

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

March 12, 2002

7:00 P.M.

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C. PLEDGE OF ALLEGIANCE - Mr. Antonio Gray, a fifth grade student at Stonehouse Elementary	
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K. CLOSED SESSION

1. Appointment of Individuals to County Boards and/or Commissions, Pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia
 - a. Historical Commission
 - b. Peninsula Disability Services Board
2. Acquisition of a Parcel of Property for Public Use, Pursuant to Section 2.2-3711(A)(3) of the Code of Virginia

L. ADJOURNMENT

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 12TH DAY OF FEBRUARY, 2002, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

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

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

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

B. MOMENT OF SILENCE

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

C. PLEDGE OF ALLEGIANCE

Mr. Ricky Suders, a Homeschool student, led the Board and citizens in the Pledge of Allegiance.

D. PUBLIC COMMENT

1. Ms. Pamela Bowers, 100 Andrews Court, requested the Board pursue a referendum for school funding, recommended that the Board not lower the tax rate by 2 percent, but rather invest that percentage in the School's Capital Improvement Programs.

2. Ms. Elizabeth Reiss, PTA President and representing the parents and teaches of James River Elementary School, stated that the teachers and staff of James River Elementary School strive to provide safe and educational environment for the students and requested that the Board of Supervisors fund the School Board's budget requests.

3. Ms. Cecilia Firstenberg, 16 Ensigne Spence, requested the Board fund the School's Budget to provide adequate teachers for the individual attention to students, small class sizes, and carpet replacement at the James River Elementary School.

4. Mr. Ed Oyer, 139 Indian Circle, commented on a recent newspaper article concerning indexing of taxes, concern of cost for proposed new secondary facility, and concern that the County's revenue from taxes will begin to fall as the prices of housing drops as a reflection of the state of the national economy.

E. PRESENTATION

1. Williamsburg Regional Library Strategic Plan 2002-2005

Mr. Michael J. Fox, Chair of the Williamsburg Regional Library Board of Trustees, provided the Board with an overview of the Library's mission statement, planning framework for the libraries over the next four years, and stated the Library's renewing commitment to the community.

Mr. John Moorman, Director of the Williamsburg Regional Library, provided the Board with an overview of the strategic plan, development methods for the mission statement, demographics of the library users, and stated that it is the desire of the library's staff to enrich the community it serves.

The Board, Mr. Fox, and Mr. Moorman held a brief discussion concerning the anticipated impact of the State's financial situation on funding for libraries.

F. CONSENT CALENDAR

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

Mr. Harrison made a motion to adopt the items on the Consent Calendar.

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

1. Minutes

- _____ a. January 22, 2002, Work Session
- b. January 22, 2002, Regular Meeting

2. Authorization for the Hampton Roads Partnership to Carry Out the Provisions of the Regional Competitiveness Program and Approving the Fund Distribution Methodology Proposed by the Partnership

A RESOLUTION AUTHORIZING THE HAMPTON ROADS PARTNERSHIP TO

CARRY OUT THE PROVISIONS OF THE REGIONAL COMPETITIVENESS

PROGRAM (RCP) AND APPROVING THE FUND DISTRIBUTION METHODOLOGY

PROPOSED BY THE PARTNERSHIP

WHEREAS, in 1996, the Virginia General Assembly adopted the Regional Competitiveness Act (the Act), Chapter 26.3 of Title 15.1 (§ 15.1-1227.1 through § 15.1-1227.5) of the Code of Virginia, 1950, as amended, to encourage counties, cities, and towns to work together for their mutual benefit and that of the Commonwealth of Virginia; and

WHEREAS, to encourage regional strategic planning and cooperation, the Act established an Incentive fund administered by the Virginia Department of Housing and Community Development (VDHCD) to be used to encourage and reward regional strategic economic development planning and joint activities; and

WHEREAS, the Act provides a monetary incentive, which totaled Ten Million Two Hundred Sixty-Seven Thousand Two Hundred Dollars (\$10,267,200) in 2002, for distribution among the State's regions for communities to undertake new levels of regional activity to address obstacles to economic competitiveness by granting funds for five years in accordance with VDHCD standards adopted pursuant to RCP; and

WHEREAS, incentive funds will be disbursed to eligible regions in an amount equal to the percentage of the funds appropriated in incentive payments for a fiscal year that represents the region's percentage of the total population of all eligible regions with a minimum of \$300,000 (FY 2002); and

WHEREAS, the Hampton Roads Partnership (the Partnership) is a Virginia nonprofit, non-stock corporation comprised of leading representatives from the public, business, education, and military communities and whose mission is to enhance regional cooperation and improve economic competitiveness in the Hampton Roads Region (the Region) which region includes the Cities of Norfolk, Virginia Beach, Portsmouth, Chesapeake, Suffolk, Newport News, Hampton, Franklin, Poquoson, and Williamsburg and in the Counties of Gloucester, Isle of Wight, James City, Southampton, Surry, and York; and

WHEREAS, the Partnership revised its strategic plan in 1999 and further modified that plan in 2001 and as such has a clear strategic road map for improving the economic competitiveness of the Hampton Roads Region; and

WHEREAS, a copy of the Modified Strategic Plan is attached hereto as Exhibit A to be read as a part hereof; and

WHEREAS, the Partnership, in close cooperation with the Hampton Roads Planning District Commission, will take responsibility for submitting the Hampton Roads Region's re-qualification application for incentive funding under the RCP and for seeing that the Plan's joint activities are enacted; and

WHEREAS, in recognition of the Partnership's role in Implementing the Plan's joint activities, the distribution of all RCP funds received by the Region since the inception of the program have gone directly to the Partnership ("distribution methodology"); and

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

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

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

1. It recognizes the Hampton Roads Region as a region contemplated by the Act and hereby declares itself to be a member of and a participant in the Hampton Roads Region;
2. It supports the Partnership's efforts to carry out the provisions of the RCP and apply for monetary incentives on its behalf; and

3. It approves the RCP fund distribution methodology and authorizes the Partnership to receive on its behalf all Incentive funding for the five year qualification period beginning in Fiscal Year 2003.

3. Appointment of Alternate to the Greater Peninsula Workforce Development Consortium

RESOLUTION

APPOINTMENT OF ALTERNATE

GREATER PENINSULA WORKFORCE DEVELOPMENT CONSORTIUM

WHEREAS, James City County is authorized to appoint an alternate to the Greater Peninsula Workforce Development Consortium.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoints Bruce Goodson as the alternate to the Greater Peninsula Workforce Development Consortium.

4. Virginia High Speed Rail Development Committee

RESOLUTION

VIRGINIA HIGH SPEED RAIL DEVELOPMENT COMMITTEE

WHEREAS, the County has been requested to join other private and public agencies in the Commonwealth to support the activities of the Virginia High Speed Rail Development Committee (VHSRDC) and provide an FY 2002 contribution of \$5,000.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes a contribution of \$5,000 to the VHSRDC and a transfer of \$5,000 from Operating Contingency to Contributions to Outside Agencies in order to fund that contribution.

G. PUBLIC HEARINGS

1. Ironbound Square Redevelopment Plan

Mr. Richard B. Hanson, Housing and Community Development Administrator, stated that as authorized by the Board in February 2000, the County entered into a multiyear Community Development Block Grant (CDBG) Agreement with the Virginia Department of Housing and Community Development to undertake the Ironbound Square Residential Revitalization CDBG Project to improve housing conditions, to eliminate blight, and to preserve Ironbound Square as a viable residential neighborhood.

Mr. Hanson provided the Board with an overview of the Redevelopment Plan's seven objectives, necessary steps to achieve the objectives, and requested the Board adopt the resolution to implement the Ironbound Square Redevelopment Plan and to authorize the County Administrator to enter into an agreement with a Redevelopment and Housing Authority.

Mr. Kennedy opened the public hearing.

1. Mr. Lloyd S. Banks, Sr., 2412 Lalurd Drive, Hampton, inquired if every home and parcel in Ironbound Square would have to be purchased, and stated support for the residents of Ironbound Square to improve their housing conditions and not sell their homes.

2. Mr. William H. Lewis, 9318 Afternoon Lane, Columbia, Maryland, stated that he has owned a parcel in James City County for 25 years and inquired if the Redevelopment Plan will permit current landowners the opportunity to generate as much income from the parcels as it currently affords if their investment properties are purchased.

3. Ms. Phyllis L. Thomas, 3900 17th Street NE, Washington, D.C., stated concern that property owners will be unable to generate revenue from the relocated parcel as is being currently generated from the parcels they own.

4. Rev. Harriett J. Banks, owner of property at 109 Carriage Road, stated concern that the Redevelopment Plan will take away citizen's property, encouraged residents to clean up the neighborhood, and stated concern that citizens will not be afforded equitable replacement or enhancements of the parcels.

5. Mr. Walter Taylor, 509 Pocahontas Trail, stated concern that the County will get the homes and parcels while citizens cannot afford the expense of a new home.

6. Mr. Douglas Canady, 4356 Ironbound Road, stated that residents cannot afford to go into debt to accept the Block Grant offered by the County to renovate homes to new standard, stated concern that residents will be offered fair market value for their land which may not allow those residents to turn around and purchase new land and homes of comparable size.

7. Mr. Kermit Jimmerson, 17 Belmont Road, stated that the elderly residents of Ironbound Square cannot afford to move or get a mortgage, and encouraged the landowners of Ironbound Square to hold onto their land.

8. Ms. Hazel Morris, 118 Watford Lane, inquired why the County feels the need for additional road widening and recommended fencing be placed along Ironbound Square frontage to screen the passing traffic from the neighborhood.

9. Ms. Linda Whitley, 1514 Merrimac Trail, stated concern regarding the apparent conflict of interest of the County with the Ironbound Square Community with the Redevelopment Plan, stated that low-income housing is not needed, inquired if the relocation efforts is due to the development of New Town, and requested the residents work with the County to renovate the properties.

10. Mr. William Jones, President of the Ironbound Square Association, 4364 Ironbound Road, stated that 22 people participated in the first phase of the plan to keep their property and recommended residents take part in the rehabilitation program to keep their property.

11. Ms. Phyllis Allen, 5668 Centerville Road, stated desire to keep the family home within the family and invited the County to assist with the remodeling of the home.

12. Ms. Angela Dennis, 209 Alisa Drive, stated that Ironbound Square residents and the County have been holding public meetings concerning the Redevelopment Plan over the past five years, the residents requested assistance, the County has applied on their behalf for financial assistance to improve the neighborhood in housing, traffic, and front entrance, and is offering that financial assistance.

Mr. Kennedy closed the Public Hearing.

The Board and staff held a discussion concerning the assistance to property owners under the Redevelopment Plan, Federal regulations, proposed land use, methods for determining property acquisition, disposition, and relocation; and time frame for application of the second portion of the grant.

The Board requested that a resolution of intent be submitted with resolution reflecting the Boards desire to avoid condemnation of property.

Mr. Kennedy requested a roll call vote on the deferral of the item until the Board's next meeting on February 26, 2002.

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

Mr. Kennedy recessed the Board for a brief break at 9:07 p.m.

Mr. Kennedy reconvened the Board at 9:15 p.m.

2. Case No. Z-5-00. New Town Office Building

Mr. Christopher Johnson, Senior Planner, stated that Mr. Vernon Geddy, III, has applied on behalf of G-Square ncorporated to rezone several small parcels to allow for the construction of a five-story office building and associated parking at the intersection of Monticello Avenue and Ironbound Road, zoned R-8, Rural Residential, and M-1, Limited Business/Industrial, further identified as Parcel Nos. (1-3E), (1-50), (1-2A), and (1-53) on the James City County Real Estate Tax Map No. (38-4).

Mr. Johnson stated that the applicant has requested a deferral of the item until February 26, 2002, and recommended the Board grant the applicant's request.

Mr. Kennedy opened the Public Hearing, and continued the Public Hearing to February 26, 2002.

As no one wished to speak, Mr. Kennedy closed the Public Hearing.

Mr. Goodson made a motion to defer the item until February 26, 2002.

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

3. Case No. SUP-24-01. Zion Baptist Church

Ms. Jill E. Schmidle, Senior Planner, stated that Mr. John Morman has applied on behalf of Zion Baptist Church, for a special use permit to allow the construction of approximately 4,200 square feet of additions to the existing Zion Baptist Church located at 6373 Richmond Road, zoned R-8, Rural Residential, further identified as Parcel No. (1-47) on the James City County Real Estate Tax Map No. (24-3).

Staff found the proposal consistent with the surrounding zoning and development, and consistent with the Comprehensive Plan.

The Planning Commission, at its meeting on January 14, 2002, voted 4-0 to approve the application.

Staff recommended the Board's approval of the proposal with conditions.

Mr. Kennedy opened the Public Hearing.

Mr. John Morman, applicant, requested the Board approve the application.

As no one else wished to speak, Mr. Kennedy closed the Public Hearing.

Mr. Harrison made a motion to adopt the resolution.

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

RESOLUTION

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

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

WHEREAS, Mr. John Morman has applied on behalf of Zion Baptist Church for a special use permit to allow the construction of approximately 4,200 square feet of additions to the existing Zion Baptist Church located at 6373 Richmond Road, at the intersection of Centerville Road; and

WHEREAS, the property is located on land zoned R-8, Rural Residential District, and can be further identified as Parcel No. (1-47) on James City County Real Estate Tax Map No. (24-3); and

WHEREAS, the Planning Commission, following its public hearing on January 14, 2002, voted 4-0 to approve this application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-24-01 as described herein with the following conditions:

1. If construction has not commenced on the project within 36 months from the issuance of the special use permit, the permit shall become void. Construction shall be defined as obtaining permits for building construction and installation of footings and/or foundations.
2. Site plan approval shall be required. The building materials, design, scale, and colors of the addition shall be compatible with that of the existing structure. The colors, design, and building materials for the additions shall be submitted to, and approved by, the Planning Director prior to final site plan approval.
3. All new exterior light fixtures on the property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. A lighting plan shall be submitted to, and approved by, the Planning Director prior to final site plan approval which indicates the fixture type and that no glare will occur outside the property lines. "Glare" shall be defined as more than 0.1 foot-candle at the property line, or any direct view of the lighting source from a public street or adjoining residentially designated property.

4. Entrance improvements shall meet the requirements of the Virginia Department of Transportation (VDOT) and shall be approved by VDOT prior to final site plan approval.
5. A landscaping plan shall be approved by the Planning Director, or his designee, prior to final site plan approval. The owner shall provide landscaping for the area surrounding the future church building expansion to mitigate the impact of the expansion on the adjacent property and shall incorporate drought-tolerant landscaping to the extent possible.
6. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

4. Case No. SUP-26-01. Grace Covenant Presbyterian Church

Mr. Christopher M. Johnson, Senior Planner, stated that Mr. Ronnie Orsborne of LandMark Design Group has applied on behalf of Grace Covenant Presbyterian Church for a special use permit to allow the construction of a church building with associated parking and utility improvements at 1677 Jamestown Road, zoned LB, Limited Business, further identified as Parcel No. (1-73B) on the James City County Real Estate Tax Map No. (47-3).

Staff found the proposal consistent with the surrounding zoning and development, and consistent with the Comprehensive Plan.

The Planning Commission, at its meeting on January 14, 2002, recommended approval of the application by a unanimous vote.

Staff recommended approval of the application with conditions.

Mr. Kennedy opened the Public Hearing.

Mr. Steve Geisler, Chairman of the Building Committee, requested that those in the audience in support of the application stand, provided the Board with a brief overview of the Church's history, and requested the Board approve the application.

As no one else wished to speak, Mr. Kennedy closed the Public Hearing.

Mr. McGlennon made a motion to adopt the resolution.

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

RESOLUTION

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

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

WHEREAS, any building that exceeds a 2,750 square foot building footprint within the LB, Limited Business, zoning district, that is designated Low Density Residential on the Comprehensive Plan Land Use Map, requires the issuance of a special use permit; and

WHEREAS, the Planning Commission of James City County, following its public hearing on January 14, 2002, recommended approval of Case No. SUP-26-01 by a unanimous vote to permit the construction of a house of worship with associated parking and utility improvements at 1677 Jamestown Road and further identified as Parcel No. (1-73B) on James City County Real Estate Tax Map No. (47-3).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. SUP-26-01 as described herein with the following conditions:

1. Construction. If construction has not begun on the project within 36 months of the issuance of the special use permit, it shall become void. Construction shall be defined as securing permits for land disturbance, building construction, clearing and grading, and the pouring of footings.
2. Master Plan. Development and land clearing of the site shall be generally in accordance with the "Master Plan Exhibit, Grace Covenant Presbyterian Church, James City County, Virginia" prepared by LandMark Design Group, and dated November 18, 2001, with such accessory structures and minor changes as the Planning Director determines does not change the basic concept or character of the development. Structures to be built on the property in the future which are described on the Master Plan shall not require a special use permit.
3. Lighting. All exterior light fixtures, including building lighting, 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.
4. Architecture. Prior to final site plan approval, the Planning Director shall review and approve the final building elevations and architectural design of the church building. Such approval as determined by the Planning Director shall ensure that the design and construction of the church building and any future building additions are reasonably consistent with the architectural elevations submitted with this special use permit application prepared by Magoon and Associates.

5. Water Conservation. The owner 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 Service Authority prior to final site plan approval.
6. Dumpsters. All dumpsters on the property shall be screened by landscaping and fencing in a location approved by the Planning Director or his designee prior to final site plan approval.
7. Signs. Free-standing signs within 50-feet of the Jamestown Road and/or Ironbound Road right-of-way, as may exist, shall be ground mounted, monument style and shall be approved by the Planning Director or his designee prior to final site plan approval.
8. Landscaping. A landscaping plan shall be approved by the Planning Director or his designee prior to final site plan approval. The owner shall provide enhanced landscaping for the area surrounding the future church building expansion to mitigate the impact of the expansion on the Jamestown Road buffer. Enhanced landscaping shall be defined as 133 percent of the Zoning Ordinance landscape requirements.
9. Buffers. The owner shall maintain a minimum 75 foot undisturbed buffer along the areas of the site adjacent to residential properties in Settler's Mill along Lakewood Drive. No grading activities shall occur within the 75 foot buffer. The Environmental Director shall approve all limits of clearing within the Jamestown Road and Ironbound Road buffers for modifications to the stormwater management basins
10. Archaeology. The owner shall submit to the County and to the Virginia Department of Historic Resources (VDHR) an archaeological study prepared in accordance with the County Archaeological Policy for all disturbed areas of the site. The study shall be reviewed and approved by the Planning Director or his designee prior to any land disturbance. The recommendations of the approved study shall be implemented in accordance with the County's Archaeological Policy.
11. Traffic Improvements. All traffic improvements required by the Virginia Department of Transportation along Jamestown Road (State Route 31) and Ironbound Road (State Route 615) shall be installed or bonded prior to issuance of a certificate of occupancy for any structure on the site.
12. Severability. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

5. Case No. SUP-28-01. McKinley Office Building

Ms. Karen Drake, Senior Planner, stated that Mr. Greg Davis has applied on behalf of McKinley Properties for a special use permit to construct and operate a 7,500-square foot general office building on +/- 1.45 acres at 5244 Olde Towne Road, zoned LB, Limited Business, further identified as Parcel No. (1-28C) on the James City County Real Estate Tax Map No. (34-4).

Staff found the proposal a complementary infill development within the neighborhood Commercial designated property on Olde Towne Road.

The Planning Commission, at its meeting on January 14, 2002, voted 5-0 to approve this application with one additional condition, No. 7, added.

Staff recommended the Board approve the application with conditions.

Mr. Kennedy opened the Public Hearing.

1. Mr. Greg Davis, applicant, provided the Board with an overview of the site plan, shared driveway, buffering and lighting enhancements, and requested the Board approve the application.

As no one else wished to speak, Mr. Kennedy closed the Public Hearing.

Mr. Brown made a motion to adopt the resolution.

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

RESOLUTION

CASE NO. SUP-28-01. MCKINLEY OFFICE BUILDING

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

WHEREAS, for areas within the Limited Business District that are designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan, a special use permit shall be required in accordance with Section 24-9 of the James City County Zoning Ordinance for any building exceeding 2,750-square foot building permit; and

WHEREAS, the Planning Commission of James City County, following its public hearing on January 14, 2002, recommended approval of Case No. SUP-28-01 by a vote of 5 to 0 to permit with one additional Special Use Permit Condition added, No. 7, for the construction of a general office building at 5244 Olde Towne Road and further identified as Parcel No. (1-28C) on James City County Real Estate Tax Map No. (34-4).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. 28-01 as described herein with the following conditions:

1. McKinley office building shall be built in accordance with the submitted binding Conceptual Master Plan, titled "McKinley Office Building," dated November 21, 2001.

2. Prior to final site plan approval, the Planning Director shall review and approve the final architectural design of the office building in order to ensure that the design and construction of the office building are reasonably consistent with the architectural elevations, titled "Proposed Office Building for McKinley Properties," dated November 19, 2001, and submitted with this special use permit application.
3. Prior to final site plan approval, the Planning Director shall review and approve the proposed landscaping plan for the entire property. Enhanced landscaping shall include, but not be limited to, a row of Leyland Cypress trees appropriately spaced along the shared property line with Williamsburg Plantation so as to effectively provide a buffer that will effectively screen the McKinley Office Building from the Williamsburg Plantation timeshares. The enhanced landscaping shall be provided that meets the planting standards of the landscaping requirements of the James City County Zoning Ordinance by 133 percent. Enhanced landscaping shall also include a single row of 30"-36" Wax Myrtles at 5' - 6' spacing, with such row to include groups of two (2) leyland cypress of not less than one and one-quarter (1-1/4) inch caliper, with such leyland cypress spaced not less than every 40' - 60' on center throughout the single row. These plantings shall extend the length of the building on the property adjoining (existing as of the date of passage of this resolution) the subject property to the east and ten (10) feet beyond such building at either end. This enhancement shall be in lieu of other applicable Zoning Ordinance landscaping requirements and requirements above, which shall not apply to the area landscaped in accordance with this specification and shall be approved by the Planning Director.
4. All exterior light fixtures, including building lighting, 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. Light poles serving the driveway for the subject property shall be located on the east side of such driveway. Limitations on footcandles outside the subject property limits as established above shall be inapplicable to such driveway light poles so located 75 feet or more from the subject property line adjacent to Olde Towne Road.
5. The owner 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.
6. Prior to final site plan approval, the Planning Director shall review and approve the design of the ground-mounted sign for the property.
7. The Development Review Committee shall review and approve the site plans.

8. The special use permit granted pursuant to this application shall be null and void and of no further force or effect unless construction is commenced within 24 months of the date of approval by the James City County Board of Supervisors.
9. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

6. District Park Wetlands Protective Easement, Hotwater-Cole Tract

Mr. Bernard M. Farmer, Capital Projects Administrator, stated that a minor wetlands crossing was required to be permitted by the U.S. Army Corps of Engineers (COE) as part of the design of the District Park Entrance Road, Hotwater-Cole Tract. The COE stated that of two options, a permanent protective easement be created over a buffer area and an area of existing forested wetlands.

Staff contacted the Williamsburg Land Conservancy about being a recipient of the protective easement and an has agreed to accept the easement and the easement language and drawing have been reviewed and are acceptable to the COE.

Staff recommended the Board grant the protective easement to the Williamsburg Land Conservancy and adopt the resolution.

Mr. Kennedy opened the Public Hearing, and continued the public hearing to February 26, 2002.

1. Ms. Caren Schumacher, 1404 Carriage House Way, spoke on behalf of the Williamsburg Land Conservancy and stated support for the easement agreement.

2. Mr. Ed Oyer, 139 Indian Circle, inquired as to the acreage involved with the easement agreement.

As no one else wished to speak, Mr. Kennedy closed the Public Hearing.

Mr. Goodson made a motion to adopt the resolution.

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

RESOLUTION

DISTRICT PARK WETLANDS PROTECTIVE EASEMENT, HOTWATER-COLE TRACT

WHEREAS, James City County must satisfy obligations to the U.S. Army Corps of Engineers (COE) regarding mitigation of wetlands to be destroyed during construction of the entrance road in the District Park Hotwater-Cole Tract; and

WHEREAS, the Corps of Engineers has suggested, and is agreeable to, creation of a protective easement and buffer over a portion of existing wetlands as suitable mitigation; and

WHEREAS, the Williamsburg Land Conservancy is agreeable to being the recipient of the protective easement for the wetlands.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator or his designee to execute the necessary documents for granting the protective wetlands easement on the District Park Hotwater-Cole Tract.

H. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, commented on a recent article in the *Wall Street Journal* regarding golf courses filing for bankruptcy.

I. REPORTS OF THE COUNTY ADMINISTRATOR

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

Mr. Wanner recommended at the conclusion of this evening's agenda, the Board recess to 1 p.m. on February 15, 2002, for a joint meeting with the Williamsburg City Council and the Williamsburg-James City County School Board.

J. BOARD REQUESTS AND DIRECTIVES – None

K. CLOSED SESSION

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

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

Mr. Kennedy convened the Board into closed session at 9:49 p.m.

At 10:10 p.m. Mr. Kennedy reconvened the Board into open session.

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

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

RESOLUTION

CERTIFICATION OF CLOSED MEETING

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

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and, ii) only such public business matters were heard, discussed or considered by the Board as were identified in the motion, Section 2.2-3711(A)(1), appointment of individuals to County boards and/or commissions.

Mr. Goodson made a motion to appoint Colleen K. Killilea to a four-year term on the Colonial Group Home Commission, term to expire on February 28, 2006.

On a roll call vote, the vote was: AYE: Brown, Goodson, Harrison, Kennedy (4). NAY: (0). ABSTAINED: McGlennon (1).

Mr. McGlennon made a motion to appoint George H. Billups, Jr., as the Planning Commission representative to the Regional Issues Committee; to appoint Joseph Hagy to an unexpired term on the Parks and Recreation Advisory Commission, term to expire on April 12, 2002; to appoint David Jarman to an unexpired term on the Parks and Recreation Advisory Commission, term to expire on April 12, 2004; to appoint Mike McGinty, Commonwealth's Attorney, to the Colonial Community Criminal Justice Board; and to appoint Loretta Garrett to a one-year term on the Purchase of Development Rights (PDR) Committee, term to expire on February 12, 2003, to appoint Larry Abbott to a one-year term on the PDR Committee, term to expire on February 12, 2003, to appoint Thomas Belden to a two-year term on the PDR Committee, term to expire on February 12, 2004, to appoint David Powell, Jr. to a two-year term on the PDR Committee, term to expire on February 12, 2004, to appoint Ronald Rosenberg to a three-year term on the PDR Committee, term to expire on February 12, 2005, and to appoint Edward Overton, Jr., as the ex officio member to the PDR Committee.

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

L. ADJOURNMENT

Mr. Kennedy requested a motion to recess until 1 p.m. on February 15, 2002.

Mr. McGlennon made a motion to recess.

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

Mr. Kennedy recessed the Board at 10:11 p.m.

Sanford B. Wanner
Clerk to the Board

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AT A JOINT MEETING OF THE JAMES CITY COUNTY BOARD OF SUPERVISORS, THE WILLIAMSBURG CITY COUNCIL, AND THE WILLIAMSBURG-JAMES CITY COUNTY SCHOOL BOARD, HELD ON THE 15TH DAY OF FEBRUARY, 2002, AT 2:03 P.M. AT THE JAMES CITY/WILLIAMSBURG COMMUNITY CENTER, LONGHILL ROAD, COUNTY OF JAMES CITY, VIRGINIA.

A. WELCOME

Mr. Kennedy welcomed the Williamsburg City Council and the Williamsburg-James City County School Board for a discussion regarding the proposed new secondary facilities, and called the Board of Supervisors to order.

Mayor Zeidler called the Williamsburg City Council to order.

Ms. Kay Ainsworth, Chair of the Williamsburg-James City County School Board, thanked the groups for meeting, stated a goal of becoming the best school division in the Commonwealth by providing the best education possible, and called the School Board to order.

B. ROLL CALL

James G. Kennedy, Chairman, Stonehouse District
Jay T. Harrison, Sr., Vice Chairman, Berkeley District, arrived at 2:10 p.m.

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

Sanford B. Wanner, County Administrator

C. DISCUSSION ITEMS

1. Proposed New Secondary Facilities

a. Existing Facilities

Ms. Ainsworth, Chair of the Williamsburg-James City County School Board, provided the members with an overview of the existing School division facilities, student capacity limit of 9,273 for these facilities, and stated that the 2001 enrollment number was 8,407.

The Boards and City Council held a discussion regarding the enrollment capacity, trigger points developed for enrollment capacities at the schools, the current status of the two high schools' enrollment capacities, and the development of a secondary facility focus group to provide recommendations regarding the third facility and programming needs of secondary education.

b. Project Needs

The School Board was requested to provide an overview of the existing secondary programming and the recommendations for secondary programs by the Focus Group.

Ms. Ainsworth stated that students and programming opportunities are the same at Jamestown and Lafayette High Schools and both schools were built for 1,250 student capacity.

Mr. Kennedy inquired as to how the School Board determines the need for a third high school as compared to expansion of the existing facilities.

A discussion was held concerning the limited expansion ability of Lafayette High School, target capacity enrollment numbers of 900 to 1,250 for a secondary school facility has been reached, the concept of “bigger not better” was discussed, and the School Board stated its position that teachers, parents and students would rather have a third secondary school facility rather than reach enrollment numbers of 1,250.

Mr. Goodson stated concern regarding the amount of overhead associated with an additional secondary facility that will reduce the overall enrollments at each of the secondary facilities below an optimum efficient capacity.

c. Expansion Alternatives

Mr. Kennedy inquired as to the criteria utilized by the Focus Group and the School Board to determine what type of secondary school programming would be at the new facility, shared facility vs. traditional high school.

Ms. Ainsworth stated that the existing facilities cannot be expanded and that it is the school’s desire not to have large class sizes.

Ms. Bush stated that in 1992 the community stated favor for equally sized schools with balanced programming at each, and feels the community still favors those factors.

Discussion was held concerning secondary programming, school enrollment capacity, transporting students between schools and shared facilities for special classes, anticipated and historical enrollment numbers, and feedback from students, parents, and teachers that smaller class sizes provide an atmosphere of community and a good learning environment.

Discussion was also held concerning the physical class size needs that vary from program offerings, such as computer classrooms utilizing a large space for few students and philosophy classrooms utilizing little space for a larger number of students; the smaller class sizes provide a better opportunity for peers and teachers to see changes in a student’s performance and to intervene by offering assistance earlier; and the ability of smaller class sizes allows children to interact across socio-economic lines.

d. Cost Estimates/Financing

Discussion was held concerning the economy of scale associated with the enrollment numbers, additional faculty needs, additional trailer requests, and the request to build a new secondary facility while at an over-enrollment capacity of 500 students.

Mr. Hall stated that it is difficult to time when to build a new facility because if it is built too soon, the result is a lot of overhead; however if it is built too late, there may be overcrowding in the new facility built to alleviate overcrowding.

Mr. Hall further stated that it seems that the three groups agree with the trigger enrollment capacity numbers and that the question has become how to determine that point, planning for relief, and timing; and suggested the focus turn to the planning process and timing of acquisition.

Discussion followed concerning the type of programming to be offered at a third secondary facility; alternatives for funding the third secondary facility if votes turn down a referendum; the need for the three groups to be in accord for a referendum and to move forward together; working with Thomas Nelson Community College if the facility is determined to be a shared facility; and keeping the facility open to the public as a central point for community education.

The School Board stated a strong desire to work with the City and County in this process and to receive constructive feedback from all parties.

Consensus was reached concerning the need for an additional secondary facility.

Ms. Ainsworth stated that additional information would be provided after June when input from the Subcommittee on Secondary Education will be submitted on anticipated programs for the facility, and recommended that additional joint meetings be held to review findings of the Subcommittee, and to review the development of plans for a third secondary facility.

Mr. Wanner suggested that the School Board should have a good idea of what type of parcel would be needed for a third secondary facility and recommended the School Board begin the process of site selection and planning with money from the School Board's carryover funds.

D. ADJOURNMENT

Mr. Kennedy, Ms. Ainsworth, and Mayor Zeidler thanked the groups for meeting, the input and suggestions provided, and stated support for another meeting soon.

Mr. Harrison made a motion to adjourn until 4 p.m. on February 26, 2002, for a work session.

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

The Board recessed at 4:15 p.m.

Sanford B. Wanner
Clerk to the Board

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

A. ROLL CALL

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

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

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

B. MOMENT OF SILENCE

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

C. PLEDGE OF ALLEGIANCE

Ms. Audrey Glasbrook, a sixth grade student at Toano Middle School, led the Board and citizens in the Pledge of Allegiance.

D. PUBLIC COMMENT

1. Mr. William H. Lewis, 9318 Afternoon Lane, Columbia, Maryland, stated concern that the Redevelopment Plan may leave property owners worse off and stated concern regarding the process for assessing fair market values on the properties.

2. Mr. Phyllis Thomas, 3900 17th Place North East, Washington, D.C., stated concern that the Redevelopment Plan has evolved into an eminent domain plan, inquired why all property owners were not notified of the Redevelopment Plan, requested a copy of the survey conducted in the Ironbound Square neighborhood, inquired what the County standards are for housing and lots, and requested the Board not permit the Redevelopment Plan to move forward as recommended.

3. Reverend Harriett Banks, Executor of estate at 109 Carriage Road, stated concern that the Redevelopment Plan will allow the County to take the land and homes without fair compensation, stated concern about not all property owners being contacted prior to this stage of the Redevelopment Plan, and requested the County work with the community to enhance the neighborhood, not take it away.

4. Mr. Oscar Blayton, 115 Chinkapin Lane, stated concern that the County is not representing the community with the Redevelopment Plan, stated that the Plan has evolved from rehabilitating and renovating the community to a condemnation and acquisition plan.

5. Ms. Phyllis Allen, 5668 Centerville Road, stated that the family has plans to fix-up the home they inherited located in Ironbound Square and requested assistance from the County in the rehabilitation of the home, and stated concern that the February 12, 2002, Board meeting was only rebroadcasted twice that week.

6. Mr. William Jones, President of the Ironbound Square Association, 4364 Ironbound Road, stated support of the plan by association members who want to take advantage of the Redevelopment Plan.

7. Ms. Paige Hewlett, Neck-O-Land Road, requested the Board not endorse the Powhatan Creek Watershed Management Plan, permit constituents and landholders the opportunity to provide input regarding the Plan, and not endorse either the Powhatan Creek Watershed Management Plan or the Rehabilitation Plan.

8. Ms. Anne Mephram, 275 Neck-O-Land Road, thanked Mr. Brown for his letter to the Editor regarding his position on the proposed new secondary facility, expressed concern regarding the Powhatan Creek Watershed Management Plan and the expense associated with the proposed hiring of a staff person, inquired if the Plan would have a noticeable impact on the quality of water in the watershed, requested the Board not adopt the Plan, and stated that a minimal 300-foot RPA buffer on landowner's property is not acceptable.

9. Mr. Robert Altaire, 415 Neck-O-Land Road, stated concern that a proposed Plan that impacts property owners was not presented to the property owners and that the owners were not notified of the development of such a plan.

10. Mr. David Cox, 313 Neck-O-Land Road, stated that much of the existing research suggested the creeks are in good condition, that the consultant's report does not provide evidence in support of the need for an addition 300-foot buffer, stated concern of the proposed buffer on landowner's property rights, and concern that the property owners were not notified of the plan.

11. Mr. Tom Austin, 1172 Red Oak Landing Road, stated support for the Powhatan Creek Watershed Management Plan and its benefits to the community's quality of life and tourism industry.

12. Ms. Ann Hewitt, 112 Raleigh Lane and representative for the Friends of Powhatan Creek, supports the watershed plan that was started in 2000 and was drafted by the citizens, stated the Plan will assist in preventing further damage to the watershed through conservation and smart growth.

13. Ms. Travis Armistead, 400 Wormley Creek Drive, Yorktown, requested the Board not take action on the Watershed Management Plan until after the plan has been reviewed by property owners, and property owners have been given the opportunity to provide input and become involve with the plan.

14. Ms. Julie Leverenz, 3313 Running Cedar Way and President of the Historic Route 5 Association, stated support for the Powhatan Creek Watershed Management Plan's goals and priorities to preserve a historical and environmental treasure.

15. Ms. Boots Johnson, 210 Red Oak Landing Road, stated support for the Powhatan Creek Watershed Management Plan as a tool to better manage the watershed, prevent further degradation of the Powhatan Creek Watershed, and will reduce the County's cost for stormwater management.

16. Ms. Jessie Peal, William and Mary Student, stated support for the Powhatan Creek Watershed Management Plan and that the area is beautiful and worth preserving.

17. Mr. Brian Ostrom, 115 Jordan's Journey stated support for Powhatan Creek Watershed Management Plan as a sound business idea as the natural environment is a key selling point for relocation to James City County.

18. Ms. Donna Ware, 14 Buford Road, stated that the Powhatan Creek Watershed is a viable environment for study by botanists and stated support for the Management Plan.

19. Ms. Carolyn Lowe, 50 Summer East, founding member of the Williamsburg Land Conservancy, stated support as a Powhatan Creek Watershed Management Plan as it will protect the large bio-diversity as a natural treasure for future generations within the County, and requested the Board consider the landowner's interest.

20. Mr. Lawrence Beamer, owner of Powhatan Secondary, stated concern that as a good steward of the watershed, donator of easements, builder of three lakes and BMPs to protect the watershed, and located there for 24 years, that he was not notified of the work concerning the Powhatan Creek Watershed Management Plan and requested the Board not take action on the plan until the landowners have an opportunity to review the recommendations and provide input regarding the plan.

21. Ms. Jean Waltrip, 100 Land's End Drive, stated support for efforts to protect the watersheds and concern that as a landowner, notification was not provided.

22. Mr. Ian Keith, 297 Neck-O-Land Road, stated support preservation of the watershed and requested the Board work with landowners in the development of preservation and management plans.

23. Ms. Patty Jackson, Executive Director of the James River Association, stated that efforts were made to notify the public and stakeholders of meetings and presentations associated with the development of the Powhatan Creek Watershed Management Plan, and provided a brief list of agencies, associations and newsletters by which notifications were made.

24. Mr. Jeff Schell, owner of Cooke's Gardens, stated support for the King's Way Church application before the Board for approval, stated concern that notification was not provided concerning the development of the Powhatan Creek Watershed Management Plan, and requested the Board defer action until all stakeholders have the opportunity to provide input regarding the Management Plan.

25. Mr. Ed Oyer, 139 Indian Circle, requested the Board listen to constituents when considering a referendum, requested the Board put funding away into a "rainy-day fund," and that in a letter dated February 3, 1995, from the Williamsburg-James City School system states that the Jamestown High School can be expanded.

Mr. Kennedy recognized Mr. Joe McCleary, member of the Planning Commission, in the audience.

E. HIGHWAY MATTERS

Mr. Jim Brewer, Acting Resident Engineer, Virginia Department of Transportation (VDOT), stated that the Grove Interchange will be open to traffic on March 23.

Mr. Kennedy thanked VDOT for the placement of reflective poles at the intersection of Croaker Road and Route 60 West, to prevent vehicles from using the shoulder for right turns off Croaker Road.

F. CONSENT CALENDAR

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

Mr. Harrison requested Item Number 6, Contract Modifications to Contract K00-032, County Government Center Office Building, be pulled.

Mr. Harrison made a motion to adopt the remaining items on the Consent Calendar.

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

1. Minutes
 - a. January 31, 2002, VML/VACo Legislative Day
2. James City County Road Construction Revenue Sharing

RESOLUTION

JAMES CITY COUNTY ROAD CONSTRUCTION REVENUE SHARING

WHEREAS, the James City County Board of Supervisors has decided to participate in the Virginia Department of Transportation (VDOT) Revenue Sharing Program for FY 02/03; and

WHEREAS, VDOT requires written notification of the County's intent to participate by March 30, 2002.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the Chairman is authorized to notify VDOT of the County's intention to participate in the Revenue Sharing Program for FY 02/03, with an amount not to exceed \$250,000.

3. March – Purchasing Month

RESOLUTION

PURCHASING MONTH

WHEREAS, the purchasing profession plays a significant role in the efficiency and effectiveness of government; and

WHEREAS, the James City County Purchasing Office and professional purchasing associations such as the Virginia Association of Governmental Purchasing and the National Institute of Governmental Purchasing engage in special efforts during the month of March to inform the public about the importance of the role of the purchasing profession in government, business, and industry.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby proclaims March 2002 as Purchasing Month and calls its significance to the attention of all our citizens.

4. Petty Cash – James City County Fire Station No. 5

RESOLUTION

PETTY CASH - JAMES CITY COUNTY FIRE STATION NO. 5

WHEREAS, the County provides sales of Convenience Center coupons from fire stations and authorization for the establishment of a petty cash fund for Fire Station No. 5 is required to permit sales at that location.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the Treasurer of James City County to create a petty cash fund of \$50 for James City County Fire Station No. 5 for the purpose of providing Convenience Center coupon sales to the public.

5. Budget Amendment – Emergency Management

RESOLUTION

BUDGET AMENDMENT - EMERGENCY MANAGEMENT

WHEREAS, the Board of Supervisors of James City County has been requested to approve the reimbursement by the Virginia Department of Emergency Services to James City County Office of Emergency Management for annual operations and Emergency Operations Center improvements.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the FY 2002 Operating Budget as follows:

Revenues:

Department of Emergency Management \$20,000

Expenditures:

Emergency Services - 001-073-0318 \$20,000

7. Agreement for Household Chemical Collection Service

RESOLUTION

AGREEMENT FOR HOUSEHOLD CHEMICAL COLLECTION SERVICE AGREEMENT

WHEREAS, James City County is a member of, and contracts with, the Virginia Peninsulas Public Service Authority (VPPSA) for household chemical collection services; and

WHEREAS, VPPSA has bid household chemical collection services for the period of two years commencing March 1, 2002, and may be extended for three one-year renewals; and

WHEREAS, James City County wishes to continue contracting its household chemical collection service project with VPPSA.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute agreements with the Virginia Peninsulas Public Service Authority for household chemical collection services.

8. Federal Transportation Assistance (FTA) Section 5311 Grant Application Request Federal Matching Funds – FY 03

RESOLUTION

FTA SECTION 5311 GRANT APPLICATION REQUEST FOR

FEDERAL MATCHING FUNDS – FY 03

WHEREAS, the Federal government has made funds available for nonurban public transportation; and

WHEREAS, the Board of supervisors is desirous of securing said funds in support of the James City County Transit Company’s operations.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the County Administrator is authorized to execute and file the application to the Virginia Department of Rail and Public Transportation, Commonwealth of Virginia, for a grant of Federal public transportation assistance under Section 5311 of the Transportation Efficiency Act of 1998. The amount requested for Section 5311 Federal Assistance is \$58,985 to assist in administrative and operating expenses. The County Administrator shall be authorized to accept grant funds awarded and to furnish the Virginia Department of Rail and Public Transportation documents and other information as may be required for processing this grant request.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, certifies that the funds shall be used in accordance with the requirements of the FTA Section 5311 Program and that James City County may be subject to audit by the Virginia Department of Rail and Public Transportation and by the State Auditor of Public Accounts.

9. Land and Water Conservation Fund Grant Application

RESOLUTION

LAND AND WATER CONSERVATION FUND GRANT APPLICATION

WHEREAS, funds are needed for the construction of several projects at the District Park Sports Complex to include basketball courts, lighting, picnic facilities, and paved parking; and

WHEREAS, the Department of Conservation and Recreation may fund a park development project in James City County under Virginia Outdoors Fund.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, requests the Virginia Department of Conservation and Recreation establish a project for the development of facilities at the District Park Sports Complex.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby agrees to pay a minimum of 50 percent of the total cost for planning, design, and construction of these projects and shall dedicate the project areas in the District Park Sports Complex through signage in perpetuity for public outdoor recreational purposes in accordance with the Land and Water Conservation Fund (L&WCF) Act.

6. Contract Modifications to Contract K00-032, County Government Center Office Building

Mr. Wanner stated that a change order to contract K00-032 with Daniel Mann Johnson and Mendenhall (DMJM) has been requested for the inclusion of two specialty elements beyond the scope of the original contract with DMJM. Money is in the project budget to cover the costs of the change order, however since the change order exceeds 25 percent of the existing contract, Board approval is required.

Mr. Harrison made a motion to adopt the resolution authorizing the contract modifications.

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

RESOLUTION

CONTRACT MODIFICATIONS TO CONTRACT K00-032,

COUNTY GOVERNMENT CENTER OFFICE BUILDING

WHEREAS, the County’s Purchasing Policy requires the Board of Supervisor approval for contract changes that exceed 25 percent of any existing contract; and

WHEREAS, changes that exceed the 25 percent threshold are necessary to provide the required design services under Contract K00-032 with Daniel Mann Johnson and Mendenhall.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator or his designee to execute the necessary contract change documents for design of the Audio Visual Systems, Board Meeting Room Lighting, Acoustics, and Photovoltaic Systems for the County Office Building in the total amount of \$85,470.

G. PUBLIC HEARINGS

1. Case No. SUP-30-01. King’s Way Church/Greenwood Preschool

Ms. Karen Drake, Senior Planner, stated that Dr. Stephen Suders, the pastor of King’s Way Church, 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 on +/- 3.863 acres, zoned R-1, Limited Residential, at 5100 John Tyler Highway, further identified as Parcel No. (1-57) on the James City County Real Estate Tax Map No. (47-2).

Staff found the proposal compatible with surrounding development and zoning, and consistent with the Comprehensive Plan.

The Planning Commission, at its meeting on February 4, 2002, voted 7-0 to approve this special use permit application.

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

The Board, staff, and Mr. Jim Brewer, Acting Resident Engineer, VDOT, held a discussion concerning a left-turn lane for eastbound traffic on John Tyler Highway, the right-turn lane extension condition and its impact on opening the school in September, additional signage on John Tyler Highway to alert traffic of the school zone, and a expiration time for the special use permit.

Mr. Kennedy opened the public hearing.

1. Ms. Kitty Beatty, 124 Kingspoint Drive, stated support for the application, the school would improve the road conditions if it becomes unsafe as a result of the increased traffic associated with the school, and requested the Board support the application.

Mr. McGlennon inquired if the applicant intends to request signage for eastbound traffic to alert them of new traffic patterns.

Ms. Beatty stated that the cost for the signage is a factor, but would like to work towards getting the signage for eastbound traffic.

2. Ms. Valerie Henschel, Intermodal Engineering, stated that the existing right-turn lane taper needs to be extended, and that a left-hand turn lane for eastbound traffic on John Tyler Highway is not warranted at this time.

3. Dr. Steve Suders, applicant, Pastor, King's Way Church, requested the Board's approval of the application, requested the right-turn taper expansion be modified because that condition in the resolution may impair the school's ability to get a Certificate of Occupancy in time to open in September, and suggested that VDOT did not build the right-turn taper to correct length and the right-turn taper is not a priority in VDOT's road improvement plans in the next five years

Mr. McGlennon requested clarification regarding the applicant's request concerning the right-turn taper expansion and stated that the necessity for the expansion is a direct result of the placement of the school at that site.

4. Ms. Lisa Jeffer, 3405 Indian Path, stated support for the application and requested the Board's support.

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

Mr. Goodson made a motion to adopt the resolution with an amendment to include the words "or bonded" in the resolution condition regarding the right-turn taper extension.

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

RESOLUTION

CASE NO. SUP-30-01. KING'S WAY CHURCH/GREENWOOD PRESCHOOL

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

WHEREAS, child day care centers and schools are a specially permitted used in the R-1, Limited Residential, zoning district; and

WHEREAS, the Planning Commission of James City County, following its public hearing on February 4, 2002, recommended approval of Case No. SUP-30-01 by a vote of 7 to 0 to permit the construction of preschool within the church facilities at 5100 John Tyler Highway and further identified as Parcel No. (1-57) on James City County Real Estate Tax Map No. (47-2).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. 30-01 as described herein 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 8 a.m. to 5 p.m., 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 or bonded prior to the issuance of a 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.

Mr. Kennedy recessed the Board for a brief break at 8:46 p.m.

Mr. Kennedy called the Board back into session at 8:51 p.m.

2. Case No. Z-5-00. New Town Office Building (deferred from February 12, 2002)

Mr. Christopher Johnson, Senior Planner, stated that Mr. Vernon Geddy, III, has requested the Board defer this case until March 12, 2002, the case for the application submitted on behalf of G-Square Incorporated to rezone several small parcels to allow for the construction of a five-story office building and associated parking at the intersection of Monticello Avenue and Ironbound Road, zoned R-8, Rural Residential, and M-1, Limited Business/Industrial, further identified as Parcel Nos. (1-3E), (1-50), (1-2A), and (1-53) on the James City County Real Estate Tax Map No. (38-4).

Staff concurs with the request and recommends deferral.

Without objection, Mr. Kennedy continued the case to March 12, 2002. The Public Hearing remained open.

H. BOARD CONSIDERATIONS

1. Ironbound Square Redevelopment Plan (deferred from February 12, 2002)

Mr. Anthony Conyers, Jr., Manager of Community Services, stated that as authorized by the Board in February 2000, the County entered into a multiyear Community Development Block Grant (CDBG) Agreement with the Virginia Department of Housing and Community Development to undertake the Ironbound Square Residential Revitalization CDBG Project to improve housing conditions, to eliminate blight, and to preserve Ironbound Square as a viable residential neighborhood.

Mr. Conyers provided the Board and citizens with an overview of the Redevelopment Plan, its consistency with the terms of the grant application approved by the State, meets State and Federal requirements, defined the three types of stakeholder groups within Ironbound Square's redevelopment area, and addressed the plan's scenario for each stakeholder group if acquisition were to occur.

Mr. Conyers recommended approval of the Redevelopment Plan by the Board to permit the completion of the project.

The Board and staff discussed how fair market value is determined by independent appraisers, funding tools available to residents and the County to enhance homes and properties as an alternative to County acquisition, anticipated number of individuals impacted by Plan's acquisition, and need for staff to involve all the stakeholders in Phase II of the Redevelopment Plan.

Mr. Morton stated concern that it is not realistic for the Board or staff to project appraisers' factors in determining fair market value because the County is not involved with the appraisals and that function will be performed by outside, independent agencies.

The Board and staff discussed methods staff used to notify the stakeholders of the Redevelopment Plan and need to ensure that all stakeholders are provided the opportunity to participate in Phase II of the Plan.

Mr. Harrison made a motion to adopt the resolution.

The Board members briefly gave input on the Redevelopment Plan's Phase II.

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

RESOLUTION

IRONBOUND SQUARE REDEVELOPMENT PLAN AND

IMPLEMENTATION AGREEMENT WITH HOUSING AUTHORITY

WHEREAS, various blighted, unsanitary, unsafe, and substandard housing conditions exist in the Ironbound Square community ("the Redevelopment Area"); and

WHEREAS, the Board of Supervisors ("Board") desire to reduce or eliminate these conditions in accordance with the Ironbound Square Redevelopment Plan; and

WHEREAS, the Board desires to contract with an existing housing authority to perform under the guidance of the James City County Office of Housing and Community Development property acquisition, relocation, disposition, and related activities necessary to carry out the Ironbound Square Redevelopment Plan; and

WHEREAS, the Board desires to have the County Administrator review and approve in writing condemnations of property, if any; and

WHEREAS, a public hearing was held on February 12, 2002, to determine the need for a housing authority to operate in James City County to implement the Ironbound Square Redevelopment Authority; and

WHEREAS, it is the sense of the Board that all Redevelopment Area homeowners required to be relocated will have first priority to purchase homes constructed on property acquired within the Redevelopment Area; and further, regardless of whether the homeowner be relocated within or without the Redevelopment Area, the displaced homeowner should not bear any additional financial burden over and above what said homeowner was formerly incurring for a replacement house of similar size with similar amenities; and

WHEREAS, the Board understands that all renter and other households displaced due to property acquisition within the Redevelopment area will qualify for rental or down payment assistance under the Federal Relocation Act, the Board desires, to the extent possible, to extend to them the opportunity to become homeowners in the Redevelopment Area and directs staff to make every reasonable effort to accomplish this goal; and

WHEREAS, several property owners in the redevelopment area are landlords and not eligible for relocation assistance, the Board desires that such persons be assisted, to the extent possible, to purchase at fair market values rental properties which meet housing quality standards or where feasible that the property owner and County staff work together to enable the current owner to participate in the redevelopment of the property without the necessity of acquisition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, finds that blighted, unsafe, unsanitary, and substandard housing conditions exist in the Ironbound Square community and the Board of Supervisors approves the Ironbound Square Redevelopment Plan to remedy said conditions.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes and directs the County Administrator to enter into a contract with a housing authority from Hampton Roads in order to implement the Ironbound Square Redevelopment Plan subject to a provision that any condemnation must be first approved by the County Administrator. The County Administrator is authorized and directed to execute such other documentation as may be necessary to assist such housing authority in implementing the Plan.

2. Adoption of Eight Goals and 21 Priorities Recommended in the Draft Powhatan Creek Watershed Management Plan

Dr. Tom Scheuler, Executive Director of the Center for Watershed Protection, provided the Board with background information on the development of the Powhatan Creek Watershed Management Plan (Plan), benefits to the County and region with adoption of a Watershed Management Plan, and consequences to the County and region if a Watershed Management Plan is not adopted.

Mr. John T. P. Horne, Manager of Development Management, provided the Board with an overview of the next steps to be taken in regard to the implementation of the recommendations put forth in the Plan, and reviewed the modifications presented to the Board in the eight goals and 21 priorities recommended in the Plan.

The Board, staff, and Dr. Scheuler discussed the development of the goals, landowner interest associated with the proposed Plan, involvement of local experts and interested parties in reviewing the Plan prior to formal presentation to the Board for adoption of an ordinance, and resolution modifications.

Mr. Goodson requested staff involve the Board in the review and development of the Plan by updating the Board in a work session.

Mr. McGlennon requested the language of the resolution handed out by staff be changed. He requested that Priorities 3, 4, and 11 be changed from "Not Adopted Subject to further review" to "Deferred, Subject to further review;" and that the second sentence in the NOW, THEREFORE, BE IT RESOLVED paragraph that read "All Goals will be evaluated for reasonableness and cost effectiveness at the time of implementation" be struck.

The Board held a discussion concerning the request to modify the language of the resolution.

Mr. Kennedy requested that staff provide the Board with taxation impacts, options, and implementations for landholders that may be impacted by the Plan.

Mr. McGlennon made a motion to strike the second sentence previously mentioned and change the language of priorities 3, 4, and 11.

The Board discussed the motion and suggested the motion to strike the sentence be withdrawn.

Mr. McGlennon withdrew his motion to amend the resolution and recommended the Board change the language of priorities 3, 4, and 11.

Mr. Brown made a motion to adopt the resolution as handed out by staff with the additional amendment to change the language of priorities 3, 4, and 11 to "Deferred, Subject to further review."

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

RESOLUTION

ADOPTION OF EIGHT GOALS AND 21 PRIORITIES RECOMMENDED IN THE DRAFT

POWHATAN CREEK WATERSHED MANAGEMENT PLAN

WHEREAS, James City County employed the Center for Watershed Protection to prepare a Watershed Management Plan to protect the Powhatan Creek Watershed; and

WHEREAS, the Watershed Stakeholders identified eight goals; and

WHEREAS, the draft plan contains 24 priorities/tools for protecting the Powhatan Creek Watershed.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts, the following eight goals identified by the Powhatan Creek Watershed Stakeholders. All goals will be evaluated for reasonableness and cost effectiveness at the time of implementation.

1. Prevent further degradation of water quality in Powhatan Creek and maintain the outstanding quality of tidal and non-tidal mainstem wetlands. Consider extending Resource Protection Areas (RPA) to protect all perennial streams and connected wetlands.
2. Maintain biological and habitat diversity and promote habitat connectivity by protecting wildlife and riparian corridors between watersheds, sub-watersheds, and the tidal and non-tidal portions of Powhatan Creek.
3. Develop an “affordable and effective” watershed management plan that can be implemented by James City County.
4. Establish a transparent and stream-lined permitting process, and provide cost-effective and incentive-based regulations or guidelines for “green” development.
5. Improve the existing mechanisms for completing stormwater maintenance and retrofitting, and provide for adequate long-term funding.
6. Link the unique history and culture of Jamestown and Colonial Williamsburg with Powhatan Creek watershed protection. Implement the majority of the watershed plan by the 2007 Jamestown Celebration.
7. Promote watershed awareness and active stewardship among residents, community associations, businesses, and seasonal visitors through educational programs, recreational opportunities, and participatory watershed activities.
8. Restore the physical integrity of degraded headwater streams where possible, and protect the high quality streams from the negative morphological effects associated with increased urbanization.

BE IT FURTHER RESOLVED that the Board hereby takes the following actions with respect to the 24 Priorities/Tools as set forth in Table E-2 in the accompanying staff memorandum.

Priority/Tool

1. Adopted, in concept

2. Accepted for further review of potential implementation effects only
3. Deferred, subject to further review.
4. Deferred, subject to further review.
5. Adopted, in concept
6. Adopted, in concept
7. Adopted, in concept for further staff development
8. Adopted, in concept
9. Adopted, in concept
10. Adopted, in concept for further staff development
11. Deferred, subject to further review.
12. Adopted, in concept
13. Adopted, in concept for further staff development
14. Adopted, in concept
15. Adopted, in concept
16. Adopted, in concept
17. Adopted, in concept
18. Adopted, in concept
19. Adopted, in concept
20. Adopted, in concept
21. Adopted, in concept
22. Adopted, in concept
23. Adopted, in concept
24. Adopted, in concept

I. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, requested County assistance with the Country Village Mobile Home Park for which there is a public notice in the paper for action against the park for sewage violations.

Mr. Horne stated that staff will look into the problem and assist with taking steps to correct the problem.

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner stated that the 5th Annual Neighborhoods Conference held on February 23 at Lafayette High School was well attended and thanked staff and the volunteers for working together.

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

Mr. Kennedy recessed the Board at 10:01 p.m. for a brief break while the James City Service Authority Board of Directors meeting convened.

Mr. Kennedy reconvened the Board at 10:12 p.m.

K. BOARD REQUESTS AND DIRECTIVES - None

L. CLOSED SESSION

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

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

Mr. Kennedy convened the Board into closed session at 10:13 p.m.

At 10:21 p.m., Mr. Kennedy reconvened the Board into open session.

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

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

RESOLUTION

CERTIFICATION OF CLOSED MEETING

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

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and, ii) only such public business matters were heard, discussed or considered by the Board as were identified in the motion, Section 2.2-3711(A)(1), appointment of individuals to County boards and/or commissions.

Mr. Harrison made a motion to appoint Arthur Mallory, Keith Nowady, Tim Murphy, Casey Duplantier, Garry Massie, Nathan D. Walkley, and Bill Pennock to the Stormwater Management Advisory Committee.

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

M. ADJOURNMENT

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

Mr. McGlennon made a motion to adjourn.

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

Mr. Kennedy adjourned the Board at 10:25 p.m.

Sanford B. Wanner
Clerk to the Board

MEMORANDUM

DATE: March 12, 2002
TO: The Board of Supervisors
FROM: Richard M. Miller, Fire Chief
SUBJECT: Award of Contract - Fire Equipment, Ladder Truck

The FY 2002 Capital Improvement Budget contains funding for the purchase of a replacement ladder truck in the amount of \$650,000. The apparatus is a Quint design to provide both ladder truck and pumper functions. It also incorporates all-wheel steer technology to permit maneuverability in our reduced street width subdivisions. Specifications were prepared, one bid was received, and evaluated. One vendor submitted a no bid response.

The bid submitted by Pierce Manufacturing was in the amount of \$688,917, and staff has determined it to be responsible and responsive.

Funds in the amount of \$38,917 will be transferred from the Fire Training Center capital budget to cover the difference between the budget and the purchase price.

Staff recommends approval of the attached resolution.

Richard M. Miller

RMM/gb
truckbid.mem

Attachment

RESOLUTION

AWARD OF CONTRACT - FIRE EQUIPMENT, LADDER TRUCK

WHEREAS, funds are available in the Capital Improvement Program budget for purchase of fire equipment; and

WHEREAS, bids for purchase of fire equipment was received on January 23, 2002, with Pierce Manufacturing submitting a responsive bid of \$688,917.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to execute a contract between James City County and Pierce Manufacturing, Inc., in the amount of \$688,917.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of March, 2002.

truckbid.res

MEMORANDUM

DATE: March 12, 2002
TO: The Board of Supervisors
FROM: Richard M. Miller, Fire Chief
SUBJECT: Phase II Consulting Services - 800 MHz Radio System

The FY 2000 Capital Improvement Budget contains funding for consulting services to purchase a new radio system. Funds have been previously expended from that account for Phase I Consulting Services. The Board of Supervisors directed staff to coordinate our implementation plan regionally for the purchase and construction of the new radio system. York County agreed to the regional concept.

A Request for Proposal for Phase II Consulting Services, consisting of the engineering, design, procurement, implementation, and acceptance of the radio system, was jointly prepared by York and James City County and issued by York County. Eight proposals were received and evaluated by the joint evaluation team. The proposal that was most responsive and responsible was submitted by Frederick C. Griffin, P.C., in the amount of \$200,000. James City County's share of the contract is \$100,000.

A contract was prepared by York County and reviewed by James City County staff. The York County Board of Supervisors approved the contract with Frederick C. Griffin, P.C., at its February 5, 2002, meeting.

Staff recommends adoption of the attached resolution authorizing the County Administrator to enter into a contract for consulting services with Frederick C. Griffin, P.C.

Richard M. Miller

RMM/gb
radiocon.mem

Attachment

RESOLUTION

PHASE II CONSULTING SERVICES - 800 MGHZ RADIO SYSTEM

WHEREAS, funds are available in the Capital Improvement Program budget for purchase of consulting services for a new 800 MGHZ radio system; and

WHEREAS, requests for proposals of such services were received in October 2001, with Frederick C. Griffin, P.C., submitting a responsive proposal in the amount of \$200,000 for the joint study with York County and James City County's share is to be \$100,000.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to execute a contract between James City County and Frederick C. Griffin, P.C., in the amount of \$100,000.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of March, 2002.

radiocon.res

MEMORANDUM

DATE: March 12, 2002
TO: The Board of Supervisors
FROM: William C. Porter, Jr., Assistant County Administrator
SUBJECT: Family P.A.R.T.Y. (Promoting Alcohol Responsibility Through You) Day

April is "Alcohol Awareness" month and the Historic Triangle Substance Abuse Coalition is participating in the national campaign by sponsoring Family P.A.R.T.Y. (Promoting Alcohol Responsibility Through You) Day. The event will take place on Saturday, April 6, 2002, from 11:00 a.m. to 4:00 p.m. and is designed to be a community collaborated initiative that will provide a day filled with fun and information for families in the area to attend.

The Historical Triangle Substance Abuse Coalition (HTSAC) was formed in 1999 as the result of the Historic Triangle Funders Forum. This Coalition was charged with developing an optimum approach to an effective system of services related to substance abuse. The mission of the HTSAC is for members to collaborate to build, integrate, and sustain a comprehensive system to eliminate substance abuse. A coordinated plan of action has been developed to address the existing problem. The membership base exceeds 30 different organizations throughout the City of Williamsburg and the Counties of James City and York.

The HTSAC is requesting Board support in its efforts to bring the community together to promote alcohol awareness and positive activities. Staff recommends the adoption of the attached Family P.A.R.T.Y. Day resolution.

William C. Porter, Jr.

WCP/gs
party.mem

Attachment

RESOLUTION

FAMILY P.A.R.T.Y. (PROMOTING ALCOHOL RESPONSIBILITY THROUGH YOU) DAY

WHEREAS, 7.9 million Americans between the ages of 12-20 consume five or more drinks on the same occasion; and

WHEREAS, people who begin drinking before age 15 are four times more likely to develop alcoholism than those who begin at 21; and

WHEREAS, locally, 64 percent of 6th graders, 39 percent of 8th graders, 43 percent of 9th graders, and 31 percent of 12th graders have chosen to abstain from the use of alcohol; and

WHEREAS, increased alcohol awareness and knowledge of community resources can lead to prevention and early intervention of alcohol abuse; and

WHEREAS, community involvement has been shown to decrease illegal alcohol use and other drug activity.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby proclaim April 6, 2002, as Family P.A.R.T.Y. (Promoting Alcohol Responsibility Through You) Day in James City County, and calls upon all citizens, parents, governmental agencies, public and private institutions, businesses, hospitals, and schools in James City County to support efforts that will prevent underage drinking throughout our community.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of March, 2002.

party.res

**Rezoning 5-00. New Town Office Building (deferred from February 26, 2002)
Staff Report for the March 12, 2002, Board of Supervisors Public Hearing**

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

PUBLIC HEARINGS

Building C Board Room; County Government Complex
Planning Commission: October 1, 2001, 7:00 p.m.
November 5, 2001, 7:00 p.m.
December 3, 2001, 7:00 p.m.
Board of Supervisors: February 12, 2002, 7:00 p.m.
February 26, 2002, 7:00 p.m.
March 12, 2002, 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. Vernon Geddy, III

Proposed Use: Rezone the property from R-8, with proffers and M-1, to B-1, General Business, and B-1, General Business, with proffers, to allow for the construction of a five-story office building.

Location: At the intersection of Monticello Avenue and Ironbound Road Relocated

Tax Map and Parcel Nos.: (38-4)(1-2A) proposed for B-1, with proffers and, (38-4)(1-54) proposed for B-1. Both formerly identified as a portion of Parcel Nos. (1-3E), (1-50), (1-2A), and (1-53) on James City County Real Estate Tax Map No. (38-4).

Primary Service Area: Inside

Existing Zoning: R-8, Rural Residential, with proffers, and M-1, Limited Business/Industrial

Comprehensive Plan: Mixed-Use

Surrounding Zoning: North: across Monticello Avenue, are undeveloped parcels zoned R-8
West: the Route 199/Monticello interchange
East: the New Quarter Industrial/Office Park and other mostly vacant parcels zoned M-1
South: the Mount Pleasant Church (zoned R-8), a vacant parcel, and the Ironbound Road mini-storage, which are on property zoned B-1, General Business.

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

STAFF RECOMMENDATION:

Staff finds the development, as currently proposed, has the potential to negatively impact the surrounding roads and properties as the area develops and redevelops. Staff therefore recommends denial of the proposal. On December 3, 2001, the Planning Commission recommended approval of this application by a vote of 7-0.

Description of the Project

Mr. Vernon Geddy, III, has applied on behalf of G-Square Incorporated to rezone several small parcels to allow for the construction of a five-story office building and associated parking. The site currently contains an old radio station building and associated antennas. Should the rezoning be approved, the property would be zoned B-1, with proffers, and the existing building and antennas would be demolished. This is the same site where the Board of Supervisors recently approved a special use permit for the James City Service Authority (JCSA) to construct a water storage and booster pump facility. Should this rezoning be approved, the JCSA property would be rezoned to B-1, without proffers.

Traffic Generation

Proposed access would come from Ironbound Road (the main entrance) and Ironbound Road Relocated (via a right-in only entrance). According to the applicant, based on trip generation models, the office building would generate approximately 710 vehicle trips per day. Of those trips, approximately 46.8 would occur during the A.M. peak hour and approximately 44.7 would occur during the P.M. peak hour.

Staff conducted various traffic counts throughout the County during 2001. It was found that Monticello Avenue currently has 16,158 trips per day and Ironbound Road currently has 1,796 trips per day, down from 15,663 before Route 199 and Monticello Extended opened.

Staff recommends denial of the Master Plan, as currently shown with the proposed right-in only entrance. Staff believes that such an entrance will cause awkward turning movements which will disrupt traffic on Ironbound Relocated and may potentially cause backups into the Monticello Avenue intersection. Staff believes this potential greatly increases as additional development takes place in New Town, and as development and redevelopment occur along Ironbound Road, in which case Ironbound Relocated starts to serve as a major through road and traffic increases significantly. Also, since the site is so constrained and parking is limited, people may attempt to temporarily park on the drive (especially visitors making a “quick” stop or those dropping off materials to an office). This will have the immediate effect of backing up traffic. In rare instances, the drive may also become blocked by the JCSA, if unusual or unexpected maintenance is needed on the water tanks. Finally, drivers may attempt to make a left-hand turn from Ironbound Road Relocated. Again, this would cause awkward turning and stacking issues and may significantly impact Ironbound Relocated.

Staff believes that adequate site access can come from Ironbound Road. This is not a large site, it only has 350 feet of frontage on Ironbound Road Relocated, and would be clearly visible from all three surrounding roads even with the construction of the water storage facility, which will be half the height of the proposed building - 30 feet vs. 60 feet. Anyone attempting to find and enter the site should not have any difficulty finding the main entrance on Ironbound Road. The applicant has submitted a traffic analysis which indicates, numerically, the right-in only drive should serve without incident. However, staff disagrees with the conclusions of the analysis.

The Virginia Department of Transportation (VDOT) has reviewed the Master Plan and traffic analysis and did not have any comment. The Board should remember that VDOT reviews proposed plans for a different set of criteria (more from an engineering perspective) than staff (more of an analysis on the impact of a development to the surrounding community with an emphasis on mid- to long-term concerns).

Surrounding Zoning and Development

To the north of the site, across Monticello Avenue, are undeveloped parcels zoned R-8, Rural Residential. West of the site is the Route 199/Monticello Avenue interchange. East of the site is the New Quarter Industrial/Office Park and other mostly vacant parcels zoned M-1, Limited Business/Industrial. To the south

of the site is the Mount Pleasant Church, zoned R-8, and a vacant parcel and the Ironbound Road mini-storage, which are on property zoned B-1, General Business.

The Board should note the setbacks for the proposed building. Proposed is a 33-foot setback from Monticello Avenue and a 27-foot setback from Ironbound Road Relocated. Normally required would be a 50-foot setback from both roads. However, the Zoning Ordinance states that, with the approval of the Development Review Committee (DRC), setbacks on B-1 zoned property may be reduced to 25 feet from any street right-of-way which is greater than 50 feet in width. According to the Ordinance, the DRC may consider a setback reduction only if the setback reduction will achieve results which clearly satisfy the overall purposes and intent of the Landscape Ordinance; if the road(s) is/are not designated for widening improvements; if the setbacks do not negatively impact adjacent property owners; and if one or more of the following criteria are met:

- a. The site is located on a Community Character Corridor (CCC) or is designated a Community Character Area on the Comprehensive Plan Land Use Map, and proposed setbacks will better compliment the design standards of the CCC.
- b. The adjacent properties have setbacks that are nonconforming with this section, and the proposed setbacks will better compliment the established setbacks of adjacent properties, where such setbacks help achieve the goals and objectives of the Comprehensive Plan.
- c. The applicant has offered extraordinary site design which better meets the Development standards of the Comprehensive Plan.

The DRC has reviewed the setback reduction request. Given the proposed use, the sites location within New Town and the architectural review that has occurred by the New Town Design Review Board (DRB), the DRC has found that the above conditions have been satisfied, and they have conditionally recommended approval of the reduction, subject to final approval by the DRB. The DRB has reviewed the proposed building location and has recommended its approval (to be discussed below). Unlike other CCCs, this area is intended to develop in an urban character with shallow setbacks and multistory buildings.

Given the setback reductions, as well as the small, constrained site, not all the landscape yard widths required by the Zoning Ordinance can be met. Therefore, concurrent with the building setback reduction request of the DRC, the applicant has requested the Planning Director reduce the required landscape yards. More specifically, an average 50-foot wide landscape yard, plus an additional 15-foot building setback is required along Monticello Avenue, Ironbound Road, and Ironbound Road Relocated. A 33-foot wide landscape yard is proposed along Monticello Avenue, a 15-foot wide landscape yard is proposed along Ironbound Road, and a 27-foot wide landscape yard is proposed along Ironbound Road Relocated. Given the building setback reductions, the Planning Director has conditionally approved these reductions subject to the plan review and approval by the Board during the rezoning process.

In terms of landscaping to be provided within these landscape yards, deciduous street trees are proposed, to be more consistent with New Town Design Guidelines. Also proposed is landscaping within the right-of-way along Ironbound Road Relocated. There is approximately 26 feet between the property line and the edge of pavement. In order to better landscape and screen the site, the County will seek permission from VDOT to locate plantings in this area. The size of this property and the scale of development prohibit placing all needed landscaping on site.

Also related to the screening of the site, as part of the Monticello Avenue construction, the County funded the placement a 6-foot high chain-link fence along the right-of-way at this site. For roadway aesthetic purposes, the County has also recently planted evergreen vines along the entire length of the fence.

The applicant proposes removing the chain-link fence and vines and replacing it with a more aesthetic wall or fence constructed to New Town Design standards. Because the County initially funded the aesthetic improvements, the applicant has proffered to reimburse the County for any portion of the fence/vines removed.

New Town Design Review Board (DRB)

This site lies formally within the New Town master planned area.

As such, the applicant has taken the site design and building design to the New Town DRB for review and approval. On November 15, 2001, the DRB approved the conceptual building plan that is currently before you as being complimentary and compatible with the New Town Design Guidelines. Regarding the site plan, the DRB generally recommends approval of the proposed site layout; however, it was the opinion of the DRB chairman that the right-in only drive negatively impacts the aesthetics of the site and that the right-in only was not needed from a service point of view. The additional driveway adds a suburban design feature to a site that is otherwise designed to be urban in nature.

Staff finds the proposed right-in only entrance has the potential to negatively impact the surrounding roads and properties.

Comprehensive Plan

This area is designated Mixed-Use on the Comprehensive Plan Land Use Map. For this particular mixed-use designation (i.e., the “Casey” Mixed-Use Area), the Plan states that for undeveloped land in the vicinity of and including the Route 199/Monticello Avenue corridor, the principal suggested uses are a mixture of commercial, office, and limited industrial with some residential uses as secondary uses. Future development in this area will be primarily conditioned on the construction of Route 199 and the extension of Monticello Avenue. The development in this area should be governed by a detailed Master Plan which provides guidelines for street, building, and open space design and construction which complements the scale, architecture, and urban pattern found in the City of Williamsburg.

Also designated by the Plan are Monticello Avenue and Ironbound Road as Community Character Corridors (CCCs). These constantly traveled areas give visual clues about the values and experiences of the community - its commitment to aesthetics and overall good design, its attitude toward development, and its reaction to changing times. CCC roads include not only “greenbelts,” those roads with adjacent natural or vegetated areas, but also entrance corridors, historic roads, and roads which have traditional or unique features of the County. Both Monticello Avenue and Ironbound Road would be characterized as “urban” CCCs.

Urban CCCs have moderate to high traffic volumes near major street intersections, moderate to high levels of existing or planned commercial or moderate density residential uses, and may contain some wooded buffers. The objective of these CCCs is to ensure that James City County (JCC) retains a unique character and does not become simply another example of standard development. In urban CCCs, landscaping should be more formal and the built environment and pedestrian amenities more dominant. Off-street parking should be a minor part of the street scape. Development along these CCCs should not replicate standardized designs commonly found in other communities, but rather reflect nearby historic structures, a sensitivity to the history of the County in general, and an emphasis on innovative design solutions.

Finally, this mixed-use area is also designated a Community Character Area (CCA). As part of the Casey/New Town CCA, the Plan recommends:

- development that is carefully planned;
- the use of complementary architecture, scale, materials, and colors;

- the use of new landscaping which complements and enhances the building and site design; and
- the planting of large, deciduous street trees along roads to help shade and enclose the street.

As currently proposed, with the exception of the proposed right-in only driveway, staff finds the building architecture and site layout consistent with the Comprehensive Plan recommendations.

Proffers

The applicant has proffered the following:

1. Master Plan. Development of the property per the Master Plan.
2. Easements. Reciprocal access and parking easements for the benefit of the James City Service Authority. This will allow unobstructed access and parking to the water storage facility.
3. Uses. The applicant has proffered that even though the property will be zoned B-1, General Business, that uses on the property will be limited to by-right LB, Limited Business uses, with some additional exclusions. The intent of this proffer is to prohibit types of uses that may have a negative impact on surrounding uses and property, and to limit uses which would otherwise generate a large amount of traffic and/or parking demand.
4. Stormwater Management. Given the site constraints, the owner has proffered the use of an underground stormwater management system. The underground system will be for the benefit of both the office building and the JCSA facility.

Staff comment: Staff believes this to be an important proffer. Since the site is so small, any surface BMP would significantly affect the layout of the site.

5. On-Street Parking. Given the site constraints, the owner has proffered the use of on-street parking. This may help relieve any on-site parking overflow situation.
6. Exterior Lights. The owner has proffered to use recessed lighting fixtures on the building.
7. Monticello Avenue Fence. The owner desires to replace the existing chain-link fence along Monticello Avenue with another feature that is more aesthetically pleasing. As proposed, the Design Review Board (DRB) will approve the design.
8. Final Plans. The owner has proffered that the final building design will be consistent with the proposal currently before you.
9. Enhanced Landscaping. The owner has proffered enhanced landscaping along the west side of the site in an effort to better screen the parking lot and the JCSA facility.
10. Water Conservation. This proffer calls for the owner to develop and enforce water conservation standards, as approved by the JCSA.

Staff believes the proffers adequately mitigate impacts and recommend their acceptance.

Board of Supervisors Water Policy

On September 25, 2001, the Board of Supervisors considered water policy options. The criteria was that applicants would delay seeking the issuance of building permits until a draft permit is obtained by James City County from the State for the proposed desalination plant OR the applicant must provide information on mitigating factors that offset the need for this criteria.

The attached letter from Mr. Vernon Geddy, III, dated November 26, 2001, outlines the applicant's reasons why mitigating factors exist that offset the need for this application to wait until the groundwater withdrawal permit has been issued. The Board should determine if sufficient demonstration has been made to allow this development to move forward.

Recommendation:

Staff finds the development, as currently proposed, has the potential to negatively impact the surrounding roads and properties as the area develops and redevelops. Staff therefore recommends denial of the proposal. On December 3, 2001, the Planning Commission recommended approval of this application by a vote of 7-0.

Paul D. Holt, III

CONCUR:

O. Marvin Sowers, Jr.

PDH/adw
z-5-00.wpd

Attachments:

1. Minutes from the December 3, 2001, Planning Commission meeting
2. Location Map
3. Proffers
4. Traffic Analysis
5. Letter from Vernon Geddy, III, dated November 26, 2001
6. Resolution of approval
7. Master Plan (separate)
8. Conceptual Landscape Plan (separate)
9. Building elevation plan (separate)

RESOLUTION

CASE NO. Z-5-00. NEW TOWN OFFICE BUILDING

WHEREAS, in accordance with §15.2-2204 of the Code of Virginia and Section 24-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Case No. Z-5-00 for rezoning approximately 1.17 acres from R-8, with proffers and M-1, to B-1, General Business, with proffers, more particularly identified as Parcel No. (38-4)(1-2A) and for rezoning approximately 0.45 acres from R-8, with proffers and M-1, to B-1, General Business, more particularly identified as Parcel No. (38-4)(1-54); and

WHEREAS, on December 3, 2001, the Planning Commission recommended approval of this application by a vote of 7-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-5-00 and accepts the voluntary proffers.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of March, 2002.

z-5-00_031202.res

**SPECIAL USE PERMIT-18-01. Waltrip Communications Tower
Staff Report for March 12, 2002, Board of Supervisors Public Hearing**

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

PUBLIC HEARINGS

Building C Board Room; County Government Complex
 Planning Commission: November 5, 2001, December 3, 2001, January 14, 2002
 February 4, 2002, 7:00 p.m.
 Board of Supervisors: March 12, 2002, 7:00 p.m.

SUMMARY FACTS

Applicant: Ms. Mary Waltrip

Proposed Use: Construct a 165-foot tall communications tower

Location: Adjacent to the Williamsburg-Jamestown Airport

Tax Map and Parcel No.: (48-2)(1-12)

Primary Service Area: Inside

Existing Zoning: R-8, Rural Residential

Comprehensive Plan: Airport

Surrounding Zoning: North: The Williamsburg Landing retirement community-zoned R-5
 South: The Airport and other Waltrip businesses-zoned R-8
 West: Single-family detached homes on R-2 zoned property
 East: College Creek, with the Kingspoint subdivision located across the creek on property zoned R-1

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

STAFF RECOMMENDATION:

Staff finds 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.

Staff further 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.

In consideration of these factors, staff recommends denial of the application. Should the Board wish to consider this application, a resolution of approval containing proposed SUP conditions is attached. In accordance with Performance Standard A3, the resolution of approval would permit up to two towers to maximize co-location opportunities. On February 4, 2002, the Planning Commission recommended denial of the application by a vote of 6-1.

Description of the Project

Ms. Mary Waltrip has applied for a special use permit to allow for the construction of a 165-foot tall communications tower on property adjacent to the Williamsburg-Jamestown Airport. Mr. Larry Waltrip would lease out space on the tower to wireless telecommunications providers (e.g., Sprint, Ntelos, etc.). The requested height of 165-feet would allow up to three different companies to locate on the one tower.

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. Attached are photos from the balloon test depicting its height above the tree line from these vantage points. Staff believes the tower would be visible from the rear yards of several residences in Kingspoint as well, although staff did not go onto these properties to verify this.

The balloon was not visible from the City's College Creek Park or from within the Port Anne 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-feet AGL are required to provide notice to the FAA, which will then conduct an aeronautical study for the specific project. Structure marking may consist of alternating bands of orange and white paint for daytime visibility and red obstruction lights for night visibility. As an alternative to this combination, the FAA may allow a dual lighting system featuring red lighting at night and medium intensity white strobe lighting during the day. 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. Both the FAA and the Virginia Department of Aviation have determined the proposed communications facility would not constitute an air hazard to airport operations. The FAA and Virginia Department of Aviation letters are attached.

Staff has also asked the applicant 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 a 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).

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 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 three mile 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 and 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 1,500-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 percent 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 and B4 state that towers should be less than 200-feet to avoid lighting. While the proposed height is less than 165 feet, the FAA is requiring structure marking and/or lighting, given its close physical proximity to the airport. Staff finds the application does not meet 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 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-1, Limited Residential. Finally, across Lake Powell Road are low-density residential subdivisions on land zoned R-2, General 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, 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 structure 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 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.

Staff further 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.

In consideration of these factors, staff recommends denial of the application.

Should the Board wish to consider this application, a resolution of approval containing proposed SUP conditions is attached. In accordance with Performance Standard A3, the Resolution of approval would permit up to two towers to maximize co-location opportunities. On February 4, 2002, the Planning Commission recommended denial of the application by a vote of 6-1.

Paul D. Holt, III

CONCUR:

O. Marvin Sowers, Jr.

PDH/gs
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Attachments:

1. Minutes from the November 5, 2001, and February 4, 2002, Planning Commission meetings.
2. Location map
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. Letter of opposition from Mr. Robert Friend Boyd, dated October 29, 2001.
7. Letter of support from Williamsburg Emergency Physicians, Inc., dated February 4, 2002.
8. Letter of Determination from the State Department of Aviation.
9. Letter of Determination from the FAA.
10. Resolution

RESOLUTION

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

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

WHEREAS, the applicant has requested a special use permit to allow for the construction of a 165-foot tall communications tower on property adjacent to the Williamsburg-Jamestown Airport; and

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

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

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

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

1. This special use permit shall be valid for a total of two towers. The maximum height of all towers shall not be greater than 165feet.
2. Each individual tower shall be designed and constructed for at least three users and shall be certified to that effect by an engineering report prior to site plan approval.
3. Towers shall be located on the site in a manner that maximizes the buffering effects of trees as determined by the Planning Director. Tree clearing shall be limited to the minimum necessary to accommodate the tower and related facilities as determined by the Planning Director. Access drives shall be designed in a manner that provides no off-site view of the tower's base or related facilities as determined by the Planning Director. A minimum buffer of 100-feet in width of existing mature trees shall be maintained around the tower. This buffer shall remain undisturbed except for the access drive and necessary utilities for the tower.
4. A final inspection shall be obtained within one year of approval of this special use permit, or the permit shall become void.
5. Unless otherwise approved by the Director of Planning, all supporting equipment sheds, buildings, and huts shall be of a similar design to that generally used on a single-family residence and shall be approved by the Director of Planning prior to final site plan approval. A gable or shed roof shall be used on all equipment sheds, buildings and huts as determined by the Director of Planning prior to final site plan approval.

6. Following construction of the facility, certification by the manufacturer, or an engineering report by a Virginia-registered structural engineer, shall be filed by the applicant indicating the tower height, design, structure, installation, and total anticipated capacity of the structure, including number and type of antennas, which could be accommodated, demonstrating to the satisfaction of the building official that all structural requirements and other safety considerations set forth in the BOCA Basic Building Code and Section 222(D) of the standards adopted by the Electronics Industries Association, or any amendment thereof, have been met.
7. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of March, 2002.

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**SPECIAL USE PERMIT-31-01. New Zion Baptist Church Expansion
Staff Report for the March 12, 2002, Board of Supervisors Public Hearing**

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

PUBLIC HEARINGS

Building C Board Room; County Government Complex
 Planning Commission: February 4, 2002, 7:00 p.m.
 Board of Supervisors: March 12, 2002, 7:00 p.m.

SUMMARY FACTS

Applicant: 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: Approximately 8,200-square foot expansion of the church, parking lot expansion, relocation of the entrance

Location: 3991 Longhill Road

Tax Map and Parcel No.: (31-3)(1-22)

Primary Service Area: Inside

Parcel Size: Approximately 3.1 acres

Existing Zoning: R-8, Rural Residential

Comprehensive Plan: Low-Density Residential

Surrounding Zoning: South & East: Ford's 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:

Staff finds the request, with the proposed conditions, compatible with surrounding uses and zoning and consistent with the Comprehensive Plan. Therefore, staff recommends approval of the application. On February 4, 2002, the Planning Commission recommended approval by a vote of 7-0.

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 (SUP) 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/redesign 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 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 and 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 Olde Towne Road to Route 199: 16,188 vpd
- from Route 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 unimproved 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 Longhill 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. Directly across the street from the church is a vacant lot owned by New Zion, a cemetery lot (not owned by New Zion), and three other lots that have been improved with single-family homes.

Directly to the west of this site is a 6.4-acre property zoned R-2, General Residential, a one 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 a bike lane are proposed to improve nonvehicular 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.

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.

Sidewalk Improvements

One issue that arose during the Planning Commission's public hearing was that of a sidewalk along Longhill Road. The adopted Sidewalk Master Plan shows the need for a sidewalk along Longhill Road from Centerville Road to Olde Towne Road. The Sidewalk Master Plan calls for this pedestrian facility to be located on the north side of Longhill, while the church is located on the south side of Longhill. However, the reason staff requests a sidewalk on the church side of the road is because a sidewalk cannot be constructed on the north side of the road in its entirety from Olde Towne Road to Centerville Road because of physical constraints.

More specifically, the presence of a graveyard, directly across the road from New Zion church, has grave locations that would prohibit construction of a sidewalk on that side of the road in that location. The sidewalk must, therefore, cross over from the north side of Longhill to the south side. The County Engineer has conceptually determined that the best location for the sidewalk should be along the north side of the road, coming from Olde Towne Road, until the graveyard site at which point the sidewalk would begin on the south side of the road at the church site and continue to Centerville Road.

A sidewalk on the church side of the property would be consistent with previous County action. The County has already started constructing a sidewalk on the south side of the road from Centerville along the Burton Woods multifamily development. There are seven remaining properties between Burton Woods and New Zion Baptist church. These remaining properties are large and therefore may be developed in the future, thereby providing the necessary in-fill sidewalk connections. The sidewalk along the church property would also be consistent with the Zoning Ordinance which requires a sidewalk along the roadway of any property to be developed, unless otherwise waived or modified by the Development Review Committee. Nonetheless, staff has drafted proposed conditions which offer the applicant a wide range of implementation possibilities.

Recommendation

Staff finds the request, with the proposed conditions, compatible with surrounding uses and zoning and consistent with the Comprehensive Plan. Therefore, staff recommends approval of the application. On February 4, 2002, the Planning Commission recommended approval by a vote of 7-0.

Paul D. Holt, III

CONCUR:

O. Marvin Sowers, Jr.

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Attachments:

1. Minutes from the February 4, 2002, Planning Commission meeting
2. Location map
3. Master Plan (separate)
4. Elevation showing proposed addition (separate)
5. Resolution

RESOLUTION

CASE NO. SUP-31-01. NEW ZION BAPTIST CHURCH EXPANSION

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

WHEREAS, the applicant has requested a special use permit to allow for an approximate 8,200-square foot expansion of, and other accessory construction at, the existing church located at 3991 Longhill Road; and

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

WHEREAS, the property is specifically identified as Parcel No. (1-22) on James City County Real Estate Tax Map Number (31-3); and

WHEREAS, on February 4, 2002, the Planning Commission recommended approval of the application by a vote of 7-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-31-01 as described herein with the following conditions:

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 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. The proposed sidewalk 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. This condition may be waived by the County Engineer if the applicant provides an alternative solution to providing equivalent pedestrian facilities, all in a manner and form acceptable to the County Engineer.

4. 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.
5. 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.
6. 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, provided to the site.
7. 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).
8. Prior to the issuance of any Certificate of Occupancy, the applicant shall be responsible for developing water conservation standards to be submitted to, 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.
9. 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.
10. 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.
11. All freestanding sign(s), if any, shall be limited in height to no greater than eight feet above grade.
12. The building addition shall be architecturally similar, as determined by the Director of Planning, to the elevation drawing entitled "New Zion Baptist Church," dated August 28, 2001, and prepared by Hopke and Associates.

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

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of March, 2002.

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