

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

June 11, 2002

7:00 P.M.

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J. CLOSED SESSION

1. Consideration of Appointments of Individuals to County Boards and/or Commissions, Pursuant to Section 2.2-3711(A)(1) of the Code of Virginia
 - a. Peninsula Disability Services Board
 - b. Social Services Advisory Board
 - c. Board of Zoning Appeals

2. Acquisition of a Parcel of Property for Public Use, Pursuant to Section 2.2-3711(A)(3) of the Code of Virginia

K. ADJOURNMENT

061102bos.age2

AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 28TH DAY OF MAY, 2002, AT 4:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

James G. Kennedy, Chairman, Stonehouse District
Jay T. Harrison, Sr., Vice Chairman, Berkeley District
John J. McGlennon, Jamestown District
Michael J. Brown, Powhatan District, Absent
Bruce C. Goodson, Roberts District

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

B. BOARD CONSIDERATIONS

1. 2007 Update – Norm Beatty, Director of Jamestown 2007

Mr. Norm Beatty, Director of Jamestown 2007, provided the Board with an update on the anticipated event schedule for 2006-2008 in connection with the Jamestown 2007 celebration including local, regional, and internationally connected events.

The Board, staff, and Mr. Beatty discussed some of the regional and international events, the role of the Federal Government in supporting Jamestown 2007, and fund-raising efforts.

2. Purchase of Development Rights (PDR) Update

Mr. Doug Powell, Assistant Manager of Community Services, introduced Michael Drewry, Administrator of the PDR Program.

Mr. Drewry provided the Board with an overview of the goals of the PDR Program, the timeline for evaluating applications for participation, landowner interest, applications received for the Program, and the benefits of the Program.

The Board and Mr. Drewry briefly held discussions regarding the composition of the County's rural lands, interest levels of rural landowners in the program, a staff presentation to the Board on July 24, 2002, with property recommendations for inclusion in the Program, and funding for the purchase of property development rights.

Mr. Wanner requested Mr. Drewry highlight the property owner's frequently asked questions.

Mr. Drewry stated that property owners are interested in the volunteer aspect in participating in the Program, preservation of the land, and taxation impacts on the land.

The Board and Mr. Drewry discussed the impacts of adjacent land on the preservation efforts of the PDR properties, and the need to minimize the perceived conflict of preserving land with tax dollars and providing tax breaks on the preserved land.

3. Crossroads Update

Mr. Wanner provided the Board with a brief history and an update on Crossroads including: the Center for Excellence in Aging and Geriatric Health plans, efforts to get a 501 (c) (3) incorporation for the Center, funding and grant writing efforts, the Eastern State Study (HB 995), and efforts to plan for the placement of a new campus on the Eastern State Hospital property for the Center of Excellence in Aging and Geriatric Health with Thomas Nelson Community College and that this project will be a long-term process.

Mr. Wanner also stated that research and technology efforts are moving forward and that on June 25, 2002, there will be a groundbreaking ceremony at New Town.

Mr. Wanner requested Mr. John T. P. Horne, Manager, Development Management, to provide the Board with a transportation update.

Mr. Horne stated that a large partnership is working to define the Route 199 corridor for Jamestown 2007, and the community desires being relayed to the Virginia Department of Transportation (VDOT) to preserve the median of Interstate 64 when it is widened.

Mr. Wanner stated that staff has been directed to review how traffic could flow into and through the Eastern State Hospital property to access the proposed Thomas Nelson Community College campus, stated that efforts are being made to finalize the unification of the public transportation system in the Crossroads area, and efforts continue to support rapid rail service to Hampton Roads.

The Board and Mr. Wanner discussed impacts of repaying bonds with the moved State funding for the widening of Interstate 64 on State sales taxes and potential partners for the development of the Center including the Williamsburg-James City School System.

The Board recessed for supper from 5:20 p.m. until 7:00 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 28TH DAY OF MAY, 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, Absent
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. Dylan Prichett, Jr., a tenth grade student at Lafayette High School, led the Board and citizens in the Pledge of Allegiance.

D. PUBLIC COMMENT

1. Mr. Jim Icenhour, 101 Shinnecock, stated concerns regarding the expenditures for outside consultants to perform work that County staff should handle.

2. Mr. Ed Oyer, 139 Indian Circle, stated concern regarding the conflicting requirements posed by a building inspector on two similar homes in Poplar Hill Plantation, and stated that there are still house trailers on the fence line at Country Village.

Mr. Wanner stated that staff will follow up on the comments of Mr. Oyer, and the decision to hire an outside consultant for the development potential study was made by the County Administrator as an appropriate expenditure for the Comprehensive Plan Update.

E. HIGHWAY MATTERS

Mr. Jim Brewer, Acting Resident Engineer, Virginia Department of Transportation (VDOT), stated that the new traffic pattern traffic boards on Route 5000 (Monticello Avenue) have been removed; that a traffic study has been performed and VDOT will be reducing the speed limit on Route 5 (John Tyler Highway) to 45

mph between St. George's Hundred and the Chickahominy River bridge; and that the approved Six-Year Secondary Road Plan projects will be available within six weeks.

Mr. McGlennon thanked VDOT for looking at a situation at Berkeley's Green.

Mr. Goodson inquired about the flow of traffic along Route 60 and on the Grove Interchange during the holiday weekend.

Mr. Brewer stated that traffic flowed smoothly and that the tourists have not yet arrived.

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 vote, the vote was: AYE: McGlennon, Goodson, Harrison, Kennedy (4). NAY: (0). ABSENT: Brown (1).

1. Minutes-
 - a. April 23, 2002, Regular Meeting
 - b. May 8, 2002, Budget Work Session
 - c. May 14, 2002, Regular Meeting
2. Dam Agreement for School House Lane

RESOLUTION

DAM AGREEMENT FOR SCHOOL HOUSE LANE

WHEREAS, an Agreement is required to address the legal requirements of the Virginia Department of Transportation to accept the maintenance responsibility for a roadway over a Williamsburg/James City County Schools maintained dam on School House Lane, the entrance to Stonehouse Elementary School; and

WHEREAS, the attached two-party Agreement meets the Virginia Department of Transportation requirements and protects the interest of the County.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the attached Agreement for School House Lane is approved and the Chairman is authorized to execute the Agreement on behalf of the County.

3. Budget Amendment – Central Dispatch

RESOLUTION

BUDGET AMENDMENT - CENTRAL DISPATCH

WHEREAS, the Board of Supervisors of James City County has been requested to approve the distribution of Virginia Wireless Board funds to James City County Central Dispatch for the purchase of equipment related to wireless 911 telephone equipment.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the FY 02 Operating Budget as follows:

Revenues:

Virginia Wireless Board \$202,658

Expenditures:

Central Dispatch \$202,658

4. Award of Wireless 911 Mapping Software Contract

RESOLUTION

AWARD OF WIRELESS 911 MAPPING SOFTWARE CONTRACT

WHEREAS, funds are available in the Central Dispatch budget for purchase of wireless 911 equipment and software; and

WHEREAS, the Virginia Wireless Board has approved Verizon as providing the best solution to match James City County’s equipment and dispatching needs and will provide the Wireless Board funding for its purchase.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to execute a sole source purchase order between James City County and Verizon in the amount of \$145,783.22.

5. Chesapeake Bay Gateways Network Grant

RESOLUTION

CHESAPEAKE BAY GATEWAYS NETWORK GRANT

WHEREAS, the Chesapeake Bay Gateways Network, in cooperation with the National Park Service Chesapeake Bay Program Office, has made 50/50 matching funds available for the development of gateway sites; and;

WHEREAS, funds are needed to make site improvements to include surfacing the walkway, installing a boat ramp, constructing observation decks with interpretive signage, and the publication of a blueway map of James City County’s Powhatan Creek Park.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, accepts the \$26,100 grant awarded by the Chesapeake Bay Gateways Network as funded by the National Park Service to help with the improvements at the Powhatan Creek Park.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation to the Capital Projects Fund.

Revenues:

From the Commonwealth \$26,100

Expenditures:

Greenways and Trails Account \$26,100
(013-022-0800)

G. BOARD CONSIDERATION

1. Support for Modifications to Portion of Centerville Road Through Green Spring Colonial National Historical Park

Mr. Marvin O. Sowers, Planning Director, stated that considerable public discussion and evaluation has occurred on the National Park Service’s (NPS) recommendation to close a portion of Centerville Road that bisects the Green Spring property. A decision has been made to develop the Park with Centerville remaining open, and at its meeting on May 6, 2002, the Planning Commission adopted a resolution acknowledging this decision.

Staff recommended that the Board adopt an amended resolution directing staff to investigate certain design and operational modifications to Centerville Road to make the road more “park friendly” and report the findings to the Board of Supervisors. The resolution will not obligate the County to fund any of the suggested improvements, any such requests will be made to the Board for approval.

Mr. Goodson made a motion to adopt the resolution.

The Board held a brief discussion on the excellent work of the parties involved in this project.

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

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

RESOLUTION

**SUPPORT FOR MODIFICATIONS TO PORTION OF CENTERVILLE ROAD THROUGH
GREEN SPRING COLONIAL NATIONAL HISTORICAL PARK**

WHEREAS, the National Park Service intends to develop the Green Spring Colonial National Historical Park ("The "Park") in order to open it for public visitation; and

WHEREAS, the design and operating characteristics of the portion of Centerville Road which bisects the Green Spring Colonial National Historical Park will detract from the historic character and ambiance of the Park; and

WHEREAS, the James City County Board of Supervisors supports the opening of the Green Spring Colonial National Historical Park for public visitation; and

WHEREAS, the cooperation of the Virginia Department of Transportation is essential to transform Centerville Road between Route 5 and Monticello Avenue into a road more conducive to park development and activities.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby directs staff to investigate the following with applicable State and County agencies and report back to the Board of Supervisors:

- # Significantly reducing the speed limit and designating a "no passing zone" on the entire Park roadway, and implementing other traffic calming techniques as appropriate; and
- # Increasing the fine for speeding on the Park roadway, and increasing a Virginia State Police presence to enforce the new regulations; and
- # Resurfacing the Park roadway so as to have a more "parkway" appearance; and
- # Undertaking a traffic safety study that addresses the alignment of the intersection of Centerville Road and Greensprings Road, installation of left-turn lanes on Route 5 at said intersection, and a reduction of the speed limit on Route 5 as far west as Patriot's Colony.

H. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, stated that due to the increasing building requirements, individual landowners are unable to afford a builder and are building their own homes, and stated that the government's place is to work to help citizens.

I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner recommended that following the completion of the Board's agenda, the Board adjourn to 7 p.m. on June 11, 2002.

J. BOARD REQUESTS AND DIRECTIVES - None

K. ADJOURNMENT

Mr. Goodson made a motion to adjourn until 7 p.m. on June 11, 2002.

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

At 7:22 p.m., Mr. Kennedy adjourned the Board until 7 p.m. on June 11, 2002.

Sanford B. Wanner
Clerk to the Board

052802bs.min

MEMORANDUM

DATE: June 11, 2002
TO: The Board of Supervisors
FROM: John E. McDonald, Manager, Financial and Management Services
SUBJECT: FY 2003 Budget Amendment – Square One

In the closing days of the General Assembly, a major source of State funding for the Hampton Roads Partnership – funds previously available through the Regional Competitiveness Program (RCP) – was eliminated.

In reviewing the programs that have been funded with those funds, the Hampton Roads Partnership and Square One have asked for local funds to continue one program called Square One.

Square One’s mission to help every child be born healthy and begin school ready to succeed is similar to the vision established in the Strategic Plan for Children and Youth. The County has benefitted from Square One in several ways, most notably in the BookSmart program. Square One funded the program in the amount of \$14,980, allowing Williamsburg Regional Library, the schools, area youth service providers, and the Department of Community Services to pilot a five-week program providing an array of early literacy activities. In addition, the program provides strategies for parents to reinforce the importance of literacy.

A description of some of the other components of the Square One program is included in the Board’s reading file.

The County has been asked to fund \$4,100 of a \$165,100 regional program in FY 2003. That funding request is based on the County’s census count of preschool children, compared to the regional total. It is less than one-third of the Square One funds expended locally, so the County’s return on investment is positive. State and local funds are supplemented by foundation grants and sponsorships from private companies, including Bank of America and The Virginian Pilot.

Approval of the attached resolution, transferring \$4,100 from operating contingency to a contribution line item, is requested.

John E. McDonald

CONCUR:

Sanford B. Wanner

JEM/gb
budamend03.mem

Attachment

RESOLUTION

FY 2003 BUDGET AMENDMENT – SQUARE ONE

WHEREAS, the Board of Supervisors has been requested by the Hampton Roads Partnership and Square One to provide funding in the form of a contribution of \$4,100 to the Square One program; and

WHEREAS, the Square One program is built around the needs of preschool children and has provided direct services to the citizens of James City County through the implementation of the BookSmart program through the Williamsburg Regional Library.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, amends its previously adopted FY 2003 Budget and approves the following budget adjustment:

Revenues:

Operating Contingency:	<u>\$ 4,100</u>
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Expenditures:

Contributions to Outside Agencies:	
HRP – Square One Program	<u>\$ 4,100</u>

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 11th day of June,
2002.

budamend03.res

MEMORANDUM

DATE: June 11, 2002
TO: The Board of Supervisors
FROM: Wayland N. Bass, County Engineer
SUBJECT: Award of Construction Contract - Joanne Court

Staff received the following bids for this combination dirt street and water quality project:

<u>Bidder</u>	<u>Amount</u>
Wolf Contractors	\$156,385
Toano Contractors	160,654
Stilley Company	165,941
George Nice and Sons	176,112
Jack Massie Contractor	183,414
Basic Construction, Inc.	254,848
Suburban Grading, Inc.	271,434
Walter C. Via, Inc.	285,988

The lowest responsive bid was submitted by Wolf Contractors in the amount of \$156,385. That bid fell below staff's cost estimate of \$200,000. Funds are available in the Capital Improvement Project (CIP) budget. \$96,085 will be paid from the Road Improvements CIP account and \$60,300 will be paid from Water Quality CIP account.

Staff recommends adoption of the attached resolution authorizing the County Administrator to execute a contract with Wolf Contractors for this work.

Wayland N. Bass

CONCUR:

John T. P. Horne

WNB/gb
JoanneCt.mem

Attachment

RESOLUTION

AWARD OF CONSTRUCTION CONTRACT - JOANNE COURT

WHEREAS, Joanne Court is currently a dirt street; and

WHEREAS, funds are available to construct Joanne Court to Virginia Department of Transportation (VDOT) standards for inclusion in the VDOT Secondary Road System; and

WHEREAS, bids have been received for this work; and

WHEREAS, staff has reviewed all bids and determined that Wolf contractors, Inc., submitted the lowest responsive bid and determined Wolf Contractors, Inc. to be qualified to complete the project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to execute a contract with Wolf Contractors, Inc., for this work in the amount of \$156,385.

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 11th day of June, 2002.

JoanneCt.res

MEMORANDUM

DATE: June 11, 2002
TO: The Board of Supervisors
FROM: Keith A. Taylor, Secretary, Industrial Development Authority
SUBJECT: Approval for AVID Medical, Inc., Revenue Bond Issue

At the May 16, 2002, regular meeting of the Industrial Development Authority (IDA) of the County of James City, Virginia, the IDA Directors passed a resolution authorizing the issuance of up to \$3,500,000 worth of industrial development revenue bonds for AVID Medical, Inc. A signed copy of that resolution, a fiscal impact statement, prepared by AVID Medical, Inc., and executed by the IDA Chairman, and a summary of statements made at the IDA's duly advertised public hearing on this matter are attached. The bonds do not carry the full faith and credit of James City County or its IDA. The bonds will assist in the acquisition, construction, and equipping of an approximately 45,000-square foot expansion of AVID Medical, Inc.'s existing manufacturing facility at Stonehouse Commerce Park in James City County.

State and Federal statutes require that the governing body of the jurisdiction in which such financing activity is to occur to adopt a resolution of approval in support of the IDA's action. Counsel has prepared such resolution.

Staff recommends approval of the attached resolution.

Keith A. Taylor

CONCUR:

Sanford B. Wanner

KAT/gb
AvidApproval.mem

Attachments

RESOLUTION

APPROVAL FOR AVID MEDICAL, INC., REVENUE BOND ISSUE

WHEREAS, the Industrial Development Authority of the County of James City, Virginia, (the "Authority") has considered the application of Avid Medical, Inc. (the "Applicant"), a Delaware corporation, having its principal place of business currently at 9000 Westmont Drive, Toano, Virginia 23168. In that application, the Applicant requested the Authority to issue, pursuant to the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2 of the Code of Virginia of 1950, as amended (the "Act"), up to \$3,500,000 of its revenue bonds for a manufacturing facility (the "Bonds"); and

WHEREAS, the proceeds of the Bonds will be used to assist the Applicant in financing (1) the acquisition, construction, and equipping of an approximately 45,000-square foot expansion of the Applicant's existing facility, which expansion will be used in the manufacturing of medical devices and the manufacturing process of assembling and packing procedure - ready kits and subassemblies primarily for sale to health care providers and which will be located on a three-acre parcel of land adjacent to the existing facility at 9000 Westmont Drive, Toano, Virginia, (the "Project") and (2) the payment of the costs of issuing the Bonds. The Authority held a public hearing regarding this matter on behalf of the Authority and James City County, Virginia, (the "County") on May 16, 2002, which is a date within sixty (60) days of the adoption of this resolution.; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), provides that both the governmental unit having jurisdiction over the issuer of private activity bonds and the governmental unit having jurisdiction over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds. The Project is located in the County; the Authority issues its bonds on behalf of the County and the Board of Supervisors of the County (the "Board") constitutes the highest elected governmental unit of the County; and

WHEREAS, the Authority has recommended that the Board approve the issuance of the Bonds and has forwarded to the Board: (1) a copy of the Authority's resolution approving the issuance of the Bonds, subject to terms to be agreed upon, which was adopted following its public hearing on May 16, 2002; (2) a copy of the Fiscal Impact Statement submitted by the Applicant; and (3) a reasonably detailed summary of the comments made at the public hearing.

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

1. The recitals made in the first and second paragraphs of this Resolution are hereby adopted as a part of this Resolution.

2. The Board approves the issuance of the Bonds by the Authority in an aggregate principal amount not to exceed \$3,500,000 for the benefit of the Applicant, to the extent required by Section 147(f) of the Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended.
3. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Applicant or the Project, and, as required by the Act and Virginia law, the Bonds shall provide that none of the Commonwealth of Virginia, the County or the Authority, shall be obligated to pay the principal, or premium, if any, of the Bonds or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefor, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia nor any political subdivision thereof shall be pledged thereto.
4. Pursuant to the limitation contained in Temporary Treasury Regulation Section 5f.103-2(f)(1), this Resolution shall remain in effect for a period of one year from the date of its adoption.
5. The County, including its elected representatives, officers, employees and agents, shall not be liable and hereby disclaims all liability for any damage to the Applicant or the Project, direct or consequential, resulting from the Authority's failure to issue the Bonds for any reason.
6. This Resolution shall take effect immediately upon its adoption.

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 11th day of June
2002.

AvidApproval.res

CERTIFICATION

The undersigned Clerk of the Board of Supervisors of James City County, Virginia, hereby certifies that the foregoing constitutes a true, correct and complete copy of a Resolution duly adopted by the Board of Supervisors of James City County, Virginia, at a meeting duly called and held on the ____ day of _____, 2002, and during which a quorum was present and acting throughout, by the vote set forth below, and that such Resolution has not been repealed, revoked, rescinded, or amended:

Board Member

Present/Absent

Vote

WITNESS, my hand and the seal of the Board of Supervisors of James City County, Virginia, this ____ day of _____, 2002.

Clerk, Board of Supervisors, James City
County, Virginia

(SEAL)

M E M O R A N D U M

DATE: June 11, 2002
TO: The Board of Supervisors
FROM: Needham S. Cheely, III, Director of Parks and Recreation
SUBJECT: Virginia Department of Transportation Recreational Access Grant

The James City County Division of Parks and Recreation is seeking a grant of \$350,000 from the Virginia Department of Transportation (VDOT) to assist with the park access road construction.

The purpose of the matching grant is to assist with the costs of constructing 5,280 feet of asphalt road through the new District Park. This road will provide the main corridor for traffic through the entire park. Construction of Phase I that includes the access road, intersection improvements, and an open space meadow will be completed in July 2002. Any funds awarded will be matched through the District Park Phase I CIP account to complete the roadway at an estimated cost of \$1,050,000. When the project is complete, the County will receive a \$350,000 reimbursement from the Virginia Department of Transportation Recreational Access Program.

Staff recommends approval of the attached resolution.

Needham S. Cheely, III

CONCUR:

Anthony Conyers, Jr.

NSC/gs
vdotgrant.mem

Attachment

RESOLUTION

VIRGINIA DEPARTMENT OF TRANSPORTATION RECREATIONAL ACCESS GRANT

WHEREAS, the District Park is owned and is to be developed by the County of James City as a recreation facility serving the residents of James City County and adjoining localities; and

WHEREAS, the facility is in need of adequate access; and

WHEREAS, the procedure governing the allocation of recreational access funds as set forth in Section 33.1-223 of the Code of Virginia requires joint action by the Director of the Department of Conservation and Recreation and the Commonwealth Transportation Board; and

WHEREAS, a statement of policy agreed upon between the said Director and Board approved the use of such funds for the construction of access roads to publicly-owned recreational areas or historical sites; and

WHEREAS, it appears to the Board that all requirements of the law have been met to permit the Director of the Department of Conservation and Recreation to designate the District Park as a public recreation facility and further permit the Commonwealth Transportation Board to provide funds for access to this public recreation area in accordance with Section 33.1-223 of the Code of Virginia; and

WHEREAS, the right-of-way of the proposed access road is provided by the County of James City at no cost to the Recreation Access Fund; and

WHEREAS, the Board acknowledges that, pursuant to the provisions of Section 33.1-223 of the Code of Virginia, this road shall be designated a "Virginia Byway" and recommends the Commonwealth Transportation Board, in cooperation with the Director of the Department of Conservation and Recreation, take the appropriate action to implement this designation. Further, the Board agrees, in keeping with the intent of Section 33.1-63 of the Code of Virginia, to use its good offices to reasonably protect the aesthetic or cultural value of this road.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Director of the Department of Conservation and Recreation to designate the District Park as a public recreation area and to recommend to the Commonwealth Transportation Board that recreation access funds be allocated for an access road to serve said park.

BE IT FURTHER RESOLVED that the Commonwealth Transportation Board is hereby requested to allocate the necessary recreational access funds to provide a suitable access road as hereinbefore described.

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 11th day of June,
2002.

vdotgrant.res

MEMORANDUM

DATE: June 11, 2002
TO: The Board of Supervisors
FROM: Needham S. Cheely, III, Director of Parks and Recreation
SUBJECT: Petty Cash - James City County Chickahominy Riverfront Park Pool

The attached resolution authorizes the Treasurer to add petty cash of \$100 for the James City County Chickahominy Riverfront Park Pool for the purpose of making change for customers.

Needham S. Cheely, III

CONCUR:

Anthony Conyers, Jr.

NSC/gs
chickpoolcash.mem

Attachment

RESOLUTION

PETTY CASH – JAMES CITY COUNTY CHICKAHOMINY RIVERFRONT PARK POOL

WHEREAS, the Board of Supervisors of James City County has been requested to authorize petty cash of \$100 for the James City County Chickahominy Riverfront Park Pool.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the Treasurer to create petty cash of \$100 for the James City County Chickahominy Riverfront Park Pool.

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 11th day of June, 2002.

chickpoolcash.res

REZONING-1-02. Baker Farmer's Market
Staff Report for June 11, 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: May 6, 2002, 7:00 p.m.
 Board of Supervisors: June 11, 2002, 7:00 p.m.

SUMMARY FACTS

Applicant: Michael H. Brooks
 Land Owner: Teamsters Local 95

Proposed Use: Allow the operation of a farmer's market from approximately mid-June until the end of September.

Location: 7294 Merrimac Trail; Roberts District

Tax Map and Parcel Nos.: (50-2)(8-1A) & (50-2)(1-10)

Primary Service Area: Inside

Parcel Size: .715 acres

Existing Zoning: B-1, General Business

Proposed Zoning: M-1, Limited Business/Industrial, with Proffers

Comprehensive Plan: Low-Density Residential

Surrounding Zoning: North, South and East: R-2, General Residential District
 West (across the CSX railroad tracks and Route 60): B-1, General Business

Staff Contact: David Anderson - Phone: 253-6685

STAFF RECOMMENDATION:

Staff recommends approval of the application with the attached proffers. The farmer's market operation does not require any new construction or improvements, and staff believes the farmer's market operation will have minimal impact on the surrounding property. It will operate as a secondary use, while the Teamsters Local 95 office facility will remain as the primary use. The proffers are written such that the uses allowed on the property are limited to the uses which are generally and specially permitted in the B-1 zoning district - the only change being the addition of the farmer's market as a generally permitted use. Staff found this proposal to be compatible with surrounding zoning and development, will cause very little impact on surrounding residential

development, and will minimally alter the current character of the property. At the May 6, 2002, public hearing, the Planning Commission voted 5-1 to recommend approval of the rezoning.

Description of Project

Michael H. Brooks of Teamsters Local 95, has applied to rezone the property located at 7294 Merrimac Trail, further identified as Parcel Nos. (8-1A) and (1-10) on James City County Real Estate Tax Map No. (50-2), from B-1, General Business, to M-1, Limited Business/Industrial. The property is currently used as an office facility for Teamsters Local 95, and this will remain the primary use. The intent of the rezoning is to permit the additional use of a farmer's market. The farmer's market will be operated by James Baker, a local farmer who requested that Mr. Brooks of Teamsters Local 95 allow him to sell his farm produce and farm products on the property. Mr. Baker has funded the cost of the rezoning and intends to operate the farmer's market from approximately mid-June until the end of September.

Surrounding Zoning and Development

North, South and East of the property are mainly zoned R-2, General Residential, consisting primarily of single-family homes. However, there are pockets of property zoned B-1, General Business, located adjacent to Merrimac Trail. West of the property is zoned B-1, General Business, with Car Quest Auto Parts located directly across the railroad tracks and Route 60. Approximately 1,500 feet east of the property, at the intersection of Route 199 and Merrimac Trail, is property zoned M-1, Limited Business/Industrial.

Although the proposed M-1 zoning designation is not consistent with the surrounding R-2 zoning, the proffers are written such that the uses allowed on the property are limited to the uses which are currently, generally and specially permitted in the B-1 zoning district - the only change being the addition of the farmer's market as a generally permitted use. The character of the property will remain largely unchanged and lie well within the intent of the current B-1 zoning designation. Staff believes the M-1 zoning designation, as limited by the proffer agreement, will be compatible with surrounding residential development and in no way sets a precedent to similarly zone other properties in the area.

Physical Features

The site contains a 2,400-square foot building from which the Teamsters Local 95 operate. There are 17 designated parking spaces as well as a large paved area that is not designated for parking. This area is where Mr. Baker intends to park his truck and sell his goods. He will not require use of the building. No additional structures will be built on the site.

Access

Access to the site is currently limited to one entrance/exit off of Merrimac Trail. An additional entrance/exit exists also off of Merrimac Trail, but is chained off. This additional entrance will not be required with the addition of the farmer's market.

Comprehensive Plan

The property is designated Low-Density Residential on the James City County Comprehensive Plan Land Use Map. Low-Density Residential areas are located inside the PSA where natural characteristics such as terrain and soils are suitable for residential development and public services exist or are expected to be expanded to serve the site over the next twenty years. Very limited commercial establishments are acceptable under the low-density residential designation. The Comprehensive Plan states that nonresidential uses should not alter, but rather complement the residential character of the low-density residential area in which they are located. The current use of the property as an office facility can be classified as a very limited commercial establishment and the farmer's market would also be classified as such; however, the permitted and specially permitted uses that are allowed under the current B-1 zoning designation and proposed M-1 zoning cannot all be classified as very limited commercial uses. Staff believes the current proposal to be consistent with the Comprehensive Plan, but other B-1 and M-1 uses may not be consistent with the Comprehensive Plan. In summary, the property is not currently consistent with the Comprehensive Plan but the addition of the farmer's market as a generally permitted use does not effect the level of consistency.

Recommendation:

Staff recommends approval of the application with the attached proffers. The farmer's market operation does not require any new construction or improvements, and staff believes the farmer's market operation will have a minimal impact on the surrounding property. It will operate as a secondary use, while the Teamsters Local 95 office facility will remain as the primary use. The proffers are written such that the uses allowed on the property are limited to the uses which are generally and specially permitted in the B-1 zoning district - the only change being the addition of the farmer's market as a generally permitted use. Staff believes this proposal to be compatible with surrounding zoning and development, will cause very little impact on surrounding residential development, and will minimally alter the current character of the property. At the May 6, 2002, public hearing, the Planning Commission voted 5-1 to recommend approval of the rezoning.

David Anderson

CONCUR:

O. Marvin Sowers, Jr.

DA/ga
z01-02.wpd

Attachments:

1. Minutes of the May 6, 2002 Planning Commission
2. Location Map
3. Current Zoning Map
4. Comprehensive Plan Designation Map
5. Proffer Agreement
6. Resolution

RESOLUTION

CASE NO. Z-1-02. BAKER FARMER'S MARKET

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia, and Section 24-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Zoning Case No. Z-1-02 for rezoning .715 acres from B-1, General Business, to M-1, Limited Business/Industrial, with proffers; and

WHEREAS, the Planning Commission of James City County, following its public hearing on May 6, 2002, recommended approval of Case No. Z-1-02, by a vote of 5 to 1; and

WHEREAS, the property is located at 7294 Merrimac Trail and further identified as Parcel Nos. (8-1A) and (1-10) on James City County Real Estate Tax Map No. (50-2).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-1-02 and accept 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 11th day of June, 2002.

z01.02.res

**SPECIAL USE PERMIT-18-01. Waltrip Communications Tower
Staff Report for June 11, 2002, Board of Supervisors Public Hearing**

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

PUBLIC HEARINGS

	Building C Board Room; County Government Complex
Planning Commission:	November 5, 2001, 7:00 p.m. December 3, 2001, 7:00 p.m. January 14, 2002, 7:00 p.m. February 4, 2002, 7:00 p.m. (Denied) May 6, 2002, 7:00 p.m. (Denied)
Board of Supervisors:	March 12, 2002, 7:00 p.m. April 9, 2002, 7:00 p.m. (Remanded back to the Planning Commission) June 11, 2002

SUMMARY FACTS

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

STAFF RECOMMENDATION:

On April 9, 2002, the Board remanded this case back to the Planning Commission for further consideration due to changes in the application. At its May 6, 2002, meeting, the Planning Commission reconsidered this case and recommended denial of the revised proposal by a vote of 6-0. The Planning Commission had also recommended denial of the original proposal on February 4, 2002.

Staff finds that some of the concerns noted in previous staff reports regarding consistency with the Comprehensive Plan, including potential impacts on the Route 199 Community Character Corridor, and compatibility with surrounding structures and zoning, have been reduced by the revisions in the proposal.

While staff has previously requested the applicant consider using a camouflaged structure, at the current request of 133 feet staff finds that a mono-pine would appear out of scale with nearby trees and the treeline when viewed from the westbound lane of Route 199. Staff also finds the structure would appear substantially out of scale with nearby trees and the treeline when viewed from certain locations within the Kingspoint subdivision and from certain locations within Williamsburg Landing.

In these locations, with respect to the Zoning Ordinance criteria noted in this report, staff finds the mono-pine would be “noticeably dissimilar to nearby vegetation in terms of height.” Also, while an existing mature tree buffer would remain around the base of the tower, staff finds the mono-pine would not meet Zoning Ordinance criteria because it would “appear out of scale with existing natural vegetation to an off-site viewer.” Staff also does not find the tower meets the Zoning Ordinance criteria that it be “unnoticeable to the casual observer.” Finally, with respect to the adopted Performance Standards for Wireless Communication Facilities, staff finds the mono-pine does not meet the criteria that recommends the tower be “compatible in scale with surrounding natural trees.” Staff believes that the degree of inconsistency of this particular proposal with Zoning Ordinance criteria and adopted Performance Standards sets a broad precedent unlike any previously approved wireless communications facility in the County. All other installations, whether administratively or legislatively approved since the adoption of the revised Ordinance in 1997, have met the criteria and standards noted through lower heights, camouflaging, reserving substantial land area for buffering, siting the facility away from public vistas, and/or other techniques.

While a taller facility constructed at the airport would help to cover a larger service area, there are still service area limitations, as noted below. For the reasons just listed, and using the enclosed aerial photographs for reference, staff finds that a 133-foot tall mono-pine structure does not substantially meet the Zoning Ordinance requirements and adopted Performance Standards.

For the reasons cited, staff does not recommend approval of the application. While it may minimize options for co-location, staff finds adequate coverage can be provided with a structure more in scale with existing natural vegetation and in greater compliance with Zoning Ordinance criteria and the adopted Performance Standards.

Current Status of the Project

This case was first acted on by the Commission on February 4, 2002. At that meeting, the Commission recommended denial of the application by a vote of 6-1. At the March 12, 2002, Board of Supervisors meeting, the applicant requested deferral until the April 9 Board meeting. However, following the March 12 Board meeting, the applicant revised the application. A communications tower 165 feet tall was originally proposed. The current proposal is for a communications facility that is 133 feet in height. The height of the tower has been lowered by 32 feet.

The applicant has stated that at 133 feet, the Federal Aviation Administration (FAA) will not require structure marking or lighting. This information has been confirmed by the FAA.

Given the lower height, the applicant conducted another balloon test on Thursday, March 28, 2002. Staff publicly advertised the balloon test, as was done previously. In attendance were several members of the Board, Planning Commission and residents of Kingspoint.

Photographs taken at the balloon simulation are attached. The Board will note two objects, a balloon and a crane mast. The balloon was raised by the applicant's consultant. The crane contained an antenna and was raised in the air by a service provider to model the service coverage that could be obtained by a site that is 133 feet tall.

Given the amended application and the new information, at its April 1, 2002, meeting, the Planning Commission voted to request that the Board remand this case back to the Commission. The Board voted to remand this case back to the Commission for further consideration at its April 9, 2002, meeting.

On April 22, 2002, in a letter sent to staff, the applicant stated his willingness to agree to a condition of approval that would require the use of a camouflaged-design tower designed to look like a pine tree. Staff has therefore reviewed this application as if a 133-foot mono-pine structure was proposed.

Such camouflaged-design towers and lower structures are typically used when standard, taller steel towers are deemed incompatible with surrounding residential uses. For instance, the City of Newport News has successfully implemented the use of a 135-foot tall "mono-pine" at the City Farm, off Menchville Road. In the off-site views of the Newport News mono-pine, it appears in-scale with surrounding trees and of a similar species despite the fact it is actually much taller than the surrounding trees. In this instance, the off-site viewing angles and distances along with the pine tree design effectively camouflage the tower. Attached are photos of that structure. If approved, the proposed structure at the Airport would be similar in design to that in the photo. Albemarle County also represents another successful example of the use of camouflaging through the common practice of restricting tower heights to 5-10 feet above the surrounding trees. According to the Albemarle County Planning Department, the following companies have successfully installed antenna and have implemented their coverage networks with facilities at, or just above, the tree line: CFW, Triton, Ntelos, Devon, and Alltel.

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

The Performance Standards in this Board of Supervisors adopted County policy are aimed at eliminating the visibility of towers in certain areas of the County, including the area surrounding the proposed tower. Policy criteria offer two options to achieve this - careful site selection and design and/or camouflaging. However, the goal of both techniques is to generally keep the tower at or below the established tree line or otherwise blend them in with the treeline or surrounding structures so they are not noticeable. Other applications have consistently met these County objectives through the first option by using a site and a tower height that conceals the tower behind the tree line for off-site viewers. This technique has required towers as low as 115 feet in some cases, but allowed others to be as tall as 250 feet. The technique of camouflaging provides service providers an additional option, especially where the top of a standard tower cannot be adequately concealed by other techniques. For example, when viewed off-site, the tree line may have gaps created by trees of varying heights. Such is the case with the proposed Waltrip site. A mono-pine design would allow the tower to be taller than a standard monopole design while still meeting County objectives. For this specific application, staff has already informed the applicant that staff would readily support the construction of a stealth tower in the 115-foot tall range, or the construction of a standard monopole in the 90-foot tall range.

The Performance Standards state that "camouflaged towers having the design of a tree should be compatible in scale and species with surrounding natural trees or trees native to Eastern Virginia." Under this standard and the Zoning Ordinance definition for "camouflaged structure," the camouflaged tower may be placed so that it fills in one of the gaps in the tree line, but it should still be "unnoticeable to the casual observer." Staff finds the proposed tower does not meet these standards.

The site does contain many species of pine trees. Therefore, the proposed design is compatible in species with surrounding natural trees. Staff's findings regarding the proposed structure's compatibility with scale can be found below.

Relationship to the Zoning Ordinance

Section 24-122(d)(2) of the Zoning Ordinance states that where a camouflaged structure is intended to have the appearance of vegetation native to eastern Virginia (e.g., pine trees), the following requirements shall be met:

- a. "The structure shall be located and designed so as to appear to be a naturally occurring tree which is not noticeably dissimilar to nearby vegetation in terms of height, scale, texture, or color; and
- b. Should the structure be taller than nearby trees, it shall be buffered with existing mature trees in a manner such that it will not appear out of scale with existing natural vegetation to an off-site viewer."

Staff's findings regarding the consistency of the proposal with the Zoning Ordinance criteria can be found below.

Service Coverage

At 133 feet, up to three carriers would be possible on the structure – the primary carrier at 133 feet and potential co-locates at 122 feet and 111 feet. At the May 6, 2002, Planning Commission meeting, the applicant's consultant stated that the two carriers interested in occupying this tower are VoiceStream and Ntelos. Furthermore, it was stated during the public hearing that the only carrier that dropped the site due to the shortening of the tower was Sprint.

The Board should note that the service coverage area, defined by antenna height, is not a linear relationship. From information presented to staff, a tower that is 165 foot tall provides approximately a 1.5 mile radius coverage, and a 133-foot tower provides approximately a one mile radius coverage. Also, there is no appreciable degradation of coverage between an antenna located at 133 feet and one that is located at 117 feet.

At the original application request of 165 feet, some carriers were not able to completely fill the coverage gap that exists along Route 199. This continues to be the case at the reduced height of 133 feet. With the information presented to staff by the applicant's consultant, staff finds that the existing service gap may be too large to be filled by just one facility that meets Zoning Ordinance requirements and that significantly meets the County's Performance Standards and Comprehensive Plan. Therefore, even if a facility were to be approved and built at the Airport site, staff believes additional infill antenna may still be needed by the carriers in the future, if 100 percent coverage is desired.

One carrier has overcome the reduction in tower height and has demonstrated that the Route 199 corridor can be served in its entirety by using the Waltrip site at a lower height (lower than 133 feet) in connection with using the Government Center stealth tower (which is 120 feet tall). Other carriers have used the existing 185-foot tall Colonial Williamsburg tower on Fifth Avenue (off Route 60) to fill the gap.

While a taller facility may minimize options for co-location, staff finds adequate coverage can be provided with a structure more in scale with existing natural vegetation.

Staff Recommendation

On April 9, 2002, the Board remanded this case back to the Planning Commission for further consideration due to changes in the application. At its May 6, 2002, meeting, the Planning Commission reconsidered this case and recommended denial of the revised proposal by a vote of 6-0. The Planning Commission had also recommended denial of the original proposal on February 4, 2002.

Staff finds that some of the concerns noted in previous staff reports regarding consistency with the Comprehensive Plan, including potential impacts on the Route 199 Community Character Corridor, and compatibility with surrounding structures and zoning, have been reduced by the revisions in the proposal.

While staff has previously requested the applicant consider using a camouflaged structure, at the current request of 133 feet staff finds that a mono-pine would appear out of scale with nearby trees and the treeline when viewed from the westbound lane of Route 199. Staff also finds the structure would appear substantially out of scale with nearby trees and the treeline when viewed from certain locations within the Kingspoint subdivision and from certain locations within Williamsburg Landing.

In these locations, with respect to the Zoning Ordinance criteria noted in this report, staff finds the mono-pine would be “noticeably dissimilar to nearby vegetation in terms of height.” Also, while an existing mature tree buffer would remain around the base of the tower, staff finds the mono-pine would not meet Zoning Ordinance criteria because it would “appear out of scale with existing natural vegetation to an off-site viewer.” Given that the tower would be approximately 62 percent taller than the surrounding tree line, staff does not find the tower meets the Zoning Ordinance criteria that it be “unnoticeable to the casual observer.” Finally, with respect to the adopted Performance Standards for Wireless Communication Facilities, staff finds the mono-pine does not meet the criteria that recommends the tower be “compatible in scale with surrounding natural trees.” Staff believes that the degree of inconsistency of this particular proposal with Zoning Ordinance criteria and adopted Performance Standards sets a broad precedent unlike any previously approved wireless communications facility in the County. All other installations, whether administratively or legislatively approved since the adoption of the revised Ordinance in 1997, have met the criteria and standards noted through lower heights, camouflaging, reserving substantial land area for buffering, siting the facility away from public vistas, and/or other techniques.

While a taller facility constructed at the airport would help to cover a larger service area, there are still service area limitations, as noted above. For the reasons just listed, and using the enclosed aerial photographs for reference, staff finds that a 133-foot tall mono-pine structure does not substantially meet the Zoning Ordinance requirements and adopted Performance Standards.

For the reasons cited, staff does not recommend approval of the application. While it may minimize options for co-location, staff finds adequate coverage can be provided with a structure more in scale with existing natural vegetation and in greater compliance with Zoning Ordinance criteria and the adopted Performance Standards.

Should the Board wish to approve this application, a revised resolution of approval is attached.

Paul D. Holt, III

CONCUR:

O. Marvin Sowers, Jr.

PDH/adw
sup18-01.bo4.wpd

Attachments:

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

RESOLUTION

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

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

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

WHEREAS, the applicant subsequently amended the application to allow for the construction of a 133 foot tall communication tower; and

WHEREAS, the Board of Supervisors remanded the case back to the Planning Commission for further consideration; and

WHEREAS, on May 6, 2002, the Planning Commission recommended denial of the application by a vote of 6-0; 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).

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

1. This special use permit shall be valid for a total of two towers. The maximum height of all towers shall not be greater than 133 feet. All towers shall have the appearance of vegetation native to eastern Virginia, including texture and color, as determined by the Director of Planning.
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 11th day of June, 2002.

sec18-01.res3

SPECIAL USE PERMIT 22-01. James City Service Authority Groundwater Treatment Facility, Production Wells, Concentrate Discharge Main, and Route 5 Water Main Extension Staff Report for the June 11, 2002, Board of Supervisors Public Hearing

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

PUBLIC HEARINGS Building C Board Room; County Government Center
Planning Commission: November 5, 2001, 7:00 p.m.
May 6, 2002, 7:00 p.m.
June 3, 2002, 7:00 p.m.
Board of Supervisors: June 11, 2002, 7:00 p.m.

SUMMARY FACTS

Applicant: Larry Foster, General Manager, James City Service Authority
Landowners: JCSA, JCC, Rosa Armistead Estate, and Axel & Sheila Nixon

Proposed Use: Construct an approximately 12,000-square foot groundwater treatment facility; construct six production wells; install approximately 13,600 feet of 12-inch concentrate discharge main; install approximately 6,500 feet of 16-inch potable water main

Location: 3123 Ironbound Road with access from 4321 John Tyler Highway; Berkeley District

Tax Map and Parcel No.: (46-2)(1-34); (46-2)(1-38); (46-2)(1-21); (46-2)(1-24); (46-2)(1-33); (47-3)(1-1); and (46-4)(1-5)

Primary Service Area: Inside

Parcel Size: ± 20.66 acres

Existing Zoning: R-8, Rural Residential; LB, Limited Business; R-2, General Residential; R-4, Residential Planned Community; and B-1, General Business

Comprehensive Plan: Low Density Residential; Moderate Density Residential; Mixed Use; and Park, Public, or Semi-Public Open Space

Surrounding Zoning: East: Clara Byrd Baker Elementary School (R-8)
West: St. George's Hundred (R-1); single family residences (R-8)
North: Day Care Center (R-8); undeveloped land (R-8)
South: Chanco's Grant (R-8); Jamestown 1607 (R-2)

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

STAFF RECOMMENDATION:

Staff finds the proposals, with the attached conditions, consistent with surrounding zoning and development and consistent with the Comprehensive Plan. On June 3, 2002, the Planning Commission voted 7 to 0 to recommend approval of this application. Staff recommends the Board of Supervisors approve this application with the conditions listed in the attached resolution.

On November 5, 2001, the Planning Commission deferred action on this application due to concerns over the potential development impacts on adjacent properties and the lack of architectural elevations for the proposed water treatment facility. The applicant brought the application forward in November 2001 in an effort to expedite the engineering and construction process once the groundwater withdrawal permits have been issued by the Department of Environmental Quality (DEQ). In the months following the initial public hearing, the application was amended to include three uses identified in the original staff report as future projects: a concentrate discharge main, production wells, and a water main extension along Route 5 (see Project Descriptions).

On May 6, 2002, the Planning Commission deferred action on this application at the request of the applicant. The recommended alignment for the concentrate discharge main which was included in the staff report and in the notification letters sent to adjacent property owners, included a segment of the discharge main located in Virginia Department of Transportation (VDOT) right-of-way along London Company Way within the Jamestown 1607 townhouse community. When this project was initially presented to VDOT for review, the James City Service Authority (JCSA) was informed that placing the discharge main under the edge of pavement along Jamestown Road would not be an option which would be permitted by VDOT. JCSA staff met with residents in Jamestown 1607 on several occasions to discuss the alignment options under consideration and to address residents questions and concerns about this proposal. Following these meetings and discussions with project engineers and consultants, the JCSA determined that the London Company Way right-of-way option presented the least amount of impacts to the Jamestown 1607 community; however, after further discussion in the field with JCSA staff, VDOT officials agreed to allow the placement of the discharge main under the existing bikelane on the north side of Jamestown Road from the JCSA pump station site adjacent to Powhatan Creek to the entrance to Jamestown 1607. The applicant subsequently requested deferral of this application due to the late revision to the recommended alignment for the proposed discharge main. In an effort to address drainage related concerns expressed by residents within Jamestown 1607, JCSA staff met with VDOT officials following the May 6 Planning Commission meeting to discuss placing this portion of discharge main under the existing bikelane on the south side of Jamestown Road. After further review, VDOT officials have notified JCSA staff that such an alignment would be permitted. The recommended alignment plan referenced in Condition 14 has been revised accordingly. Staff also removed any reference to London Company Way from conditions which addressed construction of the discharge main.

Since the initial public hearing for this application, the applicant scheduled public meetings with residents in Chanco's Grant, St. George's Hundred, and Jamestown 1607 and was invited to speak at several community meetings. These meetings were well attended and fostered a healthy exchange of information between citizens and JCSA staff. Additionally, staff scheduled a field visit to the Lee Hall treatment facility in Newport News for members of the Planning Commission and Board of Supervisors. Neighborhood representatives from several of the adjacent residential developments were also invited to attend. The applicant and staff have attempted to address many of the concerns raised during the public hearings and at the subsequent public meetings. The conditions recommended by staff address many of these concerns, specifically building lighting, environmental impacts, historical impacts, and preservation of buffers.

History

The JCSA supplies most of the water to James City County and is the largest groundwater based public water utility in the Commonwealth. The JCSA currently has groundwater permits from the Commonwealth of Virginia Department of Environmental Quality (DEQ) to withdraw 4.78 million gallons per day. This amount is projected to meet the projected JCSA Central System water demand needs through 2005. An additional five million gallons per day is needed to meet the County's needs through 2040.

The JCSA completed a feasibility study of a water treatment facility with assistance from an engineering consultant in February 1998. The study indicated that a membrane treatment facility using reverse osmosis technology is feasible and recommended locating the facility in the Five Forks area. The study evaluated brackish groundwater sources, potential well field locations, and distribution system improvements in selecting the Five Forks location as the most cost effective location.

The Board of Supervisors approved a Water Supply Plan in 1998 which provided that the JCSA proceed with obtaining the necessary permits for this treatment facility if the permit for the King William Reservoir was not issued by July 2000. With the King William Reservoir project experiencing significant obstacles associated with the issuance of a permit, the Board authorized an exchange of a County owned parcel beside the Community Center on Longhill Road for the parcel located behind Clara Byrd Baker Elementary School for location of the treatment facility. The Board approved a \$600,000 contract to drill test wells and in September 2001 approved an additional \$300,000 contract for Phase 2 of the well drilling program.

Project Descriptions

Groundwater Treatment Facility

The James City Service Authority (JCSA) proposes the construction of a Groundwater Treatment Facility at 3123 Ironbound Road with access from 4321 John Tyler Highway. The site is located behind Clara Byrd Baker Elementary School. The proposed facility, also commonly referred to as a desalinization plant, would allow the County to produce up to five million gallons of treated water per day and would be funded with a combination of connection fees, utility revenue funds, and debt financing. Water facilities (public and private), including treatment plants, are specially permitted uses in the R-8 Zoning District.

The proposed facility would be approximately 12,000 square feet in size and located approximately 500 feet from the proposed entrance to the site on John Tyler Highway and 1,200 feet from the nearest residence in the Chanco's Grant subdivision. The building would be similar in size to the Lee Hall Water Treatment Facility in Newport News which opened in 1998. The proposed facility would be approximately 30-35 feet high to accommodate a two-ton crane used to assemble the skids which hold the stacked membrane vessels used during the treatment process. The crane is also necessary to maintain the facility. Office space and chemical laboratory space are included inside the proposed facility. All chemicals used during the treatment process would be housed inside the proposed water treatment facility. A condition has been added which requires the applicant to submit a spill containment plan to the Environmental Director and Fire Department which addresses the chemical handling and storage areas at the facility. The applicant has agreed to maintain a 300-foot undisturbed buffer on the southern portion of the site adjacent to Chanco's Grant and a 250-foot undisturbed buffer along Route 5 with exceptions for the entrance road, concentrate main and greenway trail.

Production Wells

In order to produce five million gallons per day of treated water, the proposed treatment facility must be supplied with 6.25 million gallons of groundwater. Raw, untreated groundwater which would serve the proposed treatment facility would be provided on site by six production wells. Water facilities (public and

private), including wells and associated equipment such as pumps, are specially permitted uses in the R-8 Zoning District.

The hydro-geologic framework of the James City County area, as defined by the U.S. Geological Survey, consists of seven aquifers separated by fine grained confining units. The seven aquifers that underlie James City County were evaluated based on the regional hydro-geologic characteristics to recommend a source aquifer for the development of a groundwater treatment facility. Test wells were drilled at this site and aquifer performance testing was performed to determine water quality and water quantities. It was determined that sufficient water could be withdrawn from the Lower and Middle Potomac Aquifers on this site for a five million gallon per day groundwater treatment facility. Six production wells would be required to allow flexibility in operating the treatment facility at different flow rates. The six wells would include three wells drilled and screened to the Middle Potomac Aquifer and three wells drilled and screened to the Lower Potomac Aquifer. It is anticipated that at full flow of five million gallons per day that four production wells will be running and two production wells will be in standby mode.

Each production well would be housed in separate structures, each approximately 400 square foot in size. Each well structure would contain the well head, piping, valves and electrical equipment. The well pumps will be located several hundred feet below the ground surface of the well. A condition has been added that requires that all structures on the site, including well structures, be constructed with building materials and colors matching the treatment facility and screened with enhanced landscaping. Two monitoring wells would be used solely for monitoring of groundwater levels, water quality and other issues as maybe required by state and federal regulations.

Concentrate Discharge Main

The raw groundwater produced from the Lower and Middle Potomac Aquifers contains naturally occurring elements undesirable in drinking water. The treatment process filters the undesirable elements from approximately 80 percent of the source water. Assuming an 80 percent recovery rate, a five million gallon per day finished water capacity produces approximately 1.25 million gallons per day of concentrate flow. A 12-inch discharge pipeline is necessary to convey this flow to an appropriate surface water site similar in chemistry to the concentrate. Water facilities (public and private), including transmission mains, are specially permitted uses in the R-8, LB, B-1, and R-2 Zoning Districts. The closest discharge location to the proposed treatment facility would be the James River. Discussions with the Virginia Department of Environmental Quality have resulted in a determination that the concentrate discharge produced by the proposed treatment facility would be permitted under Federal and State regulations with similar conditions to the permit issued for the Lee Hall Treatment Facility in Newport News.

A study was conducted to select an alignment for the approximately 13,600 feet of discharge main necessary to convey the concentrate flow from the proposed treatment facility to the James River. The study identified environmental considerations, archaeological considerations, public impacts, traffic impacts, existing utilities and easements, permitting issues and construction costs in selecting a recommended alignment. The recommended alignment extends south from the treatment facility across property owned by Axel and Sheila Nixon west of the Chanco's Grant subdivision, south across a County owned parcel, then remains on high ground to a point approximately 100 feet north of Jamestown Road on a parcel owned by the Rosa Armistead Estate. From this point, the alignment would cross under Powhatan Creek by a horizontal directional drill to an existing JCSA sewer pump station site. From the JCSA site the alignment would cross under Jamestown Road and extend along the south side of the road in VDOT right-of-way to a point adjacent to the entrance to the Jamestown 1607 townhouse community. At this point, the alignment would cross under Jamestown Road back to the north side of the road. From the intersection of Jamestown Road and 4-H Club Road to the James River, the discharge point would be located entirely within VDOT right-of-way on the north side of Jamestown

Road at varying distances from the edge of pavement depending on tree cover. Discharge into the James River would be located between the Scotland Ferry pier and the site of a former pier to the north.

The applicant will construct a soft surface trail over the portions of construction for the concentrate discharge main from the proposed treatment facility to the directional drill location just north of Jamestown Road adjacent to Powhatan Creek. The trail will be constructed to specifications similar to the Greensprings Trail located behind Jamestown High School. The trail would be accessed from both the treatment facility site and from the Powhatan Creek Canoe Access Facility on Jamestown Road. Staff has included a condition which requires that the trail be constructed to the specifications of the James City County Division of Parks and Recreation. The final location and alignment for both the concentrate discharge main and soft surface trail would be subject to the approval of the Planning Director.

Route 5 Water Main Extension

In order to pump five million gallons of potable water per day into the existing JCSA water distribution system at one location, system improvements are necessary. The applicant proposes the construction of approximately 6,500 feet of 16-inch water main to distribute treated potable water from the treatment facility directly into the existing JCSA water distribution system. Water facilities (public and private), including transmission mains, are specially permitted uses in the R-8 Zoning District. The proposed water main (Attachment No. 3) would extend north from the treatment facility along the entrance road on Route 5, connect to an existing 12-inch water main on the south side of Route 5, cross under Route 5 and continue west along the north side of Route 5 before terminating at a connection to an existing 12-inch water main at Greensprings Plantation Drive across from Jamestown High School. With the exception of the portion of the proposed water main that would be constructed along the entrance road, the main would be located entirely within the VDOT right-of-way.

One of the primary factors in the selection of the Five Forks area for the proposed treatment facility was the close proximity to other major water main connections in the JCSA distribution system. The existing 12-inch water main along the south side of Route 5 splits into three 12-inch mains at Ironbound Road. One main continues east along Route 5 toward Route 199, one goes north along Ironbound Road toward News Road, and the other goes south along Ironbound Road toward Jamestown Road. The 12-inch main at Greensprings Plantation Drive also splits into three 12-inch mains. One main goes north toward Centerville Road, one continues west toward Governor's Land, and one serves the Jamestown Hundred and St. George's Hundred neighborhoods. It is anticipated that the proposed water distribution main extension will improve overall line pressure and fire flow throughout the JCSA Central Service Area in addition to helping the County meet its water demands.

Surrounding Zoning and Development

John Tyler Highway borders the proposed treatment facility site to the north. Development on the north side of John Tyler Highway consists of a day care center and undeveloped property zoned R-8, Rural Residential, and a variety of commercial uses including a gas station and diner zoned B-1, General Business. West of the site are a few single-family residences on large lots zoned R-8 and further to the west is the St. George's Hundred subdivision, zoned R-1, Limited Residential. East of the site is Clara Byrd Baker Elementary School, zoned R-8, and the Saunders Mobile Home Park, also zoned R-8. To the south of the site is the Chanco's Grant subdivision, zoned R-8.

The concentrate discharge main would extend south from the proposed treatment facility west of Chanco's Grant adjacent to Powhatan Creek on three large undeveloped properties zoned R-8. From the JCSA sewer pump station lot on the west side of the Powhatan Creek bridge, the concentrate main would extend west until reaching its discharge location adjacent to the Scotland Ferry pier. Along this route, the concentrate main

would be located in VDOT right-of-way along Jamestown Road adjacent to Jamestown 1607, zoned R-2, General Residential, along 4-H Club Road adjacent to Cardinal Acres, zoned R-2, and Foxfield, zoned R-5, Multi-Family Residential. The property on the north side of Jamestown Road from Greensprings Road to the Ferry is zoned B-1, General Business.

The water main extension would be located on the north side of Route 5 and extend west in the VDOT right-of-way to the northeast corner of Greensprings Plantation Drive. With the exception of the Greensprings Office Park, zoned R-4, Residential Planned Community, all of the property on the north side of Route 5 is zoned R-8. The properties along this route include a day care center, several large undeveloped parcels, and a few single-family homes.

Nearly all operations on the proposed treatment facility site would occur inside the facility. Chemicals used during the treatment process, such as chlorine and anti-scalant, would be stored inside the facility. Deliveries would typically occur one to two times per month based on information provided during a site visit to the Lee Hall Treatment Facility. On the site visit, no odors were present and noise levels were similar to that of commercial air conditioning units. Staff believes that the facility will not generate negative impacts to adjacent property owners and, with the proposed conditions, believes the proposal is compatible with surrounding zoning and uses.

Physical Features & Environmental Considerations

The proposed treatment facility site contains is largely wooded with select areas having already been cleared for several test wells currently located on the site. The facility would be situated on a project area approximately 7.15 acres in size on the northern portion of a 20.66 acre site to the west of Clara Byrd Baker Elementary School. The majority of the terrain across the project area is rather steep due to a small stream that dissects the property along the northern edge. The stream, a small order branch of Powhatan Creek, has cut a deep ravine and formed steep side slopes throughout much of the project area. The project area contains elevations which range from 20-feet above mean sea level in the stream bottom along the northern edge of the property to 57-feet above mean sea level on the highest terrace in the center of the property, which is the area where the proposed facility would be located. The southern portion of the treatment facility site adjacent to the Chanco's Grant subdivision also contains steep slopes and is currently wooded. Staff has proposed a condition which would maintain a minimum 300-foot undisturbed wooded buffer along the southern property line to prevent development related impacts on adjacent residential properties. Staff believes that the project, with the proposed conditions, addresses the potential environmental impacts created by the development.

Traffic Generation

A commercial entrance constructed to VDOT standards is proposed near the eastern edge of the JCSA owned property at 4321 John Tyler Highway. The entrance road and all grading work on the site would be included in the initial phase of construction. An existing gravel access road off the rear of the school site would continue to be used by the JCSA to monitor and maintain the existing test wells on the site until the entrance road from John Tyler Highway is constructed. When the entrance road is constructed, the gravel access road would be converted to provide pedestrian access to the public use area. The JCSA expects six to ten vehicle trips per day to the site when the proposed facility is operating. Staff does not find that any negative traffic impacts would be generated from the proposed facility.

Public Utilities

The site is inside the Primary Service Area and public water and sewer are available to the site.

Comprehensive Plan

Land Use Designation and Community Character

The site is designated as Low Density Residential on the Comprehensive Plan Land Use Map. Low Density Residential areas are located inside the Primary Service Area and where natural characteristics such as terrain and soils are suitable for residential development. Low Density areas are located where public services and utilities exist or are expected to exist within the next twenty years. Nonresidential uses, such as the proposed treatment facility, should not alter, but rather, compliment the residential character of the low density residential area in which they are located. Such uses should be located where buffering and screening can be provided to protect nearby residential uses and the character of the surrounding area. Staff believes that with the proposed conditions, the proposal is compatible with the Comprehensive Plan Land Use Designation.

John Tyler Highway and Ironbound Road are designated as a Community Character Corridors (CCC) in the Comprehensive Plan. Suburban and Urban CCC's are characterized as areas that have moderate to high traffic volumes near major street intersections that may contain some wooded buffers along roads. Given these designations, staff has included a condition which requires that a 250-foot undisturbed buffer be maintained on the treatment facility site along John Tyler Highway with the exception of the area for the access driveway to the site. Visibility of the proposed facility from Ironbound Road is doubtful given the distance and presence of the school building. Staff has included a condition which requires that the architectural elevations, building materials, and colors be approved by the Director of Planning prior to final site plan approval in order to blend the appearance of the facility in with the surrounding natural features to the extent possible. A condition has also been added which requires that any accessory structures on the site, such as storage tanks, be screened with enhanced landscaping and constructed with materials and colors matching the treatment facility.

Archaeological Impacts

No previously identified archaeological sites are situated within the project area, though 17 have been inventoried within a one-mile radius of the site. These sites include late seventeenth, eighteenth, and nineteenth-century domestic sites, and a lesser number of pre-historic encampments, as well as the Powhatan Historic District located near Five Forks. One architectural resource has been previously recorded in the area, the Powhatan Plantation, which purports to date to the early eighteenth century.

Several sites have been identified in close proximity to the proposed treatment facility. Three sites (44JC431, 44JC432, 44JC433) are all situated to the east and north of the project area, on what is now the Clara Byrd Baker Elementary School property. Though not likely, it is possible that elements related to one or more of these three sites will be encountered within the proposed treatment facility project site. Accordingly, staff has included a condition which requires the applicant to conduct an archaeological survey of the project area in accordance with the adopted Board of Supervisors policy.

RECOMMENDATION:

Staff finds the proposal, with the attached conditions, consistent with surrounding zoning and development and consistent with the Comprehensive Plan. On June 3, 2002, the Planning Commission voted 7 to 0 to recommend approval of this application. Therefore, staff recommends the Board of Supervisors approve this application with the following conditions:

1. Construction. Start of Construction on the Groundwater Treatment Facility, as defined in the Zoning Ordinance, shall commence within 36 months of approval of this special use permit, or the permit shall become void.

2. Compliance. Construction, operation, and maintenance of the Groundwater Treatment Facility, water transmission main, production wells, and concentrate discharge main shall comply with all local, State, and Federal requirements.
3. Permits. All permits and easements shall be acquired prior to the commencement of construction for the water transmission main and concentrate discharge main.
4. Erosion and Sediment Control. The project shall comply with all Virginia Erosion and Sediment Control Regulations as specified in the 1992 Virginia Erosion and Sediment Control Handbook as amended.
5. Development Plan. Development and land clearing of the site shall be generally in accordance with the “Preliminary Plan, Brackish Groundwater Desalinization Facility” prepared by AES Consulting Engineers, March 19, 2002, with such accessory structures and minor changes as the Development Review Committee determines does not change the basic concept or character of the development.
6. Spill Containment. Prior to the issuance of a Certificate of Occupancy, a spill containment plan which addresses the chemical handling and storage areas shall be submitted to the Environmental Director and Fire Department for their review and approval.
7. Archaeology. Prior to the issuance of a land disturbing permit for this project, an archaeological survey shall be conducted for the project area for the water treatment facility and along the recommended alignment for the concentrate discharge main in accordance with the adopted Board of Supervisors policy. The results shall be submitted to the Director of Planning for review and approval.
8. 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, prior to final site plan approval, a lighting plan shall be submitted to, and approved by, the Planning Director or his designee which indicates no glare outside the property lines. “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.
9. Architecture. Prior to final site plan approval, architectural elevations, building materials, and colors shall be submitted to the Director of Planning for review and approval for all structures on the site. The intent of this condition is to ensure that all future buildings on the site are uniform and compatible in terms of design, materials and colors, have a residential appearance, and are designed for minimal visual impact.
10. Landscaping. Any accessory structures on the site, such as storage tanks and production well structures, shall be screened with enhanced landscaping or constructed with materials and colors matching the treatment facility. Enhanced landscaping shall be defined as either 133 percent of evergreen trees required by the Zoning Ordinance or 125 percent of general planting required by the Zoning Ordinance as determined by the Planning Director.
11. Utilities. All utilities shall be located within the limits of clearing for the access driveway to the site from John Tyler Highway. No utility shall be located more than ten feet from the edge of pavement.

12. Route 5 Buffer. A 250-foot undisturbed wooded buffer shall be maintained along John Tyler Highway with the exception of the clearing necessary for the driveway providing access to the site. The driveway shall be curved in such a way to minimize views of the site from John Tyler Highway to the greatest extent possible, as determined by the Planning Director.
13. Chanco's Grant Buffer. A 300-foot undisturbed wooded buffer shall be maintained along the southern property line of the treatment facility site adjacent to the Chanco's Grant subdivision with the exception of the clearing necessary for the construction of the concentrate discharge main and greenway trail.
14. Greenway Trail. The applicant shall construct a greenway trail to the specifications of the James City County Division of Parks and Recreation over the areas of construction for the concentrate discharge main between the treatment facility site and the directional drill location north of Jamestown Road. The final alignment of the concentrate discharge main and greenway trail shall generally be as shown on the plan "Brackish Groundwater Desalinization Facility, SUP Pipeline," dated 5-21-02, prepared by Buchart Horn, Inc. and Skipper Engineering Associates, PC. The final location for both the concentrate discharge main and greenway trial shall be subject to the approval of the Planning Director.
15. Community Character. The applicant shall avoid removing trees, bushes and shrubs along the water main and concentrate discharge main corridors along Route 5, 4-H Club Road, and Jamestown Road. Trees, bushes, and shrubs damaged during construction shall be replaced with a tree, bush, or shrub of equal type as approved by the Planning Director.
16. Dust and Siltation Control. For water main or concentrate main construction adjacent to existing development, adequate dust and siltation control measures shall be taken to prevent adverse effects on adjacent property. It is intended that the present and future results of the proposed water transmission main and concentrate discharge main do not create adverse effects on the public health, safety, comfort, convenience, or value of the surrounding property and uses thereon.
17. Access. Vehicular access to residences within the effected right-of-ways shall be maintained at all times.
18. Construction Time. All construction activity for the concentrate discharge main and the water main extension adjacent to existing residential development shall occur between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.
19. Vehicle and Equipment Storage. Construction vehicles and equipment shall not be parked or stored along Route 5, 4-H Club Road, or Jamestown Road between the hours of 5:00 p.m. and 8:00 a.m.
20. Severability. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

Christopher Johnson

CONCUR:

O. Marvin Sowers, Jr.

CMJ/adw
sup22-01.wpd

Attachments:

1. Minutes of the November 5, 2001, Planning Commission meeting
2. Unapproved Minutes of the June 3, 2002, Planning Commission meeting
3. Location Map
4. Brackish Groundwater Treatment Facility SUP Pipeline Plan, dated 5-21-02, prepared by Buchart Horn, Inc. and Skipper Engineering Associates, PC. (Provided previously under separate cover)
5. Preliminary Plan, "Brackish Groundwater Treatment Facility," dated 3-19-02, prepared by AES Consulting Engineers (Provided previously under separate cover)
6. Architectural Elevation, Groundwater Treatment Facility
7. Resolution

RESOLUTION

CASE NO. SUP-22-01. JAMES CITY SERVICE AUTHORITY GROUNDWATER TREATMENT

FACILITY, PRODUCTION WELLS, CONCENTRATE DISCHARGE MAIN,

AND ROUTE 5 WATER MAIN EXTENSION

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

WHEREAS, Mr. Larry Foster has applied on behalf of the James City Service Authority for a special use permit to allow the construction of an approximately 12,000-square foot groundwater treatment facility; construction of six production wells; installation of approximately 13,600 linear feet of 12-inch concentrate discharge main; and installation of approximately 6,500 linear feet of 16-inch potable water main; and

WHEREAS, the properties are located at 3123 Ironbound Road, zoned R-8, Rural Residential District, and further identified as Parcel No. (1-34) on James City County Real Estate Tax Map No. (46-2); 4321 John Tyler Highway, zoned R-8, and further identified as Parcel No. (1-38) on James City County Real Estate Tax Map No. (46-2); 4315 John Tyler Highway, zoned R-8, and further identified as Parcel No. (1-21) on James City County Real Estate Tax Map No. (46-2); 2915 John Proctor Way, zoned R-8, and further identified as Parcel No. (1-33) on James City County Real Estate Tax Map No. (46-2); 1821 Jamestown Road, zoned R-8, and further identified as Parcel No. (1-24) on James City County Real Estate Tax Map No. (46-2); 1831 Jamestown Road, zoned LB, Limited Business District, and further identified as Parcel No. (1-1) on James City County Real Estate Tax Map No. (47-3); 1861 Jamestown Road, zoned R-2, General Residential District, and further identified as Parcel No. (1-5) on James City County Real Estate Tax Map No. (46-4); and on property located on Virginia Department of Transportation (VDOT) right-of-way on land zoned R-8, Rural Residential; R-4, Residential Planned Community; LB, Limited Business; R-2, General Residential; and B-1, General Business; and

WHEREAS, the Planning Commission of James City County, following its public hearing on June 3, 2002, voted 7 to 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-22-01 as described herein with the following conditions:

1. Construction. Start of Construction on the Groundwater Treatment Facility, as defined in the Zoning Ordinance, shall commence within 36 months of approval of this special use permit, or the permit shall become void.

2. Compliance. Construction, operation, and maintenance of the Groundwater Treatment Facility, water transmission main, production wells, and concentrate discharge main shall comply with all local, State, and Federal requirements.
3. Permits. All permits and easements shall be acquired prior to the commencement of construction for the water transmission main and concentrate discharge main.
4. Erosion and Sediment Control. The project shall comply with all Virginia Erosion and Sediment Control Regulations as specified in the 1992 Virginia Erosion and Sediment Control Handbook as amended.
5. Development Plan. Development and land clearing of the site shall be generally in accordance with the "Preliminary Plan, Brackish Groundwater Desalinization Facility" prepared by AES Consulting Engineers, March 19, 2002, with such accessory structures and minor changes as the Development Review Committee determines does not change the basic concept or character of the development.
6. Spill Containment. Prior to the issuance of a Certificate of Occupancy, a spill containment plan which addresses the chemical handling and storage areas shall be submitted to the Environmental Director and Fire Department for their review and approval.
7. Archaeology. Prior to the issuance of a land disturbing permit for this project, an archaeological survey shall be conducted for the project area for the water treatment facility and along the recommended alignment for the concentrate discharge main in accordance with the adopted Board of Supervisors policy. The results shall be submitted to the Director of Planning for review and approval.
8. 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, prior to final site plan approval, a lighting plan shall be submitted to, and approved by, the Planning Director or his designee which indicates no glare outside the property lines. "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.
9. Architecture. Prior to final site plan approval, architectural elevations, building materials, and colors shall be submitted to the Director of Planning for review and approval for all structures on the site. The intent of this condition is to ensure that all future buildings on the site are uniform and compatible in terms of design, materials and colors, have a residential appearance, and are designed for minimal visual impact.
10. Landscaping. Any accessory structures on the site, such as storage tanks and production well structures, shall be screened with enhanced landscaping or constructed with materials and colors matching the treatment facility. Enhanced landscaping shall be defined as either 133 percent of evergreen trees required by the Zoning Ordinance or 125 percent of general planting required by the Zoning Ordinance as determined by the Planning Director.

11. Utilities. All utilities shall be located within the limits of clearing for the access driveway to the site from John Tyler Highway. No utility shall be located more than ten feet from the edge of pavement.
12. Route 5 Buffer. A 250-foot undisturbed wooded buffer shall be maintained along John Tyler Highway with the exception of the clearing necessary for the driveway providing access to the site. The driveway shall be curved in such a way to minimize views of the site from John Tyler Highway to the greatest extent possible, as determined by the Planning Director.
13. Chanco's Grant Buffer. A 300-foot undisturbed wooded buffer shall be maintained along the southern property line of the treatment facility site adjacent to the Chanco's Grant subdivision with the exception of the clearing necessary for the construction of the concentrate discharge main and greenway trail.
14. Greenway Trail. The applicant shall construct a greenway trail to the specifications of the James City County Division of Parks and Recreation over the areas of construction for the concentrate discharge main between the treatment facility site and the directional drill location north of Jamestown Road. The final alignment of the concentrate discharge main and greenway trail shall generally be as shown on the plan "Brackish Groundwater Desalinization Facility, SUP Pipeline," dated 5-21-02, prepared by Buchart Horn, Inc. and Skipper Engineering Associates, PC. The final location for both the concentrate discharge main and greenway trail shall be subject to the approval of the Planning Director.
15. Community Character. The applicant shall avoid removing trees, bushes and shrubs along the water main and concentrate discharge main corridors along Route 5, 4-H Club Road, and Jamestown Road. Trees, bushes, and shrubs damaged during construction shall be replaced with a tree, bush, or shrub of equal type as approved by the Planning Director.
16. Dust and Siltation Control. For water main or concentrate main construction adjacent to existing development, adequate dust and siltation control measures shall be taken to prevent adverse effects on adjacent property. It is intended that the present and future results of the proposed water transmission main and concentrate discharge main do not create adverse effects on the public health, safety, comfort, convenience, or value of the surrounding property and uses thereon.
17. Access. Vehicular access to residences within the effected right-of-ways shall be maintained at all times.
18. Construction Time. All construction activity for the concentrate discharge main and the water main extension adjacent to existing residential development shall occur between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.
19. Vehicle and Equipment Storage. Construction vehicles and equipment shall not

be parked or stored along Route 5, 4-H Club Road, or Jamestown Road between the hours of 5:00 p.m. and 8:00 a.m.

20. Severability. 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 11th day of June, 2002.

sup22-01.res

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 2, ADMINISTRATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE III, BOARD OF SUPERVISORS, BY DELETING SECTION 2-7, ONE SUPERVISOR FROM EACH MAGISTERIAL DISTRICT.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 2, Administration, is hereby amended and reordained by deleting Section 2-7, One supervisor from each magisterial district.

Chapter 2, Administration

Article III. Board of Supervisor

~~Sec. 2-7. One supervisor from each magisterial district.~~

~~One supervisor shall be elected from each magisterial district created by Article II of this chapter.~~

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 11th day of June, 2002.

sec2-7.ord

M E M O R A N D U M

DATE: June 11, 2002

TO: The Board of Supervisors

FROM: Larry M. Foster, General Manager, James City Service Authority

SUBJECT: Emergency Ordinance - Outdoor Water Use

The Board has requested that staff prepare an emergency ordinance regulating the days and times of outdoor water use. The ordinance is intended to help reduce peak demands that stress the County's central water system and reduce fire protection capability. It is also intended to encourage the conservation of water. The attached ordinance is proposed to be adopted on an emergency basis. The County Attorney advises that the emergency ordinance must be re-adopted in normal fashion following a public hearing within 60 days of adoption the emergency ordinance or it will lapse.

Traditionally, summer weather conditions increase the JCSA water demands. As an example, on June 8-9, 2002 water demands for the James City Service Authority system averaged 5.6 million gallons per day (mgd). For the following four days average daily water demand exceeded 6.2 mgd. Last summer the JCSA's highest daily water demand was 5.7 mgd.

During periods of high water demands, the JCSA water system experiences periods of reduced water pressure. The reduced pressure begins in the 4:00 a.m. time frame and continues to the early afternoon. During this period, water system pressures decrease to slightly below 35 pound per square inch in the Route 5 corridor area reducing the County fire protection capability. Based on experience, the high water use and reduced pressures are the result outdoor water use.

The water system is capable of producing approximately 9.0 mgd which is adequate to meet the system's needs. At current levels of demand the water system is under extreme stress. At these levels of stress the individual well facilities are much more likely to fail. If any well facility, especially any of the four largest, fail, the system would not be capable of meeting water demands. This would seriously reduce the County's ability to fight fires, have negative impacts on commercial and industrial businesses, and impact the health and welfare of County citizens.

The attached ordinance is intended to manage outdoor water demands by regulating the days and times of outdoor water use. Managing outdoor water use should lower peak demands reducing stress on the water system and in turn, maintain acceptable water system pressures. Maintaining increased pressures will enhance fire protection capabilities. The proposed ordinance provides the following:

- Structures with even number street addresses can use water for outdoor use on Tuesdays, Thursdays, and Saturdays.
- Structures with odd street number addresses can use water for outdoor use on Wednesdays, Fridays, and Sundays.
- No outdoor watering would occur on Mondays.
- No outdoor water use shall occur between 8:00 a.m. and 5:00 p.m.

Emergency Ordinance - Outdoor Water Use

June 11, 2002

Page 2

- A one time exception will be allowed for installation of a new lawn or turf for a 60-day grow-in period.
- Violations of the ordinance will be a Class I misdemeanor punishable by a fine up to \$2,500.

Approval of the attached emergency ordinance is recommended to protect the integrity of the water system. The emergency ordinance must be re-adopted within 60 days or else it will expire. A report on the effectiveness of the ordinance will be presented to the Board when it is brought back for consideration as a formal ordinance on July 23, 2002. The ordinance does not address washing automobiles or driveways. Staff has concerns that this may cause perception and enforcement issues. If so, appropriate amendments will be recommended upon formal adoption.

Larry F. Foster

LMF/gs
EmerWaterOrd.mem

Attachment

EMERGENCY ORDINANCE

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 11, HEALTH AND SANITATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY ADDING ARTICLE VII, OUTDOOR WATERING, SECTION 11-65, RESTRICTIONS ON OUTDOOR WATERING; AND SECTION 11-66, VIOLATIONS OF ARTICLE.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 11, Health and Sanitation, is hereby amended and reordained by adding Article VII, Outdoor Watering, Section 11-65, Restrictions on outdoor watering; and Section 11-66, Violations of article.

Chapter 11. Health and Sanitation

Article VII. Outdoor Watering

Sec. 11-65. Restrictions on Outdoor Watering

In order to protect the public health, safety and welfare and insure the integrity of the James City Service Authority water system, use of the James City Service Authority water for outdoor watering is prohibited, except that properties with even-numbered street addresses can perform outdoor watering on Tuesdays, Thursdays and Saturdays and properties with odd-numbered street addresses can perform outdoor watering on Wednesdays, Fridays and Sundays provided that no watering shall occur between the hours of 8:00 am and 5:00 pm. No outdoor watering shall occur on Mondays. For the purpose of this Section, the last whole number of a property address shall be used to determine whether the property address is odd or even. Open or common areas shall be deemed to have an odd street address regardless of whether such areas have a designated street address. Open or common areas shall consist of land in a multi-lot

development, either commercial or residential, which is owned by a corporation or association for the beneficial use of the owners or tenants of land in the development. Outdoor watering shall include, but is not limited to, the following:

(a) The watering of shrubbery, trees, lawns, grass, plants or other vegetation, except that the following shall be exempted from the prohibition on outdoor watering:

(1) the watering of a new lawn or turf for a period of 60 days after installation provided the owner or tenant of a lot, piece or parcel of real property receives the one-time exception provided herein. In order to be eligible for this one-time exception, the property owner or tenant shall provide prior written notice to the general manager of the James City Service Authority identifying the property address and the date of lawn or turf installation. No notice shall be required for watering a new lawn or turf installed on property that has a certificate of occupancy pending for a structure;

(2) the watering of plants from a bucket or other container not exceeding three gallons in capacity;

(3) the watering of nursery stock or plant material performed by a nursery business on property where it grows, cultivates or sells nursery stock or plants material and has a business license to perform such activities.

(b) The washing of automobiles, trucks, trailers, boat, motor bikes, airplanes or other motor vehicles, except this prohibition on washing vehicles shall not apply to any facilities operating a water recycling system approved by the general manager of the James City Service Authority, provided that such a facility prominently displays for public view a notice stating that such a water recycling system is in operation; and

(c) The washing of streets, driveways, parking lots, sidewalks, service station aprons, the exterior of homes, apartments, office building or commercial establishments, or other outdoor surfaces, except that such activities may be performed by businesses which are regularly engaged in these activities as a service for hire and have a business license to perform such activities.

Sec. 11-66. Violations of article.

A violation of any provision of this article shall constitute a misdemeanor punishable by a fine of up to \$2,500.00, each day that a violation exists shall constitute a separate offense.

An emergency is hereby declared to exist and this ordinance shall take effect immediately.

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 11th day of June, 2002.

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