

A G E N D A

JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

July 9, 2002

7:00 P.M.

Page

A. ROLL CALL

B. MOMENT OF SILENCE

C. PLEDGE OF ALLEGIANCE – Ms. Charlotte Armstead, a sixth grade student at Toano Middle School

D. PUBLIC COMMENT

E. CONSENT CALENDAR

1. Minutes -
 - a. June 11, 2002, Regular Meeting
 - b. June 25, 2002, Regular Meeting
2. Dedication of Street in Governor’s Land, Fowler’s Lake
3. Appropriation of Subdivision Surety Funds - Wexford Hills, Section 1
4. Appropriation of Funds - Bulletproof Vest Partnership Program Grant
5. U. S. Bureau of Justice Assistance Block Grant - Police

F. PUBLIC HEARINGS

1. Case No. SUP-10-02. VoiceStream Wireless - VDOT Tower Extension
2. Case No. SUP-12-02. Mount Gilead Baptist Church - SUP Amendment and SUP for Temporary School Trailers
3. Case No. Z-2-02. Greensprings Proffer Amendment

G. PUBLIC COMMENT

H. REPORTS OF THE COUNTY ADMINISTRATOR

I. BOARD REQUESTS AND DIRECTIVES

J. ADJOURNMENT

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 11TH DAY OF JUNE, 2002, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

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

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

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

B. MOMENT OF SILENCE

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

C. PLEDGE OF ALLEGIANCE

Mr. Kennedy led the Board and citizens in the Pledge of Allegiance.

D. PUBLIC COMMENT

1. Mr. Bill Ferguson, 310 The Maine West, provided the Board members with newspaper articles concerning water and stated that over-development is a main contributor to the water concerns.

2. Mr. Tony Dion, 102 Fairmont Drive, commended the Board on the Emergency Ordinance initiative for restricting outdoor watering and requested that the community as a whole participate including gated neighborhoods and golf courses.

3. Mr. Jim Icenhour, 101 Shinnecock, stated that his automated irrigation system is already in compliance with the proposed Emergency Ordinance, stated this Emergency Ordinance is a short-term solution when considering the 1,200 homes already approved in the pipelines, and recommended the Board address the County's long-term water needs.

4. Mr. Garrett Duncan, 104 Windstar, recommended a moratorium on new developments and stated concern that current residents are being requested to give up their quality of life to attract more residents to the County.

5. Mr. Richard Costello, Chairman of the Water Conservation Committee, stated that water conservation measures have been brought before the Board, recommended approval of the conservation measures, stated that golf courses use BMPs to irrigate – not wells, and that there were more irrigation systems installed this year than houses built.

6. Mr. Ed Oyer, 139 Indian Circle, stated that water conservation is not a new issue, that there are no alternatives to water, that water is more important than plants and grass, and that the proposed desalination plant is only a supplement to the existing 32 groundwater wells.

7. Mr. Tom Brain, 249 Sanctuary Drive, stated that as a former member of the Water Conservation Committee, recalled bringing forward a proposal for odd/even water restrictions two years ago and urged the Board to pursue each available option to increase the availability of water to the County.

8. Mr. Jay Robinson, 4758 Hickory Signpost Road, urged the County to educate citizens in the benefits of water conservation and that lawns have a better chance of being established if done in the fall.

E. CONSENT CALENDAR

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

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

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

1. Minutes

a. May 28, 2002, Work Session

b. May 28, 2002, Regular Meeting

2. FY2002 Budget Amendment – Square One

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: \$ 4,100

Expenditures:

Contributions to Outside Agencies:
HRP – Square One Program \$ 4,100

3. Award of Contract – Construction of Joanne Court

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.

4. Approval for AVID Medical, Inc., Revenue Bond Issue

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.

5. Virginia Department of Transportation Recreational Access Grant

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.

6. Petty Cash – James City County Chickahominy Riverfront Park Pool

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.

F. PUBLIC HEARINGS

1. Case No. Z-1-02. Baker Farmer’s Market

Mr. David Anderson, Planner, stated that Michael Brooks has applied to rezone .715 acres, zoned B-1, General Business, to M-1, Limited Business/Industrial, at 7294 Merrimac Trail, further identified as Parcel Nos. (8-1A) and (1-10) on the James City County Real Estate Tax Map No. (50-2).

Staff found the rezoning to be compatible with the surrounding zoning and development.

The Planning Commission voted 5-1 to recommend approval of the renewal at its meeting on May 6, 2002.

Staff recommended the Board approve the rezoning application with proffers.

Mr. Goodson stated support for the application.

Mr. Kennedy opened the Public Hearing.

1. Mr. Ed Oyer, 139 Indian Circle, inquired if the application, once approved, would carry with the land or would it be exclusively attached to the proposed Farmer’s Market.

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

Mr. Goodson made a motion to adopt the resolution.

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

RESOLUTION

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.

2. Case No. SUP-18-01. Waltrip Communications Tower

Mr. Paul Holt, Senior Planner, stated that the applicants have requested a deferral of Case No. SUP-18-01 to September 10, 2002, to allow the applicant to review the construction of a 133-foot tall communications tower on Parcel No. (1-12) on James City County Real Estate Tax Map No. (48-2).

Mr. Kennedy opened the Public Hearing.

As no one wished to speak, Mr. Kennedy deferred the case until September 10, 2002.

3. Case No. SUP-22-02. James City Service Authority Groundwater Treatment Facility, Production Wells, Concentrate Discharge Main, and Route 5 Water Main Extension

Mr. Paul Holt, Senior Planner, stated that Larry Foster has applied for a special use permit to construct a 12,000-square foot groundwater treatment facility, to construct six production wells, to install approximately 13,600 feet of 12-inch concentrate discharge main, and to install approximately 6,500 feet of 16-inch potable water main on about 20.66 acres zoned R-8, Rural Residential; LB, Limited Business; R-2, General Residential; R-4, Residential Planned Community; and B- General Business on 3123 Ironbound Road with access from 4321 John Tyler Highway, and further identified as Parcel Nos. (1-34), (1-38), (1-21), (1-24), (1-33), (1-1), and (1-5) on James City County Real Estate Tax Map Nos. (46-2), (46-3), and (46-4).

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

The Planning Commission voted 7-0 to approve the proposal with conditions at its meeting on June 3, 2002.

Staff recommended approval of the resolution with the listed conditions.

Mr. Kennedy opened the Public Hearing.

1. Mr. Larry Foster, General Manager of the James City Service Authority, stated several of the benefits associated with the proposal, addressed potential concerns citizens have raised, and stated that the proposal has been presented to neighborhoods and area groups for review and input.

Mr. McGlennon inquired as to how much of the project could be completed without a permit in hand for the facility.

Mr. Foster stated that road access can be completed, and that the treatment facility will not be started until a permit is in hand.

2. Mr. Ed Oyer, 139 Indian Circle, requested information on the elevation of the site and inquired if the wells will be protected from flooding.

Mr. Foster stated that the elevation in that area is 53 feet and the wells will be protected.

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

Mr. McGlennon made a motion to approve the resolution.

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

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 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.

4. Ordinance Amendment to Chapter 2, Administration

Mr. Frank Morton, County Attorney, stated that staff desires to delete Section 2-7 of the James City County Code which speaks to electing supervisors from “magisterial districts” rather and “election districts,” and stated that Section 2-6 contains the correct language concerning the election of supervisors.

Mr. Kennedy opened the Public Hearing.

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

Mr. Harrison made a motion to adopt the Ordinance.

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

G. PUBLIC COMMENT

Mr. Morton requested the opportunity to explain what is an Emergency Ordinance.

Mr. Morton stated that the State Code allows the Board to adopt an ordinance by emergency provisions without a public hearing. It must readopt the Ordinance through the public hearing process within 60 days or the provisions do lapse.

1. Mr. Bill Wallace, Field Crest, requested further explanation on the exceptions of the Emergency Ordinance as outlined in a recent newspaper article, requested that the commercial enterprises be held to these standards, and stated support for the initiative.

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner requested citizens complete the School Census forms and return them, and stated that the information gathered from the Census is used by the State to allocate State Aid for education.

Mr. Wanner recommended the Board go into closed session pursuant to Section 2.2-3711 (A) (1) of the Code of Virginia to consider appointment of individuals to County Boards and/or Commissions; and pursuant to Section 2.2-3711 (A) (3) of the Code of Virginia to consider the acquisition of a parcel of property for public use.

Mr. Wanner recommended that following the closed session, the Board adjourn until 4 p.m. on June 25, 2002.

I. BOARD REQUESTS AND DIRECTIVES

Mr. Brown requested a briefing on the Williamsburg Area Transport and potential connection to the Newport News transit system be provided at the next work session.

Mr. McGlennon stated that there will be a meeting held by the Virginia Department of Transportation on the proposed widening of Route 199 at 4:00 p.m. on June 12 at Berkeley Middle School.

Mr. Kennedy requested the Board consider the Emergency Ordinance at this time.

Mr. Foster provided the Board with an overview of the water demands, impacts of the high water demands on the system, the amount of time the system takes to recuperate from the demands, and expectation of minimizing the peak demands on the system through adoption of the Ordinance by emergency provision.

Mr. Foster stated that due to the demands on the water system and hazard to public safety, staff had created an Emergency Ordinance for the Board's consideration. The Emergency Ordinance would restrict outdoor watering for even-numbered street addresses to Tuesdays, Thursdays, and Saturdays; odd-numbered street addresses can perform outdoor watering on Wednesdays, Fridays, and Sundays – provided that no watering occurs between 8 a.m. and 5 p.m. or on Mondays.

The Board and staff held a brief discussion on the interconnect with Newport News Waterworks, encouragement of landscapers and property owners to plant shrubs, and sod new lawns in the fall. Implementation of this Emergency Ordinance is a public safety initiative rather than a conservation effort, and the population increases vs. the increased water demands.

Mr. McGlennon requested a resolution encouraging all citizens and businesses to abide voluntarily to the same restrictions.

Mr. Harrison inquired about the education program on watering and conservation.

Ms. Lisa Meddin, Water Conservation Coordinator, stated that educational efforts have included ads in the local papers to inform citizens of the proposed restrictions, internet, government channel postings, press releases, a water information line, and "Let's Be Water Smart" programs.

Mr. Kennedy made a motion to adopt the Emergency Ordinance.

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

Mr. Goodson requested that the 8 a.m. to 5 p.m. water restriction be reconsidered when brought back before the Board.

J. CLOSED SESSION

Mr. Harrison made a motion to go into closed session pursuant to section 2.2-3711 (A) (1) of the Code of Virginia to consider appointment of individuals to County Boards and/or Commissions; and pursuant to Section 2.2-3711 (A) (3) of the Code of Virginia to consider the acquisition of a parcel of property for public use.

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

Mr. Kennedy convened the Board into closed session at 8:38 p.m.

At 9:21 p.m. Mr. Kennedy reconvened the Board into open session.

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

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

RESOLUTION

CERTIFICATION OF CLOSED MEETING

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

WHEREAS, Section 2.2-3711.1 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and, ii) only such public business matters were heard, discussed or considered by the Board as were identified in the motion and Section 2.2-3711(A)(1) to consider personnel matters, the appointment of individuals to County boards and/or commissions; and Section 2.2-3711(A)(3) to consider acquisition of a parcel of property for public use.

Mr. McGlennon made a motion to reappoint Richard Drumwright to a three-year term on the Peninsula Disability Services Board, term to expire on June 10, 2005; to appoint Clara Brown and Jay Everson to four-year terms on the Social Services Advisory Board, terms to expire on July 1, 2006; to appoint Diane Gilbert to a three-year term on the Social Services Advisory Board, term to expire on June 30, 2005; to recommend to the Circuit Court Judge the reappointment of Emeric Fischer to a five-year term on the Board of Zoning Appeals, term to expire on June 10, 2007; and to recommend to the Circuit Court Judge the appointment of Richard Turnau to a four-year term on the Board of Zoning Appeals, term to expire on June 10, 2006.

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

K. ADJOURNMENT

Mr. Kennedy requested a motion to adjourn until 4 p.m. on June 25, 2002.

Mr. McGlennon made a motion to adjourn.

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

Mr. Kennedy adjourned the Board at 9:23 p.m.

Clerk to the Board

061102bs.min

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 25TH DAY OF JUNE, 2002, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

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

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

Sanford B. Wanner, County Administrator
Leo P. Rogers, Deputy County Attorney

B. MOMENT OF SILENCE

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

C. PLEDGE OF ALLEGIANCE

Mr. Taylor Overton, a student at Berkeley Middle School, led the Board and citizens in the Pledge of Allegiance.

D. PUBLIC COMMENT

1. Mr. Steve Wigley, Chairman of the Historic Triangle Bicycle Advisory Committee (HTBAC), stated that the HTBAC endorsed the Greenway Master Plan and requested the Board provide the funding mechanism to keep the Plan active.

2. Mr. Daniel Shaye Pickell, Vice President of the Colonial Roadrunners, stated support for the Greenway Master Plan and the safe soft surface trails proposed in the Plan, commended Paul Tubach and the Greenway Steering Committee members for their work on the Plan, requested the two-foot soft surface shoulders be widened to four feet, and stated that the Colonial Roadrunners endorse the Plan.

3. Mr. Alan Robertson, Chairman of the Parks and Recreation Advisory Commission, stated that the Commission endorses the Greenway Master Plan, commended the Greenway Steering Committee members, staff, and all those involved in the project, and stated that the Commission unanimously supports the Plan.

4. Ms. Caren Schumacher, Executive Director of the Williamsburg Land Conservancy, stated strong support of the Conservancy for the Greenway Master Plan that will protect and enhance the community character, and requested the Board adopt the Plan as presented.

5. Mr. Ed Oyer, 139 Indian Circle, stated concern about the School's Request for Proposals for irrigation wells of the athletic fields when there are watering constraints on citizens, stated concern regarding outstanding issues with the Chickahominy Riverfront Park, and commented on the School's expenses to replace off-brand computers.

6. Mr. Jim Dorsey, 105 Glennwood Drive, stated support for the Greenway Master Plan and requested the Board set aside funding for the Plan.

E. PRESENTATION

1. Resolution of Appreciation – Edward T. Overton, Jr.

Mr. Kennedy presented Mr. Edward T. Overton, Jr., with a resolution of appreciation for his 22 years of service to the County through his position with the Extension Office.

Mr. Overton commented on the special heritage the Extension Office has in the County and thanked all for the support over the 22 years and for the Resolution of Appreciation.

2. July is Recreation and Parks Month

Mr. Kennedy presented Mr. Ned Cheely, Director, Division of Parks and Recreation, with a resolution recognizing July as Recreation and Parks Month.

F. HIGHWAY MATTERS

Mr. Jim Brewer, Acting Resident Engineer for the Virginia Department of Transportation, was available to answer questions from the Board.

Mr. McGlennon requested a speed study be conducted on Jamestown Road (Rt. 31) west of Lake Powell.

G. CONSENT CALENDAR

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

Mr. Harrison requested items numbers 8, Title V Grant; 10, Water Conservation Guidelines, and 11, Adoption of Administrative Plan for the Section 8 Housing Choice Voucher Program and Public Housing Agency Plan Certifications be pulled.

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

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

1. July – Recreation and Parks Month

RESOLUTION

JULY - RECREATION AND PARKS MONTH

WHEREAS, parks and recreation activities touch the lives of individuals, families, and groups, positively impacting the health of our citizens and the social, economic, and environmental quality of our community; and

WHEREAS, parks, greenways, open spaces, and trails provide a welcome respite from our fast-paced lifestyles while simultaneously protecting and preserving our natural environment; and

WHEREAS, July 2002 has been designated as Recreation and Parks Month by the National Recreation and Park Association and the James City County Parks and Recreation Advisory Commission.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby proclaims July as Recreation and Parks Month and encourages all citizens of James City County to utilize recreation and park services and recognizes that they are essential to the quality of life.

2. Dedication of Streets in Settlers Mill, Section 6

RESOLUTION

DEDICATION OF STREETS IN SETTLERS MILL, SECTION 6

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

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

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

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

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

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

3. Resolution of Appreciation – Edward T. Overton, Jr.

RESOLUTION OF APPRECIATION

EDWARD T. OVERTON, JR.

WHEREAS, Edward T. Overton, Jr., Unit Director of the James City County Virginia Cooperative Extension Office, is retiring; and

WHEREAS, Ed has served Virginia Cooperative Extension for 31 years and has served James City County for 22 of those years; and

WHEREAS, during his tenure, Ed worked to maintain a profitable and sustainable agricultural industry; developed a Master Gardener program; endeavored to protect water quality and enhance water conservation; and recruited, trained, and managed numerous volunteers; and

WHEREAS, Ed constantly demonstrated the highest level of dedication and professionalism in his job.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby thanks and honors Edward T. Overton, Jr., for his 22 years of dedicated service to the citizens of James City.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby wish Edward T. Overton, Jr. a long, healthy, and happy retirement.

4. Carry Forward Funds – DCJS Grant for Records Management System

RESOLUTION

CARRY FORWARD FUNDS – DCJS GRANT

WHEREAS, the Police Department applied for and received a grant from the Department of Criminal Justice Services for a new Records Management System in the amount of \$134,900 in FY 2002; and

WHEREAS, the Board of Supervisors approved the acceptance of the grant and the necessary matching funds on January 8, 2002; and

WHEREAS, the Police Department will not expend any grant funds by June 30, 2002.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, declare \$134,900 as a continuing appropriation from the FY 02 Police Department's budget (001-062-0530) to be carried forward to the FY 03 Budget for the purpose of installing the Records Management System.

5. Carry Forward Funds – Bulletproof Vest Partnership Program Grant

RESOLUTION

CARRY FORWARD FUNDS - BULLETPROOF VEST PARTNERSHIP PROGRAM

WHEREAS, the Police Department applied for and received a grant from the Bulletproof Vest Partnership Program in the amount of \$4,094.56 in Fiscal Year 2002; and

WHEREAS, the Board of Supervisors approved the acceptance of the grant and the necessary matching funds on July 24, 2001; and

WHEREAS, the Police Department will not expend all grant funds by June 30, 2002.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, declares \$3,144.88 as a continuing appropriation from the FY 2002 Police Department's Budget (001-062-035) to be carried forward to the FY 2003 budget year for the purpose of purchasing additional bulletproof vests for police officers.

6. Destruction of Paid Personal Property Tax Tickets

RESOLUTION

DESTRUCTION OF PAID PERSONAL PROPERTY TAX TICKETS

WHEREAS, the Code of Virginia §58.1-3129 states that the Treasurer may, with the consent of the governing body, destroy all paid tax tickets at any time after five years from the end of the fiscal year during which taxes represented by such tickets were paid, in accordance with the retention regulations pursuant to the Virginia Public Records Act (§42,1-76 et seq.); and

WHEREAS, the tax tickets hereby referred to are paid personal property tax records from 1995 and 1996.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the destruction of the paid personal property tax records from 1995 and 1996.

7. Destruction of Paid Real Estate Tax Tickets

RESOLUTION

DESTRUCTION OF PAID REAL ESTATE TAX TICKETS

WHEREAS, the Code of Virginia §58.1-3129 states that the Treasurer may, with the consent of the governing body, destroy all paid tax tickets at any time after five years from the end of the fiscal year during which taxes represented by such tickets were paid, in accordance with the retention regulations pursuant to the Virginia Public Records Act (§42,1-76 et seq.); and

WHEREAS, the tax tickets hereby referred to are paid real estate tax records from 1995 and 1996.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the destruction of the paid real estate tax records from 1995 and 1996.

9. Resolution Encouraging All County Residents and Businesses to Follow Outdoor Water Use Regulations

RESOLUTION

ENCOURAGING COUNTY RESIDENTS AND BUSINESS TO

FOLLOW OUTDOOR WATER USE REGULATIONS

WHEREAS, the James City Service Authority's water system has been experiencing significant water demands; and

WHEREAS, these water demands have significantly surpassed historical levels and placed undue stress on the water system; and

WHEREAS, as a result of the sustained levels of water demand and a deep concern for the extended stress on the system causing a well facility failure further exacerbating the problem, the Board of Supervisors approved an Emergency Ordinance regulating the days and hours for outdoor water use for James City Service Authority customers; and

WHEREAS, many County residents obtain their water from Newport News Water Works, private wells or other water sources that are not subject to the provisions of the Emergency Ordinance.

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests that those citizens in James City County not subject to the provisions of the Emergency Ordinance adhere to the spirit and guidelines in the Emergency Ordinance to reduce confusion on who can use water for outdoor uses, maintain equity for all citizens, and conserve water.

8. Title V Grant

Mr. Needham S. Cheely, III, Director of Parks and Recreation, stated that the Virginia Department of Criminal Justice Services has awarded James City County’s Department of Parks and Recreation a \$64,487 Title V Delinquency Prevention Incentive Matching Grant to assist with the establishment of a new after-school program, “Beyond the Bell,” for referred middle school students.

Mr. Cheely stated that the County will match the grant and requested the Board approve the resolution authorizing the appropriation of the funds.

Mr. Harrison made a motion to adopt the resolution.

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

RESOLUTION

TITLE V GRANT

WHEREAS, the Virginia Department of Criminal Justice Services has made matching funds available for the development of youth-at-risk programs; and

WHEREAS funds are needed for two full-time limited term Senior Recreation Leaders to operate a new middle school after-school program at the County’s two community centers for referred youth-at-risk.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, accepts the \$64,487 grant awarded by the Virginia Department of Criminal Justice Services and creates the two full-time limited term positions for the “Beyond the Bell” program.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation in the FY 03 Budget:

Revenues:

From the Commonwealth \$64,487

Expenditures:

Full-time limited term salaries (0011610110)	\$41,600
Fringe benefits (0011610150)	20,787
Operating supplies (0011610318)	<u>2,100</u>
	<u>\$64,487</u>

10. Water Conservation Guidelines

Ms. Lisa Meddin, Water Conservation Coordinator, stated that applicants for rezoning and special use permits have requested guidelines defining expectations of the County for water conservation measures.

In response to these inquiries, staff drafted water conservation guidelines, had those guidelines reviewed by the Water Conservation Committee, and now presented those Guidelines for adoption.

Mr. McGlennon made a motion to adopt the resolution endorsing the Water Conservation Guidelines.

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

RESOLUTION

WATER CONSERVATION GUIDELINES

WHEREAS, applications to rezone land or for a special use permit have proffers or conditions that require the applicant to incorporate water conservation techniques into the proposed development; and

WHEREAS, guidelines have been developed by staff and the Water Conservation Committee to assist applicants in defining what can be incorporated in a water conservation plan for a development.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, endorses the attached Water Conservation Guidelines to assist applicants in rezoning and special use permit cases in developing a water conservation plan for their proposed development.

11. **Adoption of Administrative Plan for the Section 8 Housing Choice Voucher Program and Public Housing Agency Plan Certifications**

Mr. Richard Hanson, Housing and Community Development Administrator, stated that the Public Housing Authority (PHA) is required to adopt an Administrative Plan that states local policies on matters for which Federal law and HUD regulations provide discretion to the PHA. Additionally, a Five-Year and Annual PHA Agency Plan must be submitted.

Mr. Hanson requested the Board adopt the resolution approving the Administrative Plan, and authorizing the Chairman to execute the PHA Certifications of Compliance with the PHA Plans and related Regulations.

Mr. Harrison made a motion to adopt the resolution.

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

RESOLUTION

SECTION 8 HOUSING CHOICE VOUCHER ADMINISTRATIVE PLAN AND AGENCY PLAN

WHEREAS, the James City County Office of Housing and Community Development has been designated as the Public Housing Agency (PHA), VA-041, and authorized to operate the Section 8 Housing Choice Voucher Program within James City County; and

WHEREAS, a PHA which operates the Section 8 Housing Choice Voucher Program must adopt an Administrative Plan which states local policies on matters for which the PHA has discretion; and

WHEREAS, the Quality Housing and Work Responsibility Act of 1998 created the Public Housing Agency Five-Year and Annual Plan (Agency Plan) requirement; and

WHEREAS, the Office of Housing and Community Development has prepared the Administrative Plan and the Agency Plan and provided opportunities for public review and comment in accordance with U.S. Department of Housing and Urban Development (HUD) regulations.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, approves the Administrative Plan for the Section 8 Housing Choice Voucher Program dated June 25, 2002, authorizes the submission of the Administrative Plan and the Agency Plan to HUD, and authorizes the Chairman of the Board of Supervisors to execute the PHA Certifications of Compliance with the PHA Plans and Related Regulations form.

H. PUBLIC HEARINGS

1. Case No. SUP-11-02. Kristiansand Sewer Extension

Ms. Karen Drake, Planner, stated that Mr. Danny Poe, on behalf of the James City Service Authority, applied for a special use permit to allow the construction of 2,000 feet of gravity sewer mains and lateral connections within the Kristiansand development zoned R-2, General Residential, and located within the Kristiansand development including portions of Nina Lane, Troll's Path, Viking Road, and Haradd Lane, further identified as Parcel No. (1-51A) on James City County Real Estate Tax Map No. (23-2).

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

The Planning Commission, at its meeting on June 3, 2002, voted unanimously to recommend approval of the special use permit.

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

The Board and staff held a discussion regarding the impacts of this permit request on the previously issued special use permit and time limits on the special use permits.

The Board and staff held a brief discussion regarding the connection fees for residents in Kristiansand and the circumstances prompting this initiative.

Mr. Kennedy opened the Public Hearing.

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

Mr. McGlennon made a motion to adopt the resolution.

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

RESOLUTION

CASE NO. SUP-11-02. KRISTIANSAND SEWER EXTENSION

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

WHEREAS, the extension of public sewer services is a specially permitted use in the R-2, General Residential, zoning district; and

WHEREAS, the Planning Commission of James City County, following its public hearing on June 3, 2002, recommended approval of Case No. SUP-11-02 by a vote of 7 to 0 to permit the extension of public sewer services to a portion of the Kristiansand subdivision within Virginia Department of Transportation right-of-way, the James City Service Authority (JCSA) easements or on JCSA property located at 201 Haradd Lane further identified as Parcel No. (1-51A) on James City County Real Estate Tax Map No. (23-2).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Special Use Permit No. 11-02 as described herein with the following conditions:

1. Construction, operation, and maintenance of the sewer extension shall comply with all local, State, and Federal requirements.
2. 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.
3. For sewer construction adjacent to existing development, adequate dust and siltation control measures shall be taken to prevent adverse effects on the adjacent property. It is intended that the present and future results of the proposed sewer extension not create adverse effects on the public health, safety, comfort, or convenience, or value of the surrounding property and uses thereon.
4. Vehicular access to all residences along the affected right-of-ways, including Nina Lane, Troll's Path, Viking Road, and Haradd Lane, shall be maintained at all times.
5. All construction activity on the sewer extension shall occur between 7:00 a.m. and 5:00 p.m., Monday through Friday.
6. The applicant shall avoid removing tree and bushes along the sewer extension corridor, except as shown on the approved site plan. Trees and bushes damaged during construction shall be replaced with a tree or bush of equal type as approved by the Planning Director.
7. Start of construction, as defined in the James City County Zoning Ordinance, shall have commenced within 24 months of this special use permit approval, or the permit shall be void.
8. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

2. An Ordinance to Amend Chapter 20 of the James City County Code to Provide a Tax on Local Telecommunication Service

Mr. John E. McDonald, Manager of Financial and Management Services, stated that Section 20-25 of the Code of James City County, Virginia, as authorized by the Code of Virginia, would establish a tax, per month, not to exceed \$1.20 on telecommunications services known as a Consumer Utility Tax. Section 20-70 and 20-71 of the Code of James City County, Virginia, and would reduce the current E-911 tax from \$2.20 per month to \$.75 per month.

Mr. McDonald stated that this item was not properly advertised and requested the Board hold a public hearing for those in attendance, and then staff will re-advertise the Ordinance amendment for the Board's meeting on July 23.

The Board and staff held a brief discussion on the revenue neutral tax proposal.

Mr. Kennedy opened the Public Hearing.

1. Mr. Jay Everson, 103 Branscome Boulevard, stated concern for a cellular tax on County residents who cannot get cellular service within the County.

As no one else wished to speak, Mr. Kennedy closed the Public Hearing. At the request of staff the Board agreed not to take any action until after holding the Public Hearing on July 23.

3. An Ordinance to Amend Chapter 1, General Provision, Section 1-13, of the James City County Code by Providing a Courthouse Fee on Criminal and Traffic Cases

Mr. Leo P. Rogers, Deputy County Attorney, stated that effective July 1, 2002, if the Ordinance is adopted, a \$5.00 fee will be imposed as part of the costs for each criminal or traffic case in the local district or circuit courts where the defendant is convicted. The funds would then be disbursed to the Sheriff's Office to fund courthouse security. Additionally, a \$25.00 processing fee will be imposed following a conviction in the local district or circuit courts for an individual admitted to a county, city, or regional jail. These funds will be disbursed to the Sheriff's Office to defray the cost of processing persons into the jail.

Mr. Rogers stated that the \$5.00 fee would expire on July 1, 2004, unless reauthorized by the General Assembly and readopted by the Board of Supervisors.

Mr. Kennedy opened the Public Hearing.

1. Mr. Ed Oyer, 139 Indian Circle, stated support for this initiative with an expiration date if not reauthorized and adopted.

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

Mr. Goodson made a motion to adopt the Ordinance.

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

4. An Ordinance to Amend Section 20-13.5 of the James City County Code by Providing an Exemption from Personal Property Tax for Specially Equipped Motor Vehicles

Mr. Richard Bradshaw, Commissioner of the Revenue, stated that the proposed Ordinance will expand

the exemption clause on personal property taxes on specially equipped vehicles for disabled persons. The Commissioner of the Revenue will make a determination as to which vehicles qualify for the exemption based on the definition of “disabled” provided in the State Code.

Mr. Goodson stated concern about potential abuse of the exemption due to the vagueness of the Ordinance language in reference to “disabled.”

Mr. Bradshaw stated that there are assurances in place for the handicapped designation.

Mr. McGlennon inquired what the potential fiscal impact would be to the County.

Mr. Bradshaw stated that the impacts will be nominal as only 64 vehicles are currently exempted and staff anticipates only a few additional vehicles to qualify with the proposed Ordinance.

Mr. Kennedy opened the Public Hearing.

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

Mr. McGlennon made a motion to adopt the Ordinance.

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

5. An Ordinance to Amend Chapter 13 of the James City County Code; Driving Automobiles, Etc., While Intoxicated or Under the Influence of Any Drug

Mr. Leo Rogers, Deputy County Attorney, stated that County police are charging traffic offenders under the County Code which must be amended to reflect the State’s changes to the applicable Driving While Intoxicated and traffic laws. The proposed Ordinance incorporates by reference the 202 amendments made by the General Assembly to Chapter 13.

Mr. Kennedy opened the Public Hearing.

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

Mr. McGlennon made a motion to adopt the Ordinance.

Mr. Goodson inquired about the procedures for State Police charging vs. County Police charging under the Codes.

Mr. Rogers stated that the County charges fall under the County Code, and State Police charges fall under the Code of Virginia.

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

I. BOARD CONSIDERATION

1. 2002 Greenway Master Plan

Mr. Needham S. Cheely, III, Director of the Division of Parks and Recreation, stated that over the past

16 months, staff and the Greenway Steering committee, Citizen Advisory Group, Parks and Recreation Advisory Commission, and various other interested groups have been working to produce the 2002 Greenway Master Plan.

Mr. Cheely stated that citizen input was gathered throughout the process from public meetings, focus groups, direct mailings, newspaper articles, etc., and the proposed plan incorporates those ideas and concerns.

Staff recommended approval of the 2002 Greenway Master Plan, action plan, and maps.

Mr. McGlennon made a motion to adopt the items.

Mr. Brown stated concern about encumbering a one-cent on the Real Estate Tax rate to a specific initiative such as this Plan at this time.

Mr. Kennedy stated support for Mr. Brown's statement and suggested that initiative be discussed during the next budget cycle.

The Board and staff discussed the funding mechanism for the proposed Plan.

Mr. Brown made a motion to amend the resolution to include a statement that states:

"Now, Therefore Be It Further Resolved that the funding of greenway and trail capital improvement projects will be considered within the context of future James City County annual budget prioritizations."

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

RESOLUTION

2002 GREENWAY MASTER PLAN

WHEREAS, the Board of Supervisors appointed the Greenway Steering Committee in March 2001 to take an active role with staff in the development and review of technical information for the Greenway Master Plan; and

WHEREAS, the Greenway Steering Committee worked 12 months to prepare the Plan, endorsed the Greenway Master Plan with the Action Plan funding mechanism and maps; and

WHEREAS, the James City County Parks and Recreation Advisory Commission, following a public hearing on the Plan, endorsed the Greenway Master Plan.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the 2002 Greenway Master Plan.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the funding of greenway and trail capital improvement projects will be considered within the context of future James City County annual budget prioritizations.

J. PUBLIC COMMENT - None

K. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner recommended the Board recess briefly for a Board of Director's meeting, then reconvene to go into closed session pursuant to Section 2.2-3711 (A) (3) of the Code of Virginia to consider the acquisition of parcels of property and Section 2.2-2711 (A) (1) of the Code of Virginia to consider the appointments of individuals to County Boards and/or Commissions, following which the Board adjourn until 7 p.m. on July 9, 2002.

L. BOARD REQUESTS AND DIRECTIVES

Mr. Goodson requested information on the feasibility of elimination of the County decal as Virginia Beach is doing.

Mr. Kennedy and Mr. McGlennon requested a condensed data sheet for distribution regarding the odd/even watering restrictions or a similar simple sheet for citizens to reference.

Mr. McGlennon inquired as to how many citations have been issued in connection with the watering restrictions.

Mr. Bob Smith, Assistant General Manager of the James City Service Authority, stated that 47 first warnings have been issued, and 62 requests have been made for the 60-day exemption.

Mr. Kennedy recessed the Board for a brief break at 8:17 p.m.

Mr. Kennedy reconvened the Board at 8:26 p.m.

M. CLOSED SESSION

Mr. Harrison made a motion to go into closed session pursuant to section 2.2-3711 (A) (3) of the Code of Virginia to consider the acquisition of parcels of property, and Section 2.2-3711 (A) (1) of the Code of Virginia to consider the appointments of individuals to County Boards and/or Commissions.

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

Mr. Kennedy convened the Board into closed session at 8:27 p.m.

At 9:05 p.m. Mr. Kennedy reconvened the Board into open session.

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

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

RESOLUTION

CERTIFICATION OF CLOSED MEETING

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

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and, ii) only such public business matters were heard, discussed or considered by the Board as were identified in the motion, Section 2.2-3711 (A)(1), to consider a personal matters, the appointment of individuals to County boards and/or commissions; and Section 2.2-3711 (A)(3) to consider acquisition of parcels of property for public use.

Mr. McGlennon made a motion to reappoint Steven Wigley and to appoint Katherine Preston to the Historic Triangle Bicycle Advisory Committee for three-year terms, terms to expire on June 24, 2005; to reappoint John McDonald to a four-year term on the Middle Peninsula Juvenile Detention Commission, term to expire on July 1, 2006; and to appoint L. Carlyle Ford to the Agricultural and Forestal District Advisory Committee.

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

The Board and staff discussed shared service opportunities with the Schools.

N. ADJOURNMENT

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

Mr. McGlennon made a motion to adjourn.

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

Mr. Kennedy adjourned the Board at 9:40 p.m.

Sanford B. Wanner
Clerk to the Board

MEMORANDUM

DATE: July 9, 2002
TO: The Board of Supervisors
FROM: Darryl E. Cook, Environmental Director
SUBJECT: Dedication of Street in Governor's Land, Fowler's Lake

Attached is a resolution requesting acceptance of a certain street in Governor's Land, Fowler's Lake, into the State Secondary Highway System. The street has been inspected and approved by representatives of the Virginia Department of Transportation as meeting the minimum requirements for secondary roadways.

Staff recommends the Board adopt the attached resolution.

Darryl E. Cook

DEC/gb
governorsland.mem

Attachment

RESOLUTION

DEDICATION OF STREET IN GOVERNOR'S LAND, FOWLER'S LAKE

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

WHEREAS, the Resident Engineer for the Virginia Department of Transportation advised the Board that the street meets the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

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

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

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

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

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

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

governorsland.res

MEMORANDUM

DATE: July 9, 2002
TO: The Board of Supervisors
FROM: Wayland N. Bass, County Engineer, Development Management
SUBJECT: Appropriation of Subdivision Surety Funds - Wexford Hills, Section 1

The developer of Wexford Hills subdivision, Parsons and Whittemore, did not construct the subdivision streets in accordance with Virginia Department of Transportation's (VDOT) requirements. The top inch and a half of pavement was not installed, and there are a number of stormwater problems to repair.

In situations like this, the Developer/James City County Subdivision Agreement provides that the County can use the Developer's surety to complete the work and turn the streets over to VDOT for maintenance. The County has cashed the Developer's Subdivision Bond, \$135,000, and deposited the money into the General Fund in FY 02

Staff recommends that the Board adopt the attached resolution appropriating these funds.

Wayland N. Bass

CONCUR:

John T. P. Horne

WNB/gs
wexford.mem

Attachment

RESOLUTION

APPROPRIATION OF SUBDIVISION SURETY FUNDS - WEXFORD HILLS, SECTION 1

WHEREAS, County staff has obtained \$135,000 as surety to complete streets in Wexford Hills subdivision, Section 1.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appropriates these funds to complete streets and stormwater facilities in Section 1 of Wexford Hills subdivision in accordance with Virginia Department of Transportation (VDOT) and County requirements.

Carry Forward Funds	\$135,000
Road Improvements	\$135,000

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

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

wexford.res

MEMORANDUM

DATE: July 9, 2002
TO: The Board of Supervisors
FROM: David A. Daigneault, Chief of Police
SUBJECT: Appropriation of Funds - Bulletproof Vest

On May 29, 2002, the Bureau of Justice Assistance advised the Police Department that its application for a Bulletproof Vest Partnership Grant in the amount of \$6,930 had been approved. The required matching funds of \$6,930 are available in the Police Department Budget.

Staff recommends adoption of the resolution to accept the grant and to expend the funds.

David A. Daigneault

DAD/adw
bulletves.mem

Attachment

RESOLUTION

APPROPRIATION OF FUNDS - BULLETPROOF VEST PARTNERSHIP PROGRAM

WHEREAS, James City County has received a reimbursement grant from the Bulletproof Vest Partnership Program in the amount of \$6,930.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of the grant and makes the following FY 2003 Budget appropriations:

Revenue:

Bulletproof Vest Partnership Program	<u>\$6,930</u>
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Expenditures:

Police Department (001-062-0325)	<u>\$6,930</u>
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James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

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

bulletproof.res

MEMORANDUM

DATE: July 9, 2002
TO: The Board of Supervisors
FROM: David A. Daigneault, Chief of Police
SUBJECT: U. S. Bureau of Justice Assistance Block Grant

On June 20, 2002, the Bureau of Justice Assistance advised the Police Department that its application for a Block Grant in the amount of \$19,514 had been approved. The funds will be used to acquire law enforcement equipment, technology, and training. The required matching funds of \$2,168 are available in the Police Department Budget.

Staff recommends adoption of the resolution to accept the grant and to expend the funds.

David A. Daigneault

DAD/adw
blockgrant2.mem

Attachment

RESOLUTION

U. S. BUREAU OF JUSTICE ASSISTANCE BLOCK GRANT-POLICE

WHEREAS, the Bureau of Justice Assistance has approved a Block Grant providing \$19,514 to the Police Department for law enforcement training and equipment; and

WHEREAS, local matching funds of \$2,168 are available in the Police Department budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation amendment:

Revenue:

Bureau of Justice Assistance	<u>\$19,514</u>
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Expenditures:

Police Department Budget	<u>\$19,514</u>
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James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

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

blockgrant.res

**SPECIAL USE PERMIT-10-02. VoiceStream Wireless - VDOT Tower Extension
Staff Report for the July 9, 2002, Board of Supervisors Public Hearing**

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

PUBLIC HEARINGS

Building C Board Room; County Government Complex
Planning Commission: June 3, 2002, 7:00 p.m.
Board of Supervisors: July 9, 2002, 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. Nathan Holland of VoiceStream Wireless

Land Owner: The Virginia Department of Transportation (VDOT)

Proposed Use: 10 foot extension of an existing monopole telecommunications tower

Location: Interstate 64/Croaker Road intersection - Exit No. 231

Tax Map and Parcel No.: n/a - this is VDOT right-of-way

Primary Service Area: Inside

Existing Zoning: A-1, General Agricultural

Comprehensive Plan: Low Density Residential

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

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

STAFF RECOMMENDATION:

Staff finds the added visual impact of the antenna negligible. While the existing tower is not consistent with the Comprehensive Plan, staff finds that the proposed antenna addition would not have an additional impact on surrounding zoning and development and that the co-location would in fact prevent the need for construction of a new tower. Staff recommends approval of the special use permit, subject to the proposed conditions. On June 3, 2002, the Planning Commission recommended approval of the application by a vote of 6-1. The applicant has assured staff that VoiceStream has reviewed the proposed conditions of approval with the Virginia Department of Transportation.

History of the Project

In 1997, the Virginia Department of Transportation (VDOT) allowed the erection of 150-foot to 185-foot tall monopole towers at roadway interchanges along Interstate 64. At the time, Federal and State legislation encouraged state agencies to make available their lands to companies that provide wireless telecommunications services (Code of Virginia §2.1-504.4(C)). VDOT entered into contracts with private wireless telecommunications providers to construct towers at Interstate interchanges. VDOT then located cameras on the towers (typically at the 55-85 foot tall range) and took possession of the towers, with the private carriers then leasing the remaining tower space for their private enterprise equipment. The VDOT cameras were part of the first phase of a statewide Intelligent Transportation System (ITS) program whereby monitoring devices were installed along Interstate corridors. Despite heavy objection, VDOT sidestepped the normal plan review process, and constructed the towers without the standard zoning approvals. After construction of the tower, VDOT did agree to provide landscaping requested by County staff. Approval of this special use permit request would make the tower a valid use under the Zoning Ordinance.

Description of the Current Proposal

The towers have proven to be of great benefit to wireless telecommunications providers. Four separate users are currently located on the 185-foot tall monopole tower at the I-64/Croaker Road intersection (Exit No. 231). A photograph of the existing facility is attached. The applicant proposes increasing the height of the tower by 10 feet.

VoiceStream Wireless is currently in the process of building its “deployment” network in the James City County area and desires additional antenna locations along the I-64 corridor. Recently, the company received approval of a special use permit amendment to extend the existing tower located off I-64 in the Route 30/Stonehouse area (Case No. SUP-01-02). The company also has antenna located on the State Police tower on I-64, on the monopoles located at Exit 238 (Route 143) and 242 (Route 199), and they are presently working on co-locating on the existing tower located at the Regional Jail Facility on Route 143. As far as providing continuous coverage along the Interstate, this leaves a service gap in the Croaker Road area.

VoiceStream had originally submitted an application to construct a new 250-foot tall tower at 4392 Rochambeau Road (Case No. SUP-25-01) which was subsequently withdrawn. At staff’s suggestion, a structural analysis of the existing VDOT tower at the Croaker Road intersection was performed and it was revealed that, with modification, VoiceStream’s antenna could be located on the existing tower, thus preventing the need for a new tower to be constructed in this vicinity at this time.

SUP’s are not normally needed for antenna co-location on an existing tower. A SUP is needed in this case since a SUP has never been granted for this site and the applicant proposes extending the total height of the structure. Tower mounted antenna greater than 35 feet in height are a specially permitted use on lands zoned A-1, General Agriculture.

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

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

As noted above, the tower was constructed without the standard zoning approvals. The tower was also constructed prior to the date of the current Performance Standards. As such, many of the current expectations regarding “minimal visual intrusion” are not met and in general, the tower is not consistent with the County’s policy. However, the tower does meet the criteria which call for providing co-location alternatives to the greatest extent possible.

VoiceStream proposes adding its antenna array to the top of the existing tower. With the addition, the top of the tower will remain below 199 feet, thus preventing the need for tower marking or lighting, another important objective of the Performance Standards.

VoiceStream submitted a computer simulation of the visual impact of adding the antenna to the top of the existing tower. Staff finds the added visual impact negligible. VoiceStream has also submitted a photograph of a prototype tower where such an addition has already been completed. Copies of these submittals are attached.

Surrounding Zoning and Development

To the west of the VDOT interchange are undeveloped lands zoned A-1 and B-1, General Business. To the north are single-family homes on residentially zoned property and to the south are scattered single-family homes on A-1 zoned property and vacant R-8, Rural Residential zoned land. East of the interchange is undeveloped, M-1, Limited Business/Industrial zoned land, and the Kiskiack Golf Course on R-8 and R-5, Multi-family zoned land.

Staff finds the proposed antenna addition would have no additional impact on surrounding zoning and development and that the co-location would in fact prevent the need for construction of a new tower.

Comprehensive Plan

This quadrant of the interchange is designated Low Density Residential on the Comprehensive Plan Land Use Map. The other three quadrants are designed for Mixed Use. Low Density residential areas are located in the PSA where natural characteristics such as terrain and soils are suitable for residential development. Examples of acceptable land uses within this designation include single-family homes, duplexes, schools, and very limited commercial establishments. Nonresidential uses should not alter, but rather, compliment the residential character of the low-density residential area in which they are located. Because taller communication towers generally require specialized locations, opportunities exist for the County to evaluate the individual merits of proposed communication towers on the stated case-by-case basis.

The existing tower is not consistent with the Comprehensive Plan. However, staff finds the proposed antenna addition would have no additional impact on the surrounding area and that the co-location would prevent the need for construction of a new tower which may be deemed incompatible with the Comprehensive Plan designation.

Recommendation:

Staff finds the added visual impact of the antenna negligible. While the existing tower is not consistent with the Comprehensive Plan, staff finds that the proposed antenna addition would not have an additional impact on surrounding zoning and development and that the co-location would in fact prevent the need for construction of a new tower. Staff recommends approval of the special use permit, subject to the proposed conditions. On June 3, 2002, the Planning Commission recommended approval of the application by a vote of 6-1. The applicant has assured staff that VoiceStream has reviewed the proposed conditions of approval with the Virginia Department of Transportation.

Paul D. Holt, III

CONCUR:

O. Marvin Sowers, Jr.

PDH/adw
sup10-02.wpd

Attachments:

1. Minutes from the June 3, 2002, Planning Commission meeting
2. Location map
3. Performance Standards for Wireless Communications Facilities, dated May 26, 1998
4. Photograph of the existing tower configuration and prototype of an existing tower where such an antenna addition has already been made
5. Photograph simulation of the antenna addition to the existing VDOT tower
6. Resolution

RESOLUTION

CASE NO. SUP-10-02. VOICESTREAM WIRELESS - VDOT TOWER EXTENSION

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

WHEREAS, the applicant has requested a special use permit to allow for a ten foot extension of the existing monopole telecommunications tower located in the northern most quadrant of Exit No. 238 on Interstate 64; and

WHEREAS, the existing monopole telecommunications tower is located on State-owned property which is currently zoned A-1, General Agricultural, and designated Low Density Residential on the 1997 Comprehensive Plan Land Use Map; and

WHEREAS, on June 3, 2002, the Planning Commission recommended approval of the application by a vote of 6-1.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-10-02 as described herein with the following conditions:

1. This special use permit shall be valid for one monopole tower not to exceed a height of 199 feet.
2. Tree clearing after the issuance of this special use permit shall be limited to the minimum necessary to accommodate all new accessory facilities and access ways as determined by the Planning Director. Any new access drive 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.
3. A final inspection by the James City County Codes Compliance division shall be obtained within one year of approval of this special use permit, or the permit shall become void.
4. Within 30 days of the final inspection by the James City County Codes Compliance division, 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 Industrial Association, or any amendment thereof, have been met.

5. Prior to any final inspections by the James City County Codes Compliance division, around the south-western limits of the existing equipment compound, evergreen shrubs, planted four feet on center, and Loblolly pine trees, planted eight feet on center, shall be planted in a manner approved by the Director of Planning. The final locations of the vegetation to be planted may be adjusted by the Director of Planning depending on the location of existing vegetation to better reforest the site and screen the base of the tower and the equipment pads from the roadway.
6. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

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

sup-10-02.res

**SPECIAL USE PERMIT-12-02. Mount Gilead Baptist Church - SUP Amendment and SUP for Temporary School Trailers
Staff Report for July 9, 2002, Board of Supervisors Public Hearing**

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

PUBLIC HEARINGS Building C Board Room; County Government Complex
Planning Commission: June 3, 2002, 7:00 p.m.
Board of Supervisors: July 9, 2002, 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. Abram E. Frink
Land Owners: Mount Gilead Baptist Church/Mr. William Washington

Proposal: (1) Amend the previously approved SUP conditions (SUP-9-01) to allow the private school to operate in a location other than inside the existing church. (2) Permit the operation of a school within two temporary trailers on an adjacent property (the William Washington property).

Location: 8660 Pocahontas Trail 8672 Pocahontas Trail
(existing property) (Mr. Washington's property)

Tax Map and Parcel Nos.: (52-3)(2-34) (52-3)(4-1)
(existing church) (Mr. Washington's property)

Parcel Size: 3.327± acres 1.19± acres
(existing church) (Mr. Washington's property)

Primary Service Area: Inside

Existing Zoning: R-2, General Residential

Comprehensive Plan: Low-Density Residential

Surrounding Zoning: The parcels are completely surrounded by other R-2 zoned land

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

STAFF RECOMMENDATION:

Staff finds that no additional traffic impact would result from the trailers. With the proposed conditions, staff finds the proposal consistent with the Comprehensive Plan and that no negative impacts to surrounding development should occur. Staff therefore recommends approval, subject to the attached conditions. On June 3, 2002, the Planning Commission recommended approval of the application by a vote of 7-0.

Description of the Project

(1) SUP Amendment. Mr. Abram Frink has applied on behalf of the Mount Gilead Baptist Church for an amendment to the conditions of approval for SUP-9-01.

On June 26, 2001, the Board of Supervisors approved Case No. SUP-9-01 for a private school and daycare at the Mount Gilead Baptist Church. At the time, Pastor William Dawson anticipated operating both programs inside the existing church. The desire now is to relocate the entire school program in temporary trailers located on adjacent property. Should the trailers be approved by the Board of Supervisors, the following change in the approved, existing SUP conditions is required:

“1. This Special Use Permit shall be valid only for the operation of a daycare and a school ~~within the existing church~~, limited to the stated hours of operation, 6:00 am - 6:00 pm, Monday through Friday, and limited to an enrollment capacity of 104 children maximum.”

(2) SUP to operate a school within temporary trailers. Mr. Abram Frink has applied on behalf of Mr. William Washington to locate two temporary school trailers and an accessory playground on a portion of an approximately 1.19-acre lot located at 8672 Pocahontas Trail. This property is located directly adjacent to the church parcel. A location map is attached.

According to the Pastor, there is no remaining feasible location on-site to place trailers and playground equipment and every existing parking space is greatly needed for services and functions. Mr. Washington, an adjoining property owner, is a member of Mount Gilead and has agreed to donate a portion of his lot to the church.

An existing single-family house currently occupies the land, but should the trailers be approved by the Board of Supervisors, the property would be subdivided and the currently unimproved portion of the lot would be deeded to the church for their use. After subdividing the property, an area approximately 150 feet long by 120 feet wide is left where the two trailers and playground would be located. Staff has proposed an SUP condition whereby re-subdivision of the property must occur prior to locating any school related improvements on the site. An aerial photograph showing the property is attached.

Per Section 24-109 of the Zoning Ordinance, “Temporary classroom trailers accessory to an existing school may be permitted upon issuance of a special use permit by the board of supervisors.” This SUP is also needed to permit school activities at 8672 Pocahontas Trail. The property does not currently have an approved SUP for a school. “Schools” are specially permitted uses on land zoned R-2, General Residential.

According to the church Pastor, the Academy currently has 16 students enrolled in the 3K, 4K, and 5K program. All of the parents have either pre-enrolled or verbally indicated their intent for their children to return for the next academic year. This will automatically create a 1st grade class. They are hoping for enough enrollment to fill through the 3rd grade for the 2002/2003 school year. For accreditation of the school and certification of the Child Development Program, State guidelines show it would be better to separate the programs rather than for both to be co-housed, mainly for standards accountability. The school is under one set of guidelines while the Child Development Program is under a different set. The church plans on renovating the present facilities to house an industrial kitchen capable of serving prepared food for lunches and snacks for “Before and After School” programs. The separation of the programs would simply ensure better accountability with State compliance.

The church envisions needing the trailers for a period of five years. During this time period, the church anticipates designing and building a new sanctuary that would both seat 1,000 people for church services and house the school. Each trailer is approximately 40-feet long by 24-feet wide.

Traffic

The SUP does not seek an increase in the previously approved number of children (104). The drop-off and pick-up location would remain the same, which is beside the existing church. According to the Pastor, the children would continue to be signed-in and assembled within the church each morning prior to moving to the adjacent trailers for classroom activity. Likewise, the pick-up point will remain the same for all after school activities because centralization of departure affords greater accountability and safety for the children.

Therefore, staff finds that no additional traffic impact would result from the addition of two trailers.

Surrounding Zoning and Development

Both properties are surrounded by other R-2 zoned land and single-family detached dwellings.

As mentioned, the drop off/pick up point will continue to be located at the existing entrance at the rear of the church. Therefore, no additional impacts from this activity are anticipated.

Staff is proposing SUP conditions for additional landscaping and screening to be provided to mitigate the visual impacts of the trailer and playground additions. In addition, the previously approved hours of operation are to remain and should help to mitigate any negative noise impacts. With the proposed SUP conditions, staff believes the proposal will not negatively impact surrounding uses and zoning.

Comprehensive Plan

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

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

The vehicular access points for this project will not change with the trailer additions. Staff has also prevented further Route 60 access with proposed SUP conditions. With the proposed SUP conditions, staff believes the application is consistent with the Comprehensive Plan recommendations.

Recommendation

Staff finds that no additional traffic impact would result from the trailers. With the proposed conditions, staff finds the proposal consistent with the Comprehensive Plan and that no negative impacts to surrounding development should occur. Staff therefore recommends approval, subject to the attached conditions. Regarding the conditions of approval, the Board should note that in addition to the conditions proposed for the school trailers, staff desires to add two additional conditions to the original SUP. Specifically, Condition No. 12 (which prevents further curb cuts on Route 60) and Condition No. 13 (which provides restrictions on the type of any new exterior light fixture) are designed to further

mitigate any potential future negative impacts associated with expansion of the daycare and school. On June 3, 2002, the Planning Commission recommended approval of the application by a vote of 7-0.

Paul D. Holt, III

CONCUR:

O. Marvin Sowers, Jr.

PDH/gs
sup-12-02.wpd

Attachments:

1. Minutes from the June 3, 2002, Planning Commission meeting
2. Location map
3. Aerial photograph of the property
4. Staff report and approved resolution from Case No. SUP-9-01
5. School trailer illustration
6. Sales literature illustrating the types of playground equipment to be used
7. Resolution

RESOLUTION

CASE NO. SUP-12-02. MOUNT GILEAD BAPTIST CHURCH -

SUP AMENDMENT AND SUP FOR TEMPORARY SCHOOL TRAILERS

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

WHEREAS, the applicant has requested an amendment to the conditions of approval for SUP-9-01, which permitted the operation of a daycare and private school at the existing Mount Gilead church located at 8660 Pocahontas Trail. This property is more specifically identified as Parcel No. (2-34) on the James City County Real Estate Tax Map No. (52-3); and

WHEREAS, the applicant has also applied for a special use permit to allow for the placement of up to two temporary school trailers at 8672 Pocahontas Trail. This property is currently zoned R-2, General Residential, designated Low-Density Residential on the 1997 Comprehensive Plan Land Use Map and more specifically identified as Parcel No. (4-1) on the James City County Real Estate Tax Map No. (52-3); and

WHEREAS, on June 3, 2002, the Planning Commission recommended approval of the application by a vote of 7-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-12-02 as described herein with the following conditions:

The following conditions shall apply to the portion of the property that contains the existing church (i.e., the church property as it exists prior to the re-subdivision required under Condition No. 7, below):

1. This Special Use Permit shall be valid for the operation of a daycare and a school.
2. A certificate of occupancy for the daycare and school use within the existing church building shall be obtained within two years of SUP approval of SUP-9-01, or the SUP shall be void.

The following conditions shall apply to that portion of the property where the proposed school trailers and playground are to be located, as generally described and illustrated in the staff report (i.e., that portion of the property which is located generally behind the existing residence at 8672 Pocahontas Trail and which will be added to the existing church property by plat entitled "Boundary Line Adjustment of property standing in the name of Trustees of Mount Gilead Baptist Church and William Harold Washington and Suzanne Washington," dated June 11, 2002, and prepared by Mitchell-Wilson Associates, P.C.):

3. This Special Use Permit shall be valid for a maximum of two temporary school trailers.
4. The temporary school trailers shall be permitted for a period of five years from the date of SUP approval. The trailers shall be removed from the property within 30 days of the expiration date of the SUP.
5. A certificate of occupancy for at least one trailer shall be obtained within 18 months of SUP approval, or the SUP shall be void.
6. To better buffer and screen the trailers and playground from adjacent residentially zoned property, evergreen landscaping shall be provided along the east, west, and southern property lines that exceed the County's Landscape Ordinance requirements by an additional 15 percent.
7. Prior to any preliminary site plan approval, the area containing the school trailers and the playground shall be subdivided from the area where the single-family house currently exists, and a lot line extinguishment shall occur such that the area containing the school trailers and the playground is incorporated into the existing Mount Gilead church property.
8. No trailer or piece of playground equipment shall be located closer than 35 feet to the eastern or southern property lines. The entrances to the classroom trailers, and walkways to the trailers shall be generally oriented towards the interior of the property and shall not face the eastern or southern property lines. Furthermore, the playground shall be located generally adjacent to the existing church parking lot and the western property lines, in a final location as approved by the Director of Planning and shall be shown on the final site plan.

The following conditions shall apply to both and all portions of the site:

9. The daycare and school operations shall be limited to the following hours of operation, 6:00 a.m. - 6:00 p.m., Monday through Friday, and shall be limited to a total enrollment capacity of 104 children maximum. This condition shall not prohibit the operation of a daycare accessory to church functions on Sunday.
10. The children's drop-off and pick-up location for both the daycare and school shall be limited to the existing entrance located at the rear (north side) of the church.
11. Any new exterior, free standing signage advertising the daycare and/or school shall be combined with the existing free standing signage for the church and shall be in accordance with Article II, Division 3, of the James City County Zoning Ordinance.
12. No additional curb cuts shall be created on Route 60.

13. Any new exterior site lighting shall be limited to fixtures which are horizontally mounted on light poles not to exceed 15 feet in height and/or other structures and shall be recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. No glare, defined as 0.1 footcandle or higher shall extend outside the property lines.
14. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

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

sup-12-02.res

**REZONING-2-02. Greensprings Proffer Amendment
Staff Report for July 9, 2002, Board of Supervisors Public Hearing**

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

PUBLIC HEARINGS

Building C Board Room; County Government Complex
 Planning Commission: June 3, 2002, 7:00 p.m.
 Board of Supervisors: July 9, 2002, 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. Marc Sharp, Greensprings Park Associates

Land Owner: Greensprings Office Park Associates

Proposed Use: Amend the proffered height restrictions to permit a 120-foot Monopine Wireless Communication Tower

Location: 3900 John Tyler Highway (Intersection of Route 5 and Greensprings Plantation Drive)

Tax Map and Parcel No.: (46-1)(1-7)

Primary Service Area: Inside

Parcel Size: ±13.7 acres

Existing Zoning: R-4, Residential Planned Community

Comprehensive Plan: Low Density Residential

Surrounding Zoning: North, East, & West: R-4, Residential Planned Community (Fairways Villas)
 South: R-1, Limited Residential (Jamestown High School)
 R-2, General Residential (Jamestown Hundred)

Staff Contact: Karen Drake - Phone: 253-6685

STAFF RECOMMENDATION:

Staff finds the proposed tower consistent and compatible with the existing development, zoning, and the Comprehensive Plan. Staff recommends approval of the proposed proffer amendment to increase the permitted height of certain structures in this location with in the Greensprings Planned Community. Note that approval of the Greensprings proffer amendment does not mean automatic approval of the proposed monopine tower. If the rezoning is approved, staff would then process the submitted site plan to ensure that the proposed tower meets the strict standards

detailed in the James City County Zoning Ordinance regulating Wireless Communication Facilities such as encouraging co-location, avoiding placement of a new tower and performance standards. On June 3, 2002, the Planning Commission voted 7-0 to approve the rezoning application. In consideration of these factors and the positive results of the balloon test, staff recommends the Board of Supervisors approve the rezoning application to amend the proffers governing Greensprings.

Description of Project

Mr. Marc Sharp has applied on behalf of Greensprings Office Park to amend the existing proffers for Greensprings to permit up to 120-foot tall monopine communication towers at 3900 John Tyler Highway which is in land bay M-9 on the Greensprings Plantation Master Plan. The proffer amendment applies only to this type of structure. The James City County Zoning Ordinance permits camouflaged communication towers up to 120 feet in height within any zoning district and these site plans are processed administratively. The proposed proffers would replace the current proffers approved by the Board of Supervisors on November 23, 1999, that place height restrictions in land bays M-9 and M-10 on any structure within 600 feet from the centerline of Route 5 to 35 feet or less and 45 feet or less in height within 900 feet of the centerline of Route 5. Note that the Greensprings Master Plan is not being modified with this application.

Existing Conditions

SBA Network Services, Co. has submitted a site plan to the Planning Division (Case No. SP-27-02) for approval of two 120-foot monopine towers and associated equipment to be located at 3900 John Tyler Highway. However at this writing, site plans are being revised for construction of only one tower that would be used by Verizon Wireless to provide cellular communication coverage in the Greensprings Plantation area. The tower would be located approximately 500 feet from Route 5 and behind the existing buildings in the Greensprings Office Park. The tower would be located on land leased from Greensprings Office Park Associates. Currently, the site is heavily wooded with a mixture of trees, including some pine trees. The existing tree buffer along Route 5 would not be disturbed.

As camouflaged communication towers are permitted within any zoning district, this site plan would have been processed administratively except the current proffers regarding height restrictions prohibited approval. Staff discussed the situation with SBA Network Services when the site plan was submitted and two alternatives were proposed; relocate the tower to a location that would not be restricted by the proffers or to amend the proffers. Relocation of the tower or significantly lowering the height of the tower would severely impact the range of the tower and its usefulness. Thus, the rezoning application to amend the proffers was submitted to the County for review.

Surrounding Zoning and Development

The property is zoned R-4, Residential Planned Community. Property to the West, North, and East is zoned R-4, Residential Planned Community as well. Fairway Villas is located to the West, on the opposite of Greensprings Plantation Drive from the Greensprings Office Park and is the closest residential development. To the South across John Tyler Highway is Jamestown High School, zoned R-1, Limited Residential, and the Jamestown Hundred subdivision, zoned R-2, General Residential. In the off-site locations where it is visible, the monopine appears consistent with the scale and species of surrounding trees. Consequently, staff finds the proposed monopine is compatible with the surrounding zoning and development as the proposed tower site is heavily wooded, adequately buffered and inside the existing tree line buffer. Visibility is discussed in greater detail in a later section.

Access

Access to the tower site is now being proposed via a new access road from the Greensprings Office Park parking lot. Access had previously been proposed from an existing James City Service Authority gravel road. The proposed tower does not generate a significant amount of traffic and neither access point would impact the Route 5 buffer.

Comprehensive Plan

The property is designated Low Density Residential on the 1997 Comprehensive Plan Land Use Designation Map. Low density areas are residential developments on land suitable for such developments with overall densities up to one dwelling unit per acre depending on the character and density of surrounding development, physical attributes of the property, buffers, the number of dwellings in the proposed development, and the degree to which the development is consistent with the Comprehensive Plan. Non-residential uses should complement the residential character of the low-density area in which it is located. Very limited commercial establishments should be located on collector roads at intersections where adequate buffering can be provided to protect nearby residential properties. For the reasons cited above regarding off-site appearance of scale and species, staff finds the proposed monopine tower located within the existing buffer and access from the existing parking lot compatible with the Comprehensive Plan.

Visual Analysis of the Proposal

To simulate the proposed height of the tower extension, the applicant conducted a publicly advertised balloon test on May 20, 2002. A balloon was raised to 120 feet and staff drove on nearby streets to gauge visual impacts. Please note that due to the existing dense trees coverage, the balloon was tested from a location approximately thirty feet closer to Route 5 and Greensprings Office Park than the proposed tower site. Therefore, the proposed tower would have even less of an impact than illustrated in the photographs, as it would be located deeper into the woods.

Balloon Test Results

The balloon test revealed the proposed monopine tower would have minimal to no visibility on adjacent roadways and surrounding properties. Pictures taken during the test and a location map are attached.

Photo No. 1 was taken on-site from the parking lot of Greensprings Office Park and the balloon was visible over the existing tree line. The monopine would clearly be out of scale with the surrounding trees. However, as the parking lot landscaping matures, staff believes the tower will blend in with the existing trees.

Photo No. 2, was taken from the entrance of Fairway Villas on the opposite side of Greensprings Plantation Drive and the balloon was visible. Driving from Monticello Extension on Greensprings Plantation Drive to Route 5, the balloon was only visible as one passed the entrance to Fairways Villa and was opposite the Greensprings Office Park. From this vantage point the monopine tower would not appear to be above the surrounding tree line and would appear consistent in terms of scale, height and species.

Driving on Route 5 in either direction, the balloon was not visible, nor was the balloon visible driving from Jamestown High School towards Route 5.

Photo No. 3 shows the existing buffer at Greensprings Office Park would not be affected by the proposed tower.

Also attached for reference are simulations provided by SBA Network Services, Inc., of how the proposed monopine tower would look.

Proffers

Revised proffers are attached that reflect the proposed change to Item No.17 that currently reads:

Height Limitations - In Land Bays M-9 and M-10 any structure within 600 feet from the centerline of Route 5 (John Tyler Highway) shall not exceed 35 feet in height. In Land Bays M-9 and M-10 any structure located in that area in between 600 feet from the centerline of Route 5 (John Tyler Highway) and 900 feet from the centerline of Route 5 (John Tyler Highway) shall not exceed a maximum height of 45 feet.

The applicant proposed to amend the proffers for Land Bay M-9 only by the adding the following sentence:

Height Limitations - In Land Bays M-9 and M-10 any structure within 600 feet from the centerline of Route 5 (John Tyler Highway) shall not exceed 35 feet in height. In Land Bays M-9 and M-10 any structure located in that area in between 600 feet from the centerline of Route 5 (John Tyler Highway) and 900 feet from the centerline of Route 5 (John Tyler Highway) shall not exceed a maximum height of 45 feet. *The foregoing restrictions notwithstanding, in Land Bay M-9 stealth communication towers up to 120 feet in height as defined and governed by the James City County Zoning Ordinance shall be permitted.*

Other than changes to the proffer recitals on the first two pages necessitated by law, no other substantive changes have been made to the proffers.

If the Board of Supervisors approves the proffer amendment, the Planning Staff will administratively process the site plan that has been submitted. Note that any proposed tower would have to meet the current James City County Zoning requirements including collocation effort requirements, performance standards, radio frequency standards, public safety considerations, and other standards.

Staff believes that the proposed proffer amendment is consistent with the original intent of the Greensprings proffers to maintain and protect the Historic Route 5 corridor buffer. If approved, staff believes that the proposed 120-foot monopine tower would not have a negative impact on Greensprings Plantation, in actuality; the monopine tower would benefit citizens as cell phone coverage would be improved. In the late 1990's, the County conducted a communications coverage tower study that reported coverage in the Greensprings area was inadequate and anticipated the need for camouflaged towers in the vicinity of the this site. Staff believes this application sets an example as to how the County's unique character can be preserved through proper siting and design of communication facilities while meeting service needs.

Recommendation:

Staff finds the proposed tower consistent and compatible with the existing development, zoning and the Comprehensive Plan. Staff recommends approval of the proposed proffer amendment to increase the permitted height of certain structures in this location with in the Greensprings Planned Community. Note that approval of the Greensprings Proffer Amendment does not mean automatic approval of the proposed monopine tower. If the rezoning is approved, staff would then process the submitted site plan to ensure that the proposed tower meets the strict standards detailed in the James City County Zoning Ordinance regulating Wireless Communication Facilities such as encouraging co-location, avoiding placement of a new tower and performance standards. On June 3, 2002, the Planning Commission voted 7-0 to approve the rezoning application. In consideration of these factors and the positive results of the balloon test, staff recommends the Board of Supervisors approve the rezoning application to amend the proffers governing Greensprings.

Karen Drake

CONCUR:

O. Marvin Sowers, Jr.

KD/adw
z-2-02.wpd

Attachments

1. Planning Commission Minutes
2. Location map
3. Photos taken at the publicly advertised balloon test
4. Tower simulation photographs
5. Proposed Proffers
6. Citizen Comment Letters
7. Resolution

RESOLUTION

CASE NO. Z-2-02. GREENSPRINGS PROFFER AMENDMENT

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, adjacent property owners notified, and a hearing was scheduled for Case No. Z-2-02 for rezoning approximately ±1396.5 acres from R-4, Residential Planned Community, with proffers, to R-4, Residential Planned Community, with revised proffer; and

WHEREAS, the site can be further identified as Parcel No. (1-7) on James City County Real Estate Tax Map No. (46-1); and

WHEREAS, the Planning Commission of James City County, following its public hearing on June 3, 2002, recommended approval of Case No. Z-2-02, by a vote of 7 - 0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-2-02 as described herein, and accepts the voluntary proffers.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

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

Z-2-02.res