
AGENDA

JAMES CITY COUNTY PLANNING COMMISSION

February 4, 2002 - 7:00 P.M.

1. ROLL CALL
 2. MINUTES: January 14, 2002
 3. PLANNING COMMISSION PRESENTATION
 - A. Presentation to Martin A. Garrett
 4. ELECTIONS OF OFFICERS AND APPOINTMENTS
 - A. Chairman and Vice-Chairman of the Planning Commission
 - B. Development Review Committee
 - C. Policy Review Committee
 5. DEVELOPMENT REVIEW COMMITTEE REPORT
 6. PUBLIC HEARINGS
 - A. Case No. SO-1-02. Subdivision Ordinance Amendment
 - B. Case No. SUP-31-01. New Zion Baptist Church
 - C. Case No. SUP-30-01. King's Way Church
 - D. Case No. SUP-18-01. Waltrip Cellular Tower
 - E. Case No. SUP-25-01. VoiceStream Wireless Communications
Tower - Rochambeau
 7. PLANNING DIRECTOR'S REPORT
 8. ADJOURNMENT
-

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE FOURTEENTH DAY OF JANUARY, TWO-THOUSAND AND ONE, AT 6:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-C MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

Martin Garrett
Don Hunt
Wilford Kale
Joe McCleary
Peggy Wildman

ALSO PRESENT

Leo Rogers, Deputy County Attorney
Marvin Sowers, Planning Director
Christopher Johnson, Senior Planner
Jill Schmidle, Senior Planner
Karen Drake

ABSENT

John Hagee
A. Joe Poole

*Wilford Kale arrived during the presentation of Case No. SUP-26-01.

2. MINUTES

Upon a motion by Joe McCleary, seconded by Don Hunt, the minutes of the December 3, 2001, meeting, were approved by unanimous voice vote.

3. DEVELOPMENT REVIEW COMMITTEE (DRC)

Peggy Wildman presented the DRC report stating they reviewed three cases at the last meeting. She said the first case was a consent case in which the developer requested a reduction of the established setbacks for the master planned subdivision of Jamestown Hundred on three lots to allow proper placement of his model homes. The second case was for the approval of a 45' minimum buffer along News Road for Powhatan Village. The third case, Chesapeake Bank, came before the DRC for approval of the enhanced landscape plan along Route 30 as required in the proffers. She stated the DRC recommended preliminary approval for all the cases.

Don Hunt made a motion, seconded by Joe McCleary, to recommend approval of the DRC report. By a unanimous voice vote, motion passed.

4. INITIATION OF AMENDMENTS TO THE ZONING ORDINANCE.

Martin Garrett read the Initiation of the Zoning Ordinance to amend Section 19-15 (Fees) of the Subdivision Ordinance.

By unanimous voice vote, the Commission recommended approval.

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

Jill Schmidle presented the staff report stating the applicant was preparing additional information and requested deferral until the next regular Commission meeting in February. Staff concurred with this request.

Martin Garrett opened the public hearing. There being no speakers the public hearing remained open.

6. CASE NO. SUP-25-01. VOICESTREAM WIRELESS TELECOMMUNICATIONS TOWER.

Jill Schmidle presented the staff report stating the applicant for this case was continuing to compile information for staff to review and analyze and requested deferral until the February meeting. Staff concurred with this request.

Martin Garrett opened the public hearing. There being no speakers the public hearing remained open.

7. CASE NO AFD-1-89. ARMISTEAD AFD - 2002 RENEWAL.

Christopher Johnson presented the staff report stating the applicant requested to renew the existing 311.83 acre Armistead Agricultural and Forestal District for a term of four years. Staff found this request to be consistent with the surrounding zoning and development and the Comprehensive Plan. Staff recommended the Commission approve the continuance of this AFD and noted that on December 20, 2001, the AFD Advisory Committee unanimously recommended approval of this application.

Martin Garrett opened the public hearing. There being no speakers, the public hearing was closed.

Don Hunt made a motion, seconded by Joe McCleary, to recommend approval for the renewal of the Armistead AFD.

In a roll call vote, motion passed (4-0). AYE: Wildman, Hunt, McCleary, Garrett (4); NAY: (0).

8. CASE NO. AFD-1-93. WILLIAMSBURG FARMS AFD - 2002 RENEWAL.

Christopher Johnson presented the staff report stating the applicant requested to renew the existing Williamsburg Farms Agricultural and Forestal District for a term of four years. He stated the applicant had also requested to withdraw approximately 7.2 acres of an unsubdivided tract for possible development of additional residential lots. Staff found that the AFD was consistent with the surrounding zoning and development and the Comprehensive Plan. Staff recommended the Commission approve the continuance of the AFD subject to the conditions listed in the report and noted that on December 20, 2001, the AFD Advisory Committee unanimously recommended approval.

Don Hunt asked the applicant why he was requesting the withdrawal of 7.2 acres.

Patrick Duffeler, the applicant, stated that there had been some interest in developing the parcel but at this time, there was nothing planned.

Martin Garrett opened the public hearing. There being no speakers, the public hearing was closed.

Joe McCleary made a motion, seconded by Peggy Wildman, to recommend approval of this application.

In a roll call vote, motion passed (4-0). AYE: Wildman, Hunt, Garrett, McCleary (4); NAY: (0).

9. CASE NO. SUP-24-01. ZION BAPTIST CHURCH.

Jill Schmidle presented the staff report stating the applicant had applied for a special use

permit to allow the construction of approximately 4,200 square feet of additions to the existing church which would include a relocated fellowship hall, pastor's study, dressing rooms, mothers=room, library, conference room and a kitchen. Staff found that the proposed additions consistent with the surrounding zoning and development and Comprehensive Plan. Staff recommended the Commission recommend approval of this application as outlined in the staff report.

Joe McCleary noted that the only thing they had been given were surface plats of the proposed addition and asked if the design of the extension of the church would generally look the same as the existing church.

Jill Schmidle stated there was a condition regarding architectural review.

Martin Garrett opened the public hearing.

John Morman, applicant for the church, said he would answer any questions of the Commission and stated that the addition of the church would generally look the same as the existing church.

Don Hunt asked where the extension of the building would occur.

John Morman said the extension would be on the side of the existing church closest to Route 199.

There being no further speakers, the public hearing was closed.

Don Hunt made a motion, seconded by Joe McCleary, to recommend approval subject to the conditions. In a roll call vote, motion passed (4-0). AYE: Wildman, Hunt, McCleary, Garrett (4); NAY: (0).

10. CASE NO. SUP-26-01. GRACE COVENANT PRESBYTERIAN CHURCH.

Christopher Johnson presented the staff report stating the applicant had applied on behalf of Grace Covenant Presbyterian Church for a special use permit to allow the construction of a church. He stated that Phase One of the development would consist of an 11,000 square foot building noting that the entire site had been master planned and included a provision to expand the church to 24,000 square feet. Staff found the proposal to be consistent with the surrounding zoning, development, and Comprehensive Plan. Staff recommends the Commission approve this proposal as outlined in the staff report.

Don Hunt asked if the church had any plans for a day care or nursery school.

Christopher Johnson stated that staff was unaware of any such facility.

Martin Garrett opened the public hearing.

Steve Giesler, Chair of the Building Committee for the church, introduced Ronnie Orsborne of LandMark Design Group, Bob Magoon of Magoon and Associates, and Tom Darnell, Pastor of the church. He gave a brief history stating the church was established in 1980 and had met in a number of buildings throughout the City and County and were presently meeting in the upper gym of Walsingham Academy. He stated that the church had met twice with the Settlers Mill Homeowners Association Board and once with the homeowners and said they reviewed staff's recommendation and found them to be thorough and acceptable. He noted that the church had no

plans at this time for a day care or nursery school.

There being no further speakers, the public hearing was closed.

Peggy Wildman stated she was a resident of Settlers Mill and that this project would not directly affect her since she lived further into the subdivision. She said initial reaction of the view of the church from the east and west left her feeling that this was a very horizontal looking application with the exception of the roof line and canopy. She noted that she and Joe McCleary served on the committee that instituted the Neighborhood Commercial zoning and it particularly recommended not using long horizontal buildings. One example she used was Duke of Gloucester where it appears to be several small buildings but, in fact, is one building with different facades.

Joe McCleary added that the drawings that were shown did not completely portray the site since there was quite an elevation of the land. He had concerns of the starkness of the building and the way it would stand out. He said, since it was a Community Character Corridor, he would rather see something that blended in with the area.

Bob Magoon stated that the site could be thought of as a challenge but the engineers have considered the site to be an opportunity in working with this building. He stated that the parking lot of the Green Course in Colonial Williamsburg was terraced in a way that the parking areas fit the natural contours of the site. He stated as one travels down Jamestown Road, it will have quite a bit of interest where a flat site would not offer the same opportunities. The building facade has a gable, a large porch area, a colonnade, and not shown is the future worship space that sits out in front. He said by introducing offsets in the facade and gables, they visually break up what appears to be a flat facade.

Joe McCleary asked that since the Commission only had a black and white drawing, what Bob Magoon anticipated the color of the roof and walls would be.

Bob Magoon showed the Commission samples of what he suggested to the applicant but at this time, final colors had not been selected.

There being no further speakers, the public hearing was closed.

Joe McCleary made a motion, seconded by Don Hunt, to recommend approval of this application subject to the conditions in the staff report. In a roll call vote, motion passed (5-0). AYE: Wildman, Hunt, McCleary, Kale, Garrett (5); NAY: (0).

11. CASE NO. SUP-28-01. McKINLEY OFFICE BUILDING.

Karen Drake presented the staff report stating the applicant had applied for a special use permit to construct and operate a 7,500 square foot general office building. Staff found this proposed office building to be a complimentary in-fill development within the Neighborhood Commercial designated property and would provide a uniform transition on Olde Towne Road from the businesses to the adjacent timeshares. Staff recommended the Commission recommend approval of this application with the conditions as outlined at the staff report.

Wilford Kale asked about BMP-s and run-off from the parking lot and the site.

Karen Drake stated that a BMP was proposed behind the general office building and showed the Commission a large scale drawing of the proposed plan.

Wilford Kale asked what the distance was between the back alley and the BMP. He said his concern was about the large trucks that access that alley.

Karen Drake said the BMP will be on the property and will not cross over to the adjacent property. She added that the distance between the alley and BMP was 50 feet.

Martin Garrett opened the public hearing.

Greg Davis of Kaufman and Canoles representing the applicant, McKinley Properties, LLC, gave a brief history of the company noting projects in Winchester, Ashland, Fredericksburg, and Richmond County. He also stated that the applicant worked with staff on a conceptual plan prior to formal submission. He said the special use permit conditions adequately addressed the assurance that the building would comply with the architectural renderings submitted and such planning concerns as water use, traffic, etc. He said he would answer any questions of the Commission and requested they recommend approval of this application.

Cliff and Maricko Bloom, owners of Olde Towne Marketplace adjacent owners to the site, spoke of their main concern of stormwater run-off and noted the existing situation with AES that was built 16 years ago and was not under strict regulations. He asked where the water would go when it overflows.

Greg Davis stated the overflow would drain down the drainage utilities onto the Olde Town Square property into the drop inlet. He noted that the engineering plans have not yet been developed.

Martin Garrett asked Karen Drake if staff had adequately addressed this issue.

Karen Drake said that once the engineering plans were submitted, staff would work with the Environmental Division and Mr. and Mrs. Bloom to adequately address their concerns.

Don Hunt asked if it was a standing water problem in the landscape area.

Mr. and Mrs. Bloom said that was one of their concerns.

Marvin Sowers stated staff would make certain that these comments would be given to the Environmental Division and when the drainage plans come in with the site plans, notification of the submittal would be made to all adjacent property owners. He stated if the stormwater management plans were not adequately resolved between the parties, it would then go before the DRC.

There being no further speakers, the public hearing was closed.

Wilford Kale felt this was an excellent in-fill project in concept and idea and made a motion to recommend approval of SUP-28-01 with one amendment to the conditions in the staff report. He requested that this case go to the DRC.

Peggy Wildman seconded the motion. In a roll call vote, motion passed (5-0). AYE: Wildman; Hunt, McCleary, Kale, Garrett (5); NAY: (0).

12. CASE NO. SUP-29-01. A-STAT RESTORATION SERVICES.

Christopher Johnson presented the staff report stating the applicant had applied for a special use permit to allow the construction of an approximately 12,000 square foot office building.

He stated the master plan for this development identified parking areas for company vehicles, employees and customers, an outdoor storage area for containers and equipment, and a picnic area for employees. Staff found the proposal generally consistent with the surrounding zoning and development and the Comprehensive Plan and with the conditions, as outlined in the staff report, found the proposal to be a positive improvement to the surrounding residential area. Staff recommended the Commission recommends approval of this application.

Martin Garrett opened the public hearing.

Fred Nice, owner of A-Stat Restoration Services, said he would answer any questions of the Commission.

Don Hunt asked if Fred Nice had any concerns regarding the conditions of the special use permit.

Joe McCleary said that the elevation received by the Commission was minimal and asked the applicant if the building would look similar to the Oak Tree Business Park located on Ironbound Road.

Fred Nice stated he was agreeable to the conditions of the special use permit and that the appearance of the building would be brick or stone on the front and wanted the structure to have a home-like look, noting there would be a porch across the front.

Joe McCleary said he had been contacted by the Historic Route 5 Association and in view of the support of the local residents, they had no problem with the proposed development and had asked him to speak on its behalf.

There being no further speakers, the public hearing was closed.

Joe McCleary made a motion, seconded by Wilford Kale, to recommend approval of this application. In a roll call vote, motion passed (5-0). AYE: Wildman, Hunt, McCleary, Kale, Garrett (5); NAY: (0).

13. PRESENTATION ON COUNTY REGULATIONS FOR TELECOMMUNICATION FACILITIES.

Marvin Sowers stated the Commission had two pending applications for communication towers coming before them at its next meeting. He stated the County has an ordinance and policy dealing with the treatment of these facilities in the community. He said that staff received some comments and questions from some Commission members and they requested Leo Rogers, Deputy County Attorney, to review the Telecommunication Act of 1996.

Leo Rogers stated that the County had some very comprehensive standards in place in both the guidelines and ordinance and said those standards were done in compliance with the Federal Telecommunication Act. He noted that the Telecommunications Act of 1996 changed a lot in terms of the regulations of personal wireless facilities and that nothing in the act was designed to take away the authority from state and local government to regulate these types of facilities. He said the County was relying on the laws and decision of the Fourth Circuit and said the U.S. Supreme Court had yet to render an opinion on the meaning of the Telecommunication Act. He explained to the Commission the intent of the Telecommunication Act and how land-use decisions and zonings could be used without discriminating against or prohibiting a communications provider or violating the Telecommunication Act. He said decisions based on health factors related to radio frequency

were made by the Federal Telecommunication Commission and, therefore, the County cannot revisit them and would not be a valid consideration for denying a tower. He stated that the Commission could make decisions based on land-use elements. He said the County can regulate size, location, processing, submittal requirements, administrative approval requirements, and the aesthetic look of the tower when dealing with the harmonious nature of the surrounding community.

Don Hunt noted that the tower located on Croaker Road was erected without approval of the governing boards because it lies within the VDOT right-of-way. He asked if the County could tell a private landowner who lives within two-hundred yards of that existing tower that he has to meet a standard separate from the one that the State of Virginia has set down as acceptable.

Leo Rogers stated that the answer was yes and he understood what Don Hunt was speaking about. He said that the state was exempt from complying with local zoning requirements.

Wilford Kale said while working with a tower application on Route 5, the applicant said if they couldn't get a certain height, it would preclude service to a certain area. He asked if the Commission had the leverage to require a restricted height.

Leo Rogers said that the tower companies were saying that if they weren't allowed to go to 185', then they would be prevented from providing service to certain areas. What they weren't saying was that they could provide service to those areas but they would have to erect more towers which would not be economically feasible for them. He stated that the courts determined that it is not a consideration that a jurisdiction has to consider. If it were reasonable for the County to say that the towers should be 120' and they can then spread that cost along to their users, then that's all the County has to allow. He noted that Albermarle County has been very aggressive in that regard.

Marvin Sowers commented that the reality in Albemarle County has been that the companies have come back in and put the shorter towers up.

14. PLANNING DIRECTOR'S REPORT.

Marvin Sowers stated that on January 22, 2002, the Board would be given a presentation by the Consultant from Virginia Tech on the results of the Citizen Survey and welcomed all Commission members to attend that meeting.

Marvin Sowers also mentioned that there would be a VDOT public meeting on the Jamestown/Route 199 intersection on January 23, 2002, at 7 p.m. in the Berkeley Middle School.

There being no further business Martin Garrett stated that this was his last meeting. He said in the past a Nominating Committee came up with nominations for Chairman and Vice Chairman of the Commission and noted that there are no requirements in the by-laws that a committee must make nominations. He suggested that the Commission appoint Vice-Chairman, Joe Poole, as Acting Chairman and appoint a Chairman and Vice-Chairman with nominations from the floor at the February meeting..

The Commissioners concurred with Martin Garrett.

Wilford Kale requested to speak before Martin Garrett adjourned the meeting. He said he wanted to personally thank Martin Garrett for the work that he has done as Chairman during the last four years and, more importantly, for the hours spent over that last 24 years on the Commission. He said that he has found Martin Garrett to be fair, above reproach in the handling of the meetings,

outstanding with the citizens that have come before the Commission, and that he has had dignity and a sense of propriety that has suited the Commission well. He concluded by saying thank you and noted the County has been well served.

Joe McCleary seconded those sentiments.

Don Hunt said that on the time he has served on this Commission, he greatly appreciated Martin Garrett's input and the manner in which he conducted himself. He said they were going to miss him and he wished him well.

Martin Garrett said that of all the years that he has been here, he said he was the first ever to say something to a developer that they didn't like, that he recalled.

Don Hunt said he will always remember Martin Garrett's first comment about timeshares giving him heartburn.

Marvin Sowers said that on behalf of staff he would like to thank Martin Garrett for his service including his many hours at both the Commission and DRC meetings and stated it had been a pleasure to work with him.

15. ADJOURNMENT.

There being no further business, the January 14, 2002, meeting of the Planning Commission was adjourned approximately at 7:50 p.m.

Martin A. Garrett, Chairman

Marvin Sowers, Secretary

**Special Use Permit 31-01
New Zion Baptist Church - Expansion**

Staff Report for the February 4, 2002, Planning Commission 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:
Board of Supervisors:

February 4, 2002 7:00 p.m.
March 12, 2002 (Tentative) 7:00 p.m.

SUMMARY FACTS

Applicants:

Mr. Howard Price of AES Consulting Engineers and Mr. Alvin Bush of Facility Managers & Consultants, Inc.

Land Owner:

The Trustees of the New Zion Baptist Church

Proposed Use:

Approx. 8,200 square foot expansion of the church, parking lot expansion, relocation of the entrance

Location:

3991 Longhill Road

Tax Map/Parcel:

(31-3)(1-22)

Parcel Size:

Approximately 3.1 acres

Primary Service Area:

Inside

Existing Zoning:

R-8, Rural Residential

Comprehensive Plan:

Low Density Residential

Surrounding Zoning:

South & East: Fords Colony - R4, Residential Planned Community
North & West: Scattered single family homes, but mostly undeveloped land zoned R-8

Staff Contact:

Paul D. Holt, III Phone: 253-6685

STAFF RECOMMENDATION

With the proposed conditions, staff finds the proposal compatible with surrounding uses and zoning and consistent with the Comprehensive Plan recommendations. Therefore, staff recommends approval of the application.

Description of the Project

Mr. Howard Price of AES Consulting Engineers and Mr. Alvin Bush of Facility Managers & Consultants, Inc., have applied on behalf of the Trustees for the New Zion Baptist Church for a special use permit to allow for an expansion of an existing church located at 3991 Longhill Road. "Houses of worship" are specially permitted uses on land zoned R-8, Rural Residential.

The existing church consists of a one-story, 4,502 square foot building with approximately 56 parking spaces. Proposed is a one-story, 8,210 square foot building addition, relocation of the entrance, and a parking lot expansion/re-design totaling 89 spaces. The entrance would be relocated from the west side of the property to the east side of the property to provide for better ingress and egress movement.

The church currently experiences parking overflow problems and members are currently parking on adjacent property owned by the church. One property is to the west of this site and the other is located across Longhill Road. The parking lot expansion, if approved, should provide all needed parking on-site.

Undeveloped portions of this property are in a natural, wooded state.

The Board of Supervisors has by policy, requested copies of illustrative streetscape plans and colored renditions of the site and building elevations, when the building is visible from an arterial road right of way. A black & white elevation drawing is enclosed. A color version may be provided by the applicant at the public hearing.

Traffic

The proposed addition does not meet the thresholds for requiring a formal traffic study by either the County or the Virginia Department of Transportation (VDOT). However, the Institute of Transportation Engineers projects that a 12,712 square foot church would generate approximately 465 vehicle trips each Sunday with approximately 119 vehicle trips occurring during the peak hour of operation. The applicant counted vehicles at the church on January 20, 2002 and found 79 total vehicles for the existing church.

According to the County's most recent traffic counts, this portion of Longhill Road handles one of the lowest amounts of total traffic per day (6,572 vehicles per day - VPD). More specifically, Longhill Road:

- ▶ from Centerville Road to Season's Trace Subdivision: 6,572 vpd
- ▶ from Season's Trace Subdivision to Olde Towne Road: 15,599 vpd
- ▶ from Old Towne Road to Route 199: 16,188 vpd
- ▶ from 199 to Ironbound Road: 5,425 vpd

VDOT has reviewed the proposal and finds it generally acceptable and that no road/turn lane improvements are currently warranted. Staff concurs with VDOT's findings and does not believe the addition will negatively impact traffic on Longhill Road.

Surrounding Zoning and Development

To the south and east of this site is Ford's Colony, a residential planned community zoned R-4. It should be noted however, that this portion of Ford's Colony is currently un-improved and no lots have been sold as of the date of this staff report. Ford's Colony property which abuts this site is currently owned exclusively by Realtec. Per the proposed clearing limits shown on the Master Plan, almost all of the southern and eastern property line buffers will remain undisturbed and, according to the applicant, will be supplemented with additional landscaping.

Property to the north of this site, across Longill Road consists of mostly undeveloped land zoned R-8, including one large 132 acre tract that is currently located within an Agricultural and Forestal District. The property directly across the street from the church is a cemetery lot owned by the church. There are three other existing lots that have been improved with single family homes.

Directly to the west of this site is one 6.4 acre property zoned R-2, General Residential, one 1 acre parcel of undeveloped land zoned R-8 which is owned by the church and another 18 acre, R-8 zoned piece of property not owned by the church, but which has been improved with a single family home.

Churches are typically utilized very little during the week. With the proposed conditions, staff finds the impacts from the proposed church expansion would be sufficiently mitigated. Therefore, staff finds the proposal would be compatible with surrounding uses and zoning.

Comprehensive Plan

The 1997 Comprehensive Plan Land Use Map designates this property as Low Density Residential. Low Density areas are residential developments or land suitable for such developments with overall densities up to one dwelling unit per acre depending on the character and density of surrounding development, physical attributes of the property, buffers, the number of dwellings in the proposed development, and the degree to which the development is consistent with the Comprehensive Plan.

Examples of acceptable land uses within this designation include single-family homes, duplexes, cluster housing, recreation areas, school, churches, community-oriented public facilities, and very limited commercial establishments. Nonresidential uses should not alter, but rather, complement the residential character of the low-density residential area in which they are located. Very limited commercial establishments, schools, churches, and community-oriented facilities should generally be located on collector roads at intersections where adequate buffering and screening can be provided to protect nearby residential uses and the character of the surrounding area.

As noted, churches are an acceptable land use. While the existing site is not located at an intersection, staff does find that with the proposed SUP conditions, impacts to nearby residential uses and the character of the surrounding area will be mitigated. Longhill Road is also designated a Community Character Corridor. As indicated on the Master Plan, some existing impervious cover will be demolished to create a larger landscape buffer along the frontage of the property, and proposed SUP conditions call for the planting of evergreen landscaping to better screen the

existing parking lot from the road. In addition, a sidewalk and bike lane are proposed to improve non-vehicular traffic in this corridor - implementing the recommendations of both the County Sidewalk and Bikeways Plans. Therefore, with the proposed SUP conditions, staff believes the application is consistent with the Comprehensive Plan recommendations.

Public Utilities

The property is served with public water and sewer. In September 2001, the Board of Supervisors agreed to apply certain criteria to new developments to mitigate any negative impact to the County's water supply. One of those criteria suggests that the issuance of building permits be delayed until a draft permit is obtained by James City County from the State for the proposed desalinization plant or the applicant provides information on mitigating factors that offset the need for this criteria. No information has been provided by the applicant, although staff is proposing a condition that requires development of a water conservation plan.

Federal Regulation

Recently, the Federal Government enacted the "Religious Land Use and Institutionalized Persons Act of 2000." The Act prohibits imposing a substantial burden on the free exercise of religion through land use regulation unless there is a compelling government interest. It is staff's opinion that the proposed conditions of approval are reasonably related to the impacts caused by the use of the property and do not constitute a substantial burden on the free exercise of religion.

Recommendation

With the proposed conditions, staff finds the proposal compatible with surrounding uses and zoning and consistent with the Comprehensive Plan recommendations. Therefore, staff recommends approval of the application.

Paul D. Holt, III

attachments:

1. Location map
2. Master Plan (separate)
3. Elevation showing proposed addition (separate)
4. Proposed conditions of approval

Proposed Special Use Permit Conditions
for
SUP-31-01. New Zion Baptist Church - Expansion

1. Start of Construction, as defined in the Zoning Ordinance, shall commence within 24 months of the approval of this special use permit, or the permit shall be void.
2. The proposed sidewalk and bike path shown on the plan entitled, "Conceptual Plan New Zion Baptist Church Building Addition and Parking Lot Expansion," prepared by AES Consulting Engineers, and dated, December 21, 2001 (the "Master Plan"), shall be constructed or bonded in a manner acceptable to the County Attorney, prior to the issuance of any Certificate of Occupancy for the proposed building addition.
3. A shrub row, consisting of evergreen plant varieties, shall be provided to screen the parking lot from Longhill Road, in a manner and type to be determined by the Director of Planning. This additional landscaping shall be indicated on the site plan.
4. Prior to the issuance of preliminary site plan approval, the applicant shall demonstrate to the satisfaction of the County Attorney that all easements and/or agreements have been obtained and recorded, as applicable, for any needed off-site water and/or sewer connection, and for any needed off-site drainage and/or stormwater management need or use and any maintenance related thereto.
5. Prior to the issuance of preliminary site plan approval, the applicant shall be responsible for completing or bonding, in a manner acceptable to the County Attorney, any necessary improvements to ensure adequate fire flow volume and duration, as specified by the James City County Fire Department, is provided to the site.
6. Prior to the issuance of any Certificate of Occupancy, the plumbing inside the existing building shall be inspected by the James City Service Authority for potential water cross connections. Any cross connection shall be protected by an approved backflow prevention device(s).
7. Prior to the issuance of any Certificate of Occupancy, the applicant shall be responsible for developing water conservation standards to be submitted and approved by the James City Service Authority and subsequently enforcing these standards. The standards shall address such water conservation measures as limitations on the installation and use of landscaping design and materials to promote water conservation and minimize the use of public water resources.
8. All site lighting shall be limited to fixtures which are mounted on light poles not to exceed 15 feet in height and/or other structures horizontally and shall be recessed fixtures with no bulb, lens or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. No glare, defined as 0.1 footcandle or higher shall extend outside the property lines.
9. To better buffer adjacent residentially zoned property, landscaping along the side and rear property lines shall exceed the County's Landscape Ordinance requirements by an additional 15 percent.

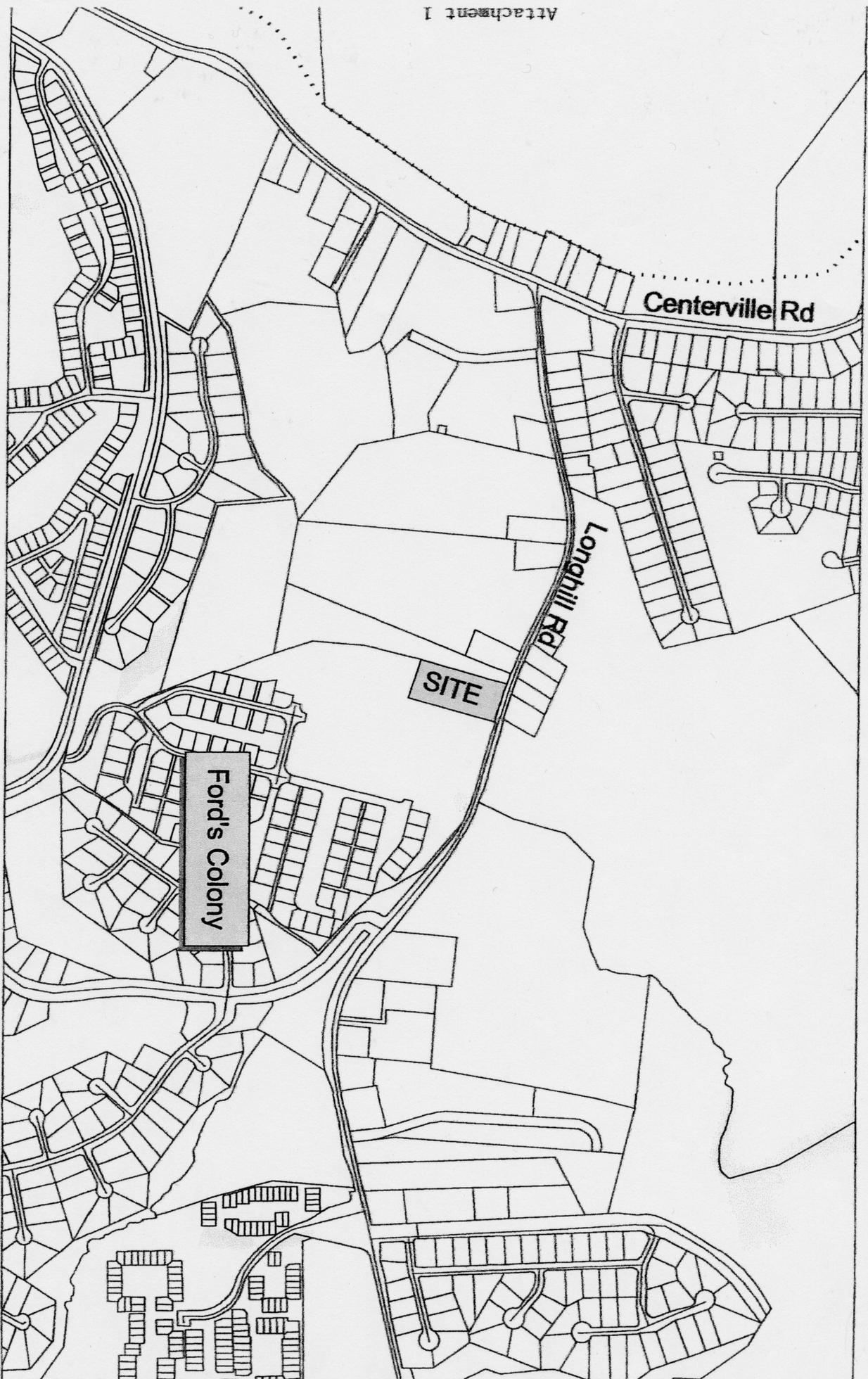
10. All freestanding sign(s), if any, shall be limited in height to no greater than 8 feet above grade.
11. The building addition shall be architecturally similar, as determined by the Director of Planning, to the elevation drawing entitled "New Zion Baptist Church," dated 08/28/01, and prepared by Hopke and Associates.
12. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

Proposed Special Use Permit Conditions
for
SUP-31-01. New Zion Baptist Church - Expansion

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3. A shrub row, consisting of evergreen plant varieties, shall be provided to screen the parking lot from Longhill Road, in a manner and type to be determined by the Director of Planning. This additional landscaping shall be indicated on the site plan.
4. Prior to the issuance of preliminary site plan approval, the applicant shall demonstrate to the satisfaction of the County Attorney that all easements and/or agreements have been obtained and recorded, as applicable, for any needed off-site water and/or sewer connection, and for any needed off-site drainage and/or stormwater management need or use and any maintenance related thereto.
5. Prior to the issuance of preliminary site plan approval, the applicant shall be responsible for completing or bonding, in a manner acceptable to the County Attorney, any necessary improvements to ensure adequate fire flow volume and duration, as specified by the James City County Fire Department, is provided to the site.
6. Prior to the issuance of any Certificate of Occupancy, the plumbing inside the existing building shall be inspected by the James City Service Authority for potential water cross connections. Any cross connection shall be protected by an approved backflow prevention device(s).
7. Prior to the issuance of any Certificate of Occupancy, the applicant shall be responsible for developing water conservation standards to be submitted and approved by the James City Service Authority and subsequently enforcing these standards. The standards shall address such water conservation measures as limitations on the installation and use of landscaping design and materials to promote water conservation and minimize the use of public water resources.
8. All site lighting shall be limited to fixtures which are mounted on light poles not to exceed 15 feet in height and/or other structures horizontally and shall be recessed fixtures with no bulb, lens or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. No glare, defined as 0.1 footcandle or higher shall extend outside the property lines.
9. To better buffer adjacent residentially zoned property, landscaping along the side and rear property lines shall exceed the County's Landscape Ordinance requirements by an additional 15 percent.

10. All freestanding sign(s), if any, shall be limited in height to no greater than 8 feet above grade.
11. The building addition shall be architecturally similar, as determined by the Director of Planning, to the elevation drawing entitled "New Zion Baptist Church," dated 08/28/01, and prepared by Hopke and Associates.
12. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

SUP-31-01. New Zion Baptist Church - Expansion



Attachment I



**Special Use Permit 30-01. King's Way Church/Greenwood Preschool
Staff Report for the February 4, 2002 Planning Commission 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: February 4, 2002 7:00 p.m.
Board of Supervisors: February 26, 2002 7:00 p.m.

SUMMARY FACTS

Applicant: Dr. Steven D. Suders, Pastor

Land Owner: King's Way Church

Proposed Use: Relocate and operate the existing Greenwood Preschool to the lower level of the church building facilities.

Location: 5100 John Tyler Highway

Tax Map/Parcel: (47-2)(1-57)

Parcel Size: 3.863± acres

Primary Service Area: Inside

Existing Zoning: R-1, Limited Residential

Comprehensive Plan: Low Density Residential

Surrounding Zoning: North: R-1, Limited Residential (single-family homes)
West: R-1, Limited Residential (single-family homes)
South: R-1, Limited Residential (single-family homes)
East: B-1, General Business (Law Enforcement Center, Fire Station #3, and Williamsburg Crossing Shopping Center)

Staff Contact: Karen Drake Phone: 253-6685

STAFF RECOMMENDATION

Staff finds the proposed relocation of the Greenwood Preschool to the lower level of the King's Way Church facilities compatible with surrounding development and zoning, and consistent with the Comprehensive Plan. Staff believes that the completion of the required VDOT improvements, including the installation of a left turn lane on John Tyler Highway into the church site prior to the opening of the preschool will satisfy traffic and safety concerns resulting from the relocation of the preschool. Please note that due to time constraints, the applicant has requested that this case be pre-advertised and heard at the February 26, 2002, Board of Supervisors meeting. Staff recommends the Planning Commission approve the special use permit application with the conditions listed in the staff report.

Description of the Project

Dr. Stephen Suders, the pastor of King's Way Church, has applied for a special use permit to allow for the relocation and operation of the Greenwood Preschool on the lower level of the existing church located at 5100 John Tyler Highway. The property is currently zoned R-1, Limited Residential and is located opposite the Williamsburg Crossing Shopping Center, Fire Station #3 and the Law Enforcement Center. Child day care centers, schools and houses of worship are specially permitted uses on R-1 zoned property.

Greenwood Preschool is located at the intersection of Brookwood Drive and Lake Powell Drive. Enrollment as of December 2001 numbers 172 registered students attending different days and sessions. There is currently a maximum of 75 students attending one of the preschool sessions scheduled either in the morning from 9:00 am to 12 noon or in the afternoon from 12:30 pm to 3:30 pm, Monday through Friday. Due to the expansion of Williamsburg Landing, the Greenwood Preschool will close its current location at the end of this school year.

Thus, Greenwood Preschool seeks to relocate its business to the lower level of the King's Way Church and reopen for the new school year in the fall of 2002. The applicant expects the total preschool student enrollment to remain the same with two preschool sessions offered five days a week. Student enrollment will determine staffing loads.

Included in the staff report is a proposed conceptual plan of the preschool facility illustrating the Fellowship Hall in addition to seven classrooms, a kitchen, office, storage rooms, and restrooms. The seven classrooms total 2,618 square feet and could support up to 130 children, according to building code limitations. Other than the installation of a playground behind the church for the preschool children to use, no new exterior changes or signs are proposed at this time.

King's Way Church is served by one entrance on John Tyler Highway. The side entrance of the church will serve as the designated drop off/pick up point. With the existing 76 parking spaces and 3 handicapped parking spaces, staff believes that the church parking lot is large enough to support the operation. Even if church functions were to occur at the times of the preschool, parking needs by the preschool would be limited to a few staff members only.

At this writing, the applicant has only had preliminary contact with the Codes Compliance Division. Although some changes will be required, no improvements to the church building, property, or entrance on John Tyler Highway have been made to accommodate the proposed preschool.

Utilities

The property is located within the Primary Service area and would be served by public water and sewer.

Regarding the County's water supply, the Board of Supervisors recently agreed to apply certain criteria to new developments to mitigate the negative impact on the County's water supply. One of those criteria suggests that building permits be delayed until a draft permit is obtained by James City County from the State for the proposed desalination plant or the applicant provide information on mitigating factors that offset the need for this criteria. In the attached letter dated December 20, 2001, the applicant offers mitigating factors for the Planning Commission and Board of Supervisors to consider that would offset the need for a delay in construction.

Please note that the applicant is aware of the current water supply issues within the County. To help mitigate any negative impact the preschool would have upon the water supply, the applicant is willing to implement water conservation measures within preschool portion of the church the church during construction and on the property with any additional landscape plantings. Detailed water conservation measures would be formalized in conjunction with development plans.

Traffic

A traffic impact study was conducted for the proposed relocation of Greenwood Preschool based upon existing traffic conditions at King's Way Church and traffic counts at the existing Greenwood Preschool. It should be noted that the peak hours for Greenwood Preschool fall outside the typical peak traffic hours and that the current level of service for the signal at King's Way Road/Ferncliff Drive and John Tyler Highway is acceptable with no improvements needed.

Improvements are needed, however at the entrance to King's Way Church. Based upon VDOT criteria for left turn lanes on two land roadways, a 100-foot left turn lane would be required. The traffic impact study proposes an alternative solution to installing a left turn lane by prohibiting left turns into the site Monday thru Friday with flyers distributed to preschool parents. Arriving traffic eastbound (towards Route 199) on John Tyler Highway would have to make a U-turn at the traffic signal at the Kings Way/Ferncliff intersection, approximately 400 feet east of the church site and then make a right turn into the church/preschool site. During review of the special use permit application, VDOT deemed this alternative unacceptable and will require the 100-foot left turn lane to be installed.

In reviewing the right turn traffic volumes, VDOT criteria also requires a right turn taper. The traffic study states that since this taper already exists at the King's Way Church driveway, no additional improvements are needed to accommodate the Greenwood Preschool. Again, during review of the special use permit application, VDOT commented that the "site's existing right turn taper does not meet the minimum VDOT standard of 200 feet."

For the safety of the preschoolers, parents, church members, County emergency vehicles and the general public, staff agrees with VDOT's requirements for this site. Thus, one of the special use permit conditions recommended by staff is that during development, all VDOT standards as determined by VDOT, such as the right turn taper improvements and left turn lane, be shown on the site plans, constructed and completed prior to the issuance of a Final Certificate of Occupancy for the preschool.

It should be noted that the required VDOT improvements might impact the existing tree canopy or greenbelt along John Tyler Highway. Until site plans are engineered, the exact amount of additional right-of-way needed and the extent of impact is unknown.

Surrounding Zoning and Development

On the side of John Tyler Highway where King's Way Church is located, the church is surrounded by developed R-1, Limited Residential, zoned subdivisions comprised of single-family homes. Located on the opposite side of John Tyler Highway from the church, are Williamsburg Crossing Shopping Center, Fire Station #3 and the Law Enforcement Center. As stated above, no additional entrances are proposed for the church site due to the relocation of the preschool. The proposed drop off/pick up point is located at an existing entrance at the side of the church, so children coming and going should not impact any adjoining property owners.

With the proposed SUP conditions, staff believes the proposed operations inside the church are compatible with surrounding uses and zoning. Included with the staff report is a petition from adjacent property owners who do not oppose the Greenwood Preschool relocating to the King's Way Church.

Comprehensive Plan

The 1997 Comprehensive Plan Land Use Map designates this property as Low Density Residential. Low Density areas are residential developments or land suitable for such developments with overall densities up to one dwelling unit per acre depending on the character and density of surrounding development, physical attributes of the property, buffers, the number of dwellings in the proposed development, and the degree to which the development is consistent with the Comprehensive Plan.

Examples of acceptable land uses within this designation include single-family homes, duplexes, cluster housing, recreation areas, school, churches, community-oriented public facilities, and very limited commercial establishments. Nonresidential uses should not alter, but rather, complement the residential character of the low-density residential area in which they are located. Very limited commercial establishments, schools, churches, and community-oriented facilities should generally be located on collector roads at intersections where adequate buffering and screening can be provided to protect nearby residential uses and the character of the surrounding area.

With the proposed SUP conditions, staff believes the application is consistent with the Comprehensive Plan.

Recommendation

Staff finds the proposed relocation of the Greenwood Preschool to the lower level of the King's Way Church compatible with surrounding uses and zoning, and consistent with the Comprehensive Plan. Staff believes that the completion of the required VDOT improvements, including right turn taper improvements and the installation of a left turn lane on John Tyler Highway into the church site, prior to the opening of the preschool will satisfy traffic and safety concerns resulting from the relocation of the preschool. Please note that due to time constraints the applicant has requested that this case be pre-advertised and heard at the February 26, 2002 Board of Supervisors meeting. Staff recommends the Planning Commission approve the special use permit application with the following conditions:

1. This Special Use Permit shall be valid only for the operation of a preschool within the existing church, limited to hours of operation from 8am to 5pm, Monday through Friday, and limited to an enrollment capacity of 200 children maximum.
2. A Final Certificate of Occupancy for the preschool shall be obtained within two years of Special Use Permit approval, or the Special Use Permit shall be void.
3. A site plan for the preschool shall be submitted for review and approval that meets VDOT standards as determined by VDOT. All roadway and related improvements on the final approved site plan shall be constructed and completed prior to the issuance of a Final Certificate of Occupancy for the preschool.
4. Any new exterior signage advertising the day care and/or school shall be combined with the existing signage for the church and shall be in accordance with Article II, Division 3 of the James City County Zoning Ordinance but any such new sign shall be no larger than the existing church sign.

5. For any new playground equipment and associated fencing installed shall be landscaped so as to screen the new playground equipment and fencing from adjacent property owners. Prior to final site plan approval, the landscaping plan shall be reviewed and approved by the Planning Director.
6. The church and preschool shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority. The standards may include, but shall not be limited to such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials, including the use of drought tolerant plants if and where appropriate and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. The water conservation standards shall be approved by the James City County Service Authority prior to final site plan approval.
7. For any new additional exterior light fixtures, including building lighting, installed on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to, and approved by, the Planning Director or his designee, which indicates no glare outside the property lines. All light poles shall not exceed 20-feet in height unless otherwise approved by the Director of Planning prior to final site plan approval. "Glare" shall be defined as more than 0.1 footcandle at the property line or any direct view of the lighting source from the adjoining residential properties.
8. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

Karen Drake
Planner

Attachments:

1. Location map
2. Preschool conceptual layout
3. December 20, 2001 letter from the applicant
4. Petition from adjacent property owners



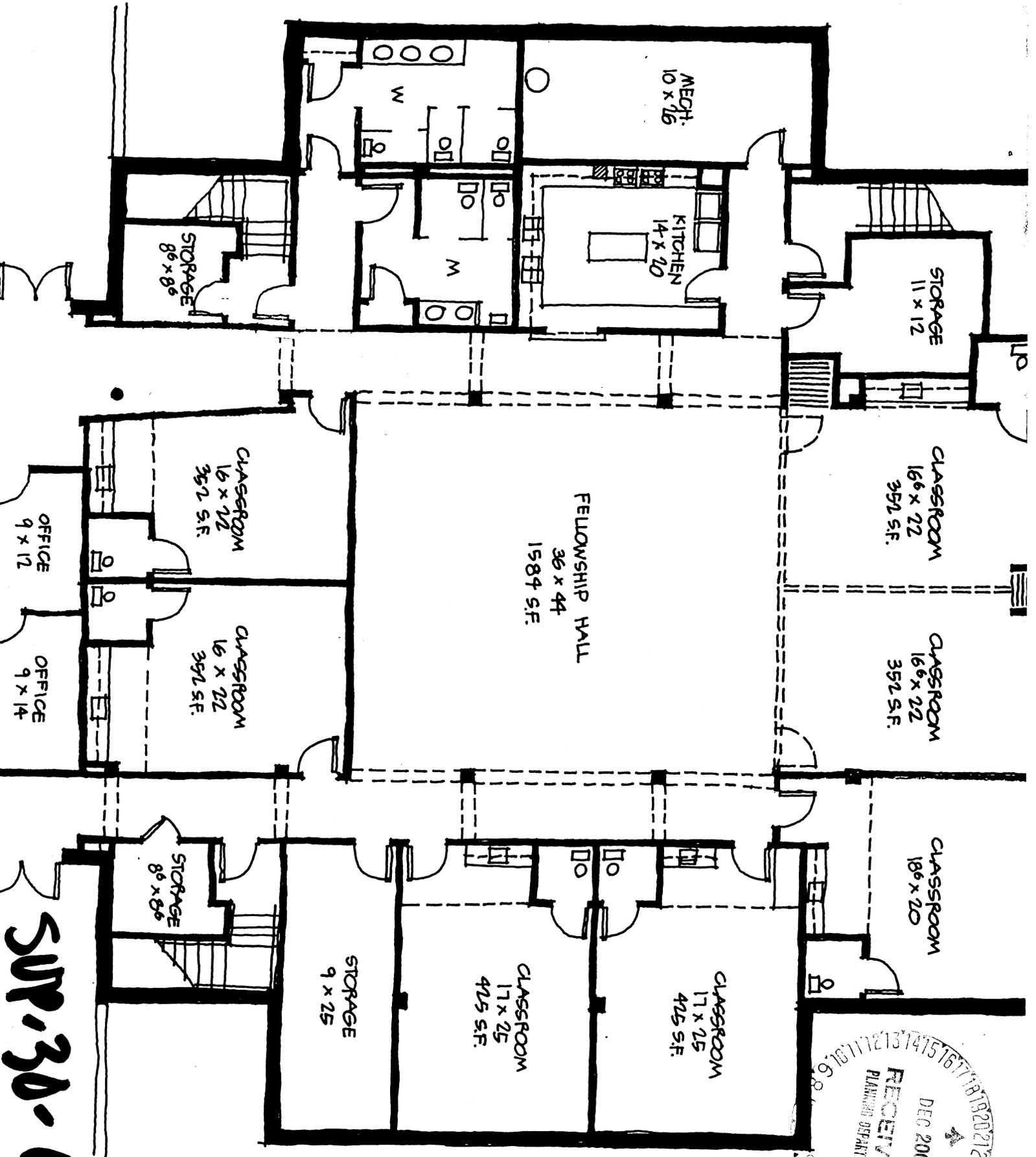
**Case No. SUP-30-01
Kings's Way Church**

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Attachment 1





SUP. 30-01



December 20, 2001

Mr. O. Marvin Sowers
Planning Director
101-E Mounts Bay Road
P.O. Box 8784
Williamsburg, VA 23187-8784

Dear Mr. Sowers,

Please be advised that the King's Way Church of Williamsburg seeks to accommodate the needs for integrating the Greenwood Pre-school, into its current facility, at 5100 John Tyler Highway. Our desire is to accomplish this goal before the start of the next school year in the fall of 2002.

In order to remain sensitive to the increasing demand upon the County's water supply, our church is willing to implement water conservation measures. We are also willing to discuss the special use permit, with the staff, in order to ensure good stewardship of these resources.

Before the pre-school can occupy our space, it is necessary for the lower level of our church building to be completed. Therefore, we request that construction for our building improvements not be delayed until a desalinization permit is obtained. In order to remain on schedule for the opening of the school by August 2002, it is imperative that we avoid as many delays as possible.

Thank you for your attention in this matter. If you have any questions, please don't hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dr. Steven D. Suders', written over a horizontal line.

Dr. Steven D. Suders
Sr. Pastor

Dr. Steven D. Suders, Pastor

5100 John Tyler Highway

✠ kingsway@kingswaychurch.net ✠

(757) KNGSWAY (564-7929)

Williamsburg, VA 23185-2503

✠ www.geocities.com/kingswaymaster ✠

FAX (757) 564-7739

As adjacent property owners we, the undersigned, do not oppose the King's Way Church of Williamsburg holding a pre-school in their facility.

1. *Billie J Purse*

Signature – Billie Purse
102 Stanley Drive, Williamsburg, VA 23188

2. *Steve and Sheila Suders*

Signature – Steve and Sheila Suders
104 Stanley Drive, Williamsburg, VA 23188

3. _____

Signature – John Cobb
106 Stanley Drive, Williamsburg, VA 23188

4. *Albert + Fran Skutans*

Signature – Albert Skutans
108 Stanley Drive, Williamsburg, VA 23188

5. *Jacqueline Locke*

Signature – Bruce Locke
110 Stanley Drive, Williamsburg, VA 23188

6. *Nell G. Taft*

Signature – Theodore and Nell Taft
107 Leon Drive, Williamsburg, VA 23188

7. *Melissa Conner*

Signature – Ben and Melissa Conner
103 Leon Drive, Williamsburg, VA 23188

8. *Kirsten A King*

KIRSTEN A KING
112 STANLEY DR. WILLIAMSBURG, VA 23188

**Special Use Permit 18-01
Waltrip Communications Tower**

Staff Report for the February 4, 2002, Planning Commission 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; December 3, 2001; January 14, 2002 7:00 p.m.

Board of Supervisors: March 12, 2002 (Tentative)

SUMMARY FACTS

Applicant/Land Owner: Ms. Mary Waltrip

Proposal: Construct a 165-foot tall communications tower

Location: Adjacent to the Williamsburg-Jamestown Airport

Tax Map ID: (48-2)(1-12)

Primary Service Area: Inside

Existing Zoning: R-8, Rural Residential

Comprehensive Plan: Airport

Surrounding Zoning & Development North: The Williamsburg Landing retirement community - zoned R-5

South: The Airport & 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 RECOMMENDATION

This case was deferred at the November 5, 2001, December 3, 2001, and January 14, 2002, meetings. Since that time, additional information has been submitted by the applicant, including search area rings, radio signal propagation maps and a letter of finding from both the Federal Aviation Administration and the Commonwealth of Virginia Department of Aviation. The FAA and Va. Department of Aviation letters are attached. Both agencies determined the proposed communications facility would not constitute an air hazard to airport operations. The Commission should note that no additional balloon test was conducted by the applicant since the last balloon test of October 10, 2001. The applicant declined to conduct the second balloon test requested by the Commission.

Staff finds that the application fails to demonstrate the need for a facility that is 165 feet in height. Staff believes that adequate coverage for the primary carrier may be obtained with a facility that is much lower in height and one that is camouflaged. Staff has asked the applicant for verifiable evidence exploring different scenarios, such as:

- what is the absolute lowest height the primary antenna can be and still provide coverage, with and without co-locates?
- is an alternative antenna site feasible (such as the Williamsburg water tank and/or the Government Center facility)? The City of Williamsburg water tank located near the intersection of Route 199 and Jamestown Road does in fact have enough space left for one user.
- what service coverage could be obtained by using a camouflaged facility at, or just above, the tree line?
- if antenna are located at the airport, will additional service “gaps” remain such that additional future towers would be needed? Information submitted by the applicant does demonstrate that the second co-locate may be left with service coverage gaps, thus creating the need for additional antenna sites along Route 199.

To date, the application remains unchanged and no detailed information has been provided on the above.

Nonetheless, staff continues to find, as noted in the staff report of November 5, 2001, 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. In consideration of these factors, staff recommends denial of the application.

Should the Commission wish to consider this application, a list of proposed SUP conditions is attached. These are the same conditions that were proposed November 5, 2001.

Paul D. Holt, III

Attachment:

1. Staff report of November 5, 2001, including location map
2. Letter of Determination from the State Department of Aviation
3. Letter of Determination from the FAA
4. Proposed SUP conditions

Special Use Permit 18-01
Waltrip Communications Tower

Staff Report for the November 5, 2001, Planning Commission 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.
Board of Supervisors: December 11, 2001 (Tentative)

SUMMARY FACTS

Applicant/Land Owner: Ms. Mary Waltrip

Proposal: Construct a 165-foot tall communication tower

Location: Adjacent to the Williamsburg-Jamestown Airport

Tax Map ID: (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

Development South: The airport & other Waltrip businesses - zoned R-8
 East: Single family detached homes on R-2 zoned property
 West: 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 RECOMMENDATION

Staff finds the proposed tower 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. In consideration of these factors, staff recommends denial of the application.

Description of the Project

Ms. Mary Waltrip has applied for a special use permit to allow for the construction of a 165-foot tall communication tower on property adjacent to the Williamsburg-Jamestown Airport. According to the applicant's consultant, Mr. Waltrip will either attach an antenna to the tower or locate Nextel on the tower in order to meet his communications requirements. Nextel currently plans to co-locate on the tower, so Mr. Waltrip will not need to place an antenna on the tower at this point in time. Should Mr. Waltrip need to place an antenna on the tower in the future, the consultant has stated those needs will be figured out at a later date. The 165 feet is requested for not just Nextel however, the height is desired by the applicant to lease space to additional wireless communications companies (e.g., Ntelos, Sprint, etc.).

On R-8 zoned property, tower mounted wireless communications facilities over 35 feet in height are specially permitted uses.

The monopole design tower would be located on an approximately 81.8 acre piece of undeveloped land situated between the Williamsburg-Jamestown Airport and the Williamsburg Landing retirement community. The tower would be located within a 6,400-10,000 square foot (s.f.) lease compound and would include various accessory support structures and equipment.

The tower would be freestanding (self-supporting) with panel-type antenna array located at the top. The tower would be designed to accommodate at least three different users, including James City County public safety system antenna, if desirable. The lease site would be accessed via a gravel drive that would be constructed off Marclay Road. The property is currently wooded with steep topography leading down to College Creek.

Visual Analysis of the Proposal

To simulate the proposed height of the tower, the applicant conducted a publicly advertised balloon test. A balloon was raised to a height of 165 feet and staff drove on nearby streets and into nearby subdivisions to gauge visual impacts.

Balloon Test Results

The balloon test revealed that the top half of the tower, approximately, would be visible from Route 199, from inside Williamsburg Landing, from College Creek, and from the community recreation area and the dock at the Kingspoint subdivision. Staff believes the tower would also be visible from the rear yards of several residences in Kingspoint as well, although staff did not go onto these properties to verify this. Attached are photos from the balloon test depicting its height above the tree line from these vantage points.

The balloon was not visible from the City's College Creek Park or from within the Port Ann subdivision. Staff determined the balloon was not visible from any point on the Colonial Parkway either. Also attached is a report from the applicant's consultant regarding visibility from nearby historic sites.

Federal Aviation Administration (FAA) requirements

Per Federal requirements, all structures greater than 200 feet above ground level (AGL) should be marked and/or lighted. Owners/developers of all structures greater than 200' 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. Staff's preference on the marking is for the dual lighting system, and not a painted tower. Ultimately, the FAA has approval over the visibility scheme.

Staff has asked the applicant to document whether or not the FAA will permit these tall structures at all, within such close proximity to the airport. According to the applicant's consultant, the FAA is currently conducting a study to determine if the towers will present a hazard. No conclusion has been reached by the FAA as of this date.

Staff has also asked the applicant to document the need for these towers (i.e., that service cannot be provided from another existing tower or tall structure within a 3-mile radius of the site) and to document the need for towers which are so tall (i.e., why service cannot be provided with towers that are more close to the tree canopy - 80-90 feet tall, for example). No information has been submitted as of this writing.

The applicant hired his own consultant to perform a visual analysis from surrounding historic properties (i.e., sites listed as historic by the Virginia Department of Historical Resources). These sites included "Mr. Maupin's House Site," located within the Kingspoint subdivision, "Jockey's Neck Farm," the "Bland Plantation Site," and "College Landing." The results of the analysis and a more particular description and location of these sites is contained within the attached report. The report generally concluded that, of the sites listed, only limited sightings of the tower would be possible from the Jockey's Neck Farm, located near the Williamsburg Winery. While staff reviewed the report, staff can neither confirm nor deny the findings, as these sites were not visited during the publicly advertised balloon test.

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

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

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 these performance standards for use in evaluating special use permit applications. While all of the standards support these goals, some may be more critical to the County's ability to achieve these goals on a case by case basis. Therefore, some standards may be weighed more heavily in any recommendation or decision on a special use permit, and cases that meet a majority of the standards may or may not be recommended for approval.

The standards generally address the need to explore any other 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

Standards A1 and A2 call for the applicant to investigate, and provide verifiable evidence of all possible alternatives for locating antenna prior to making a request to construct a new facility. Generally, this includes co-locating on existing sites or other tall structures (within a 3 miles radius of the site), including replacing existing towers to accommodate new antenna if needed. These performance standards attempt to mitigate the need for new towers.

As mentioned, the application failed to adequately provide this information.

Standards A3 & A4 call for a new tower to be sited in such a manner as to allow for the construction of a second tower, and that the towers be designed to accommodate as many antenna array as possible. Where new towers are ultimately 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.

Should this application be approved, staff will ensure standards A3 and A4 are met through proposed SUP conditions. The preliminary site drawings prepared by the applicant do show the possibility of a second tower, with each tower accommodating at least three separate users.

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, that 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.

As discussed in the sections on surrounding development and zoning, and on the Comprehensive Plan below, staff finds the application does not meet this performance standard.

Performance standard B2 states that new towers should have minimal intrusion on residential areas and on scenic resource corridors. Where a tower will potentially impact a residential area or scenic resource corridors, towers having a camouflaged design or meet the minimal intrusion criteria are recommended. The Impact Criteria state that, when viewed from distances within 1500 feet of the tower, new towers should only be visible through the trees. When viewed from a distance greater than 1500 feet from the tower, no more than the top 25% of the tower should be visible. The policy clearly states that “a tower will meet the minimal intrusion criteria if it is not visible off-site above the tree line. Such tower should only be visible off-site when viewed through surrounding trees that have shed their leaves.”

Based on the results of the balloon test, staff finds the proposal does not meet this performance standard.

Performance standards B3 & B4 state that towers should be less than 200 feet to avoid lighting. While the proposed height is less than 165 feet, staff is unsure as to whether or not the tower would have to be lighted no matter what, given its close physical proximity to the airport. Until such information is submitted by the applicant, staff cannot form a conclusion on the applications consistency with this performance 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

These 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 access drive should be designed in a manner that provides no off-site view of the tower base or related facilities.

Given the wooded nature of the parcel, these criteria are met and staff will insure this through proposed conditions, should the application be approved.

Surrounding Development and Zoning

To the north of this site is the Williamsburg Landing Retirement Community, on property zoned R-5, Multi-family Residential. To the south of this site is the Airport itself and other businesses owned and operated by the Waltrips (e.g., Waltrip Recycling, the landfill, etc.). These lands are zoned R-8, Rural Residential. To the east of the site, across College Creek, is the Kingspoint Subdivision on land zoned R-2, General Residential. Finally, across Lake Powell Road are low density residential subdivisions on land zoned R-1, Limited Residential. Because of the high visibility from Williamsburg Landing and Kingspoint, and because of the incompatibility of the structures height, staff believes the proposed use is not consistent or compatible with the surrounding land uses.

Surrounding areas are primarily residential and rural in character. Staff does not believe a tower such as the one proposed here, is consistent with structures that are generally located in residential or rural areas. Where such structures are necessary near residential and rural areas, staff believes they should be sited and designed in a manner that increases their compatibility to the maximum extent possible.

Comprehensive Plan

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 that the applicant has not justified the need for a new tower, as required by the Zoning Ordinance, that is 165 feet tall. 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 all the surrounding land as Low Density Residential and the designation of Route 199 as a Community Character Corridor.

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

Because of visibility and location, staff feels the proposed tower conflicts with several significant comprehensive plan goals and objects. An objective for retaining community character states that development should be “compatible in scale, size, and location to surrounding existing and planned development.” A general land use standard and objective listed in the Plan states that the county should “permit new development only where such developments are compatible with the character of adjoining uses and where the impacts of such new developments can be adequately addressed. Particular attention should be given to addressing such impacts as incompatible development intensity and design, building height and scale, land uses, etc.” In staff’s opinion, the scale, height, design and location of the tower are inconsistent with the stated goals.

In addition, a goal for retaining community character states that projects should “enhance and preserve the integrity of the historic and unique areas of the County.” An objective for retaining community character states the county should “ensure that development along Community Character Corridors and Areas (i.e., Route 199) protects the natural views of the area, promotes the historic or unique character of the area, maintains greenbelt networks, and establishes attractive County entrance corridors.” The county should “protect environmentally sensitive resources including historic and archaeological resources, designated Community Character Corridors and Areas, and other sensitive resource by locating conflicting uses away from such resources and utilize design features, including building and site design, buffers, and screening

to adequately protect the resource.” As mentioned above, the proposed tower would be clearly visible from Route 199.

Staff believes that given the proposed location of the facility, and the fact that a “standard” monopole will be constructed, that the impacts on surrounding residential subdivisions and the Route 199 Community Character Corridor will not be minimized to the greatest extent possible. Route 199 is a major corridor for both citizens and visitors, and the College Creek view shed is considered one of the most attractive viewsheds in the County. Therefore, staff finds the proposal inconsistent with Comprehensive Plan.

Recommendation

Staff finds the proposed tower not consistent or compatible with existing surrounding structures and zoning. Staff also finds that the application is inconsistent with the Comprehensive Plan and does not meet the County’s performance standards for Wireless Communications Facilities. In consideration of these factors, staff recommends denial of the application. However, should the Commission wish to consider this application, attached is a list of proposed SUP conditions.

Paul D. Holt, III

Attachments:

1. Location Map
2. Master Plan (separate)
3. JCC Performance Standards for Wireless Communications Facilities, dated May 26, 1998
4. Photos taken at the publicly advertised balloon test
5. Visual impact analysis prepared by Stokes Environmental Services, Ltd, dated May 10, 2001
6. Proposed SUP conditions

PERFORMANCE STANDARDS FOR WIRELESS COMMUNICATIONS FACILITIES
MAY 26, 1998

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 these performance standards for use in evaluating special use permit applications. While all of the standards support these goals, some may be more critical to the County's ability to achieve these goals on a case by case basis. Therefore, some standards may be weighed more heavily in any recommendation or decision on a special use permit, and cases that meet a majority of the standards may or may not be approved. The terms used in these standards shall have the same definition as those same terms in the Zoning Ordinance. In considering an application for a special use permit, the Planning Commission and the Board of Supervisors will consider the extent to which an application meets the following performance standards:

A. Collocation and Alternatives Analysis

1. Applicants should provide verifiable evidence that they have cooperated with others in co-locating additional antenna on both existing and proposed structures and replacing existing towers with ones with greater co-location capabilities. It should be demonstrated by verifiable evidence that such co-locations or existing tower replacements are not feasible, and that proposed new sites contribute to the goal of minimizing new tower sites.
2. Applicants should demonstrate the following:
 - a. That all existing towers, and alternative mounting structures and buildings more than 60 feet tall within a three-mile radius of the proposed site for a new WCF cannot provide adequate service coverage or antenna mounting opportunity.
 - b. That adequate service coverage cannot be provided through an increase in transmission power, replacement of an existing WCF within a three mile radius of the site of the proposed WCF, or through the use of a camouflaged WCF, alternative mounting structure, or a building mounted WCF, or a system that uses lower antenna heights than proposed.

The radii of these study areas may be reduced where the intended coverage of the proposed WCF is less than three miles.

3. Towers should be sited in a manner that allows placement of additional WCF facilities. A minimum of two tower locations, each meeting all of the requirements of the Zoning Ordinance and these standards, should be provided at all newly approved tower sites.
4. All newly permitted towers should be capable of accommodating enough antennas for at least three service providers or two service providers and one government agency. Exceptions may be made where shorter heights are used to achieve minimal intrusion of the tower as described in Section B.2. below.

B. Location and Design

1. Towers and tower sites should be consistent with existing and future surrounding development and the Comprehensive Plan. While the Comprehensive Plan should be consulted to determine all applicable land use principles, goals, objectives, strategies, development standards, and other policies, certain policies in the Plan will frequently apply. Some of these include the following: (1) Towers should be compatible with the use, scale, height, size, design and character of surrounding existing and future uses, and such uses that are generally located in the land use designation in which the tower would be located; and (2) towers should be located and designed in a manner that protects the character of the County's scenic resource corridors and historic and scenic resource areas and their view sheds.

2. Towers should be located and designed consistent with the following criteria:

Proposed Location of Tower

Impact Criteria

- | | |
|---|--|
| a. Within a residential zone or residential designation in the Comprehensive Plan | Use a camouflaged design or have minimal intrusion on residential areas, historic and scenic resource areas or roads in such areas, or scenic resource corridor |
| | For areas designated rural lands in the Comprehensive Plan that are within 1500 feet from the tower, the same standards apply. For rural lands more than 1500 feet from the tower, no more than the upper 25% of the tower should be visible |
| b. Within a historic or scenic resource area or within a scenic resource corridor | Same criteria as above |
| c. Within a rural lands designation in the Comprehensive Plan | Same criteria as above |
| d. Within a commercial or in an industrial designation in the Comprehensive Plan | Same criteria as above |

Notes for the above table:

1. Exceptions to these criteria may be made on a case by case basis where the impact of the proposed tower is only on the following areas: (1) An area designated residential on the Comprehensive Plan or zoning map which is not a logical extension of a residential subdivision or which is a transitional area between residential and nonresidential uses, (2) a golf course or a golf course and some combination of commercial areas, industrial areas, or utility easements, provided the tower is located on the golf course property, or (3) a utility easement.
2. A tower will meet the minimal intrusion criteria if it is not visible off-site above the tree line. Such tower should only be visible off-site when viewed through surrounding trees that have shed their leaves.
3. Camouflaged towers having the design of a tree should be compatible in scale and species with surrounding natural trees or trees native to Eastern Virginia.
4. Towers should be less than 200 feet in height in order to avoid the need for lighting. Taller heights may be acceptable where views of the tower from residential areas and public roads are very limited. At a minimum, towers 200 feet or more in height should exceed the location standards listed above
5. Towers should be freestanding and not supported with guy wires.

C. Buffering

1. Towers should be placed on a site in a manner that takes maximum advantage of existing trees, vegetation and structures so as to screen as much of the entire WCF as possible from view from adjacent properties and public roads. Access drives should be designed in a manner that provides no view of the tower base or related facilities.
2. Towers should be buffered from adjacent land uses and public roads as much as possible. The following buffer widths and standards should be met:
 - a. In or adjacent to residential or agricultural zoning districts, areas designated residential or rural lands on the Comprehensive Plan, historic or scenic resource areas, or scenic resource corridors, an undisturbed, completely wooded buffer consisting of existing mature trees at least 100 feet wide should be provided around the WCF.
 42. In or adjacent to all other areas, at least a 50 foot wide-vegetative buffer consisting of a mix of deciduous and evergreen trees native to Eastern Virginia should be provided.



COMMONWEALTH of VIRGINIA

KENNETH F. WIEGAND
Director

Department of Aviation
5702 Gulfstream Road
Richmond, Virginia 23250-2422
October 31, 2001

V/TDD - (804) 236-3624
FAX - (804) 236-3635

Ms Jean Waltrip, Manager
Williamsburg-Jamestown Airport
100 Marclay Road
Williamsburg, Virginia 23185

Re: Williamsburg-Jamestown Airport; Aeronautical Study 01-AEA-2714-OE

Dear Ms. Waltrip:

We are in receipt of the aeronautical study referenced above and have taken time to review the data contained therein. I recite that information as follows:

Description: Antenna Tower, 1950-1960 MHZ, 1.64 KW
Latitude: 37-14-38.22 N (NAD 83)
Longitude: 76-43-02.46 W (NAD 83)
Height: 165 feet AGL, 229 feet MSL

Based on our review we have determined that this proposed tower will not be an obstruction to the Williamsburg-Jamestown Airport based on the minimum requirements for licensing as found in Virginia Aviation Regulations, Section 24 VAC 5-20-140.

We will not offer any comments regarding any interference with the proposed GPS instrument approach procedure. FAA will make that determination upon receipt of comments and I feel sure will make them available to you.

If you have questions, you have only to call upon us.

Sincerely,

James L. Bland
Manager
Airport Services Division

c: Larry T. Waltrip, Waltrip Recycling
C.E. Forehand



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www.aviation-worlds-fair.com

Attachment 2

Federal Aviation Administration
Eastern Region, AEA-520
1 Aviation Plaza
Jamaica, NY 11434-4809

AERONAUTICAL STUDY
No: 01-AEA-2714-OE

ISSUED DATE: 11/21/01

C E FOREHAND CONSULTANT
WALTRIP RECYCLING
404 CARLISLE WAY
NORFOLK VA 23505

** DETERMINATION OF NO HAZARD TO AIR NAVIGATION **

The Federal Aviation Administration has completed an aeronautical study under the provisions of 49 U.S.C., Section 44718 and, if applicable, Title 14 of the Code of Federal Regulations, part 77, concerning:

Description: ANTENNA TOWER MONOPOLE
1950-1960 MHZ 1.64 KW
Location: WILLIAMSBURG VA
Latitude: 37-14-38.22 NAD 83
Longitude: 076-43-02.46
Heights: 165 feet above ground level (AGL)
229 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

-As a condition to this determination, the structure should be marked and/or lighted in accordance with FAA Advisory Circular 70/7460-1K Change 1, Obstruction Marking and Lighting, Chapters 3 (Marked), 4, 5 (Red), & 12.

-It is required that the enclosed FAA Form 7460-2, Notice of Actual Construction or Alteration, be completed and returned to this office any time the project is abandoned or:

- At least 10 days prior to start of construction
(7460-2, Part I)
- Within 5 days after construction reaches its greatest height
(7460-2, Part II)

-See attachment for additional condition(s) or information.

This determination expires on 07/01/03 unless:

- (a) extended, revised or terminated by the issuing office or
- (b) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case the determination expires on the date prescribed by the FCC for completion of construction or on the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE POSTMARKED OR DELIVERED TO THIS OFFICE AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE.

-As a result of this structure being critical to flight safety, it is required that the FAA be kept apprised as to the status of this project. Failure to respond to periodic FAA inquiries could invalidate this determination.

This determination is subject to review if an interested party files a petition on or before 12/21/01. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted in triplicate to the Manager, AIRSPACE & RULES DIVISION, ATA-400 Federal Aviation Administration, Washington, D.C. 20591.

This determination becomes final on 12/31/01 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, frequency(ies) or use of greater power will void this determination. Any future construction or alteration, including increase in heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect to air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

A copy of this determination will be forwarded to the Federal Communications Commission if the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at 718-553-3497. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 01-AEA-2714-OE.

for Norman Cairns

Mike Sammartino
Manager, Airspace Branch

(DNH)

7460-2 Attached
Attachment

Aeronautical Study 01-AEA-2714-OE, Williamsburg, VA

The proposed 165 feet above ground level (AGL) communication monopole will be located approximately 1377 feet northeast of the approach end of runway 13 at Williamsburg-Jamestown airport (JGG).

The proposal would exceed the obstruction standards of Part 77, subpart C of the Federal Aviation Regulations (FAR) as follow:

Section 77.23(a)(5) Airport Surfaces by penetrating Section 77.25(a) (Horizontal Surface) by 30 feet, and Section 77.25(e) (Transition Surface) by 32 feet – a height that exceeds a takeoff or landing area of an airport, as applied to JGG.

Negotiation was attempted with the proponent but full filed height and location was requested to meet planned coverage.

This proposal was circularized for public comment on September 26, 2001. One comment was received from the Williamsburg – Jamestown Airport Manager. not objecting to the proposed structure.

The aeronautical study disclosed:

The structure would not impact VFR arrival, departure, or enroute operations. The Williamsburg – Jamestown airport has one southeast – northwest runway, and one helipad located north of the runway, on the northwest side of the airport. The proposed structure will lie in a wooded area approximately 425 feet northeast of the airport Access Road, and approximately 1000 feet north-northeast of the helipad. The Williamsburg – Jamestown airport has a standard left traffic pattern for runway 31, and non-standard right traffic for runway 13. This keeps all aircraft in the traffic pattern on the south side of the airport and hence, away from the proposed structure. The Airport Manager at JGG stated that normally, the few helicopters that land at JGG follow the normal traffic pattern. In addition, the manager stated that there are plans to close the helipad and develop a large corporate ramp in its place. When properly obstruction marked and lighted this structure can be visually acquired and avoided.

The proposed structure would not impact any existing public-use airport or air navigation facility.

The proposed structure would not impact any planned public-use airport or air navigation facility.

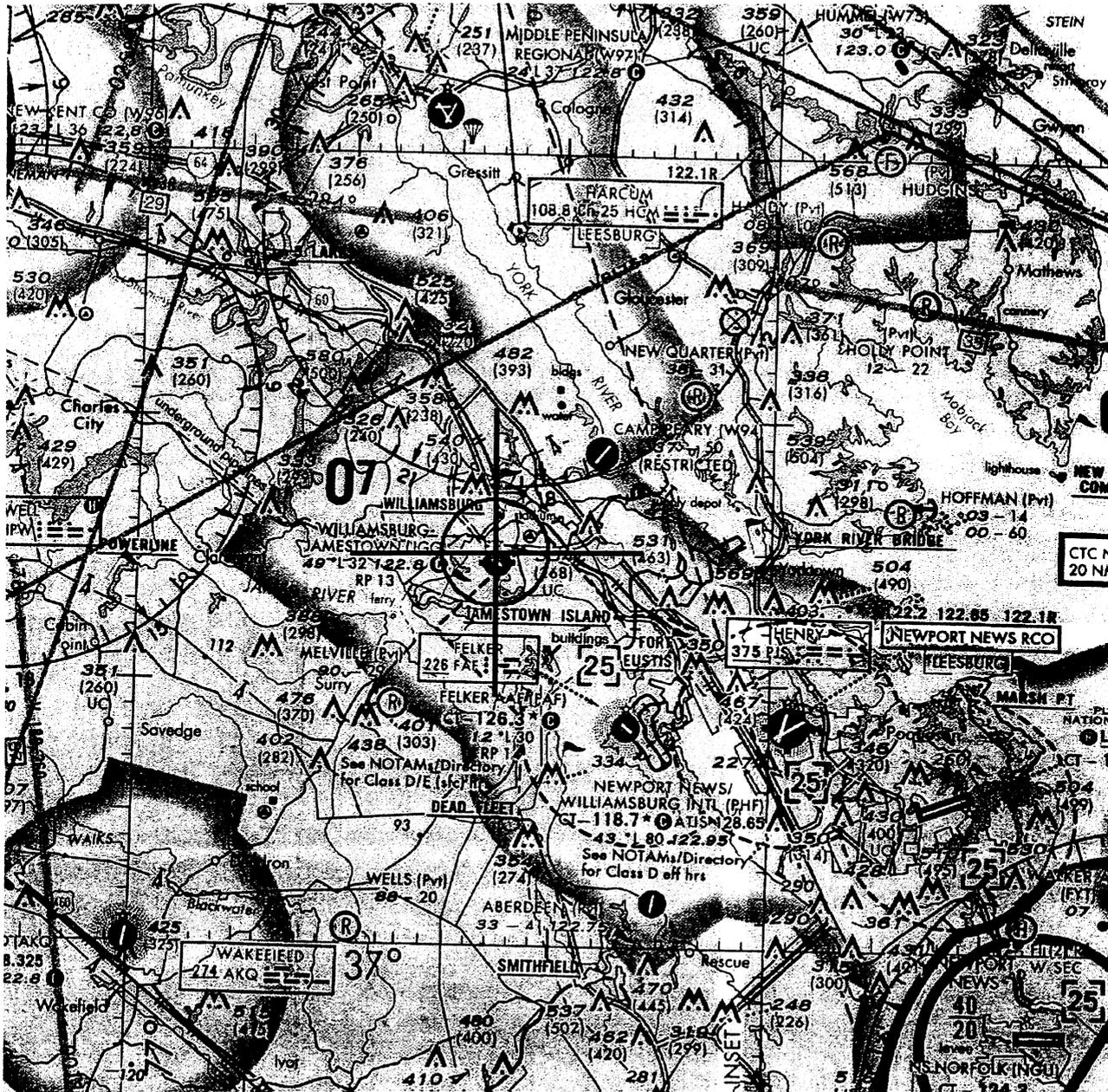
The structure would not impact any existing or proposed IFR arrival, departure, or enroute procedures.

The cumulative impact of the proposed structure, when combined with other existing and proposed structures would be negligible.

Therefore, it is determined that the structure as proposed would not have a substantial adverse effect on the safe and efficient use of navigable airspace or on the use of any navigation facility, and would not be a hazard to air navigation provided the following conditions are met.

The structure would exceed obstruction standards and should be Obstruction Marked and Lighted in accordance with FAA AC 70/7460-1K, Chapters 3, 4, 5, and 12.

Aeronautical Study No. 01-AEA-2714-OE, Williamsburg, VA
SECTIONAL AERONAUTICAL CHART
Washington



Also available on our website
<http://www.faa.gov/region/aea/atsoeaaa/framedoc.htm>

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

1. This special use permit shall be valid for a total of two (2) towers. The maximum height of all towers shall not be greater than 165 feet.
2. Each individual tower shall be designed and constructed for at least three (3) users and shall be certified to that effect by an engineering report prior to site plan approval.
3. Towers shall be located on the site in a manner that maximizes the buffering effects of trees as determined by the Planning Director. Tree clearing shall be limited to the minimum necessary to accommodate the tower and related facilities as determined by the Planning Director. Access drives shall be designed in a manner that provides no 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 (1) year of approval of this Special Use Permit, or the permit shall become void.
5. Unless otherwise approved by the Director of Planning, all supporting equipment sheds, buildings and huts shall be of a similar design to that generally used on a single-family residence and shall be approved by the Director of Planning prior to final site plan approval. A gable or shed roof shall be used on all equipment sheds, buildings and huts as determined by the Director of Planning prior to final site plan approval.
6. Following construction of the facility, certification by the manufacturer, or an engineering report by a Virginia-registered structural engineer, shall be filed by the applicant indicating the tower height, design, structure, installation and total anticipated capacity of the structure, including number and type of antennas which could be accommodated, demonstrating to the satisfaction of the building official that all structural requirements and other safety considerations set forth in the BOCA Basic Building Code and Section 222(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.

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7. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

Special Use Permit 25-01

Voice Stream Wireless Telecommunications Tower

Staff Report for the February 4, 2002, Planning Commission 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: January 14, 2002; February 4, 2002 7:00 p.m.

Board of Supervisors: March 12, 2002 (Tentative)

SUMMARY FACTS

Applicant Ms. Ambre M. Blatter on behalf of Voice Stream Wireless

Land Owner: Thomas and Rado Banks

Proposal: Construct a 250-foot tall communications tower

Location: 4392 Rochambeau Drive
At the intersection of Rochambeau, Croaker Road, and I-64

Tax Map ID: (14-3)(3-1)

Primary Service Area: Inside

Existing Zoning: A-1, General Agriculture

Comprehensive Plan: Mixed Use

Surrounding Zoning & Development North: Undeveloped lands zoned A-1 and B-1, General Business.
South & West: Scattered single family homes on A-1 zoned property and vacant R-8, Rural Residential zoned land.
East (across I-64): Undeveloped, M-1, Limited Business/Industrial zoned land, and the Kiskiack Golf Course on R-8 and R-5, Multi-family zoned land.

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

STAFF RECOMMENDATION

Staff finds the proposed tower inconsistent and not compatible with existing surrounding structures and zoning. Staff also finds that the application inconsistent with the Comprehensive Plan and does not meet the County's performance standards for Wireless Communications Facilities. In consideration of these factors, staff recommends denial of the application.

Description of the Project

Ms. Ambre Blatter has applied on behalf of VoiceStream Wireless and property owners Thomas and Rado Banks for a special use permit to allow for the construction of a 250 foot tall wireless communications facility.

On A-1 zoned property, tower mounted wireless communications facilities over 35 feet in height are specially permitted uses.

The lattice design tower would be located on an approximately 4.16 acre piece of land located at the intersection of Rochambeau Drive, Croaker Road and Interstate 64. The tower would be located within a 10,000 square foot lease compound adjacent to I-64 and would include various accessory support structures and equipment.

The tower would be freestanding (self-supporting) with panel-type antenna array located at the top. The tower would be designed to accommodate at least three different users, including James City County public safety system antenna, if desirable.

A 150 foot tall monopole design Virginia Department of Transportation (VDOT) communications tower is already located opposite this site in the I-64/Croaker Road cloverleaf (approximately 1,200 feet away).

For comparison purposes, there is an existing 250 foot tall lattice tower located at 4039 Ironbound Road at Stadium Oil. Of all the towers in the immediate Ironbound Road area, this tower is the tallest.

Visual Analysis of the Proposal

To simulate the proposed height of the tower, the applicant conducted a publicly advertised balloon test on December 19, 2001. A balloon was raised and staff drove on nearby streets and into nearby subdivisions to gauge visual impacts.

Balloon Test Results

The balloon test revealed the structure would be highly visible on all adjacent roadways and surrounding properties. Pictures taken during the test are attached. Staff noted the test occurred on a relatively windy day; therefore, in staff's opinion the balloon swayed and represented a much lower height than actually proposed (staff feels the balloon was at a height of less than 200 feet for much of the test - not the actual 250 feet proposed, this should be kept in mind when reviewing the attached photos).

Traveling east on I-64, the tower would be visible from approximately one mile away. Traveling west bound on I-64, the balloon was visible from approximately 7/10 of a mile away.

On Croaker Road, the balloon could be seen from the York River Baptist Church, in the east, and would be highly visible to travelers coming from Richmond Road and the W/JCC Library in the west. The balloon could also be seen from the entrance road to the Mirror Lakes subdivision and

also from the entrance road to the Glenwood Acres subdivision.

Attached is a letter of opposition from the property owners to the east (the Hankins property).
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' 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 this structure exceeds 200 feet, a marking system would be required by the FAA.

It should be noted that these requirements for marking towers greater than 200 feet make the tower much more visible.

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

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

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.**" (emphasis added)

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

Standards A1 and A2 call for the applicant to investigate, and provide verifiable evidence of all possible alternatives for locating antenna prior to making a request to construct a new facility. Generally, this includes co-locating on existing sites or other tall structures (within a 3 miles radius of the site) and/or replacing existing towers to accommodate new antenna if needed. These performance standards attempt to mitigate the need for new towers.

The application fails to adequately provide this information. More specifically, the application fails to provide the following verifiable evidence:

- S why existing towers cannot be replaced with ones with greater co-location capabilities or why additional towers cannot be added to parcels with existing towers. For example, the existing VDOT tower & site has not been evaluated as an alternative;
- S that the proposed site contributes to minimizing new tower sites. Even with the proposed 250 foot tower, staff believes additional service gaps will continue to exist along I-64 which will create the need for additional towers;
- S why a combination of existing towers/sites cannot be used, including existing VDOT towers at the Croaker Road and Route 30 exits and existing sites along Richmond Road;
- S why adequate service coverage cannot be provided through the use of a camouflaged site or one that uses multiple sites with lower antenna heights than proposed.

Standard A3 calls for sites to be designed in such a manner as to allow for the construction of a second tower. Standard A4 states that new towers be designed to accommodate as many antenna array as possible. Where new towers are ultimately permitted and approved, these two standards allow for maximum co-location opportunities possible, thereby minimizing the number of new sites within the County, as a whole.

The application fails to meet Standard A3 as the application does not demonstrate that a second tower, meeting all the requirements of the Zoning Ordinance and these standards, can be provided at this site.

Regarding Standard A4, should this application be approved, staff will ensure this is 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, that 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.

As discussed in the sections below on surrounding development and zoning, and the

Comprehensive Plan, staff finds the application does not meet this performance standard.

Performance standard B2 states that new towers should have minimal intrusion on residential areas and on scenic resource corridors. Where a tower will potentially impact a residential area or scenic resource corridor, towers having a camouflaged design or meeting the minimal intrusion criteria are recommended. The policy clearly states that “a tower will meet the minimal intrusion criteria if it is not visible off-site above the tree line. Such tower should only be visible off-site when viewed through surrounding trees that have shed their leaves.” The same standards apply where rural lands are impacted. Furthermore, when viewed from a distance greater than 1500 feet from the tower, no more than the top 25% of the tower should be visible.

Based on the results of the balloon test, and the fact that a standard tower is proposed, staff finds the proposal does not meet these performance standards. Staff finds that when viewed from *most* distances, significantly more than the top 25% of the tower will be visible. Almost the entire site is devoid of mature trees. Existing mature vegetation that does exist around the site (along Croaker Road and I-64) is located within the VDOT right of way and is deciduous in variety. Staff believes that little to no existing tree cover will screen this facility.

Performance standards B3 & B4 state that towers should be less than 200 feet to avoid lighting.

The 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

These 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 fails to meet this performance standard. As noted above, there is almost no existing mature evergreen vegetation. Vegetation that does exist around the site (along Croaker Road and I-64) is located within the VDOT right of way. As this property is maintained, there is no existing wooded area to utilize as a buffer.

Surrounding Development and Zoning

To the north of this site are undeveloped lands zoned A-1 and B-1, General Business. To the south and west are scattered single family homes on A-1 zoned property and vacant R-8, Rural

Residential zoned land. East of this property (across I-64) is undeveloped, M-1, Limited Business/Industrial zoned land, and the Kiskiack Golf Course on R-8 and R-5, Multi-family zoned land. This is the site of the formerly proposed French Winery Mixed Use Development. Owners of this property have objected to this application, as evidenced in the attached letter.

Surrounding areas are primarily residential and rural in character. Staff does not believe a tower such as the one proposed here, is consistent with structures that are generally located in residential or rural areas. Where such structures are necessary near residential and rural areas, staff believes they should be sited and designed in a manner that increases their compatibility to the maximum extent possible, consistent with the above standards. As noted in the above analysis regarding consistency with County policy, staff believes this proposed facility, has not been designed in a manner that increases compatibility to the maximum extent possible.

Because of the high visibility from every surrounding property and public roadway, and because of the incompatibility of the structures height with existing and planned future development, staff finds the proposed use inconsistent and not compatible with the surrounding land uses.

Comprehensive Plan

The 1997 Comprehensive Plan Land Use Map designates this property as Mixed Use. More specifically, the Plan text explicitly states the following:

Future development for all three Mixed Use interchange quadrants should be developed in accordance with a binding master plan which maintains the appropriate mixture of principal and secondary uses. The binding Master Plan shall address how the future development and/or redevelopment of adjacent parcels would be integrated into the overall plan of development for the mixed use area.

As development occurs for each of these quadrants, an appropriate mixture of preferred and secondary uses shall be maintained at all times. Future development for these interchange quadrants will be conditioned upon an acceptable specific master plan and implementation schedule to maintain adequate levels of service on the surrounding road system, including the interstate and the interchange.

For lands within the southwest quadrant of the Croaker Road and I-64 interchange, the principal suggested uses include light manufacturing and office. Secondary uses shall only be permitted where they do not preclude the development of the principal uses. Commercial development that complements the principal uses may be considered as a secondary use. Tourist-oriented commercial development which limits the economic development potential of the quadrant is strongly discouraged. Residential development, including timeshares, is not a recommended secondary use. A binding master plan for the mixed-use area, illustrating a consolidated land use plan for individual parcels, is expected prior to any future development.

Staff finds the application inconsistent with the Comprehensive Plan recommendations. The tower is not consistent with the list of primary uses and the piece-meal development of the site may

compromise the ability to develop the southwest quadrant in accordance with the Plan recommendations.

In addition, staff feels the proposed tower conflicts with several other significant comprehensive plan goals and objects. An objective for retaining community character states that development should be "compatible in scale, size, and location to surrounding existing and planned development." A general land use standard and objective listed in the Plan states that the county should "permit new development only where such developments are compatible with the character of adjoining uses and where the impacts of such new developments can be adequately addressed. Particular attention should be given to addressing such impacts as incompatible development intensity and design, building height and scale, land uses, etc." From these recommendations, it is staff's belief that the scale, height, design and location of the tower are inconsistent with the stated goals.

The County, in cooperation with the City of Williamsburg and Colonial Williamsburg, are working with VDOT to retain the scenic and historic character of I-64 as part of an Interstate widening project. The objective of this effort is to retain the scenic and historic character of the Interstate corridor so that it remains a suitable entrance to the Historic Triangle. The proposed tower is inconsistent with this objective.

Recommendation

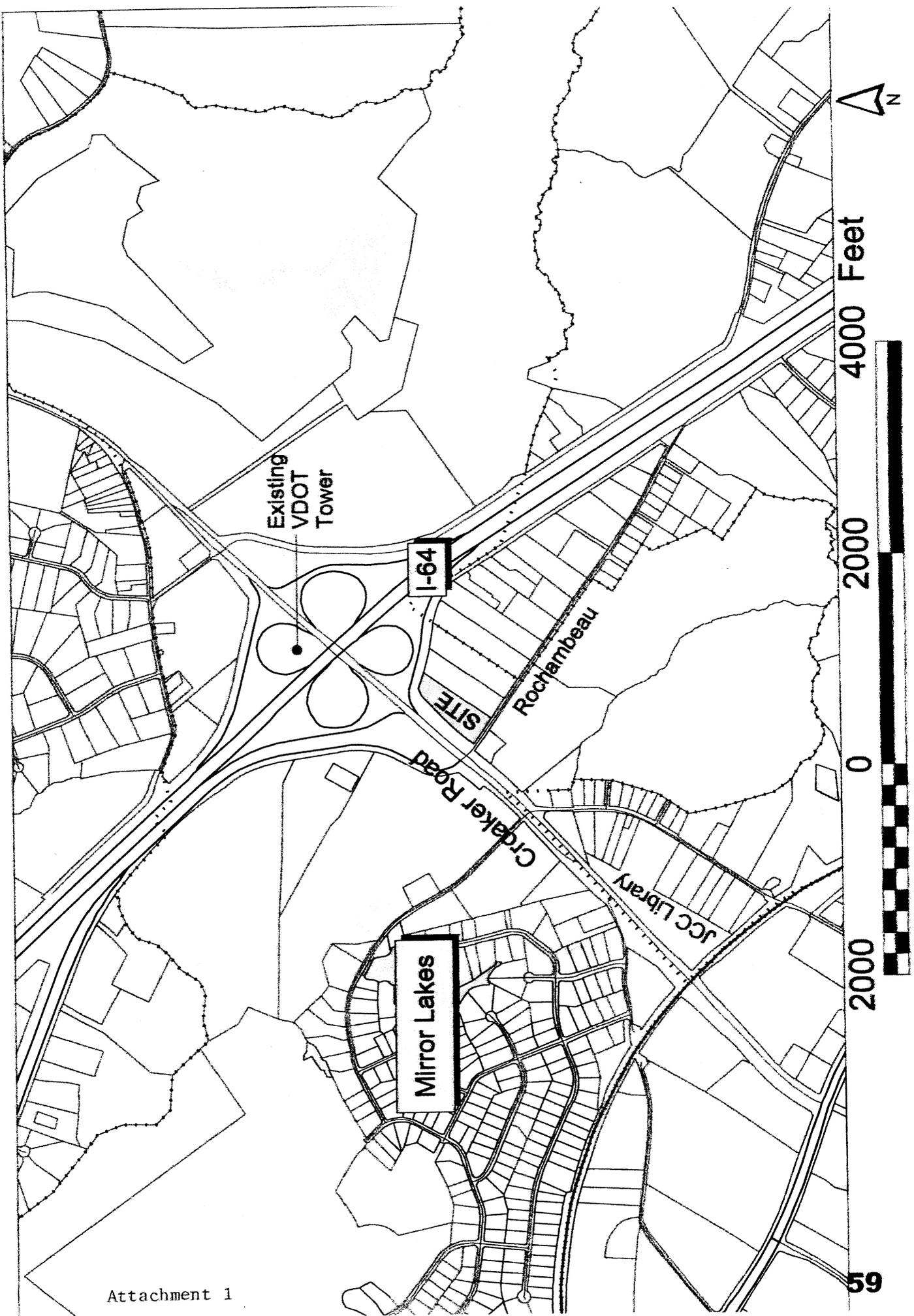
Staff finds the proposed tower inconsistent and not compatible with existing surrounding structures and zoning. Staff also finds that the application inconsistent with the Comprehensive Plan and does not meet the County's performance standards for Wireless Communications Facilities. In consideration of these factors, staff recommends denial of the application. However, should the Commission wish to consider this application, attached is a list of proposed SUP conditions.

Paul D. Holt, III

Attachments:

1. Location map
2. Master plan (separate)
3. Letter of opposition from adjacent property owners
4. JCC Performance Standards for Wireless Communications Facilities, dated May 26, 1998
5. Photos taken at the publicly advertised balloon test
6. Proposed SUP conditions

SUP-25-01. Voice Stream Wireless Telecommunications Tower



copy



January 10, 2002

Re: Case No. Sup-25-01. Voice Stream Wireless Communications Tower-

Dear Mr. Marvin Sowers, Jr.

The owners of the adjacent property, Hankins Land Trust I, II, III; Donald Patten, Trustee; George S. Hankins, Jr., beneficiary; Mary Henley Thompson, beneficiary; Howard Hankins, beneficiary, oppose the proposed voice stream wireless communications tower at 4392 Rochambeau Drive.

It is our understanding that VDOT has a tower close by which may be a possibility as an addition and there are other locations where such a tower would be better suited.

This particular I-64 cloverleaf will be a mainstay of James City County's overall development plan in the future. Another structure like this will only become an eye sore and jeopardize the chances of prospects wanting to locate at this interchange.

Sincerely,

George S. Hankins, Jr.
George S. Hankins, Jr.

GSH/ml

Cc: Paul Holt

Donald Patten, TTEE

Donald Patten date: 1/16/01

Mary Henley Thompson

Mary Henley Thompson date: 1/12/02

Howard Hankins

Howard Hankins date: 1/12/02

**PERFORMANCE STANDARDS FOR WIRELESS COMMUNICATIONS FACILITIES
MAY 26, 1998**

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 these performance standards for use in evaluating special use permit applications. While all of the standards support these goals, some may be more critical to the County's ability to achieve these goals on a case by case basis. Therefore, some standards may be weighed more heavily in any recommendation or decision on a special use permit, and cases that meet a majority of the standards may or may not be approved. The terms used in these standards shall have the same definition as those same terms in the Zoning Ordinance. In considering an application for a special use permit, the Planning Commission and the Board of Supervisors will consider the extent to which an application meets the following performance standards:

A. Collocation and Alternatives Analysis

1. Applicants should provide verifiable evidence that they have cooperated with others in co-locating additional antenna on both existing and proposed structures and replacing existing towers with ones with greater co-location capabilities. It should be demonstrated by verifiable evidence that such co-locations or existing tower replacements are not feasible, and that proposed new sites contribute to the goal of minimizing new tower sites.
2. Applicants should demonstrate the following:
 - a. That all existing towers, and alternative mounting structures and buildings more than 60 feet tall within a three-mile radius of the proposed site for a new WCF cannot provide adequate service coverage or antenna mounting opportunity.
 - b. That adequate service coverage cannot be provided through an increase in transmission power, replacement of an existing WCF within a three mile radius of the site of the proposed WCF, or through the use of a camouflaged WCF, alternative mounting structure, or a building mounted WCF, or a system that uses lower antenna heights than proposed.

The radii of these study areas may be reduced where the intended coverage of the proposed WCF is less than three miles.

3. Towers should be sited in a manner that allows placement of additional WCF facilities. A minimum of two tower locations, each meeting all of the requirements of the Zoning Ordinance and these standards, should be provided at all newly approved tower sites.
4. All newly permitted towers should be capable of accommodating enough antennas for at least three service providers or two service providers and one government agency. Exceptions may be made where shorter heights are used to achieve minimal intrusion of the tower as described in Section B.2. below.

B. Location and Design

1. Towers and tower sites should be consistent with existing and future surrounding development and the Comprehensive Plan. While the Comprehensive Plan should be consulted to determine all applicable land use principles, goals, objectives, strategies, development standards, and other policies, certain policies in the Plan will frequently apply. Some of these include the following: (1) Towers should be compatible with the use, scale, height, size, design and character of surrounding existing and future uses, and such uses that are generally located in the land use designation in which the tower would be located; and (2) towers should be located and designed in a manner that protects the character of the County's scenic resource corridors and historic and scenic resource areas and their view sheds.

2. Towers should be located and designed consistent with the following criteria:

Proposed Location of Tower

Impact Criteria

- | | |
|---|--|
| a. Within a residential zone or residential designation in the Comprehensive Plan | Use a camouflaged design or have minimal intrusion on residential areas, historic and scenic resource areas or roads in such areas, or scenic resource corridor |
| | For areas designated rural lands in the Comprehensive Plan that are within 1500 feet from the tower, the same standards apply. For rural lands more than 1500 feet from the tower, no more than the upper 25% of the tower should be visible |
| b. Within a historic or scenic resource area or within a scenic resource corridor | Same criteria as above |
| c. Within a rural lands designation in the Comprehensive Plan | Same criteria as above |
| d. Within a commercial or in an industrial designation in the Comprehensive Plan | Same criteria as above |

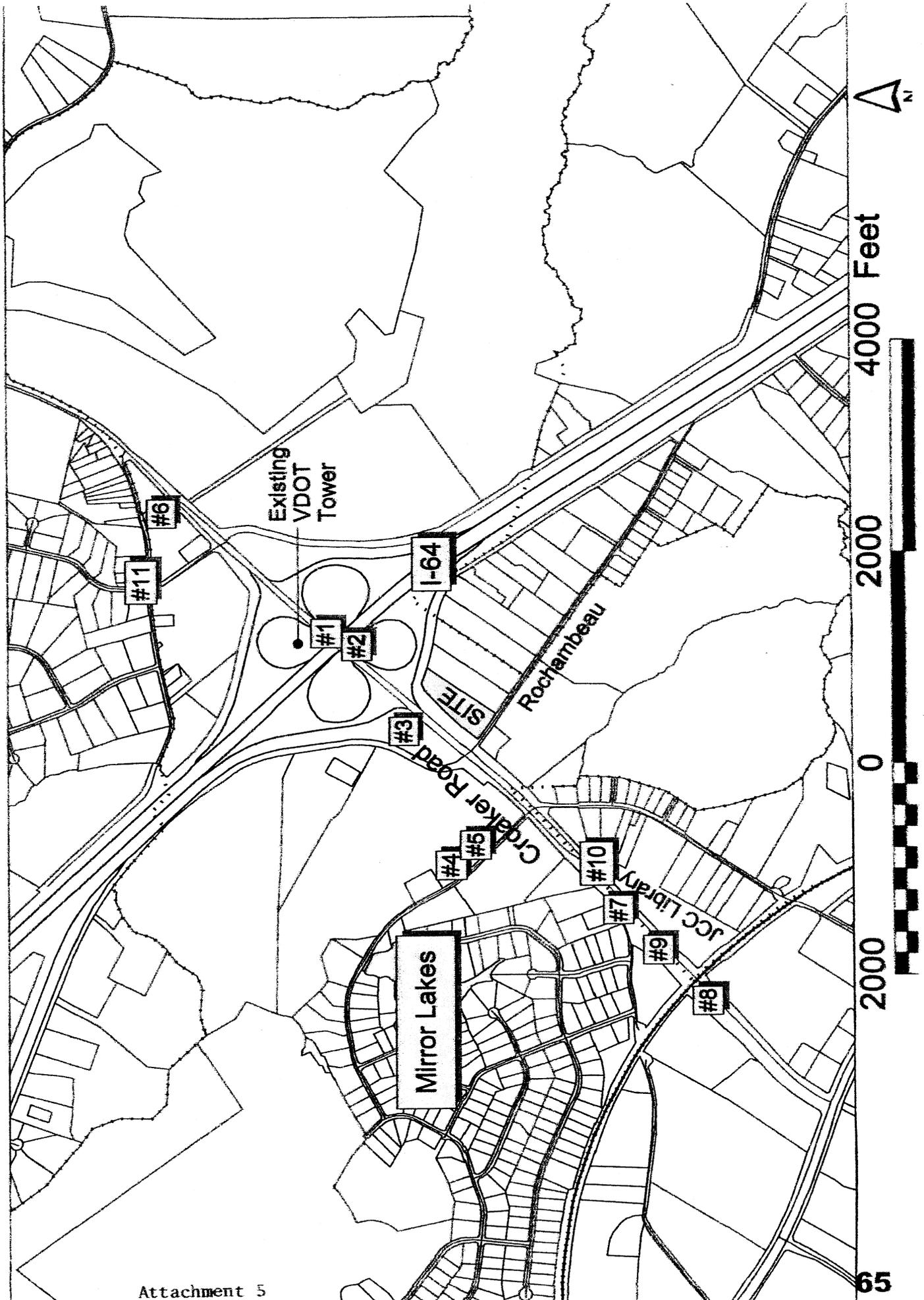
Notes for the above table:

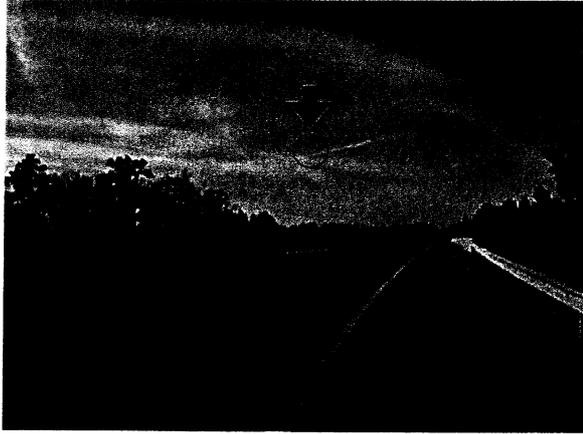
1. Exceptions to these criteria may be made on a case by case basis where the impact of the proposed tower is only on the following areas: (1) An area designated residential on the Comprehensive Plan or zoning map which is not a logical extension of a residential subdivision or which is a transitional area between residential and nonresidential uses, (2) a golf course or a golf course and some combination of commercial areas, industrial areas, or utility easements, provided the tower is located on the golf course property, or (3) a utility easement.
 2. A tower will meet the minimal intrusion criteria if it is not visible off-site above the tree line. Such tower should only be visible off-site when viewed through surrounding trees that have shed their leaves.
3. Camouflaged towers having the design of a tree should be compatible in scale and species with surrounding natural trees or trees native to Eastern Virginia.
 4. Towers should be less than 200 feet in height in order to avoid the need for lighting. Taller heights may be acceptable where views of the tower from residential areas and public roads are very limited. At a minimum, towers 200 feet or more in height should exceed the location standards listed above
 5. Towers should be freestanding and not supported with guy wires.

C. Buffering

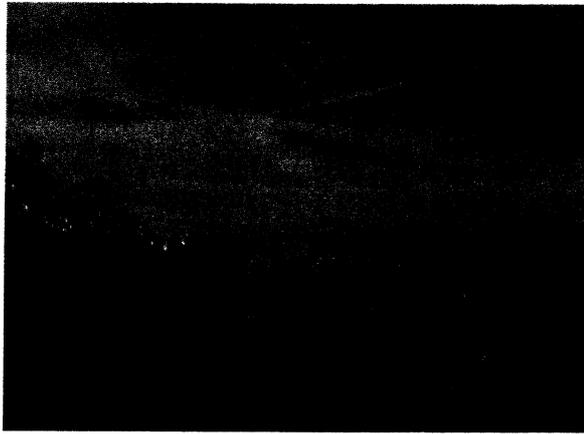
1. Towers should be placed on a site in a manner that takes maximum advantage of existing trees, vegetation and structures so as to screen as much of the entire WCF as possible from view from adjacent properties and public roads. Access drives should be designed in a manner that provides no view of the tower base or related facilities.
2. Towers should be buffered from adjacent land uses and public roads as much as possible. The following buffer widths and standards should be met:
 - a. In or adjacent to residential or agricultural zoning districts, areas designated residential or rural lands on the Comprehensive Plan, historic or scenic resource areas, or scenic resource corridors, an undisturbed, completely wooded buffer consisting of existing mature trees at least 100 feet wide should be provided around the WCF.
 - b. In or adjacent to all other areas, at least a 50 foot wide-vegetative buffer consisting of a mix of deciduous and evergreen trees native to Eastern Virginia should be provided.

SUP-25-01. Index of Balloon Test Photos

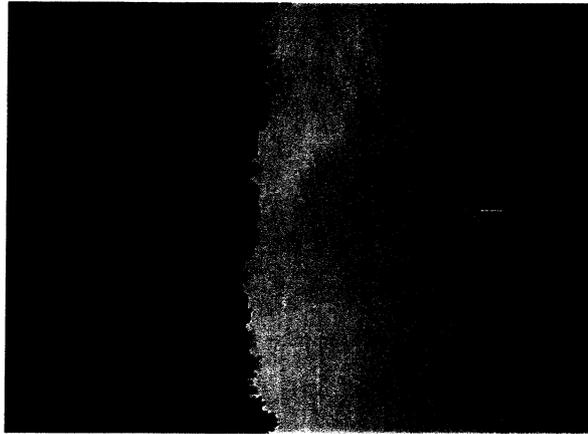




Southbound Croaker Road @ I-64 Overpass (1)



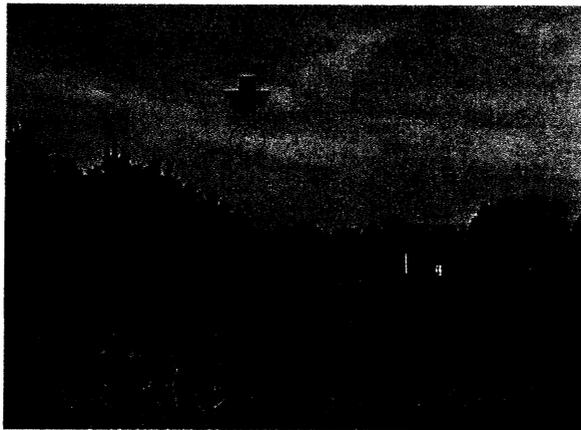
Southbound Croaker Road @ I-64 Overpass (2)



VDOT Commuter Lot @ Croaker Road (3)



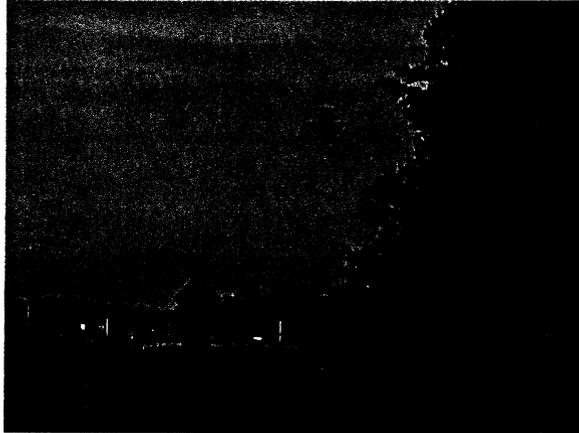
Point of Woods Road (entrance to Mirror Lakes) (4)



Point of Woods Road (entrance to Mirror Lakes) (5)



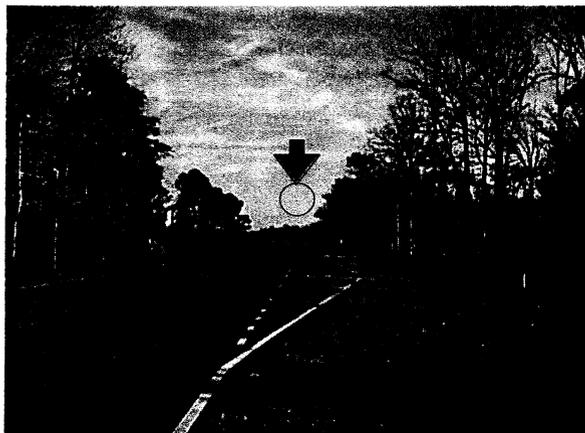
York River Church on Croaker Road (6)



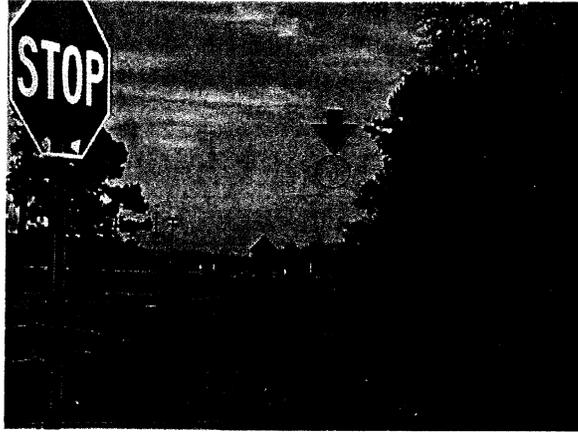
Croaker Road at the entrance to the Library (7)



Croaker Road (coming from Route 60) before traveling over the railroad bridge (8)



Croaker Road (coming from Route 60) after traveling over the railroad bridge (9)



Croaker Road at the entrance to the Library (10)



Glenwood Acres Subdivision (11)

PROPOSED SUP CONDITIONS
CASE NO. SUP-25-01. VoiceStream Wireless Telecommunications Tower

1. The tower shall be a free standing (no guy-wires) lattice design tower with a maximum height of 250 feet.
2. The tower shall be designed and constructed for at least six (6) users and shall be certified to that effect by an engineering report prior to site plan approval.
3. A minimum landscape buffer with a radius of 95 feet shall be maintained around the base of the tower. Improvements constructed at the base of the tower shall be located within the smallest footprint necessary, as determined by the Director of Planning. Unless otherwise modified by the Director of Planning, within all non-impervious areas within the aforementioned landscape buffer, loblolly tree seedlings shall be planted at a rate of 600 per acre. Such landscaping shall be indicated on the site plan.
4. A final inspection shall be obtained within one (1) year of approval of this Special Use Permit, or the permit shall become void.
5. Unless otherwise approved by the Director of Planning, all supporting equipment sheds, buildings and huts shall be of a similar design to that generally used on a single-family residence and shall be approved by the Director of Planning prior to final site plan approval. A gable or shed roof shall be used on all equipment sheds, buildings and huts as determined by the Director of Planning prior to final site plan approval.
6. Following construction of the facility, certification by the manufacturer, or an engineering report by a Virginia-registered structural engineer, shall be filed by the applicant indicating the tower height, design, structure, installation and total anticipated capacity of the structure, including number and type of antennas which could be accommodated, demonstrating to the satisfaction of the building official that all structural requirements and other safety considerations set forth in the BOCA Basic Building Code and Section 222(D) of the standards adopted by the Electronics Industries Association, or any amendment thereof, have been met.
7. The applicant shall inform the Federal Aviation Administration (FAA), that should obstruction marking and/or lighting be required, that it is the preference of James City County that such obstruction marking be of a type that utilizes red lighting and medium-intensity white strobe lighting, per FAA requirements.
8. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

PROPOSED SUP CONDITIONS
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8. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

PLANNING DIRECTOR'S REPORT

FEBRUARY, 2002

This report summarizes the status of selected Planning Division activities during the last 30 days.

1. Master Greenways Plan. The Greenways Advisory Committee is continuing to make important decisions about the final document. The document will be going to the Parks and Recreation Advisory Board shortly.
2. Architectural Survey. The consultant, MAAR Associates, terminated the contract arrangement with the subcontractor who had been handling this project and notified VDHR that a final report would not be ready by October 23RD as scheduled. An architectural historian from the VDHR Portsmouth field office has been assigned to complete the remaining work on this project.
3. Citizens Survey. The consultant presented the findings of the citizen survey to the BOS at its January 22ND meeting. To relay the findings to citizens, staff wrote an article for the *FYI* newsletter, and staff and the consultant taped an interview show for Channel 48. In addition, copies of the report will be available on the web, in the Planning Division, and at the libraries.
4. Comprehensive Plan Review BOS Work Session. Staff is preparing a proposal for a Comprehensive Plan methodology to present to the BOS at its March 26TH work session.
4. U.S. Census. The Census Bureau continues to release data with key data released later this Spring that staff will be incorporating into the Comprehensive Plan Technical Manual. Information has been posted on the demographics section of the Development Management page of the James City County website at: www.james-city.va.us.
5. Route 5/Green Spring Interpretative Site. VDOT has received a federal grant to construct interpretative sites along Route 5, and is working with staff to locate one in the County. VDOT will tentatively hold a public meeting on February 20TH at 7:00 PM at Jamestown High School to consider a proposed site at the intersection of Route 5 and Greensprings Road.
6. Proposed Closure of Centerville Road. The National Park Service's proposal to close a portion of Centerville Road is tentatively scheduled for the March 4 Planning Commission meeting.
7. Jamestown Subarea Study. Staff continues to work with the affected landowners and their consultants to reach the agreement on the relocation of Route 359. A meeting will be held on January 31ST to discuss storm water management and landscaping.
8. Route 199 Widening. Staff continues to review VDOT's plans on the widening between Brookwood Drive and Pocahontas Trail. Construction of the east section could begin in late 2002 or in 2003, with construction of the west section beginning a year later. VDOT hopes to complete the project in 2005.
9. Route 199 and Jamestown Road Intersection Modifications. VDOT held a public meeting on proposed improvements to this intersection on January 23, 2002, at Berkeley

middle School. VDOT's schedule calls for acquiring right of way in mid-2002 and beginning construction in 2004.

10. Chickahominy Bridge Replacement. Staff has been working with VDOT on plans to replace the Route 5 bridge over the Chickahominy River. VDOT held a public information meeting on its preferred alternative on December 31, 2001. Staff has taken a position on this project and has communicated comments and concerns to VDOT.
11. Capital Improvement Program. CIP requests were due January 11th with the Policy Committee meeting February 4th to begin reviewing requests.
12. Other Board Action. At its January 8th meeting, the Board approved Case No. SUP-23-01 Colonial Redi-Mix Concrete Expansion. At its January 22nd meeting, the Board approved Case No. AFD-1-89. Armistead AFD - 2002 Renewal and Case No. AFD-1-93. Williamsburg Farms AFD - 2002 Renewal.
13. Upcoming Cases. New cases that are tentatively scheduled for the March 4, 2002, Planning Commission meeting.

CASE NO. Z-8-01/SUP-27-01. TOANO BUSINESS CENTRE NORTH. Michael Brown has submitted a rezoning application to rezone parcels (12-4)(1-9B) and (12-4)(1-9C) to a "by right use" M-1 zoning designation. The parcels are located at 8189 Richmond Road and are currently zoned "restricted use" B-1. The applicant has concurrently submitted an application for a special use permit to allow the development of the site as a convenience store with gas pumps.

CASE NO. SUP-01-02. VOICE STREAM WIRELESS. Ms. Ambre Blatter has applied on behalf of Alltell Communications for a special use permit to allow for a 20-foot extension of an existing 190-foot tower for cellular antennas and radio equipment cabinets. The existing tower is located at 10111 Old Stage Road and is zoned A-1, General Agriculture. The property is designated Rural Lands on the Comprehensive Plan Land Use Map.

CASE NO. AFD-12-86. GOSPEL SPREADING CHURCH AFD - MIKULA WITHDRAWAL. Mr. and Mrs. Thomas and Elva Mikula have applied to withdraw property from the Gospel Spreading Church Agricultural and Forestal District. The property is located on Lake Powell Road and is zoned R-8, Rural Residential District. The property is designated Rural Lands on the Comprehensive Plan Land Use Map. The Gospel Spreading Church AFD is scheduled for renewal on September 22, 2002.

CASE NO. AFD-1-98. BARRETT'S FERRY AFD - 2002 RENEWAL. Renewal to the existing 210.49-acre Barrett's Ferry Agricultural and Forestal District (AFD) for a period of four years. Established in 1998, the District must now be reviewed for continuance of the AFD. The one-parcel district is located at 1671 John Tyler Highway in the Powhatan District, approximately 3,000 feet east of the Chickahominy River Bridge. The property 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 Comprehensive Plan Land Use Map.

O. Marvin Sowers, Jr.