL) must be marked and/or lighted. Owners/developers of all structures greater than 200 feet AGL are required to provide notice to the FAA, which will then conduct an aeronautical study for the specific project. Structure marking may consist of alternating bands of orange and white paint (for daytime visibility) and red obstruction lights (for night visibility). As an alternative to this combination, the FAA may allow a dual lighting system featuring red lighting at night and medium intensity white strobe lighting during the day. Because the extension exceeds 200 feet, a marking system would be required by the FAA. Staff prefers a red beacon light or lights of low-medium intensity rather than a white strobe light.

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 is attached for your reference).

Section 24-124 of the Zoning Ordinance states that "in considering an application for a special use permit for a Wireless Communications Facility, the planning director shall prepare a report identifying the extent to which the application takes into account the 'Performance Standards for Wireless Communication Facilities,' dated May 26, 1998, and endorsed by the Board of Supervisors. In general, it is expected that all facilities shall substantially meet the provisions of the above performance standards."

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 where they would depart from existing and future patterns of development. To implement these goals, the Planning Commission and the Board of Supervisors have adopted the 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 co-location 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.

Staff comment on the application, with respect to the Performance Standards, is below:

A. Co-Location and Alternatives Analysis

These standards encourage co-location. Since this extension is a co-location on an existing tower, and eliminates the need for constructing a new tower, staff finds that this application meets the co-location and alternatives analysis standards.

Condition Nos. 6 and 13 of the existing special use permit outline requirements for co-location, including good faith negotiations to allow the County to install public communications equipment.

Where new towers are permitted and approved, these standards allow for maximum co-location opportunities possible, thereby minimizing the number of new sites within the County as a whole.

Standard A4 will be met through proposed SUP conditions.

B. Location and Design

Performance Standard B1 states that towers and tower sites should be consistent with existing and future surrounding development and the Comprehensive Plan. More specifically, towers should be compatible with the use, scale, height, size, design, and character of surrounding existing and future uses, while protecting the character of the County's scenic resource corridors and their view sheds. Staff finds that while the proposed extension will be partially visible in a few select locations, the impact on the viewshed will be minimal. In addition, staff finds that the co-location opportunity should be advocated rather than encourage a new tower in another location.

As discussed in the sections on surrounding development and zoning and the Comprehensive Plan, staff finds the application meets this performance standard.

Performance Standard B2 states that new towers should have minimal intrusion on residential areas and on scenic resource corridors. Since such a small portion of the tower (less than 25 percent of the tower) will be visible and in very limited locations, staff finds that the extension will have minimum intrusion on residential areas, historic and scenic resource areas or roads, or scenic resource corridors.

For areas designated rural lands on the Comprehensive Plan that are within 1,500 feet of the tower, the extension has little to no visibility. For rural lands that are more than 1,500 feet from the tower, no more than the upper 25 percent of the tower should be visible. In the cases noted previously (I-64, Dzula Farm, Racefield Drive, Barnes Swamp), less than the upper 25 percent of the tower will be visible.

For the most part, the tower is not visible above the treeline, and the surrounding area contains enough tree cover to screen the tower's visibility.

Performance Standard B3 does not apply.

Performance Standard B4 states that towers should be less than 200 feet to avoid lighting. This application does not meet this standard.

Performance Standard B5 states that towers should be freestanding and not supported with guy wires. Staff finds the application meets this standard.

C. Buffering

The performance standards state that towers should be placed on a site in a manner that maximizes buffering from existing trees, including a recommended 100-foot wide wooded buffer of existing mature trees around the base of the tower, and that the access drive should be designed in a manner that provides no off-site view of the tower base or related facilities.

Staff finds the application exceeds this performance standard. As noted above, the tower site takes maximum advantage of existing trees and vegetation to screen as much of the entire facility as possible from view from adjacent properties and public roads. The access drive is approximately .7 of a mile in length and does not provide a view of the tower base or related facilities.

Surrounding areas are primarily rural in character. Staff finds that the proposed extension is compatible with the existing conditions, and accommodates a service need in this area of the County without adding a new tower.

Recommendation:

Staff finds the proposed tower consistent and compatible with existing surrounding structures and zoning. Staff also finds that the application is consistent with the Comprehensive Plan and generally meets the County's performance standards for Wireless Communications Facilities by encouraging co-location and avoiding placement of a new tower. On March 4, 2002, the Planning Commission voted 7-0 to approve the proposal with the attached conditions. In consideration of these factors, staff recommends the Board approve the application with the following conditions:

1. All towers shall be designed and constructed for at least three users and shall be certified to that effect by an engineering report prior to final site plan approval.
2. The tower shall meet or exceed the structural requirements as set out in the most current version of "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures," published by the Electronic Industries Association. A report certifying that these structural requirements will be met shall be submitted prior to preliminary site plan approval.
3. A statement from a registered engineer that NIER (nonionizing electromagnetic radiation) emitted from any equipment on or service the facility does not result in a ground level exposure at any point outside such facility which exceeds the lowest applicable exposure standards established by any regulatory agency of the U.S. Government or the American National Standards Institute shall be submitted prior to preliminary site plan approval.
4. 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, and 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(D) of the standards adopted by the Electronics Industries Association, or any amendment thereof, have been met.

5. The applicant shall allow other users to locate on the tower and site and shall provide the County, upon request, verifiable evidence of having made good faith efforts to allow such locations. To this end, the applicant agrees to execute a letter of intent prior to final site plan approval stating that the applicant will make every reasonable effort to accommodate all future requests to share space and that the applicant will negotiate in good faith with any party requesting space on the tower or site.
6. Maximum height of all towers shall not exceed 210 feet, plus radio antenna equipment.
7. The tower shall have a finish that is grey in color. Lighting, beacons, and other similar devices shall be prohibited unless required by the FCC or FAA. When required by the FCC or FAA, a red beacon light or lights of low-medium intensity shall be used rather than a white strobe light. Should the regulations and requirements of this subsection conflict with any regulation or requirement by the FCC or FAA, then the regulations of the FCC and FAA shall govern. At the time of site plan review, a copy of the FAA and/or FCC findings shall be made available to the County.
8. No advertising material or signs shall be placed on the tower.
9. Prior to installation of equipment other than that of the applicant's, an intermodulation study, prepared by a licensed engineer, shall be submitted to, and approved by the Planning Director or his designee, indicating that no interference with County-operated emergency communications equipment will take place.
10. If the use of the tower, or portions of the tower above the level of the uppermost equipment ceases, and the tower or said portion remains unused as a wireless communications facility or unused as a facility that supports public safety antenna for a period of six months, the tower or unused portion and associated and unused accessories shall be removed from the property by its owners. The applicant shall post a surety, performance bond, or cash equivalent in an amount sufficient to guarantee removal of any unused facility or part thereof prior to final site plan approval.
11. Prior to final site plan approval and prior to leasing space on the tower to additional users, the applicant shall offer a lease option and negotiate in good faith with the County to install public communications equipment on the tower. Evidence of good faith negotiations shall include, but not be limited to, documented and executed lease agreements for similar agreements for public use on a privately owned tower. The County shall, within a reasonable time period, make a final determination regarding its desire to locate on the tower and shall notify the applicant of its intentions.
12. A permanent Certificate of Occupancy shall be obtained within one year of approval of this special use permit, or the permit shall become void.
13. The tower shall be freestanding and shall not use guylines for support.
14. Any supporting structures, such as equipment sheds and huts, shall be of a similar design and material and/or color to that generally used on a single-family residence and shall be approved by the Director of Planning. A gable or shed roof shall be used on all equipment sheds and huts as determined by the Director of Planning prior to final site plan approval.
15. There shall be a future lease area to accommodate one additional tower and supporting equipment as generally depicted on the site plan prepared by the Timmons Group titled "360° communications - Norge Site," dated March 24, 1997 and site plan prepared by GEM Engineering Company titled "VoiceStream Wireless - ATC/Norge," dated January 15, 2002. Such lease area shall remain free of all strictures until such

time a second tower is constructed and the additional tower shall be subject to an administrative approval only. Said tower shall meet all requirements of this special use permit.

16. The fencing used to enclose the lease area shall be vinyl-coated and shall be dark green or black in color and shall be reviewed and approved by the Director of Planning prior to final site plan approval.
17. Existing trees in the ravines of the parcel and along the parcels Interstate 64 frontage shall be retained for screening purposes and shall not be timbered while a tower or towers remain on the property. These areas are identified as Areas 1 and 3 on the map entitled "HDWD MGMT AREA," prepared by Chesapeake Forest Products, dated February 1970.
18. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Jill E. Schmidle

CONCUR:

O. Marvin Sowers, Jr.

JES/adw
sup1-02.wpd

Attachments:

1. Planning Commission minutes
2. Location map
3. Preliminary site plan (separate)
4. JCC Performance Standards for Wireless Communications Facilities, dated May 26, 1998
5. Approved conditions for Case No. SUP-12-97
6. Photos taken at the publicly advertised balloon test
7. Photo location map
8. Resolution

RESOLUTION

CASE NO. SUP-1-02. VOICESTREAM WIRELESS EXTENSION

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, Ms. Ambre Blatter has applied on behalf of Jonathan C. Kinney, Trustee, for a special use permit to extend an existing 190-foot telecommunications tower twenty feet, for an overall height of 210 feet, plus radio equipment cabinets located at 10039 Old Stage Road; and

WHEREAS, the proposed extension is shown on the plan prepared by GEM Engineering Company titled "VoiceStream Wireless - ATC/Norge," dated January 15, 2002; and

WHEREAS, the property is located on land zoned A-1, General Agricultural District, and can be further identified as Parcel No. (1-10) on James City County Real Estate Tax Map No. (4-1); and

WHEREAS, the Planning Commission, following its public hearing on March 4, 2002, voted 7-0 to approve this application.

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-1-02 as described herein with the following conditions:

1. All towers shall be designed and constructed for at least three users and shall be certified to that effect by an engineering report prior to final site plan approval.
2. The tower shall meet or exceed the structural requirements as set out in the most current version of "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures," published by the Electronic Industries Association. A report certifying that these structural requirements will be met shall be submitted prior to preliminary site plan approval.
3. A statement from a registered engineer that NIER (nonionizing electromagnetic radiation) emitted from any equipment on or services the facility does not result in a ground level exposure at any point outside such facility which exceeds the lowest applicable exposure standards established by any regulatory agency of the U.S. Government or the American National Standards Institute shall be submitted prior to preliminary site plan approval.
4. 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, and 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(D) of the standards adopted by the Electronics Industries Association, or any amendment thereof, have been met.

5. The applicant shall allow other users to locate on the tower and site, and shall provide the County, upon request, verifiable evidence of having made good-faith efforts to allow such locations. To this end, the applicant agrees to execute a letter of intent prior to final site plan approval stating that the applicant will make every reasonable effort to accommodate all future requests to share space and that the applicant will negotiate in good faith with any party requesting space on the tower or site.
6. Maximum height of all towers shall not exceed 210 feet, plus radio antenna equipment.
7. The tower shall have a finish that is grey in color. Lighting, beacons, and other similar devices shall be prohibited unless required by the FCC or FAA. When required by the FCC or FAA, a red beacon light or lights of low-medium intensity shall be used rather than a white strobe light. Should the regulations and requirements of this subsection conflict with any regulation or requirement by the FCC or FAA, then the regulations of the FCC and FAA shall govern. At the time of site plan review, a copy of the FAA and/or FCC findings shall be made available to the County.
8. No advertising material or signs shall be placed on the tower.
9. Prior to installation of equipment other than that of the applicant's, an intermodulation study prepared by a licensed engineer shall be submitted to, and approved by, the Planning Director or his designee, indicating that no interference with County-operated emergency communications equipment will take place.
10. If the use of the tower, or portions of the tower above the level of the uppermost equipment ceases, and the tower or said portion remains unused as a wireless communications facility or unused as a facility that supports public safety antenna for a period of six months, the tower or unused portion and associated and unused accessories shall be removed from the property by its owners. The applicant shall post a surety, performance bond, or cash equivalent in an amount sufficient to guarantee removal of any unused facility or part thereof prior to final site plan approval.
11. Prior to final site plan approval and prior to leasing space on the tower to additional users, the applicant shall offer a lease option and negotiate in good faith with the County to install public communications equipment on the tower. Evidence of good faith negotiations shall include, but not be limited to, documented and executed lease agreements for similar agreements for public use on a privately owned tower. The County shall, within a reasonable time period, make a final determination regarding its desire to locate on the tower and shall notify the applicant of its intentions.
12. A permanent Certificate of Occupancy shall be obtained within one year of approval of this special use permit, or the permit shall become void.

13. The tower shall be freestanding and shall not use guylines for support.
14. Any supporting structures, such as equipment sheds and huts, shall be of a similar design and material and/or color to that generally used on a single-family residence and shall be approved by the Director of Planning. A gable or shed roof shall be used on all equipment sheds and huts as determined by the Director of Planning prior to final site plan approval.
15. There shall be a future lease area to accommodate one additional tower and supporting equipment as generally depicted on the site plan prepared by the Timmons Group titled "360° Communications - Norge Site," dated March 24, 1997, and site plan prepared by GEM Engineering Company titled "VoiceStream Wireless - ATC/Norge," dated January 15, 2002. Such lease area shall remain free of all strictures until such time a second tower is constructed and the additional tower shall be subject to an administrative approval only. Said tower shall meet all requirements of this special use permit.
16. The fencing used to enclose the lease area shall be vinyl-coated and shall be dark green or black in color and shall be reviewed and approved by the Director of Planning prior to final site plan approval.
17. Existing trees in the ravines of the parcel and along the parcel's Interstate 64 frontage shall be retained for screening purposes and shall not be timbered while a tower or towers remain on the property. These areas are identified as Areas 1 and 3 on the map entitled "HDWD MGMT AREA," prepared by Chesapeake Forest Products, dated February 1970.
18. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of April, 2002.

sup1-02.res

**SPECIAL USE PERMIT-3-02. Truswood Waterline Extension
Staff Report for the April 9, 2002, 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: March 4, 2002, 7:00 p.m.
Board of Supervisors: April 9, 2002, 7:00 p.m.

SUMMARY FACTS

Applicants: Mr. Kevin J. Rhind of Truswood, Inc.
Mr. Mark Rinaldi of LandMark Design Group

Land Owner: James City County Industrial Development Authority
Williamsburg Developments, Inc.
BASF Corporation
Truswood Properties, LLC

Proposed Use: Waterline extension (16-inch diameter pipe; approx. 5,500 linear feet).

Location: The waterline would extend from Endeavor Drive, which is located within the James River Commerce Center, across BASF property to the Truswood site.

Tax Maps and Parcel Nos.: (59-4)(1-3); (1-4); (1-5A); (59-2)(1-17); (1-45)

Primary Service Area: Inside

Existing Zoning: The James River Commerce Center is zoned M-1, Limited Business/Industrial. The BASF and Truswood properties are zoned M-2, General Industrial.

Comprehensive Plan: On the Land Use Map, the James River Commerce Center is designated for Mixed Use while the BASF and Truswood properties are designated for General Industry.

Surrounding Zoning: The proposed waterline extension would be located entirely within the existing James River Commerce Center, BASF, and Truswood sites. The waterline extension would not serve any other surrounding property.

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

STAFF RECOMMENDATION:

Staff finds that this proposal, with the attached conditions, would not impact surrounding development and is consistent with the Comprehensive Plan. Therefore, staff recommends approval of the application. On March 4, 2002, the Planning Commission recommended approval of the project by a vote of 6-0, with one abstention.

Description of the Project

Mr. Kevin Rhind of Truswood and Mr. Mark Rinaldi of LandMark have applied on behalf of the James City County Industrial Development Authority (IDA), Williamsburg Developments, Inc., BASF, Corp., and Truswood Properties, LLC., for a special use permit (SUP) to allow for the construction of a 16-inch waterline between the James River Commerce Center and the Truswood property, which is located at the BASF site in Grove.

Water facilities (public or private), including, but not limited to, pumping stations, storage facilities, and transmission mains, are specially permitted uses on property zoned M-1 and M-2.

Truswood recently purchased two lots within the BASF site. The BASF property is a 649 acre parcel located off Route 60 in Grove. Most of the property fronts on the James River and has limited occupancy by a few tenants. Truswood intends on speculatively developing the two parcels purchased. One lot is 16 acres in size and the other is 3.2 acres in size and were formerly owned by Virginia Commonwealth Textiles, LLC. Both properties have existing building and parking lot infrastructure and are served with a small private water and sewer line, which have been generally adequate for rest room and potable water needs. However, the existing water and sewer lines are outdated, privately owned by BASF, and are not large enough for any new industrial user which may require processed water or an automatic fire suppression system (e.g., sprinklers).

The largest, closest existing water main to tap into is the 16-inch waterline located within the right-of-way of Endeavor Drive, the road leading into the James River Commerce Center. Should the SUP be approved, Truswood would extend the water main from Endeavor Drive to their two properties on the BASF site. The exact location of the waterline has yet to be engineered, but the general location is shown on the enclosed Master Plan. The waterline would be located entirely within the applicants' property.

Truswood will not actually need the amount of water that is delivered by a 16-inch waterline. Therefore, should the SUP be approved, the new waterline would have excess capacity to serve the remaining property within the James River Commerce Center, including the site for the second shell building which will be constructed by the IDA, and some or all of the remaining BASF property. The incremental costs of installing the larger size pipe are relatively small given the total project costs, with the benefits going to the undeveloped land.

The Board should note that the water supplied to this pipeline extension will come from Newport News Water Works.

Surrounding Zoning and Development

As mentioned, the proposed waterline would be contained within the James River Commerce Center (JRCC), BASF, and Truswood properties. The JRCC is zoned M-1, Limited Business/Industrial, with proffers. Primary uses expected to develop in the park include light industrial and warehouse facilities, with research and development centers and general office as secondary uses. The park is approved for up to 1,056,000 square feet of development among five development pods totaling 219.24 acres, including approximately 57 acres of open space and environmentally sensitive areas.

Staff is proposing conditions designed to mitigate potential impacts to environmentally and historically sensitive areas. No aboveground construction is proposed. With the proposed conditions, staff believes the waterline extension will not negatively impact any adjacent property.

Comprehensive Plan

The James River Commerce Center is designated for Mixed Use while the BASF and Truswood properties are designated for General Industry on the Comprehensive Plan Land Use Map. These sites are also located within the James River Enterprise Zone. The purpose of the Enterprise Zone is to create an improved climate for private sector investment, development, and expansion, thereby improving the overall physical and social conditions within the Zone.

Several relevant strategies and objectives from the Comprehensive Plan's Economics Element include:

- # “Continue efforts to enhance the County’s economic environment by ensuring that a sufficient amount of properly planned or zoned land and infrastructure exist, or can be provided, and that public actions support and promote desirable commercial and industrial development.”
- # “Encourage public/private partnerships to ensure the development of quality industrial parks. . . .”
- # “Utilize the James City Service Authority (JCSA) and Newport News Water Works to promote desirable economic growth through the provision of water and sewer infrastructure consistent with the Comprehensive Plan policies and the Regulations Governing Utility Service.”

Staff finds the waterline extension will provide a needed utility to support investment, development, redevelopment and expansion within the JRCC, Truswood, and BASF sites. Staff finds the utility supports the other objectives listed above as well, and will provide added infrastructure to the second shell building. Staff therefore finds the proposal consistent with the Comprehensive Plan.

James River Commerce Center is presently developing as an industrial park. The Truswood properties are re-developing and BASF should redevelop in the future. Installation of a waterline of this size should aid that process. All three properties lie within the James River Enterprise Zone.

Recommendation

Staff finds that this proposal, with the attached conditions, would not impact surrounding development and is consistent with the Comprehensive Plan. Therefore, staff recommends approval of the application. On March 4, 2002, the Planning Commission recommended approval of the project by a vote of 6-0, with one abstention.

Paul D. Holt, III

CONCUR:

O. Marvin Sowers, Jr.

PDH/gb
sup-3-02.wpd

Attachments:

1. Minutes from the March 4, 2002, Planning Commission meeting
2. Location Map
3. Master Plan (separate)
4. Resolution of approval

RESOLUTION

CASE NO. SUP-3-02. TRUSWOOD WATERLINE EXTENSION

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 the construction of a 16-inch waterline to be constructed between the James River Commerce Center, through a portion of the BASF property, to the Truswood properties; and

WHEREAS, the general alignment is shown on that certain plan entitled, "Conceptual Corridor Alignment 16" Water Transmission Main Extension," prepared by LandMark Design Group and dated February 5, 2002; and

WHEREAS, the James River Commerce Center is currently zoned M-1, Limited Business/Industrial, and the BASF and Truswood properties are zoned M-2, General Industrial; and

WHEREAS, the James River Commerce Center is designated for Mixed Use while the BASF and Truswood properties are designated for General Industry on the 1997 Comprehensive Plan Land Use Map; and

WHEREAS, the properties in which the waterline extension would be located are (59-4)(1-3), (59-4)(1-4), (59-4)(1-5A), (59-2)(1-17) and (59-2)(1-45); and

WHEREAS, on March 4, 2002, the Planning Commission recommended approval of the application by a vote of 6-0, with one abstention.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-3-02 as described herein with the following conditions:

1. Archaeological studies shall be performed in accordance with the James City County Archaeological Policy for all land disturbed within the "Proposed 16" water transmission main extension corridor," as identified on the Master Plan entitled "Conceptual Corridor Alignment - 16" water transmission main extension," prepared by LandMark Design Group and dated February 5, 2002.
2. Natural resource studies shall be performed in accordance with the James City County Natural Resource Policy for all land disturbed within the "Proposed 16" water transmission main extension corridor," as identified on the Master Plan entitled "Conceptual Corridor Alignment - 16" water transmission main extension," prepared by LandMark Design Group and dated February 5, 2002.

3. The location of any Resource Protection Area (RPA), RPA buffer, steep slope (i.e., slopes greater than 25 percent in grade) and/or wetland shall be identified by the developer and shall be indicated on any site plan or development plan which is submitted to James City County for approval. The identification must be approved by the James City County Environmental Division prior to the issuance of preliminary site plan approval.
4. For all portions of the construction easement that have been cleared, but that do not need to remain clear after construction, as determined by the Planning Director, tree seedlings shall be planted in accordance with the Virginia Department of Forestry guidelines and shall be shown on a reforestation plan to be approved by the Director of Planning. This reforestation plan shall be submitted within one year of clearing the easement. The reforestation of this easement shall be completed, as determined by the Director of Planning, within two years of clearing the easement. It shall be the responsibility of the developer to provide surety prior to final site plan approval for the pipeline construction guaranteeing implementation of the reforestation plan and to secure the necessary means to plant on the construction easement after the easement reverts back to the property owner.
5. The final location of the pipeline shall be approved by the Director of Planning. However, the final location of the pipeline and all construction related activity shall avoid previously undisturbed areas of the RPA and the RPA buffer. Should the pipeline alignment need to cross a previously undisturbed RPA or previously undisturbed RPA buffer, the pipeline shall be bored underground to avoid any aboveground disturbance. Previously uncleared portions of the RPA and RPA buffer shall remain generally undisturbed, except as determined by the Environmental Director.
6. Any crossing of the BASF sanitary sewer line and/or pump station, shall be reviewed and approved by the James City Service Authority.
7. Prior to the issuance of preliminary site plan approval, an agreement and plan, including implementation time lines, must be reviewed and approved by the James City Service Authority on how the two Truswood properties, Tax Map IDs: (59-4)(1-4) and (59-4)(1-5A), will be served with public sewer.
8. The project shall comply with all Virginia Erosion and Sediment Control Regulations as specified in the 1992 Virginia Erosion and Sediment Control Handbook, as amended.
9. All required permits and easements, including necessary approvals from the Newport News Water Works, shall be obtained prior to the start of construction, as defined in the James City County Zoning Ordinance.
10. Construction, operation, and maintenance shall comply with all local, State, and Federal requirements, including all Newport News Water Works requirements.

11. A Land Disturbing Permit shall be obtained by the developer within 24 months of the date of this SUP or the permit shall be void.
12. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of April,
2002.

sup-3-02.res

**SPECIAL USE PERMIT-18-01. Waltrip Communications Tower (deferred from March 12, 2002)
Staff Report for April 9, 2002, 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: November 5, 2001, 7:00 p.m.
December 3, 2001, 7:00 p.m.
January 14, 2002, 7:00 p.m.
February 4, 2002, 7:00 p.m.
Board of Supervisors: March 12, 2002, 7:00 p.m.
April 9, 2002, 7:00 p.m.

SUMMARY FACTS

Applicant: Ms. Mary Waltrip
Proposed Use: Construct a 133-foot tall communications tower
Location: Adjacent to the Williamsburg-Jamestown Airport
Tax Map and Parcel No.: (48-2)(1-12)
Primary Service Area: Inside
Existing Zoning: R-8, Rural Residential
Comprehensive Plan: Airport
Surrounding Zoning: North: The Williamsburg Landing retirement community - zoned R-5
South: The Airport and other Waltrip businesses - zoned R-8
West: Single-family detached homes on R-2 zoned property
East: College Creek, with the Kingspoint subdivision located across the creek on property zoned R-1
Staff Contact: Paul D. Holt, III - Phone 253-6685

Staff continues to recommend denial of the application. Given the change in the application noted below, staff recommends that the Board remand the application back to the Planning Commission for consideration.

The case was deferred from the March 12, 2002, Board meeting. Since that time, the applicant has revised the application. Originally proposed was a communications tower 165-feet tall. Now proposed is a communications facility that is 133-feet in height. The height of the tower has been lowered 32-feet.

The applicant stated that at 133 feet, the Federal Aviation Administration (FAA) will not require structure marking or lighting. The applicant has not provided any verifiable evidence to confirm this statement.

Given the lower height, the applicant conducted another balloon test on Thursday, March 28, 2002. Staff publicly advertised the balloon test, as was done previously. In attendance were several members of the Board, Planning Commission, and residents of Kingspoint. Photographs taken at the simulation are attached. The Board may note two objects, a balloon and a crane mast. The balloon was raised by the applicant's consultant. The crane contained an antenna and was raised in the air by a service provider to model the service coverage that could be obtained by a site that is 133-feet tall.

Staff Recommendation

At the proposed height, and given that a standard monopole structure would be used, staff continues to find that the proposed tower is not consistent or compatible with existing surrounding structures and zoning. Staff also finds that the application is not consistent with the Comprehensive Plan and does not meet the County's "Performance Standards for Wireless Communications Facilities."

With respect to consistency and compatibility with existing surrounding structures and zoning, and the Comprehensive Plan, staff does not find enough of a change in the proposal to warrant different conclusions than those found under the previous application. These conclusions were all noted in the staff report of March 12, 2002. However, some highlights include:

- The 1997 Comprehensive Plan Land Use Map designates this property as "Williamsburg-Jamestown Airport." The principal suggested uses for the developable land associated with the airport include aviation, with airport-related commercial and office development as clearly secondary uses. Manufacturing, commercial, or industrial activities beyond the scope of what is described are not suggested. Staff finds the tower is clearly commercial in nature and not compatible with the Comprehensive Plan designation.
- Also important is the Comprehensive Plan's designation of Route 199 as a Community Character Corridor ("CCC"). Objectives echoed throughout the entire Comprehensive Plan for retaining community character state that the County should "ensure that development along Community Character Corridors and Areas (i.e., Route 199) protect the natural views of the area, promote the historic or unique character of the area, maintain greenbelt networks, and establish attractive County entrance corridors."
- Another objective listed in the Comprehensive Plan for retaining community character states that development should be "compatible in scale, size, and location to surrounding existing and planned development."
- A goal for retaining community character states that projects should "enhance and preserve the integrity of the historic and unique areas of the County."

Again, staff believes the use of a standard monopole structure at 133 feet is contradictory to these Comprehensive Plan standards. Staff believes adequate service can be provided with a structure or structures much lower in height and/or a structure that is camouflaged. The use of lower structures has worked well for other carriers in the County - most notably the construction of a 115-foot tall monopole structure behind Clara Byrd Baker Elementary School on Ironbound Road at Five Forks. That structure is substantially more compatible with surrounding uses and structures and protects the viewshed of the historic Mainland Farm. Camouflaged structures in the County have had success as well. More specifically, the recent approval of a flag-pole designed structure at the Government Complex on Mounts Bay Road, and the recent submission of a site plan for two "pine-tree" designed structures off Route 5 at

Greensprings Plantation. Also, the City of Newport News has successfully implemented the use of camouflaged structures in areas of that locality where a standard monopole was incompatible with surrounding residential uses. Attached are pictures of a “mono-pine” structure used at the City Farm. In historic areas, and areas of the County that are significant Community Character Corridors and Areas, staff believes shorter towers and camouflaged facilities provide both the service needed and the protection desired.

Staff believes that this particular area along this CCC is one of the most (if not the most) scenic viewsheds in the County from a State primary highway, and warrants special treatment and protection. It is views like these which give James City County a unique character.

With respect to conformance with the County’s performance standards, staff finds the only notable change would be with Standard B4 which states that towers should avoid the need for lighting. Again however, staff believes the applicant should document in writing the FAA’s finding that no structure lighting or marking would be needed at 133 feet. Staff does not believe that the proposed height reduction materially improves the proposed towers’ conformance with the adopted performance standards.

Finally, staff continues to find that the application fails to demonstrate the need for a facility that is 133 feet in height. More specifically, staff has continued to ask the applicant for written, verifiable evidence of:

- What is the absolute lowest height the primary antenna can be and still provide coverage, with and without co-locates?
- What service coverage could be obtained by using a camouflaged facility at, or just above, the tree line? What other stealth structure alternatives exist?
- At 133 feet, will additional service “gaps” remain such that additional future towers would be needed along Route 199?

As of the writing of this staff report, no detailed information has been provided on the above.

In consideration of the factors mentioned above, staff continues to recommend denial of the application. Given the recent change in the application, the staff recommends that the Board remand the application back to the Planning Commission for consideration.

Paul D. Holt, III

CONCUR:

O. Marvin Sowers, Jr.

PDH/adw
sup1801-2.wpd

Attachments:

1. Photos taken at the March 28, 2002, balloon test
2. Photos taken from the pine-tree camouflaged structure at the Newport News City Farm
3. Resolution of approval

RESOLUTION

CASE NO. SUP-18-01. WALTRIP COMMUNICATIONS TOWER

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 the construction of a 133-foot tall communications tower on property adjacent to the Williamsburg-Jamestown Airport; and

WHEREAS, the property is currently zoned R-8, Rural Residential, and designated Airport on the 1997 Comprehensive Plan Land Use Map; and

WHEREAS, the property is specifically identified as Parcel No. (1-12) on the James City County Real Estate Tax Map Number (48-2); and

WHEREAS, on February 4, 2002, the Planning Commission recommended denial of the application by a vote of 6-1.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-18-01 as described herein with the following conditions:

1. This special use permit shall be valid for a total of two towers. The maximum height of all towers shall not be greater than 133 feet.
2. Each individual tower shall be designed and constructed for at least three 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 off-site 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 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(D) 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.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of April, 2002.

sup-18-01.2.res

**SPECIAL USE PERMITS-5-02, 6-02, 7-02, 8-02, 9-02. Temporary Classroom Trailers
Staff Report for April 9, 2002, Board of Supervisors Public Hearing**

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

PUBLIC HEARINGS Building C Board Room; County Government Complex
Board of Supervisors: April 9, 2002, 7:00 p.m.

SUMMARY FACTS

Applicant: Michael E. Thornton, on behalf of Williamsburg-James City County Public Schools

Proposed Use: Lafayette High School - one new trailer, extend SUP for two existing trailers
Jamestown High School - one new trailer, extend SUP for one existing trailer
Toano Middle School - extend the SUP for three existing trailers
Clara Byrd Baker Elementary School - extend the SUP for one existing trailer
D.J. Montague Elementary School - one new temporary classroom trailer

Location: Lafayette High School - 4460 Longhill Road; Powhatan District
Jamestown High School - 3751 John Tyler Highway; Berkeley District
Toano Middle School - 7817 Richmond Road; Stonehouse District
Clara Byrd Baker Elementary School - 3131 Ironbound Road; Berkeley District
D.J. Montague Elementary School - 5380 Centerville Road; Powhatan District

Tax Maps and Parcel Nos.: Lafayette High School - (32-3)(1-1)
Jamestown High School - (46-1)(1-2D)
Toano Middle School - (12-4)(1-51)
Clara Byrd Baker Elementary School - (47-1)(1-58)
D.J. Montague Elementary School - (31-3)(1-49)

Parcel Size: Lafayette High School - R-2, General Residential; 50 acres
Jamestown High School - R-1, Limited Residential; 80 acres
Toano Middle School - A-1, General Agricultural; 34 acres
Clara Byrd Baker Elementary School - R-8, Rural Residential; 23 acres
D.J. Montague Elementary School - R-8, Rural Residential; 23 acres

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

STAFF RECOMMENDATION:

Staff finds these proposals to be consistent with the surrounding zoning and development and consistent with the Comprehensive Plan. Staff recommends the Board of Supervisors approve these proposals with the condition listed in the staff report.

Description of the Project

Mr. Michael Thornton, on behalf of Williamsburg-James City County Schools, has applied for five special use permits to allow the placement of temporary classroom trailers at Lafayette High School, Jamestown High School, Toano Middle School, Clara Byrd Baker Elementary School, and D.J. Montague Elementary School. Section 24-109 of the Zoning Ordinance requires the issuance of a special use permit by the Board of Supervisors for temporary classroom trailers accessory to an existing school. The requests for each of the five schools are detailed below.

Lafayette High School

Lafayette High School currently has two double trailers (four classrooms) located west of the main school building. The School Board is requesting one new double trailer (two classrooms) and an extension of the two existing trailers for two years. The SUP for the two existing trailers is valid until July 1, 2004. An additional one and a half classroom teacher positions will be added to the faculty for the 2002-2003 school year to accommodate growth in the student population. The School Board developed and submitted a site plan associated with SUP-14-00 for the area to the west of the main building and south of the tennis courts to accommodate up to twelve double trailers (20 classrooms.) The location for the trailers will not require additional landscaping as it is well screened from both adjacent properties and Longhill Road and would not interfere with any functional areas such as parking or recreation.

Jamestown High School

Jamestown High School currently has one double trailer (two classrooms) located west of the main school building. The School Board is requesting one new double trailer (two classrooms) and an extension of the existing trailer for two years. The SUP for the existing trailer is valid until July 1, 2004. An additional one and a half classroom teacher positions will be added to the faculty for the 2002-2003 school year to accommodate growth in the student population. The School Board developed and submitted a site plan associated with SUP-13-00 for the area to the west of the existing school building and north of the baseball field to accommodate up to seven double trailers (12 classrooms.) The location will not require additional landscaping as it is well screened from adjacent properties and Route 5 by a wooded buffer and would not interfere with any functional areas such as parking or recreation.

Toano Middle School

Three double trailers (six classrooms) are currently located at Toano Middle School in the area behind the gymnasium. These three trailers, permitted under SUP-17-99, were originally requested due to the wall reinforcement project at the school. The SUP for the three trailers is valid until July 1, 2004. The School Board is requesting that the SUP be extended for an additional two years. Toano's projected enrollment growth exceeded the school's effective capacity within two years and two additional teaching positions were requested for the 2000-01 school year. Since 1999, the trailers have been used for foreign language instruction (two classrooms), health and physical education (two classrooms), English 8 (one classroom), and gifted and talented/drama (one classroom).

Clara Byrd Baker Elementary School

One double trailer (two classrooms) is currently located at Clara Byrd Baker Elementary School between the main school building and the basketball courts. The SUP for the existing trailer is valid until July 1, 2004. The School Board is requesting an extension of the SUP for an additional two years. The trailer is used by the band and strings teachers. If the trailer does not remain, the school would be forced to hold band and strings in the cafeteria which would disrupt classroom instruction and place constraints on scheduling activities because of lunch running from 11:00 a.m. to 1:00 p.m.

D.J. Montague Elementary School

D.J. Montague does not currently have any temporary classroom trailers. A pre-school handicapped class will be located at D.J. Montague for the 2002-2003 school year. No existing classrooms are available to house the program at the school, which is centrally located to the residences of several identified pre-

school children. The overall increase in the number of pre-school handicapped children requires the placement of a temporary classroom trailer. The SUP would allow the placement of one double trailer (one classroom with bathroom), associated utility connections, sidewalks, decks, steps, and handicapped accessible ramps.

Public Utilities

Each of the school sites lie within the Primary Service Area (PSA). Public water and sewer serve the area surrounding each of the schools and the schools themselves.

Comprehensive Plan

The Comprehensive Plan designates all four school sites as Federal, State, and County Land. The majority of land surrounding the four schools is designated Low-Density Residential. Examples of acceptable land uses in areas designated as Low-Density Residential include: single-family homes, recreation areas, community-oriented public facilities, very limited commercial development, churches, and schools. Staff finds the proposed use to be consistent with the Comprehensive Plan as they are accessory to a recommended land use.

RECOMMENDATION:

Staff finds these proposals to be consistent with the surrounding zoning and development and consistent with the Comprehensive Plan. Staff recommends the Board of Supervisors approve each of these proposals with the following condition:

1. This permit shall be valid until July 1, 2006.

Christopher M. Johnson

CONCUR:

O. Marvin Sowers, Jr.

CJ/gs
sup5,6,7,8,9-02.wpd

Attachments:

1. Site Plan for Lafayette High School
2. Site Plan for Jamestown High School
3. Site Plan for Clara Byrd Baker Elementary School
4. Site Plan for Toano Middle School
5. Site Plan for D.J. Montague Elementary School
6. Resolution

ORDINANCE NO. _____

GOSPEL SPREADING CHURCH AGRICULTURAL AND FORESTAL DISTRICT

(AFD-12-86) MIKULA WITHDRAWAL

- WHEREAS, a request to withdraw approximately ±22.97 acres owned now or formerly by Thomas and Elva Mikula, identified as Parcel Nos. (1-40) and (1-39) on James City County Real Estate Tax Map No. (48-3) has been filed with the James City County Board of Supervisors; and
- WHEREAS, the Agricultural and Forestal District Advisory Committee, at its February 21, 2002, meeting, recommended the property be withdrawn by a vote of 8-0; and
- WHEREAS, in accordance with Section 15.2-4314 of the Code of Virginia, a public hearing was advertised and held by the Planning Commission and at its March 4, 2002, meeting recommended the property be withdrawn by a vote of 7 to 0; and
- WHEREAS, in accordance with Section 15.2-4314 of the Code of Virginia, a public hearing was advertised and held by the Board of Supervisors of James City County, Virginia; and
- WHEREAS, the Board finds that the withdrawal request meets the criteria set forth in the Board of Supervisors' Withdrawal Policy for Agricultural and Forestal District Parcels Within the Primary Service Area, dated September 24, 1996.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby removes that ±22.97 acres owned now or formerly by Thomas and Elva Mikula, as referenced herein from the 994.91-acre Gospel Spreading Church Agricultural and Forestal District.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of April, 2002.

gospel.afd12-86.ord