

# A G E N D A

## JAMES CITY COUNTY BOARD OF SUPERVISORS

County Government Center Board Room

September 11, 2007

7:00 P.M.

---

	<u>Page</u>
<b>A. ROLL CALL</b>	
<b>B. MOMENT OF SILENCE</b> – In remembrance of September 11, 2001	
<b>C. PLEDGE OF ALLEGIANCE</b> – Desiree Minkins, a tenth-grade student at Jamestown High School	
<b>D. PUBLIC COMMENT</b>	
<b>E. CONSENT CALENDAR</b>	
1. Minutes - August 14, 2007, Regular Meeting .....	1
2. Erosion and Sediment Control Ordinance Violation – Civil Charge Agreement – Investment Properties of Virginia .....	15
<i>Supports County's Strategic Pathway 4.c - Ensure private development and government operations are environmentally sensitive</i>	
3. Creation of Administrative Secretary Position – Olde Town Medical Center Education, Prevention and Chronic Disease Program.....	19
<i>Supports County's Strategic Pathway 2.d - Support education/outreach about preventable health issues</i>	
4. Appointment of Secondary Alternate to the Virginia Peninsulas Public Service Authority (VPPSA) Board of Directors .....	23
5. Cool Counties Declaration .....	25
<i>Supports County's Strategic Pathway 4.c – Ensure private development and government operations are environmentally sensitive</i>	
<b>F. PUBLIC HEARINGS</b>	
1. Case No. SUP-0019-2007. King of Glory Lutheran Church.....	29
2. Case No. SUP-0017-2007. Wireless Tower – Longhill Road.....	43
3. Case No. Z-0006-2007. Public Land District.....	71
4. Case No. SUP-0023-2007. Temporary Classroom Trailers at Eastern State Hospital .....	83
5. Amendment to the Concealed Weapon Permit Procedure and Adoption of Regulations of the Use of Pneumatic Guns .....	113
<b>G. BOARD CONSIDERATIONS</b>	
1. Establishment of Positions for Service Expansion and Surry Employee Connector Service for Williamsburg Area Transport.....	119
<b>H. PUBLIC COMMENT</b>	

- CONTINUED -

**I. REPORTS OF THE COUNTY ADMINISTRATOR**

**J. BOARD REQUESTS AND DIRECTIVES**

**K. CLOSED SESSION**

1. Consideration of a personnel matter, the appointment of individuals to County boards and/or commissions pursuant to Section 2.2-3711(A)(1) of the Code of Virginia
  - a. Airport Feasibility Study - Community Airport Committee
2. Consideration of the acquisition of parcels of property for public use pursuant to Section 2.2-3711 (A)(3) of the Code of Virginia.

**L. ADJOURNMENT – to 4 p.m. on September 25, 2007**

091107bos.age

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 14TH DAY OF AUGUST 2007, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.**

**A. ROLL CALL**

John J. McGlennon, Chairman, Jamestown District  
James O. Icenhour, Jr., Vice Chairman, Powhatan District  
Jay T. Harrison, Sr., Berkeley District  
Bruce C. Goodson, Roberts District  
M. Anderson Bradshaw, Stonehouse District

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

**B. MOMENT OF SILENCE**

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

**C. PLEDGE OF ALLEGIANCE** - Quilbie Burks, a rising fourth-grade student at Rawls Byrd Elementary School, led the Board and citizens in the Pledge of Allegiance.

At 7:04 p.m., Mr. McGlennon recessed the Board for a meeting of the Williamsburg Area Transport Company.

At 7:09 p.m., Mr. McGlennon reconvened the Board.

**D. PRESENTATIONS**

1. Resolution of Appreciation - Mr. Vincent A. Campana, Jr.

Mr. McGlennon presented a Resolution of Appreciation to Mr. Vincent A. "Skip" Campana, Jr. for his service to the Economic Development Authority for 13 years.

2. FY 2007 Strategic Management Plan Update

Ms. Rona Vrooman, Training and Quality Performance Coordinator, presented a briefing on the County's efforts to uphold the Strategic Management Plan for FY 2007, citing 131 items related to the Plan, which were addressed by the Board.

Mr. McGlennon asked if there would be an opportunity to integrate the Strategic Management Plan with the Comprehensive Plan update.

Ms. Vrooman stated this was an excellent opportunity due to citizen input.

## **E. HIGHWAY MATTERS**

Mr. Jim Brewer, Virginia Department of Transportation (VDOT) Residency Administrator, stated VDOT was working on drainage issues and pothole patching. He noted that Route 608 Mount Laurel Road was on schedule to be finished September 1, 2007. He stated that VDOT was working on pedestrian crossings on Route 321, Monticello Avenue and compiling the planning schedule. He stated that funding was better than last year, but not significantly. Mr. Brewer stated he had gotten questions about the crossover above Anderson's Corner and stated this crossover was put in at the request of the Fire Department for emergency access only. He stated that VDOT was evaluating timing for installing stoplight cameras. Mr. Brewer stated that since there were some questions about County bridges in the press, he brought the Bridge Division Engineer, Mr. Tim Feldman, to explain the program used to ensure safety of the citizens.

Mr. Tim Feldman commented on a recent article in the newspaper explaining that bridge ratings were all based on the same standards used by the Federal Department of Transportation. He explained the rating system used noting that the rating for a bridge was always the lowest score received by any of its components.

Mr. Feldman highlighted the bridge on Route 143 that received a 4 rating, which categorized it as structurally deficient. He stated that patching on the bridge would be done as soon as possible, and though it is safe to go across, VDOT imposed a weight limit to prevent further structural damage. He stated that there would be programming money for additional repair after January 1, 2008. Mr. Feldman stated that both Toano bridges received a 4 rating but they were not posted with a weight limitation due to a continual maintenance program by a crew of seven experienced people. He stated that the Route 60 Bridge was not posted but it handles a lot of traffic so the team must patch it quickly. He noted that as this is a continual problem and difficult to repair, there was continual maintenance.

Mr. Feldman concluded by stating that he felt all the bridges were safe because of continual maintenance programs and that his office reviews them each year and prioritizes repairs to give taxpayers the best return.

Mr. Bradshaw asked what the lowest rating was for the CSX Bridge in Toano.

Mr. Feldman stated the decks on both bridges were a 4, the substructure a 5, and the beams were a 6. He noted that the best way to work on the decks would be to replace the whole thing that would take time, but at this time, it will be patched by a crew to comfortably hold the loads.

Mr. Icenhour thanked Mr. Brewer for accompanying him to Forest Glen to look at ruts in the roads, noted the requests for no parking signs, yield or stop signs, and a community request for a speed limit study to reduce the speed from 25 to 20 mph.

## **F. PUBLIC COMMENT**

1. Ms. Sarah Kadec, on behalf of the James City County Citizens Coalition (J4C), 3504 Hunter's Ridge, commented that the group name has changed to James City County Citizens Coalition, September, governed by a three-person rotation executive committee, and explained the rotation of the executive officers.

2. Ms. Kensett Teller, on behalf of J4C, 126 Lake Drive, issued six major goals for 2007 for the County, including water conservation, economic development, GIS, traffic, the cost of growth, and water supply. She introduced Mr. Terry Elkins, who is a contact with the Environmental Division.

3. Mr. Terry Elkins, 105 Oaking, commented on an environmental pre-assessment, displaying a chart of environmental items: hydrology, context, prohibited or restricted development areas, land features or characteristics, and proposed site changes. He recognized the Stonehouse Development Group for their assistance with this matter.

4. Mr. Jack Haldeman, on behalf of J4C, 1597 Founders Hill, commented on the cost to developers for a change to development plans and how to reduce these costs. He noted a development process roundtable that would help to alleviate problems that may arise in the approval process. He asked for approval of the recommendations presented by the J4C and offered assistance to staff as needed.

5. Ms. Mary Jones, representing the Planning Commission, thanked the Board for time and input during the Joint Work Session regarding the Master Plan process and noted that the Policy Committee has evaluated a review of the cluster ordinance and amendments of master plans. She stated the Policy Committee would review and recommend any changes. She thanked the Board for keeping up the habit of speaking one-on-one with Planning Commissioners, or copying them on e-mails when there is a special interest. She stated the Planning Commission would continue to send a representative to future Board meetings to enhance communication.

Mr. McGlennon noted that Ms. Shereen Hughes was chosen as the new Chairman of the Planning Commission.

6. Mr. Ed Oyer, 139 Indian Circle, commented on investment in buses for Colonial Williamsburg; bonuses received by County employees; and the Hampton Roads Transportation Authority (HRTA) hiring a lawyer, and asked why it was not defended by the Attorney General.

7. Mr. Leonard Sazaki, 3927 Ironbound Road, commented that illegal immigrants using County services needed to be investigated.

Mr. McGlennon asked Mr. Rickards to comment on the issues raised about the buses.

Mr. Rickards stated he could not go into details because things have not been finalized but buses are titled and owned by the County, operating on public streets, and opened to the public. He stated the County was entering into the partnership because it was a good action for the region and utilized the investment of Federal and State funds. Mr. Rickards stated that Williamsburg Area Transport, James City County, and Colonial Williamsburg would all benefit from additional funding for new equipment.

Mr. McGlennon asked about inspection of buses.

Mr. Rickards stated the buses are inspected by the Penske garage and are required to maintain the annual inspection.

Mr. Wanner asked if Colonial Williamsburg drivers were Colonial Williamsburg employees.

Mr. Rickards stated that was correct.

## **G. CONSENT CALENDAR**

Mr. Goodson made a motion to adopt the consent calendar.

On a roll call vote, the vote was: AYE: Harrison, Bradshaw, Goodson, Icenhour, McGlennon. (5).

NAY: (0).

1. Minutes -
  - a. July 24, 2007, Joint Work Session
  - b. July 24, 2007, Regular Meeting
2. Resolution of Appreciation – Mr. Vincent A. Campana, Jr.

### **RESOLUTION OF APPRECIATION**

#### **MR. VINCENT A. CAMPANA, JR.**

WHEREAS, Vincent A. Campana, Jr., served as a member of the Economic Development Authority of James City County from July 1994 to July 2007; and

WHEREAS, Vincent A. Campana, Jr., served as Vice Chairman of the Economic Development Authority of James City County from January 1999 to December 1999 and January 2002 to December 2002 and as Chairman of the Economic Development Authority from January 2003 to December 2004; and

WHEREAS, Vincent A. Campana, Jr., was an invaluable advisor on the Economic Development Authority's James River Commerce Center project and served on its Architectural Review Board; and

WHEREAS, Vincent A. Campana, Jr., was instrumental in representing the County's economic development interests for the 2003 Comprehensive Plan and in overseeing the technology study that led to the establishment of the James City County Technology Incubator to facilitate new James City County business and industry; and

WHEREAS, throughout this period of service, Vincent A. Campana, Jr., gave freely of his time, his energy, and his knowledge for the betterment of his County and consistently demonstrated the essential qualities of leadership, diplomacy, perseverance, and dedication while providing exceptional service to the citizens of James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia hereby recognizes his distinguished service and dedication to the County and its citizenry and extends its appreciation to:

#### **MR. VINCENT A. CAMPANA, JR.**

3. Dedication of a Street known as Green Mount Parkway

**RESOLUTION**

DEDICATION OF A STREET KNOWN AS GREEN MOUNT PARKWAY

WHEREAS, the street described on the attached Additions Form AM-4.3, 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 July 1, 1994, 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 AM-4.3 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.

4. Dedication of a Street in The Vineyards at Jockey's Neck - Phase 3

**RESOLUTION**

DEDICATION OF A STREET KNOWN IN THE VINEYARDS AT JOCKEY'S NECK, PHASE 3

WHEREAS, the street described on the attached Additions Form AM-4.3, 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 July 1, 1994, 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 AM-4.3 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.

5. Chesapeake Bay Preservation Ordinance Violation - Civil Charge - Robin R. Jones

**RESOLUTION**

**CHESAPEAKE BAY PRESERVATION ORDINANCE VIOLATION - CIVIL CHARGE -**

**ROBIN R. JONES**

WHEREAS, Robin R. Jones is the owner of a certain parcel of land, commonly known as 6001 Tabiatha Lane, Williamsburg, VA, designated as Parcel No. 1910600031, within James City County's Real Estate system, herein referred to as the ("Property"); and

WHEREAS, on or about June 7, 2007, Robin R. Jones caused the removal of vegetation from within the Resource Protection Area (RPA) on the Property; and

WHEREAS, Robin R. Jones has agreed to a Restoration Plan to replant four canopy trees on the Property in order to remedy the violation under the County's Chesapeake Bay Preservation Ordinance and Robin R. Jones has posted sufficient surety guaranteeing the installation of the aforementioned improvements and the restoration of the RPA on the Property; and

WHEREAS, Robin R. Jones has agreed to pay \$750 to the County as a civil charge under the County's Chesapeake Bay Preservation Ordinance; and

WHEREAS, the James City County Board of Supervisors is willing to accept the restoration of the impacted area and the civil charge in full settlement of the Chesapeake Bay Preservation Ordinance violation, in accordance with Sections 23-10 and 23-18 of the Code of the County of James City.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to accept the \$750 civil charge from Robin R. Jones, as full settlement of the Chesapeake Bay Preservation Ordinance Violation.



6. Authorization to Participate in Community Investment Services Programs of the Federal Home Loan Bank of Atlanta

**RESOLUTION**

**AUTHORIZATION TO PARTICIPATE IN COMMUNITY INVESTMENT SERVICES PROGRAMS  
OF THE FEDERAL HOME LOAN BANK OF ATLANTA**

WHEREAS, the Federal Home Loan Bank of Atlanta (FHLBA) has established an Affordable Housing Program that offers subsidized advances (loans) and direct subsidies (direct cash payments); and

WHEREAS, FHLBA requires all applicants requesting subsidized funds to submit a resolution of its Board authorizing participation in the Community Investment Services Programs and designating the individuals authorized to sign agreements with FHLBA; and

WHEREAS, the James City County Office of Housing and Community Development (OHCD) intends to apply for subsidized funds.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the OHCD to participate in the Community Investment Services Programs of FHLBA.

BE IT FURTHER RESOLVED that the County Administrator, or his designee, shall be authorized to sign any and all agreements with FHLBA.

7. Acceptance of Funds – Virginia Department of Emergency Management - \$25,000

**RESOLUTION**

**ACCEPTANCE OF FUNDS -**

**VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT - \$25,000**

WHEREAS, James City County has received pass-down funds from the Virginia Department of Emergency Management (VDEM) in the amount of \$25,000; and

WHEREAS, the funds will allow for improvement to the Emergency Operations Center and development of plans and exercises to enhance preparedness to respond to and recover from potential radiological incidents.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of the funds and the following budget amendments and changes in appropriations to the Special Projects/Grants Fund:

Revenue:

VDEM-07 Radiological/Nuclear Pass-Down Funds	<u>\$25,000</u>
--	-----------------

Expenditure:

VDEM-07 Radiological/Nuclear Pass-Down Funds	<u>\$25,000</u>
--	-----------------

8. Virginia Department of Professional and Occupational Regulation Fund Award - \$13,700

**RESOLUTION**

VIRGINIA DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

FUND AWARD - \$13,700

WHEREAS, the Department of Professional and Occupational Regulation (DPOR) has awarded James City County Neighborhood Connections the contract for RFP No. 222-2007-492-3, Common Interest Community Management Information Fund; and

WHEREAS, the award requires no match; and

WHEREAS, the award will be administered by DPOR with a contract period of July 1, 2007, through June 30, 2008.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation amendment to the Special Projects/Grants Fund:

Revenue:

DPOR Award	<u>\$13,700</u>
------------	-----------------

Expenditure:

DPOR Award	<u>\$13,700</u>
------------	-----------------

9. Colonial Community Criminal Justice Board Appointment - Police Chief

**RESOLUTION**

**COLONIAL COMMUNITY CRIMINAL JUSTICE BOARD APPOINTMENT – POLICE CHIEF**

WHEREAS, §53.1-183 of the Code of Virginia requires appointments to the Colonial Community Criminal Justice Board (CCCJB) be made by local governing bodies; and

WHEREAS, the Police Chief is required by the Code of Virginia to be appointed to the CCCJB; and

WHEREAS, members serve three-year terms.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby appoint the Chief of Police of James City County, Emmett H. Harmon, to a three-year term on the Colonial Community Criminal Justice Board.

**H. BOARD CONSIDERATION**

1. Airport Feasibility Study - Grant Allocation

Mr. Bill Porter, Assistant County Administrator, stated the owners of the Williamsburg-Jamestown Airport were anticipating retirement from the airport business, and staff was requested to investigate public operation of the Airport. Mr. Porter explained that matching grants were available to conduct feasibility studies, and eight firms submitted Requests for Proposals to conduct the Airport Feasibility Study. He stated staff and citizen volunteers selected Robert M. Kimball and Associates and the firm has submitted a scope of work for the Study. He stated the Federal Aviation Administration (FAA) has allocated \$156,977 for the Study and the State Department of Aviation (DOAV) will approve the scope of services and allocate \$4,957, leaving a County match of \$3,305.

Mr. Porter stated that under the scope of work, the Study will evaluate the demand for a County airport, identify requirements to meet FAA standards for a community airport, evaluate benefits, analyze costs to the surrounding community, and examine alternatives. He noted some of the alternatives would be for the Airport to remain private, closing the Airport, acquisition by the County, and use of a greenfield site for the construction of a new airport. He stated that public participation was under scope of service in accordance with SUP-16-04. He stated that a working committee would be appointed, a public workshop would be held near the end of the Study with a multistation format, exhibits would be displayed for various study concepts, and the County would establish a webpage to broadcast information throughout the Study.

Staff recommended adoption of the resolution, which asks to appropriate \$165,239 for the Study with an FAA allocation in the amount of \$156,977, a State allocation of \$ 4,957, and a County grant match of \$3,305. Mr. Porter stated that the resolution also asks that the County Administrator be authorized to sign a contract with Robert M. Kimball and Associates for the Study after the Virginia Department of Aviation approves the scope of work, which is expected to be August 24, 2007.

Mr. Goodson asked how citizens could get involved in this issue.

Mr. Porter stated a webpage could be set up and citizens could contact him. He indicated that advertisements would run for a public workshop and a citizen committee would be appointed by the Board. He stated that citizens may also contact the Board.

Mr. McGlennon asked if action on this item did not change the conditions of the airport.

Mr. Porter stated it would not. He clarified that the Study would investigate the airport and the needs required for an FAA certification if the Board decided that was the best course to take. He stated the Board would have to take action to move forward on any identified alternatives.

Mr. McGlennon stated there may be admissible operation by the County or surrounding communities, or that need could be filled by another airport at another location.

Mr. Porter stated it would be based on engineering and site needs for airports, greenspace, and existing airports.

Mr. McGlennon asked if the Board could choose to take any action changing the conditions of the current airport.

Mr. Porter stated that a public hearing was required to change the SUP conditions of the existing airport.

Mr. Icenhour asked if the funds the County receives for the Study views the airport in its current state and does not obligate any further requirements.

Mr. Porter stated this was correct.

Mr. Icenhour asked if the airport was FAA certified.

Mr. Porter stated it was not FAA certified but it was State certified.

Mr. Icenhour asked if the airport would be FAA certified if the Study recommended municipal operation of the airport.

Mr. Porter stated the Study would survey the airport and FAA standards and determine if the airport can meet those standards. He stated the County would be notified as part of the findings if the airport can meet the FAA's criteria. He stated if the airport does not meet the requirements, the Board can decide if it will be publicly owned but operate without FAA funds.

Mr. Goodson asked if the County would have to return the funds if the airport was not FAA certified.

Mr. Porter stated the County would not have to return the funds.

Mr. Bradshaw stated this information was important to make a wise choice.

Mr. Icenhour stated he hoped for detailed financial analysis for an economically viable venture.

Mr. Porter stated the Study will not get into very detailed financial analysis, but more of a general cost-benefit analysis. He stated that if a public airport was an alternative, monies would be available to look specifically at the airport financially.

Mr. Goodson stated this was a first step in this process.

Mr. Porter stated this was correct.

Mr. Bradshaw made a motion to adopt the resolution.

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

## **RESOLUTION**

### **AIRPORT FEASIBILITY STUDY – GRANT ALLOCATION**

WHEREAS, the owners of the Williamsburg – Jamestown Airport would like to retire and have the airport property remain a “community airport”; and

WHEREAS, the James City County Board of Supervisors desires to study the aviation needs for the County and determine the cost vs. benefit of public ownership of an airport; and

WHEREAS, \$165,239 has been allocated by the Federal Aviation Administration (FAA) and the Virginia Department of Aviation (DOAV) Board is reviewing the County’s application for grant money; and

WHEREAS, staff has solicited RFPs for consultants to conduct the Airport Feasibility Study and L. Robert Kimball & Associates was deemed the most qualified to conduct the Airport Feasibility Study.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation to the Special Projects/Grants Fund:

#### **Revenue:**

FAA Vision 100	\$156,977
DOAV Allocation	4,957
County Grants Match Account	<u>3,305</u>
Total	<u>\$165,239</u>

#### **Expenditure:**

Airport Feasibility Study	<u>\$165,239</u>
---------------------------	------------------

BE IT FUTHER RESOLVED that the County Administrator be and hereby is authorized to enter into a contract with L. Robert Kimball & Associates to conduct an Airport Feasibility Study in accordance with the attached “James City County Revised Draft Scope of Services, Airport Feasibility Study” dated June 14, 2007, not to exceed \$165,239 upon approval of the Study by DOAV.

## **I. PUBLIC COMMENT**

1. Mr. Ed Oyer, 139 Indian Circle, commented on the ownership transition of property at Oakland Farms, purchased by the County for \$1.2 million.

## **J. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Wanner reminded citizens that there was no second Board meeting in August and the next Board meeting would be held on September 11, 2007, at 7 p.m. He stated the Board appointments on the agenda could be considered during Board Requests and Directives if the Board wished to do so. He indicated that a Closed Session was recommended for consideration of the acquisition of an easement of property for the conservation of greenspace, pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, the consideration of a personnel matter, and the annual evaluation of the County Attorney, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. Mr. Wanner stated that prior to the Closed Session, a James City Service Authority meeting should be held.

In response to a citizen comment, Mr. Wanner explained that the Attorney General represents the Commonwealth of Virginia and its agencies and the HRTA is not an agency of the Commonwealth. He stated it was a stand-alone authority that is being sued along with Virginia.

## **K. BOARD REQUESTS AND DIRECTIVES**

Mr. McGlennon stated Mr. Rogers's memorandum stated there were procedures in place to address the issue of illegal immigration, not just that there is no problem. He clarified that it was staff's opinion that it was not a significant issue at this time.

Mr. Goodson stated unanimously approved resolutions in Prince William County and Loudoun County have been passed to address the issue of illegal immigration, so he asked staff to look into the problem to see if a similar resolution was viable. He stated many other Virginia counties are active on this issue, and stated it was a concern and important to investigate here. Mr. Goodson stated he was pleased that the County requires proper valid identification to ensure that County tax dollars support citizens, noted that presenting false identification for services is a crime in Virginia and should be enforced as any other crime. He stated his opinion did differ with those saying that illegal immigration was not a local concern, as he felt that it was necessary to address this in order to promote economic development and protect jobs for citizens.

Mr. McGlennon stated the Board members serve on various boards and commissions impacted by this and procedures have been in place to address these concerns. He stated fraudulent identification is not a concern solely in the instance of illegal immigration as this is enforced regardless of who is presenting illegal identification.

Mr. Harrison asked for a copy of the memorandum listing action taken by counties due to high growth issues.

Mr. McGlennon stated this was worthwhile to look into as a planning tool.

Mr. Icenhour stated this was appropriate for staff to investigate initiating Comprehensive Plan amendments to recommend an increase in residential densities.

Mr. Bradshaw thanked the Chairman for representing the County with the HRTA and successfully placing the issue back before the General Assembly. He stated his support for a deferral in the imposition of fees and noted the enacting resolution urged specific changes to the Authority.

Mr. McGlennon gave an overview of two public hearings held in Hampton and Virginia Beach regarding the HRTA. He stated based on the input from citizens at these public meetings, there was a consensus among Authority members supporting the transportation authority to defer the funding until 30 days after the General Assembly session to allow State legislators to evaluate funds. He stated the HRTA was looking for specific changes to rationalize the funds for transportation and though the Authority has not taken specific action, it has made clear its preferences a sales tax increase on motor fuels and elimination of the grantors tax. He stated discussion was also held about raising the sales tax on rental of automobiles to match the State sales tax rate to replace revenue projected for sales tax on labor for auto repair. He stated Authority members are encouraged by the legislative response, and they recognize there are problems with the revenue sources. He stated if local government can encourage the public to raise questions about these concerns and encourage legislators to take a position to change the fees, there may be consideration of a statewide gasoline tax increase or tolls on major highways instead.

Mr. McGlennon stated he was asked to chair the Legislative Committee of the HRTA, and in that capacity, he will work with the public and lobby the General Assembly for a suitable transportation plan of action.

Mr. McGlennon requested a report back on the environmental inventory/pre-assessment as a change in process of consideration of rezonings. He requested comments from staff on the proposed recommendation.

Mr. Bradshaw made a motion to reappoint Ms. Frances Hamilton and Ms. Carol Mathews to three-year terms on the Historical Commission; to appoint Ms. Gloria Schaffer, Mr. Steven McKnight and Ms. Rosalind Dodd to four years on the Social Services Advisory Board; and to reappoint Mr. David Gussman to a five-year term on the Wetlands Board and Chesapeake Bay Board.

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

Mr. McGlennon recessed the Board for a meeting of the James City Service Authority at 8:21 p.m.

Mr. McGlennon reconvened the Board at 8:32 pm.

## **L. CLOSED SESSION**

Mr. Goodson made a motion to go into Closed Session.

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

At 8:34 p.m., Mr. McGlennon recessed the Board into Closed Session.

At 8:45 p.m., Mr. McGlennon 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: Harrison, Bradshaw, Goodson, Icenhour, McGlennon. (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)(3), to consider the acquisition of property for public use; and Section 2.2-3711(A)(1), to consider personnel matters, the annual evaluation of the County Attorney.

Mr. Wanner briefed the Board on the status of the FY 2008 budget.

**M. ADJOURNMENT** until September 11, 2007, at 7 p.m.

Mr. Harrison made a motion to adjourn.

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

At 8:47 p.m., Mr. McGlennon adjourned the Board until 7 p.m. on September 11, 2007.

---

Sanford B. Wanner  
Clerk to the Board



MEMORANDUM

DATE: September 11, 2007

TO: The Board of Supervisors

FROM: Scott J. Thomas, Environmental Director

SUBJECT: Erosion and Sediment Control Ordinance Violation – Civil Charge Agreement – Investment Properties of Virginia

---

Attached is a resolution for consideration by the Board of Supervisors involving a violation of the Erosion and Sediment Control Ordinance. The case involves the disturbance of land for the purpose of clearing and grading, without a land disturbing permit. In accordance with provisions of the Ordinance, the County issued a Notice of Violation and a Stop Work Order. The owner, Investment Properties of Virginia, and Michael C. Brown, Manager, have abated the violation. Under the provisions of the Ordinance, the Board may accept a civil charge of up to \$2,000 as offered by the responsible party. Rather than go to court, Investment Properties of Virginia has agreed to a civil charge of \$1,000. Staff believes that a civil charge of \$1,000 is equitable given the nature of the land disturbance and the cooperation of Investment Properties of Virginia in resolving the violation.

Staff recommends that the Board adopt the attached resolution accepting a civil charge for the erosion and sediment control violation.

  
\_\_\_\_\_  
Scott J. Thomas

CONCUR:

  
\_\_\_\_\_  
Leo P. Rogers

SJT/nb  
ErosSedVio.mem

Attachment

## RESOLUTION

### EROSION AND SEDIMENT CONTROL ORDINANCE VIOLATION – CIVIL CHARGE

#### AGREEMENT – INVESTMENT PROPERTIES OF VIRGINIA

WHEREAS, on or about June 26, 2007, Investment Properties of Virginia, and Michael C. Brown, Manager, violated, or caused a violation of the County's Erosion and Sediment Control Ordinance by disturbing land without a permit at: 7840 & 7844 Richmond Road, designated as Parcel ID Nos. (1240200018) and (1240200017), and hereinafter referred to as the "Property"; and

WHEREAS, Investment Properties of Virginia has abated the violation at the Property; and

WHEREAS, Investment Properties of Virginia has agreed to pay \$1,000 to the County as a civil charge under the County's Erosion and Sediment Control Ordinance; and

WHEREAS, the James City County Board of Supervisors is willing to accept the civil charge in full settlement of the Erosion and Sediment Control Ordinance violation, in accordance with Section 8-7(f) of the Code of the County of James City.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to accept the \$1,000 civil charge from Investment Properties of Virginia, as full settlement of the Erosion and Sediment Control Ordinance violation at the Property.

---

John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:

---

Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of September, 2007.

ErosSedVio.res



**Erosion & Sediment Control Ordinance Violation  
Located at: 7840 & 7844 Richmond Road**

0 25 50 100 150 200 250 300 Feet

— Approximate Area of Land Disturbance



**MEMORANDUM**

DATE: September 11, 2007

TO: The Board of Supervisors

FROM: David C. Pribble, Executive Director, Olde Towne Medical Center

SUBJECT: Creation of Administrative Secretary Position - Williamsburg Area Medical Assistance Corporation - Olde Town Medical Center Education, Prevention, and Chronic Disease Program

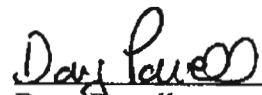
---

Pursuant to the agreement between James City County and the Williamsburg Area Medical Assistance Corporation (WAMAC), the WAMAC Board of Directors is requesting the creation of a full-time (2,080 hours/year) other position of Administrative Secretary for the Olde Towne Medical Center Education, Prevention, and Chronic Disease Program effective September 12, 2007.

The WAMAC Board of Directors has reviewed and approved this request and a resolution signed by William Pennock, President of the Board of Directors, is attached to this memorandum.

  
\_\_\_\_\_  
David C. Pribble

CONCUR:

  
\_\_\_\_\_  
Doug Powell

DCP/gb  
AdminSecPos.mem

Attachment

**RESOLUTION**

**CREATION OF ADMINISTRATIVE SECRETARY POSITION -**

**WILLIAMSBURG AREA MEDICAL ASSISTANCE CORPORATION - OLDE TOWNE**

**MEDICAL CENTER EDUCATION, PREVENTION, AND CHRONIC DISEASE PROGRAM**

WHEREAS, the Williamsburg Area Medical Assistance Corporation (WAMAC) desires to fund a full-time Administrative Secretary position for the Education, Prevention and Chronic Disease Program (EPCDP) at Olde Towne Medical Center (OTMC); and

WHEREAS, the Board of Directors of WAMAC has approved the creation of the full-time Administrative Secretary position for the OTMC EPCDP; and

WHEREAS, James City County is the fiscal agent for WAMAC.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, creates a full-time (2,080 hours/year) other position of Administrative Secretary for the EPCDP effective September 12, 2007.

\_\_\_\_\_  
John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of September, 2007.

AdminSecPos.res

RESOLUTION

CREATION OF ADMINISTRATIVE SECRETARY POSITION

WHEREAS, the Williamsburg Area Medical Assistance Corporation (WAMAC) desires to fund a full-time Administrative Secretary position for the Education, Prevention and Chronic Disease Program (EPCDP) at Olde Towne Medical Center (OTMC); and

WHEREAS, the Board of Directors of WAMAC has approved the creation of the full-time Administrative Secretary position for the OTMC EPCDP, and

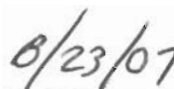
WHEREAS, James City County is the fiscal agent for WAMAC.

NOW, THEREFORE BE IT RESOLVED

that the Board of Supervisors of James City County,  
Virginia, creates a full-time (2,080 hours/year) other position of  
Administrative Secretary for the EPCD Program effective October 1, 2007.



William I. Pennock  
President  
WAMAC Board of Directors



Date

**MEMORANDUM**

DATE: September 11, 2007

TO: The Board of Supervisors

FROM: Sanford B. Wanner, County Administrator

SUBJECT: Appointment of Secondary Alternate to the Virginia Peninsulas Public Service Authority (VPPSA) Board of Directors

---

The Board of Supervisors appoints a member and alternate designee to represent the County on the Board of Directors of the Virginia Peninsulas Public Service Authority (VPPSA). I was appointed to the Authority and Assistant County Administrator William C. Porter, Jr. was appointed as an alternate.

There are occasions when neither myself nor Mr. Porter are able to attend the VPPSA meetings. Mr. Steven W. Hicks has expressed interest in serving as the secondary alternate representing the County on the VPPSA Board of Directors.

Staff recommends approval of the attached resolution appointing Steven W. Hicks as the secondary alternate member of the VPPSA Board of Directors.

  
Sanford B. Wanner

SBW/gb  
VPPSA\_Appt.mem

Attachment

**RESOLUTION**

**APPOINTMENT OF SECONDARY ALTERNATE TO**

**THE VIRGINIA PENINSULAS PUBLIC SERVICE AUTHORITY (VPPSA)**

**BOARD OF DIRECTORS**

WHEREAS, the Virginia Peninsulas Public Service Authority (VPPSA) Board of Directors consists of one member from each participating jurisdiction; and

WHEREAS, there are occasions when the regular member and alternate designee are unable to attend VPPSA Board of Directors meetings.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby appoint Mr. Steven W. Hicks as its VPPSA Board of Directors secondary alternate designee.

\_\_\_\_\_  
John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of September, 2007.

VPPSA\_Appt..res



**M E M O R A N D U M**

DATE: September 11, 2007  
TO: The Board of Supervisors  
FROM: William C. Porter, Jr., Assistant County Administrator  
SUBJECT: Cool Counties Declaration

---

Staff has been requested to prepare the attached resolution authorizing James City County to join the "Cool Counties Initiative" by participating in the Cool Counties Climate Stabilization Initiative.

The "Cool Counties Initiative" has been led by King County, Washington County, and Fairfax County, Virginia and was formed for the purpose of acting in concert with other local governments to address the threats of global climate changes. While counties may not regulate emissions from power plants, automobiles, and garden equipment they have both the opportunity and the responsibility to take steps to reduce their operational greenhouse gas emissions as well as to recruit their state and federal partners to take similar actions.

The "Cool Counties Initiative" consists of two parts:

- A pledge on the County's part to take action and establish a plan to carry the action out. The attached resolution/declaration serves as the pledge.
- Establishment of policies and actions that can be used to help achieve the goals of the resolution/declaration.

The Cool Counties Declaration consists of three key elements:

- County governments committing to reducing their operational greenhouse gas (GHG) emission by creating an inventory of their local emissions and then planning and implementing policies and programs to achieve significant, measurable and sustainable reductions.
- County governments working closely with the local government in their regions, state government, and others to reduce regional GHG emissions to 80 percent below current levels by 2050.
- County governments calling to urge Congress and the Administration to enact a multi-sector national program of market-based limits and incentives for reducing GHG emissions to 80 percent below current levels by 2050.

Staff recommends adoption of the attached resolution/declaration.

  
William C. Porter, Jr.

WCP/tlc  
CoolCounties.mem

Attachment

## RESOLUTION

### COOL COUNTIES DECLARATION

WHEREAS, there is a consensus among the world's leading scientists that global warming caused by human emission of greenhouse gases is among the most significant problems facing the world today; and

WHEREAS, documented impacts of global warming include but are not limited to increased occurrences of extreme weather events (i.e., droughts and floods), adverse impacts on plants and wildlife habitats, threats to global food and water supplies - all of which have an economic impact on communities and their local governments; and

WHEREAS, leading scientists have projected that stabilization of climate change in time to minimize such impacts will require a reduction of global warming emissions to 80 percent below current levels by the year 2050; and

WHEREAS, the U.S. Conference of Mayors has endorsed the U.S. Mayors Climate Protection Agreement, which commits cities to reduce global warming emissions to 7 percent below 1990 levels by 2012, and calls for a federal limit on emissions; and

WHEREAS, many counties throughout the nation, both large and small, are reducing global warming pollutants through programs that provide economic and quality of life benefits such as reducing energy bills, preserving green space, implementing better land use policies, improving air quality, promoting waste-to-energy programs, expanding transportation and work choices to reduce traffic congestion, and fostering more economic development and job creation through energy conservation and new technologies.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, will take immediate steps to help the federal, state, and the County to achieve the 2050 climate stabilization goal by:

1. Creating an inventory of County government (operational) greenhouse gas ("GHG") emissions and implement policies, programs, and operations to achieve significant, measurable and sustainable reduction of those operational GHG emissions to 80 percent below current levels by 2050.
2. Working closely with local, state, and federal governments to reduce County GHG emissions to 80 percent below current levels by 2050, by developing a GHG emissions inventory and plan that establishes short-, mid-, and long-term GHG reduction targets, with recommended goals to stop increasing emissions by 2010, and to achieve a 10 percent reduction every five years thereafter through to 2050.

---

John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:

---

Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of  
September, 2007.

CoolCounties.res

**SPECIAL USE PERMIT-0019-07. King of Glory Lutheran Church  
Staff Report for the September 11, 2007, 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**

Planning Commission:  
Board of Supervisors:

**Building F Board Room; County Government Complex**

July 11, 2007, 7:00 p.m. (approved 7-0)  
September 11, 2007, 7:00 p.m.

**SUMMARY FACTS**

Applicant: Mr. Matt Burton, Project Manager, DJG, Inc.

Land Owner: King of Glory Lutheran Church

Proposal: To replace an existing 1,407-square-foot modular building with a 2,800-square-foot modular building

Location: 4897 Longhill Road; Berkeley District

Tax Map/Parcel No.: (32-4)(1-33)

Parcel Size: 5.96 acres

Existing Zoning: R-2, General Residential

Comprehensive Plan: Low-Density Residential

Primary Service Area: Inside

**STAFF RECOMMENDATION**

Staff finds the proposed addition consistent with the surrounding zoning and development and consistent with the Comprehensive Plan. Staff recommends that the James City County Board of Supervisors approve the special use permit (SUP) application with the attached SUP conditions.

Staff Contact: Jose Ribeiro, Planner Phone: 253-6685

**PLANNING COMMISSION RECOMMENDATION**

On July 11, 2007, the Planning Commission voted 7-0 to recommend approval of this application.

**Proposed Changes Made After Planning Commission Consideration**

Three SUP conditions have been amended since the last Planning Commission meeting. SUP Condition No. 5, Building Materials, has been revised to clarify the design review process and standards for the proposed modular building and to incorporate information provided to the Planning Commission and Board of Supervisors. SUP Condition No. 6, Landscaping, has been revised to address a specific concern expressed by the applicant in regards to the reforestation plan included in this condition. Although the applicant will provide a landscape plan, staff felt it necessary that the applicant provide additional vegetative buffer in the northern area of the site to visually screen the proposed modular building from adjacent property, the Crossroads Youth Home site. The applicant indicated that the Church would prefer not to provide a reforestation plan along the

northern property line since it is possible that the Church might acquire the adjacent property (i.e., Crossroads Youth Home) for future development and/or expansion of the Church; therefore, a reforestation plan with the intent of screening the modular building from the adjacent property would not be necessary. Staff has revised this condition, as requested by the Planning Commission, to include a bonding mechanism for the landscape/reforestation plan allowing the Church time to evaluate its plans to acquire the adjacent property. SUP Condition No.7, Commencement of Construction, has been revised to more clearly clarify the trigger, which determines the validity of the “construction” period of the modular building, and improve its enforceability.

## **PROJECT DESCRIPTION**

Mr. Matt Burton, on behalf of King of Glory Lutheran Church, has applied for an SUP to allow the replacement of an existing modular building of approximately 1,407 square feet with a larger modular building of approximately 2,800 square feet. In addition to the modular building, 861 square feet of sidewalk will be provided to connect the proposed modular building with the rear of the Church building, the Fellowship Hall, and the existing playground area. The larger modular building will be placed in the same area currently occupied by the smaller modular building, which is located behind the Church structure and beside the existing playground. The proposed structure will provide two classroom spaces for preschool students with capacity for 30 children and will operate during daytime hours, Monday to Friday. This addition will increase the overall preschool student capacity at the Church site from the current 60 students (distributed in four existing classrooms) up to 90 students. An SUP is necessary for the proposed modular building addition since it is an expansion to a specially permitted use. Please note that the proposed use of the modular space and preschool classroom is not binding under the proposed condition.

### *History of the Site*

The existing 7,698-square-foot Church structure and parking area located at the southern region of the site were built in 1995 (SP-7-95). At the time it was originally constructed, a house of worship was a permitted use in the R-2, General Residential, zoning district. In 1998, a site plan (SP-147-98) for the existing modular building was submitted and approved by the County as a by-right use. On May 25, 1999, the Board of Supervisors approved an amendment to the zoning ordinance, which made houses of worship a specially permitted use in the R-2 zoning district. On October 24, 2000, the Board of Supervisors approved an SUP request (SUP-21-00) which allowed for the construction of approximately 16,059 square feet of additions to the Church site. The approved additions included a 10,843-square-foot fellowship hall and a 5,216-square-foot classroom addition.

### *Surrounding Zoning and Development*

Crossroads Youth Home and Wellspring United Methodist Church, both zoned R-2, General Residential, are located to the north of the Church site. A portion of Ford’s Colony, zoned R-4, Residential Planned Community, is located to the west of the site. South of the site is Bazzle’s Apartments, zoned R-2. Williamsburg Plantation, zoned R-2, and Regency at Longhill Apartments, zoned R-5, Multifamily Residential, are located across Longhill Road east of the site. Staff finds that the proposed modular building addition is compatible with the surrounding zoning and development.

### *Physical Characteristics of the Site*

The site is relatively flat and open with wooded buffers along the northern, western, and southern perimeter of the property. A planted berm, which was installed at the time of the existing Church’s construction, exists along the Longhill Road frontage. The natural wooded on-site buffers that surround the majority of the site, protects nearby residential uses and the character of the surrounding area. According to the 2003 Comprehensive Plan, Longhill Road is designated a Community Character Road.

## **PUBLIC IMPACTS**

### **Archaeology Impacts:**

**Staff Comment:** The subject site has been previously disturbed and is not located within an area identified as a highly sensitive area in the James City County archaeological assessment. Staff believes that given the size and nature of the proposal no archaeological studies are necessary.

### **Fiscal Impacts:**

**Staff Comment:** A fiscal impact analysis was not required for this project.

### **Public Utilities:**

**Staff Comment:** The site is located within the Primary Service Area (PSA) and is served by public water and sewer. At the time of site plan submittal, the James City Service Authority (JCSA) will require calculations to be submitted showing the adequacy of the water meter and capacity of the grinder pump station and any required improvements. The grinder pump station may require additional approvals. Further, JCSA has requested that the applicant develop and submit water conservation standards to be reviewed and approved by the JCSA. Staff has added conditions (SUP Conditions Nos. 3 and 4) requiring the submittal of these items prior to final site plan approval.

### **Transportation:**

**2005 Traffic Counts:** From Olde Towne Road (Route 658) to Route 199; 20,916 average daily trips.

**2026 Volume Projected:** From Olde Towne Road (Route 658) to Route 199; projected 21,000 average daily trips. This segment of Longhill Road is not under the “watch” category listed in the 2003 Comprehensive Plan.

**VDOT Comment:** VDOT has completed the review for this SUP application and has considered the plan approvable.

**Staff Comment:** Staff notes that the Church property fronts on Longhill Road (Route 612) and the existing entrance would continue to be utilized. There is a narrow driveway located in the northern area of the site. This road, partially located inside the Church property and partially inside the Crossroads Youth Home site, functions as an access road for Crossroads Youth Home and as a service road to the King of Glory Church site. During the previous SUP review for this site (SUP-21-00), an SUP condition was designed requesting a joint access agreement for the above-referenced driveway between King of Glory Lutheran Church and Crossroads Youth Home prior to final site plan approval. At the time of the SUP review, the intent of the Church was to utilize this service road to access the Fellowship Hall from the rear. However, an agreement was not secured between both parties and King of Glory Church modified the development plans so that access to the Fellowship Hall from the service road would not be required and final site plan approval was granted. Currently, the service road is primarily used by Crossroads Youth Home and sporadically by King of Glory Church.

Staff notes that according to information provided by the applicant, the proposed 2,800 modular building addition will generate four peak-hour trips to and from the site, a minor increase to the 31 peak-hour traffic generated by the current conditions found on the site. This trip generation has been calculated using the square footage of the proposed modular building. However, staff notes that, the ITE (Institute of Transportation Engineers) use other variables, besides square footage, to calculate trip generation. Another independent variable that can be used is the number of students created by this expansion. With a proposed addition of 30 new students, it is expected that the trip generation to and from the site will increase by 12

peak-hour trips, totaling 50 peak-hour trips. In regards to parking, the site currently contains 161 total spaces provided (151 standard spaces and 10 handicap spaces), although 107 parking spaces are required per the Zoning Ordinance. The proposed 2,800 modular building addition will not trigger the necessity for additional parking spaces in the site.

### **Environmental:**

#### **Watershed:** Powhatan Creek

There is an existing Best Management Practice (BMP) facility located at the southern area of the Church site capturing stormwater runoff for the entire site. At the southwest corner of the larger parking area there is a rain garden (i.e. bioretention basin) developed voluntarily and in conjunction with the property owner and the Environmental Division in order to resolve localized erosion issues. A Stormwater Management Plan for the site was submitted for County review and approved as part of Site Plan SP-118-00.

**Environmental Comment:** At the time of site plan submittal, the Environmental Division will require an erosion and sediment control plan to be submitted for County review. Further, at the site plan stage, the Environmental Division will request evidence that the existing downstream structural BMP is adequate for the increase in pervious area and that the BMP is currently in good working order and performing at the design level of service. Staff notes that Special Stormwater Criteria (SSC) does not apply to this project.

**Staff Comment:** Planning staff also notes that with the addition of the proposed modular building and sidewalk, the percentage of impervious surface for the entire site will increase from existing 40.7 percent to 41.7 percent. The existing open space area for the site is 59.3 percent and after the proposed additions, the total open space for the site will be approximately 58.3 percent. The gross impervious area addition to the site corresponds to 0.8 percent.

## **COMPREHENSIVE PLAN**

### **Land Use Map**

Designation	<p><b>Low Density Residential (Page 120):</b> Low-density areas are residential developments or land suitable for such developments with gross 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, schools, churches, community-oriented public facilities, and very limited commercial establishments.</p> <p><b>Staff Comment:</b> Staff finds that the proposed modular building addition to the Church site consistent with the Comprehensive Plan land use designation.</p>
-------------	---

### **Environment**

Goals, strategies, and actions	<p><i>Action #5 - Page 66:</i> Encourage the use of Better Site Design, Low Impact Development, and the best management practices (BMPs) to mitigate adverse environmental impacts.</p> <p><b>Staff Comment:</b> There is an existing BMP facility and LID feature (i.e. bioretention basin) located at the southern area of the site that treats on-site runoff from stormwater.</p>
--------------------------------	---

## Transportation

General	<p><i>Longhill Road - Page 78:</i> It is recommended that Longhill Road from Seasons Trace to Olde Towne Road not be improved to four lanes despite its projected 2026 volume of 22,000. Despite the opening of the Route 199 expansion, existing volumes remain well above the capacity of a standard two-lane road. Although classified as a two-lane facility, Longhill Road acts like a three-lane facility because of numerous turn lanes. However, it will be important to monitor the actual delay in this segment. Additional residential or commercial development along this corridor beyond that currently planned should be allowed only if acceptable levels of service can be maintained.</p> <p><b>Staff Comment:</b> According to information provided by the applicant, the existing Level of Service (LOS) to the entrance of the site/exit to the roadway is "B". The proposed 2,800 modular building addition to the Church site will not involve any work on VDOT's right-of-way and no road improvements will be necessary to accommodate the addition. It is expected, according to staff's calculations, that the proposed expansion will increase traffic during the peak hours from existing 38 peak-hour trips to 50 peak-hour trips. Staff notes that this figure was calculated using the number of students being generated by the expansion. The applicant has provided a trip generation that was calculated using the square footage of the proposed building, which results in a total of 35 peak-hour trip with the proposed additions.</p>
---------	--

## Community Character Corridor

Goals, Strategies, and actions	<p><i>Goal #1 - Page 95:</i> Improve the overall appearance of the County's urban and rural environment.</p> <p><i>Strategy #2 - Page 95:</i> Ensure that development is compatible in scale, size, and location to surrounding existing and planned development.</p> <p><b>Staff Comment:</b> When the original site plan for the Church and the parking lot expansion (SP-7-95) was approved in 1995, the required landscape buffer along Longhill Road was 30 feet. With the revised landscape ordinance in 1999, the requirement for a landscape buffer along Community Character Corridors was increased to 50 feet. Currently, this site does not meet the suggested 50-foot Community Character Corridor buffer. However, the Church has provided berms with plantings along the Longhill Road frontage, which screens the parking area from the road. Staff notes that this proposed addition to the site would not impact the existing buffer. Further, staff finds that this is a small addition to the site and compatible in scale, size, and location with the Church site and adjacent properties.</p>
--------------------------------	--

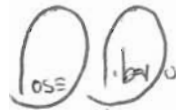
## STAFF COMMENT

Staff finds that the proposed 2,800-square-foot modular building and 861square feet of sidewalk are minor additions to the Church site and that impacts to traffic and to the environment will be minimal. Further, staff notes that the proposed addition will not disturb any of the natural wooded buffers, which surround the site and protects nearby residential uses and the character of the surrounding area.

## RECOMMENDATION

Staff finds the proposed addition consistent with surrounding zoning and development and generally consistent with the Comprehensive Plan. Staff recommends that the James City County Board of Supervisors approve the SUP application with the conditions listed in the attached resolution.

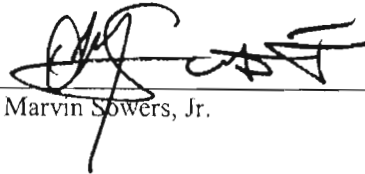




---

Jose Ribeiro

CONCUR:



---

O. Marvin Sowers, Jr.

JR/nb  
SUP-0019-07

ATTACHMENTS:

1. Unapproved Planning Commission minutes from July 11, 2007
2. Location Map
3. Master Plan (under separate cover)
4. Picture of a similar modular building to be placed at the King of Glory site titled "Exhibit 1"
5. Resolution

## RESOLUTION

### CASE NO. SUP-0019-07. KING OF GLORY LUTHERAN CHURCH

- WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and
- WHEREAS, Mr. Matt Burton of DJG, Inc., has applied on behalf of King of Glory Lutheran Church for a SUP to allow for the replacement of an existing modular building of approximately 1,407 square feet with a new modular building of approximately 2,800 square feet; and
- WHEREAS, in addition to the proposed modular building, approximately 861 square feet of new sidewalk is also proposed; and
- WHEREAS, the proposed modular building and sidewalk are shown on the master plan prepared by DJG, Inc., dated May 30, 2007, entitled "Master Plan-King of Glory Lutheran Church New Modular Building;" and
- WHEREAS, the property is currently zoned R-2, General Residential District, and is designated Low Density Residential on the 2003 Comprehensive Plan Land Use Map; and
- WHEREAS, the property is located at 4897 Longhill Road on property more specifically identified as Parcel No. (1-33) on the James City County Real Estate Tax Map No. (32-4); and
- WHEREAS, on July 11, 2007, following a public hearing, the Planning Commission recommended approval of the application by a vote of 7-0; and
- WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with the 2003 Comprehensive Plan Use Map designation for this site.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, following a public hearing, does hereby approve the issuance of SUP-0019-07 as described herein with the following conditions:

1. Master Plan: This SUP shall be valid for the replacement of an existing modular building of approximately 1,407 square feet with another modular building of no more than 2,800 square feet and 861 square feet of new sidewalk located on JCC Tax Parcel No. 3240100033, more commonly known as 4897 Longhill Road (the "Property"). Development of the Property shall be generally in accordance with the Master Plan entitled "Master Plan-King of Glory Lutheran Church-New Modular Building," prepared by DJG Inc., dated May 30, 2007, (the "Master Plan") with such minor changes as the Development Review Committee determines does not change the basic concept or character of the development.
2. Lighting: All new exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to and approved by the Planning Director or his designee, which indicates no glare outside the property lines. All light poles shall not exceed 20 feet in height unless otherwise approved by the Planning

Director prior to final site plan approval. "Glare" shall be defined as more than 0.1 footcandle at the boundary of the Property or any direct view of the lighting source from the adjoining properties.

3. Water Conservation: The applicant shall be responsible for developing water conservation standards to be submitted to and approved by the James City Service Authority (the "JCSA") and subsequently for enforcing these standards. The standards shall address such water conservation measures as limitation on the installation and use of approved landscaping design and materials to promote water conservation and minimize the use of public water resources.
4. Engineering Study: Prior to final site plan approval, an engineering study shall be submitted to and approved by JCSA showing the adequacy of the water meter and capacity of the grinder pump station, and any required upgrades, if required by JCSA.
5. Building Materials: The colors, design, and building materials for the modular building shall be similar to the picture of a modular building submitted by the applicant as part of this application, titled "Exhibit 1" and date stamped May 30, 2007. Any variations in color, design, and building materials for the new modular building shall be submitted and approved by the Planning Director.
6. Landscaping: A landscaping plan shall be approved by the Planning Director or his designee prior to final site plan approval. The landscaping plan shall, at a minimum, include a reforestation plan approved by the Virginia Department of Forestry and designed to supplement the existing vegetation along the northern property line. No certificate of occupancy for the proposed modular building shall be issued until all landscaping, including that proposed within the reforestation plan, has been installed in accordance with the approved landscape plan or surety is posted in an amount and form satisfactory to the County Attorney.
7. Commencement of Construction: A final certificate of occupancy must be obtained within thirty-six months of the issuance of the SUP; otherwise the SUP shall become void.
8. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

---

John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:

---

Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of September, 2007.

Sup\_0019\_07.res

**UNAPPROVED MINUTES OF THE JULY 11, 2007 MEETING  
OF THE PLANNING COMMISSION**

SUP-19-07 King of Glory Lutheran Church

Mr. Jose Ribeiro presented the staff report stating that Mr. Matthew Burton has applied for a special use permit to allow for the replacement of an existing modular building of 1,407 square feet with a larger one of 2,800 square feet at the church site located on 4897 Longhill Road. The proposed modular building will serve as additional preschool classrooms. The property is also known as parcel 3240100033 on the JCC Tax Map. The property is zoned R-2, General Residential and is designated Low Density Residential on the Comprehensive Plan. Staff found the proposal consistent with surrounding uses and the Comprehensive Plan Land Use Map and recommended approval.

Mr. Kennedy opened the public hearing.

Mr. Matthew Burton, DJG Inc, represented the applicant and requested that condition #6 concerning a re-forestation requirement be deferred until such time that it is determined to be necessary. He stated that the adjacent property is heavily wooded therefore re-forestation at this time is unnecessary.

Mr. Kennedy informed the applicant that the Commission could not defer one item. He stated that Staff had drafted an additional condition concerning re-forestation that could be considered or the entire case could be deferred.

Mr. Burton said the applicant did not want to defer the entire case.

Mr. Obadal asked if the requirement can be conditional.

Mr. Kennedy asked Mr. Ribeiro to distribute the additional condition.

Mr. Kennedy read the draft condition and asked if the applicant is considering a future purchase.

Mr. Burton stated that the applicant is interested in purchasing the adjacent property and as well as relocating the church in the future.

Mr. Sowers stated that once the Certificate of Occupancy is issued the County is unable to go back and require the landscaping. He stated that the options are to accept either condition as written or deleting the requirement altogether.

Mr. Kennedy asked if the condition could be bonded.

Mr. Kinsman answered yes and stated that a bond would not be staff's preference.

Mr. Sowers added stated that the cost of a re-forestation is low compared to planting a full size landscaping so that the cost of the bond is fairly close to the cost of re-forestation.

Mr. Obadal asked for an estimate of the cost.

Mr. Sowers stated that he thought the cost would be approximately \$1,000.

Ms. Jones informed the Commission that the applicant has stated that if the item could not be deferred they desired to move forward with the original condition.

Mr. Kennedy stated that he would be inclined to accept the applicant's word. He asked Mr. Kinsman for suggestions.

Mr. Kinsman gave other suggestions to ensuring compliance.

Mr. Kennedy asked if the applicant would be willing to submit a Letter of Credit.

Mr. Burton asked for an explanation of that process.

Mr. Kinsman explained the Letter of Credit process and suggested that the church could submit the funds to the County to be held in escrow.

Mr. Kennedy stated that he was confident something could be worked out.

Mr. Burton stated the applicant's satisfaction with either option. He also stated their willingness to comply with the condition if those options were not plausible. Mr. Burton stated that they appreciated staff's assistance in working with them.

Ms. Hughes asked if something could be worked out by the Board of Supervisors meeting.

Mr. Sowers stated that if Mr. Kennedy is comfortable then something could be worked it out.

Mr. Kinsman stated that the Church would benefit by submitted a Letter of Credit should they buy the other property because the landscaping would not be necessary.

Mr. Burton said he could accept that option.

Hearing no other requests to speak; the public hearing was closed.

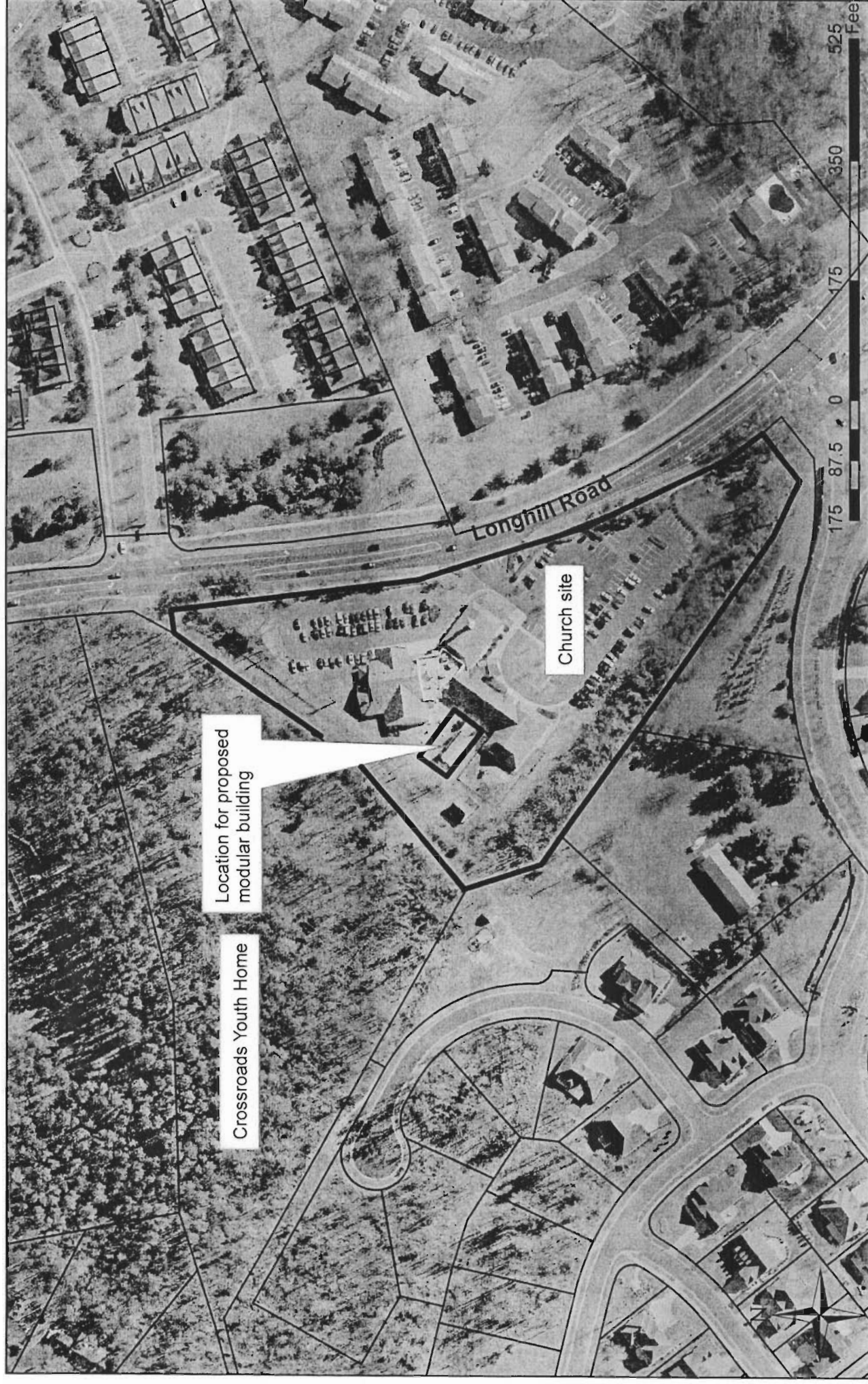
Ms. Jones motioned to approve the application with the terms of condition #6 to be worked prior to BOS hearing.

Mr. Krapf seconded the motion.

In a roll call vote the application was approved (7-0). AYE: Obadal, Fraley Hughes Billups, Krapf, Jones, Kennedy (7); NAY: (0).

**SUP-19-07**

# King of Glory Lutheran Church



## **SUP-19-07 (Exhibit 1)**

10/13/20  
003 1244  
-10/13/20



Similar Example of Proposed New Modular Building. Siding and roofing materials will match the existing main church building



**SPECIAL USE PERMIT-0017-2007. Wireless Tower - Longhill Road**  
**Staff Report for the September 11, 2007, 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**

Planning Commission:  
 Board of Supervisors:

**Building F Board Room; County Government Complex**

July 11, 2007, 7:00 p.m. (approved 4-3)  
 September 11, 2007, 7:00 p.m.

**SUMMARY FACTS**

Applicant: Ms. Diane Borchardt

Land Owner: Thomas Wells, Andrew Cronan and Donald Agett, Trustees of Christian Life Center

Proposal: To permit an existing 128-foot-tall monopine telecommunications tower.

Location: 4451 Longhill Road

Tax Map/Parcel Nos.: 3230100003

Parcel Size: 18.87 acres

Zoning: R-8, Rural Residential

Comprehensive Plan: Low-Density Residential

Primary Service Area: Inside

**STAFF RECOMMENDATION**

Staff believes that the existing camouflaged Wireless Communication Facility is generally compatible with the 2003 Comprehensive Plan and the Performance Standards for Wireless Communication Facilities as outlined in the staff report. Staff recommends that the James City County Board of Supervisors approve this application with the acceptance of the attached special use permit (SUP) conditions. If the Board determines the changes in the application that occurred after the Planning Commission public hearing are significant, the Board may remand this case back to the Planning Commission for further review.

Staff Contact: Matthew J. Smolnik Phone: 253-6685

**PLANNING COMMISSION RECOMMENDATION**

On July 11, 2007, the Planning Commission voted 4-3 to recommend approval of this application.

**Proposed Changes Made Since Planning Commission Meeting**

Conditions No. 4 and No. 5 were added at the request of the Planning Commission at its July 11, 2007, public hearing.

On August 1, 2007, the Planning Division received a call from the applicant indicating the current tower at 4451 Longhill Road is a 128-foot-tall structure, not 123 feet as previously indicated to the Planning Commission. The five-foot-tall extension of branches discussed in the July 11, 2007, staff report and at the Planning Commission public hearing is already installed on the tower for a total tower height of 128 feet. The Planning Commission voted 4-3 to recommend approval for an existing 123-foot-tall tower and for the addition of a five-foot-tall section of branches on July 11, 2007. The applicant is no longer requesting the five-foot-tall section of branches be installed on top of the existing tower and the SUP request is to allow for the continued operation of the existing tower at its current height on the property. Attached to the staff report is a letter dated August 13, 2007, from the tower engineers certifying the current height of the tower at 128 feet above grade.

### **PROJECT DESCRIPTION**

Section 24-354(3) of the Zoning Ordinance administratively permits camouflaged wireless communication facilities (WCF's) to be erected up to a height of 120 feet above grade. On December 19, 2006, SP-130-05 was administratively approved to allow for the construction of a 120-foot-tall camouflaged communications tower at 4451 Longhill Road behind the Christian Life Center. A detail sheet from SP-130-05 dated November 30, 2005, is included as an attachment to the staff report indicating the approval was for a camouflaged monopole telecommunications tower extending 120 feet above grade. However, due to an engineering error the camouflaged WCF was erected on the property to a height of 128 feet, which is in excess of the permitted by-right height for structures of this nature in the R-8, zoning district. Staff became aware of this issue during the spring of 2006 when an article was published in the *Virginia Gazette* highlighting the engineering error. The article in the local newspaper included a picture of the plaque at the base of the tower indicating a total tower height of 123 feet; however, on August 1, 2007, staff was notified by the applicant that the current tower height is 128 feet above grade, not 123 feet as previously indicated. In May 2006, the County contacted SBA Properties and informed them that the tower would have to be reduced in height or SBA Properties would have to apply for a SUP to bring the tower into compliance with the Zoning Ordinance. Ms. Diane Borchardt has applied for a SUP to allow for the existing 128-foot-tall tower.

Staff asked the applicant if the tower could be reduced in height to bring it into conformance with a by-right use in accordance with the Zoning Ordinance. While reducing the height of the structure is possible, it would result in a reduction in the overall height of the tower by 12 feet resulting in lower antenna heights. The antenna mounting locations for the carriers on the modified structure would be reduced to 108 feet, 98 feet, 88 feet, and 78 feet respectively. SBA Properties, Inc. has received feedback from those carriers considering the bottom two spots on the tower stating that a reduction in height would limit coverage from the site to the point that the use of the tower would no longer be feasible from a technology standpoint. SBA Properties, Inc. believes that reducing the tower by 12 feet would ultimately limit this facility to only two users. Currently, Nextel Communications of the Mid Atlantic, Inc. is operating antennas on the camouflaged WCF. T-Mobile Northeast, LLC has leased the second available spot and has submitted plans to James City County for review. Richmond NTELOS has submitted an application to lease the third spot but has expressed concerns about its ability to accept the third spot if the height of this spot is reduced any further. The last spot on the tower is likely to be reserved in the near future and the applicant indicates that it is unlikely that any carrier would be able to provide service at or below 78 feet.

### **PUBLIC IMPACTS**

#### **Environmental**

**Watershed:** Powhatan Creek

**Staff Comments:** The Environmental Division has reviewed this application and has no comments.

#### **Public Utilities and Transportation**

The additional height would not generate additional needs for the use of public utilities or significant additional vehicular trips in the area beyond what was reviewed and approved at the site plan stage of development.

### **Visual Impacts**

A balloon test was not required for this SUP application as the tower is already constructed. Photographs of the existing 128-foot-tall tower are attached to the staff report for your review. The current tower is visible from two different locations from Lafayette High School and also visible in Longhill Gate on Barron's Court. The tower is not visible from Ford's Colony.

### **Tower Policy**

On May 26, 1998, the James City County Board of Supervisors adopted performance criteria for Wireless Communications Facilities (a copy of these standards is attached) that require a SUP. The standards seek to minimize the impacts of towers by encouraging co-location on other towers, minimizing new areas where towers are located, and reducing its height or visual impact.

#### **A. Co-location and Alternatives Analysis**

**Standards A1 and A2** calls for the applicant to investigate and provide verifiable evidence of having investigated all possible alternatives for locating prior to making a request to construct new facilities.

**Staff Comments:** The current tower was erected as a by-right use; therefore, the applicant was not required to provide verifiable evidence of having investigated all possible alternatives for locating prior to constructing the tower. The applicant has submitted coverage maps with the SUP application indicating existing coverage gaps along the Longhill Road corridor and service improvements with the tower in operation. While staff believes the SUP application does not technically meet this standard, this application is for an existing tower that adequately meets other standards.

**Standards A3 and A4** calls for a new tower to be sited to allow for the construction of a second tower and that all towers be designed to accommodate as many co-locations as possible.

**Staff Comments:** There are no plans for a second tower on this site. The applicant has indicated that the tower was built to accommodate four users. While staff believes that the existing tower does not meet this standard, this is an SUP for an existing tower as opposed to a new structure.

#### **B. Location and Design**

**Standard B1** states that towers and tower sites should be consistent with existing and future surrounding development and the Comprehensive Plan. Towers should be compatible with the use, scale, height, size, design, and character of surrounding existing and future uses while protecting the character of the County's scenic resource corridors and their view sheds.

**Staff Comments:** Staff believes the existing tower is generally consistent with this standard due to the camouflaged design coupled with the surrounding buffering, which is detailed below.

**Standard B2** states that towers located within a residential zone or residential designation on the Comprehensive Plan should use a camouflaged design or have minimal intrusion on surrounding residential areas and on scenic resource corridors (i.e. the tower is not visible offsite above the tree line and should only be visible off-site when viewed through surrounding trees that have shed their leaves).

**Staff Comments:** The photographs submitted by the applicant and confirmed by staff indicate that portions (25-50 percent) of the tower are visible from Lafayette High School, Baron's Court in Longhill Gate, and Longhill Road, a Community Character Corridor. The tower is not visible from Ford's Colony. Staff believes the existing tower meets this standard given the combination of its monopine design and limited visibility through existing trees and gaps between the tree line.

**Standard B3** states that the tower should be less than 200 feet to avoid lighting. Taller heights may be acceptable where views of the towers from residential areas and public roads are very limited.  
**Staff Comments:** Staff believes the existing tower meets this requirement.

**Standard B4** states that towers should be freestanding and not supported with guy wires.  
**Staff Comments:** Staff believes the existing tower meets this requirement.

C. Buffering

**Standards C1 and C2** states that towers should be placed in a manner that maximizes buffering from existing trees, including maintaining a recommended 100-foot-wide buffer around the site, and that access roads should be designed in a manner that provides no off-site view of the tower base and facilities.

**Staff Comments:** The existing tower is located approximately 600 feet from Longhill Road and approximately 550 feet from the nearest residence in both Longhill Gate and Ford's Colony. A majority of the distance between the tower and Longhill Road is comprised of building, parking lot, landscaping, and a wooded buffer fronting Longhill Road. Mature trees with dense underbrush are located between the tower and the nearest residences in both Longhill Gate and Ford's Colony. This area is protected against future development because it is a Resource Protection Area and a vast amount of the land is held in a Conservation Easement. The combination of natural vegetation and built environment (buildings and landscaping) provide a generally equivalent buffer to that stated in the policy. Staff believes the existing tower generally meets this standard.

## COMPREHENSIVE PLAN

### Land Use Map

Designation	<p>The James City County Comprehensive Plan Land Use Map designates these properties for Low Density Residential development. Examples of acceptable land uses within this designation include single-family homes, duplexes, cluster housing, recreation areas, schools, churches, community-oriented public facilities, and very limited commercial establishments. Both the Comprehensive Plan and tower policy seek to minimize the presence of towers and other structures in areas where they would depart from existing and future development in terms of height and use.</p> <p><b>Staff Comment:</b> While a tower is not a recommended use in any Land Use designation, the camouflaged design and tree cover limits the visual impacts of the tower on the surrounding residential neighborhoods, such as Longhill Gate and Ford's Colony.</p>
-------------	--

### Community Character

General	<i>Longhill Road Community Character Corridor-Pages 83-84: The predominant visual character of the suburban CCC should be the built environment and natural landscaping, with parking and other auto-related areas clearly a secondary component of the streetscape.</i>
Goals, strategies and actions	<p><i>Strategy #2-Page 95: Ensure that development is compatible in scale, size, and location to surrounding existing and planned development.</i></p> <p><i>Strategy #6-Page 95: Ensure that all new development blends carefully with the topography and surrounding vegetation, preserving unique formations, greenery and scenic views.</i></p> <p><b>Staff Comment:</b> The tower associated with this application is camouflaged, generally well screened and is located approximately 600 feet from the Community Character Corridor.</p>

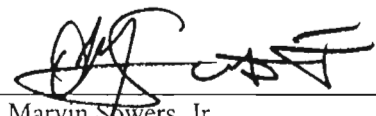
## RECOMMENDATION

Staff believes that the existing camouflaged Wireless Communication Facility is generally compatible with the 2003 Comprehensive Plan and the Performance Standards for Wireless Communication Facilities as outlined in the staff report. Staff recommends that the James City County Board of Supervisors approve this application with the acceptance of the attached special use permit conditions. If the Board determines the changes in the application that occurred after the Planning Commission public hearing are significant, the Board may remand this case back to the Planning Commission for further review.

1. This SUP shall be valid for a total of one camouflaged monopine telecommunications tower on the property as depicted on the "Elevation and Antenna Schedule" dated November 14, 2006. The maximum height of the tower shall not be greater than 128 feet.
2. All antennas shall be painted the same color as the tower's branches as approved by the Planning Director.
3. No advertising material or signs shall be placed on the tower.
4. The elevation on the tower between 123 feet above grade and 128 feet above grade shall be comprised of only camouflaged branches.
5. At a distance of 20 feet from said equipment, the heating ventilation and air conditioning (HVAC) unit to be no larger than five ton in size, and the enclosed generator associated with this structure shall produce sound no greater than 70 decibels.
6. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

  
Matthew J. Smolnik

CONCUR:

  
O. Marvin Sowers, Jr.

MJS/gs  
sup-0017-2007 (091107)

## ATTACHMENTS:

1. Unapproved Planning Commission Minutes from July 11, 2007
2. Location map
3. Performance Standards for Wireless Communication Facilities – May 26, 1998
4. Photographs of the existing camouflaged tower
5. 120-foot-tall tower detail from SP-130-05 dated November 30, 2005
6. 128-foot-tall tower detail dated November 14, 2006
7. Letter from John Hayes dated June 28, 2007
8. Letter from Tower Engineering Professionals dated August 13, 2007
9. Resolution

## RESOLUTION

### CASE NO. SUP-0017-2007. WIRELESS TOWER - LONGHILL ROAD

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 (SUP) process; and

WHEREAS, the applicant has requested an SUP to allow for a 128-foot-tall monopine communications tower in the R-8, Rural Residential, zoning district, located at 4451 Longhill Road, further identified as Parcel No. (1-3) on James City County Real Estate Tax Map No. (32-3); and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing was held on Case No. SUP-0017-2007; and

WHEREAS, the Board of Supervisors, following a public hearing, are of the opinion that the SUP to allow for the above mentioned monopine communications tower should be approved.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Case No. SUP-0017-2007 as described herein with the following conditions:

1. This SUP shall be valid for a total of one camouflaged monopine telecommunications tower on the property as depicted on the "Elevation and Antenna Schedule" dated November 14, 2006. The maximum height of the tower shall not be greater than 128 feet.
2. All antennas shall be painted the same color as the tower's branches as approved by the Planning Director.
3. No advertising material or signs shall be placed on the tower.
4. The elevation on the tower between 123 feet above grade and 128 feet above grade shall be comprised of only camouflaged branches.
5. At a distance of 20 feet from said equipment, the heating ventilation and air conditioning (HVAC) unit to be no larger than five ton in size, and the enclosed generator associated with this structure shall produce sound no greater than 70 decibels.
6. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

---

John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:

---

Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of  
September, 2007.

sup-0017-2007.res (091107)

**UNAPPROVED MINUTES OF THE JULY 11, 2007 MEETING  
OF THE PLANNING COMMISSION**

SUP-17-07 Wireless Tower Longhill Road

Mr. Matthew Smolnik presented the staff report stating that Ms. Diane Borchardt has applied for a special use permit to allow for an existing 128 foot tall monopine telecommunication tower located at 4451 Longhill Road. The existing tower extends to 123 feet above grade with monopine branches extending to 128 feet above grade. The property is also known as parcel 3230100003 on the JCC Tax Map. The property is zoned R-8, Rural Residential and is designated Low Density Residential and Conservation Area of the Comprehensive Plan. Staff recommended approval of the application and attached conditions.

Mr. Obadal asked how much time staff has spent on the project.

Mr. Smolnik stated that he had spent 10 hours and that other planners and zoning officers also worked on the case. He stated that it was not a lot of time compared to other SUP applications.

Mr. Obadal confirmed that the applicant had been proceeding under a by-right process and made an engineering mistake. He asked if any efforts had been made to mitigate the cost and effort that the County has put into the case.

Mr. Smolnik said he was not aware of any.

Mr. Krapf asked if there had been any discussions about co-locating a second tower on the site to off-set any disadvantage the applicant claims will result with shortening the current tower.

Mr. Smolnik said no.

Ms. Hughes asked if the applicant had demonstrated that there is no other site suitable for co-locating the two carriers who would drop off if the tower is shortened.

Mr. Smolnik said he believed the applicant has propagation maps showing coverage for all four carriers intending to use the tower but none showing just the two that will be affected.

Mr. Fraley asked if there have been any discussions about the use of repeaters or other advanced technologies.

Mr. Smolnik said there had been no such discussions with Staff.

Mr. Billups asked for a precedent for approving the application.



Mr. Smolnik stated that Staff looked at the Comprehensive Plan and the Performance Standards for Wireless Communication Facilities and determined that while the tower is not 100% compatible it generally meets the intent of both documents.

Mr. Billips asked if Staff is trying to salvage a mistake on the part of the applicant.

Mr. Smolnik stated that Staff is taking necessary steps to complete the paperwork to allow the Board of Supervisors to grant a Special Use Permit for the site.

Mr. Billups asked how this affects other applicants who were denied similar requests for towers higher than 120 feet.

Mr. Smolnik stated that there had been an application for a taller tower on the site that was withdrawn and not heard by the Board of Supervisors.

Mr. Billups noted the Waltrip tower request 5 years ago for a 120 foot tower that was denied because of complaints from surrounding property owners about the unsightliness of a tower. He also asked if citizens have expressed concerns about the need for a tower at the requested height.

Mr. Smolnik stated that he had received only one letter of opposition that was included in the staff report.

Mr. Obadal confirmed that Mr. Hayes opposed the application by mail.

Mr. Sowers informed Commissioners that several members of the audience had requested to speak on the application.

Mr. Obadal asked if there is an exception to the height limitation and the parameters for applying that exception.

Mr. Smolnik said the process would be the granting of a special use permit.

Mr. Obadal stated his thought that there was a special exception for this case.

Mr. Sowers said the remedy is the issuance of a special use permit in which it is determined if the proposal adheres to the performance standards for wireless communications. He stated Staff's determination that some of the standards have been met in this case while others have not been met and some were only marginally met.

Ms. Hughes asked if staff had anticipated four carriers locating on the tower when it was approved at 120 feet.

Mr. Sowers said he was not aware of the number of carriers anticipated. He stated that the other 120 foot towers in the County have at least 2 carriers and in some instances 3 depending on the topography of the site.

Mr. Fraley explained that a 120 foot tower can be approved administratively as long as it is camouflaged and has proper buffering. He stated that citizens can still appeal an administrative approval.

Mr. Sowers stated that at the time administrative approval was there was no opposition to his knowledge.

Mr. Obadal asked if the additional 5 feet are necessary to accommodate the four carriers.

Mr. Smolnik explained that the additional 5 feet is necessary for artificial branches to camouflage the top of the antenna.

Mr. Sowers explained that the Waltrip Tower was evaluated under the same criteria as this application and was clearly in violation of those criteria.

Mr. Kennedy opened the public hearing.

Ms. Lisa Murphy, LeClair Ryan, represented the applicant and explained how the engineering mistake occurred. She stated that the actual steel structure is 123 feet with the camouflage branches being an additional 5 feet. Ms. Murphy stated the growth of cellular phone use and explained there are no other sites suitable for co-location. She also stated that reducing the structure height would cause the top centerline to be 108 feet instead of 120 feet was substantially limit use of the tower.

Mr. Obadal asked about a condition guaranteeing that only branches will exist in the top 5 feet.

Ms. Murphy stated the applicant's willingness to add such a condition.

Ms. Hughes confirmed that the extension is only for camouflage.

Ms. Murphy said the steel structure stops at 123 feet.

Ms. Hughes how many co-locations were originally intended.

Ms. Murphy said the applicant's intent was four users.

Ms. Hughes stated that at 123 feet the tower could accommodate four users so there is no need for the additional 5 feet.

Ms. Murphy said the additional 5 feet is decorative only.

Ms. Hughes asked if the camouflage branches were not originally intended.

Ms. Murphy said they were. She also stated that the tower is similar to the VDOT (Virginia Department of Transportation) tower on I-64 where T-Mobile extended the height of the tower for the purpose of co-location.

Mr. Billups asked if the extension would have any ability for reception.

Ms. Murphy said it was just decorative.

Ms. Jones stated her concern about the necessity for adding the 5 feet.

Mr. Sowers asked if the branches cover the antenna or simply add to the height of the tower.

Ms. Murphy said they cover the antenna in addition to adding to the height of the overall structure.

Ms. Jones stated that adding the branches makes more sense if adding camouflage around the antenna than adding something on top.

Mr. Krapf stated that it gives the antenna a tapered look that appears more like a tree.

Ms. Murphy said branch not antenna

Ms. Jones stated that it makes it look worse.

Mr. Obadal stated that the top two antennas can be seen and that the branches will add camouflage and make the tower appear more natural.

Mr. Fraley asked if the applicant has photos of the tower taken during the winter.

Ms. Murphy said they have photos from the fall.

Mr. Fraley stated his desire to see photos when the leaves are off the trees.

Ms. Murphy noted that there were no complaints from citizens or church members during that time.

Mr. Fraley said all the trees would be without leaves except the tower. He asked about sound enclosures.

Ms. Murphy said the equipment is in a building so there is little sound and that one emergency generator would serve all four carriers.

Mr. Fraley said he would like to see that as a condition.

Mr. Sowers said staff could develop such a condition prior to the Board of Supervisors meeting.

Mr. Fraley asked if the applicant had considered newer technologies such as repeaters.

Ms. Murphy said the technologies Mr. Fraley mentioned are used to enhance cover not where there is a gap in coverage such as the current situation.

Mr. Fraley confirmed that Ms. Murphy's firm represented Verizon for the two 120 foot towers in Kingsmill which are 120 feet each and can each accommodate multiple users. He asked if there are antennas in the camouflage.

Ms. Murphy said the additional five feet is solely for camouflage.

Mr. Fraley asked about camouflaging the structure as its current height of 123 feet without adding the extension.

Ms. Murphy said the tower was designed by the manufacturer for an overall height of 128 feet with the branches.

Mr. Marc Cornell, Site Development Manager for Ntelos, stated their desire to occupy the third location. He stated that if the height is reduced that location would not be useful and they would look for another site to for co-location elsewhere.

Mr. Nelson Scott, 4451 Longhill Road, represented Christian Life Center, and stated that they look forward to better cell phone and they he has not received complaints from members.

Mr. Erick Sherman, Senior Radio Frequency Engineer T-mobile, urged approval of the application.

Ms. Kathleen Halteman, 109 Randolph's Green, wanted to know if there is a state law concerning locating towers in a residential area.

Mr. Sowers stated that this type of case is handled by local government agencies charged with permitting them from a land use perspective.

Ms. Haltman asked if a tower can be put in any residential area at any time.

Mr. Kennedy stated that any issue can be brought to any board or commission to determine the appropriateness of the proposal.

Mr. Sowers stated explained the three level screening process of Staff, Planning Commission, and Board of Supervisors prior to approval.

Ms. Haltman asked if she can come before this body to appeal if the Kingsmill tower is right outside her front door, bedroom or deck.

Mr. Sowers stated that notifications will be sent to give residents an opportunity to speak and that they can appeal if it is approved.

Mr. Fraley explained the notification process.

Mr. Sowers offered to send notification directly to Ms. Haltman if she gave her information to staff.

Ms. Barbara Pheiffer, 103 Links of Leah, suggested eliminating the topper and painting the structure green instead.

Mr. Kelvin Taylor, 618 Village Green, asked if the church benefits from having the tower located on its' site.

Mr. Nelson Scott said the church has leased the property to the applicant in exchange for a monthly lease payment.

Hearing no other requests; the public hearing was closed.

Ms. Jones asked if Code Compliance have a responsibility to ensure compliance to the height restrictions.

Mr. Smolnik stated that there was an error on the part of the County. He stated that the site plan that was submitted shows the height of the tower as it was ultimately built.

Ms. Jones stated that the applicant therefore has approval for the tower at that height.

Mr. Sowers stated that a staff error cannot validate the structure so that an SUP is still necessary for the structure to be permitted.

Mr. Fraley asked about the color.

Mr. Sowers stated that there is a condition that calls for the antenna to be painted the same color as the branches.

Mr. Smolnik stated that the SUP condition indicates brown.

Mr. Fraley questioned the point of the extra 5 feet and suggested eliminating the topper.

Mr. Smolnik stated that the purpose of the topper is aesthetic and does not affect the functionality.

Mr. Sowers agreed and stated that it could be left off if the Commission desires.

Ms. Jones motioned for approval of the application as amended to eliminate the 5 foot topper.

Mr. Sowers asked about Commissioners' comments about sound

Ms. Jones asked that they be added to the recommendation.

Mr. Smolnik confirmed that Mr. Obadal's recommendation favored the topper.

Mr. Kennedy confirmed that there are two motions; one with the topper and one without.

Mr. Fraley confirmed that his recommendation concerning sound would be included in both recommendations.

Ms. Hughes suggested testing the paint colors to determine which is most natural. She agreed with using the extension.

Mr. Kennedy stated that as citizens utilize the technologies the towers are necessary and must be placed somewhere.

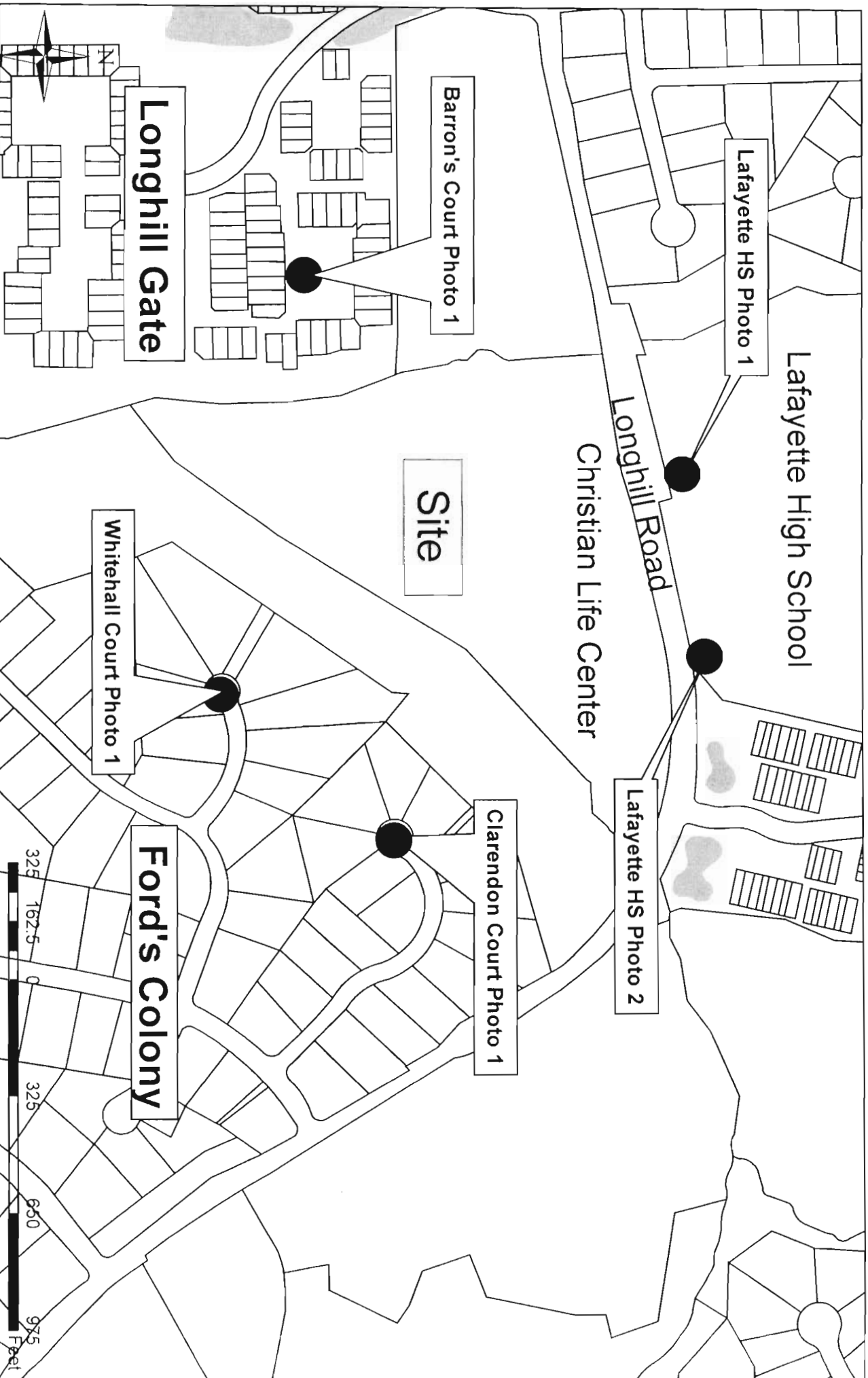
Mr. Fraley seconded Ms. Jones motion which excludes the 5 foot topper.

Mr. Kennedy seconded Mr. Obadal motion which includes the 5 foot topper.

In a roll call vote the application was approved with the inclusion of the topper (4-3).  
AYE: Obadal, Billups, Krapf, Kennedy (4); NAY: Fraley, Hughes, Jones (3).

# JCC-SUP-17-07

## Wireless Tower-Longhill Road



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

In order to maintain the integrity of James City County's significant historic, natural, rural and scenic resources, to preserve its existing aesthetic quality and its landscape, to maintain its quality of life and to protect its health, safety, general welfare, and property values, tower mounted wireless communications facilities (WCFs) should be located and designed in a manner that minimizes their impacts to the maximum extent possible and minimizes their presence in areas where they would depart from existing and future patterns of development. To implement these goals, the Planning Commission and the Board of Supervisors have adopted these performance standards for use in evaluating special use permit applications. While all of the standards support these goals, some may be more critical to the County's ability to achieve these goals on a case by case basis. Therefore, some standards may be weighed more heavily in any recommendation or decision on a special use permit, and cases that meet a majority of the standards may or may not be approved. The terms used in these standards shall have the same definition as those same terms in the Zoning Ordinance. In considering an application for a special use permit, the Planning Commission and the Board of Supervisors will consider the extent to which an application meets the following performance standards:

### A. Collocation and Alternatives Analysis

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

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

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



B. Location and Design

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

Proposed Location of Tower

Impact Criteria

- a. Within a residential zone or residential designation in the Comprehensive Plan

Use a camouflaged design or have minimal intrusion on to residential areas, historic and scenic resource areas or roads in such areas, or scenic resource corridor

For areas designated rural lands in the Comprehensive Plan that are within 1500 feet from the tower, the same standards apply. For rural lands more than 1500 feet from the tower, no more than the upper 25% of the tower should be visible

- b. Within a historic or scenic resource area or within a scenic resource corridor

Same criteria as above

- c. Within a rural lands designation in the Comprehensive Plan

Same criteria as above

- d. Within a commercial or in an industrial designation in the Comprehensive Plan

Same criteria as above

Notes for the above table:

1. Exceptions to these criteria may be made on a case by case basis where the impact of the proposed tower is only on the following areas: (1) An area designated residential on the Comprehensive Plan or zoning map which is not a logical extension of a residential subdivision or which is a transitional area between residential and nonresidential uses, (2) a golf course or a golf course and some combination of commercial areas, industrial areas, or utility easements, provided the tower is located on the golf course property, or (3) a scenic easement.
2. A tower will meet the minimal intrusion criteria if it is not visible off site above the tree line. Such tower should only be visible off-site when viewed through surrounding trees that have shed their leaves.
3. Camouflaged towers having the design of a tree should be compatible in scale and species with surrounding natural trees or trees native to Eastern Virginia.

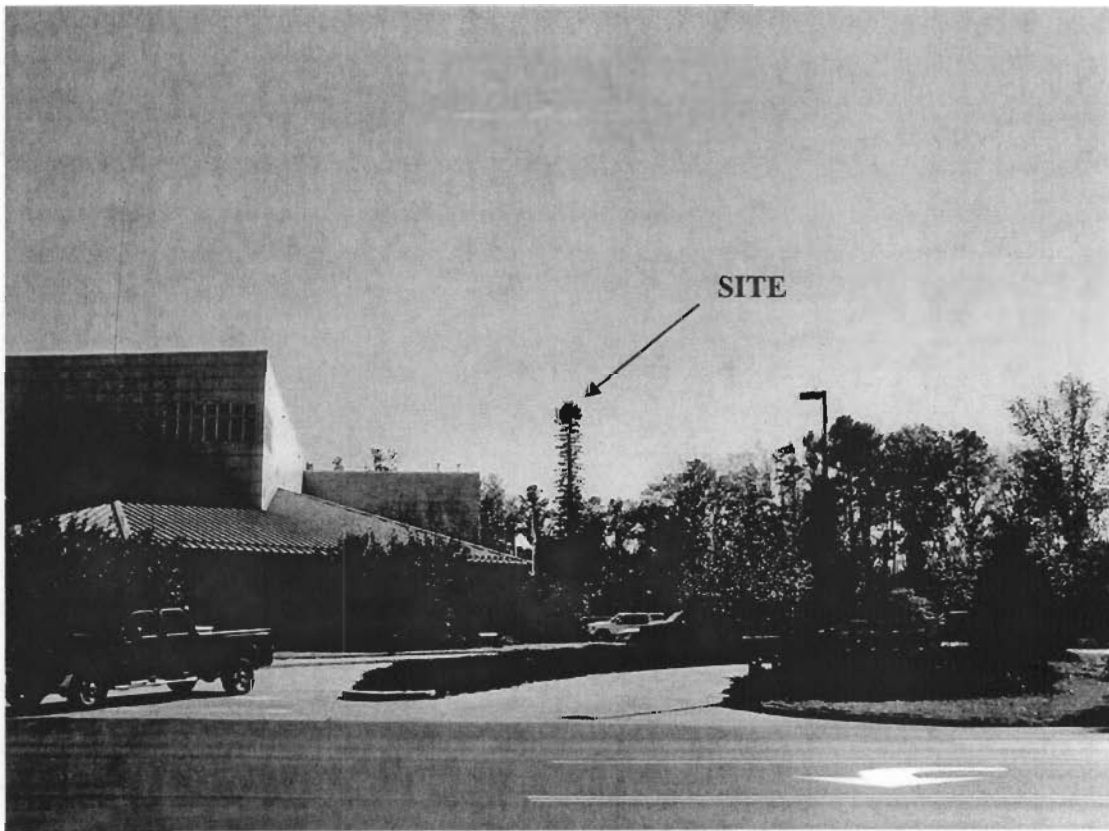
4. Towers should be less than 200 feet in height in order to avoid the need for lighting. Taller heights may be acceptable where views of the tower from residential areas and public roads are very limited. At a minimum, towers 200 feet or more in height should exceed the location standards listed above.
5. Towers should be freestanding and not supported with guy wires.

C. Buffering

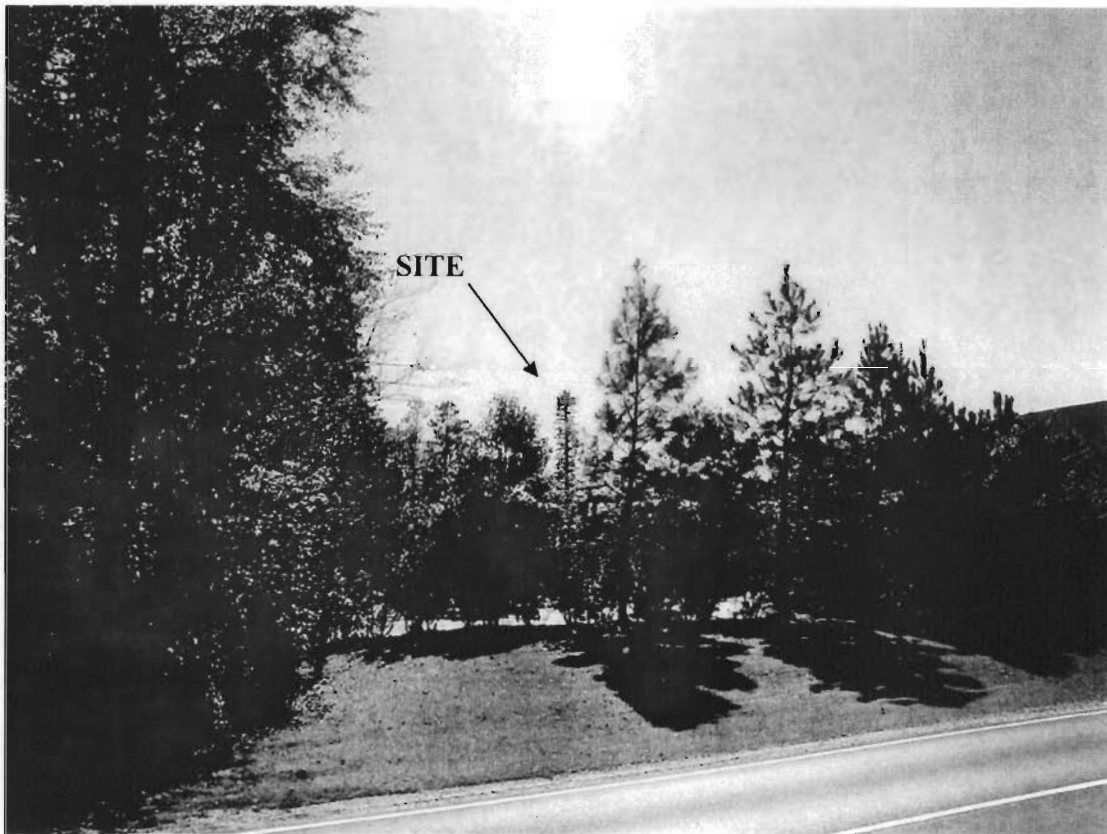
1. Towers should be placed on a site in a manner that takes maximum advantage of existing trees, vegetation and structures so as to screen as much of the entire WCF as possible from view from adjacent properties and public roads. Access drives should be designed in a manner that provides no view of the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



Barron's Court Photo 1



Lafayette H.S. Photo 1



Lafayette H.S. Photo 2



Whitehall Court Photo 1 (**Tower not visible**)



Clarendon Court Photo 1 (**Tower not visible**)

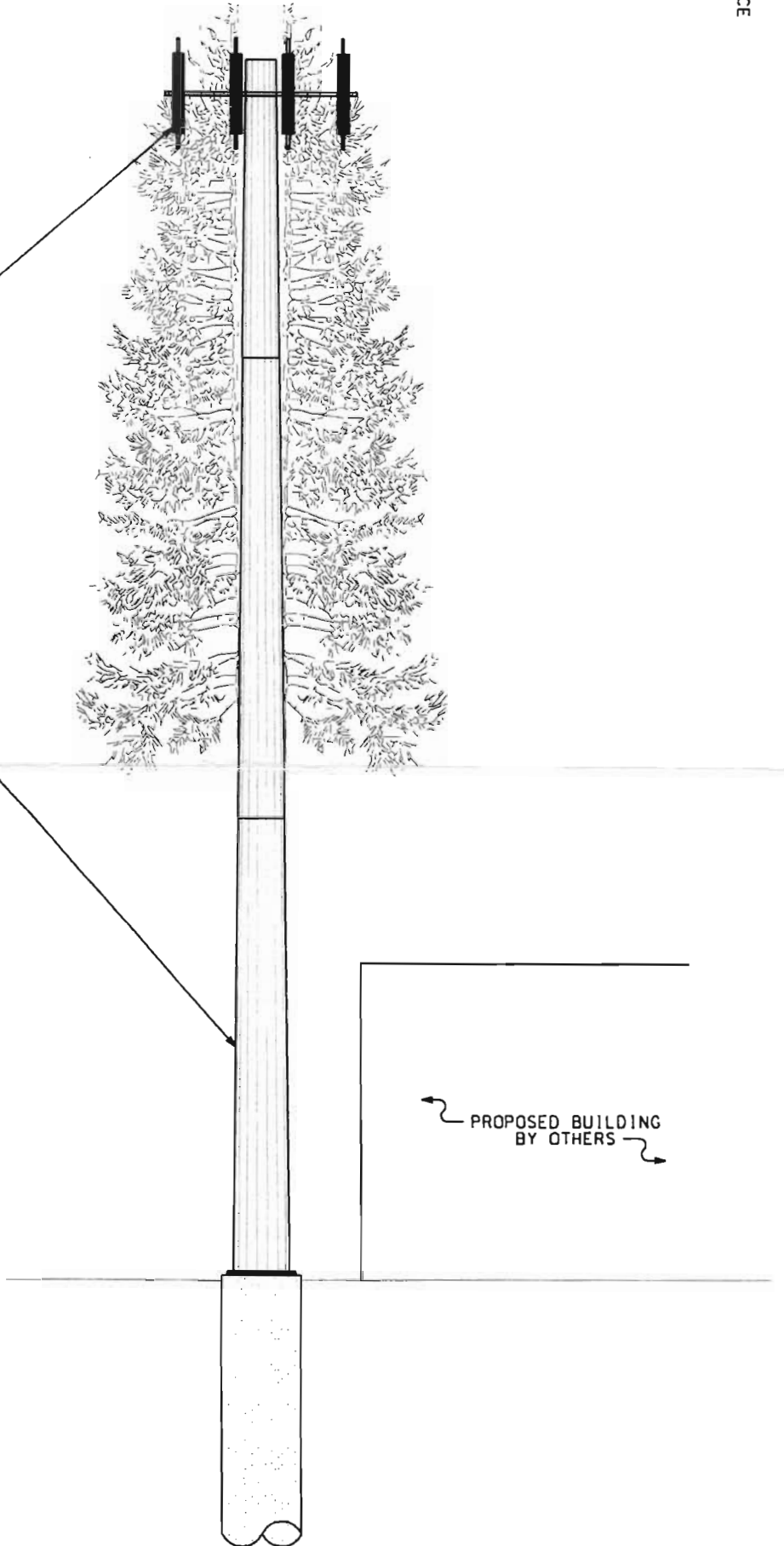
- NOTE:
1. PROPOSED TOWER SHALL BE PAINTED WITH PAINT SPEC. "PUMICE STONE SW4010 BY SHERWIN WILLIAMS INDUSTRIAL AND MARINE COATINGS.
  2. COAX TO BE RUN UP THE INSIDE OF THE TOWER USING HOISTING GRIPS.
  3. TOWER DESIGN SHALL BE IN COMPLIANCE WITH IBC SECTION 3108.
  4. PROPOSED TOWER SHALL BE EQUIPPED WITH STEP BOLTS TO PROVIDE ACCESS FOR INSPECTION.
  5. TOWER SHALL BE CONSTRUCTED OF APPROVED CORROSION-RESISTANT NON-COMBUSTIBLE MATERIAL.
  6. TOWER SHALL BE DESIGNED IN ACCORDANCE WITH EIA/TIA 222-E.
  7. TOWER SHALL BE PERMANENTLY AND EFFECTIVELY GROUNDED.

128'-0"± (AGL)  
T/LIMB  
123'-0" (AGL)  
T/TOWER

EXISTING ANTENNAS  
BY OTHERS

EXISTING STEALTH  
MONOPOLE

0'-6" (AGL)  
T/CONCRETE  
40.5' (AMSL)  
EXIST. GRADE



PROPOSED BUILDING  
BY OTHERS

## TOWER ELEVATION

SCALE: 1" = 10'



PLANS PREPARED FOR:



SBA PROPERTIES, INC.  
ONE TOWN CENTER - 3rd FLOOR  
BOCA RATON, FL 33486  
OFFICE: (561) 995-7670

PROJECT INFORMATION:

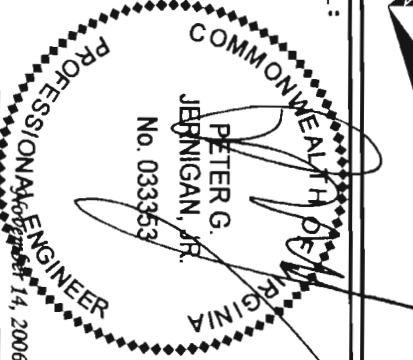
**FORD'S COLONY**

4451 LONGHILL ROAD  
WILLIAMSBURG, VA 23188  
(JAMES CITY COUNTY)

PLANS PREPARED BY:

**TOWER ENGINEERING PROFESSIONALS**  
3703 JUNCTION BOULEVARD  
RALEIGH, NC 27603-5263  
919.661.6351

SEAL:



6	11-14-06	REVISED PER COUNTY
5	12-08-05	REVISED PER COUNTY
4	11-30-05	REVISED PER CLIENT
3	11-03-05	REVISED PER COUNTY
2	10-03-05	REVISED PER CLIENT
1	01-31-05	CONSTRUCTION
0	01-11-05	PRELIMINARY
REV	DATE	ISSUED FOR:

DRAWN BY: GMA CHECKED BY: ATH

SHEET TITLE:

**ELEVATION AND  
ANTENNA SCHEDULE**

SHEET NUMBER:

**C-3**

REVISION:

**6**

TEP #: 04612



120' - 0" (AGL)  
T/TOWER

160.5' (AMSL)  
T/TOWER

PROPOSED STEALTH  
MONOPOLE

- NOTE:
1. PROPOSED TOWER SHALL BE PAINTED WITH PAINT SPEC. "PUMICE STONE" SW4010 BY SHERWIN WILLIAMS INDUSTRIAL AND MARINE COATINGS.
  2. COAX TO BE RUN UP THE INSIDE OF THE TOWER USING HOISTING GRIPS

PROPOSED TOWER  
FOUNDATION

PROPOSED BUILDING  
BY OTHERS

0' - 6" (AGL)  
T/CONCRETE  
40.5' (AMSL)  
EXIST. GRADE

ANTENNA / COAX SCHEDULE									
ANT	SECTOR	MANUFACTURER (MODEL #)	AZIMUTH	MOUNTING HEIGHT	COAX SIZE	COAX LENGTH	ELEC. D-TILT	MECH. D-TILT	
A1	ALPHA	DB815030A-XY ANOR W	10°	120'	1 1/2"	180'	0°	1°	
A2	ALPHA	DB815030A-XY ANOR W	10°	120'	1 1/2"	180'	0°	1°	
A3	ALPHA	DB815030A-XY ANOR W	10°	120'	1 1/2"	180'	0°	1°	
A4	ALPHA	DB815030A-XY ANOR W	10°	120'	1 1/2"	180'	0°	1°	
B1	BETA	DB815030A-XY ANOR W	120°	120'	1 1/2"	180'	0°	2°	
B2	BETA	DB815030A-XY ANOR W	120°	120'	1 1/2"	180'	0°	2°	
B3	BETA	DB815030A-XY ANOR W	120°	120'	1 1/2"	180'	0°	2°	
B4	BETA	DB815030A-XY ANOR W	120°	120'	1 1/2"	180'	0°	2°	
C1	Gamma	DB815030A-XY ANOR W	240°	120'	1 1/2"	180'	0°	2°	
C2	Gamma	DB815030A-XY ANOR W	240°	120'	1 1/2"	180'	0°	2°	
C3	Gamma	DB815030A-XY ANOR W	240°	120'	1 1/2"	180'	0°	2°	
C4	Gamma	DB815030A-XY ANOR W	240°	120'	1 1/2"	180'	0°	2°	

## TOWER ELEVATION

SCALE: 1" = 10'

0 10 20  
SCALE IN FEET

SHEET NUMBER: <b>C-3</b>		REVISION: <b>4</b>			
TOWER ELEVATION AND ANTENNA SCHEDULE					
DRAWN BY: <b>AWA</b> CHECKED BY: <b>AWH</b>					
SHEET TITLE:					
11-30-05 RAYISAD PAR CLIENT					
11-03-05 RAYISAD PAR COUNTY					
10-03-05 RAYISAD PAR CLIENT					
01-31-05 CONSTRUCTION					
01-11-05 PERMITTING					
REV DATE ISSUED FOR:					
COMMONWEALTH OF VIRGINIA					
PETER G. JERMONIAN, JR.					
No. 033358					
PROFESSIONAL ENGINEER					
3000 LANTANA BOULEVARD					
RALEIGH, NC 27603-5263					
919.861.6561					
PLANS PREPARED BY:					
TOWER ENGINEERING PROFESSIONALS					
4451 LONGHILL ROAD					
WILLIAMSBURG, VA 23188					
(JAMES CITY COUNTY)					
PROJECT INFORMATION:					
SBA PROPERTIES, INC.					
ONE TOWN CENTER - 3RD FLOOR					
BOCA RATON, FL 33486					
OFFICE: (561) 995-7870					
PLANS PREPARED FOR:					
SBA PROPERTIES, INC.					
ONE TOWN CENTER - 3RD FLOOR					
BOCA RATON, FL 33486					
OFFICE: (561) 995-7870					

James City County Planning Commission  
101A Mounts Bay Road  
PO Box 8784  
Williamsburg, VA 23187-8784

6/28/07



Subject: Case no.SUP-17-07 Wireless Tower Longhill Road

Dear Commissioners:

There is no justification for granting this SUP and I request that it be denied.

I was told by a Planning staff member that the applicant's engineers "made a mistake" in their original design, but the residents of James City County should not be made to suffer the consequences of their mistake by being forced to live with the illegal height of the tower in perpetuity. Rather, those who made the mistake should be required to endure the consequences.

We in Longhill Gate live with the tower in our view everyday. Every inch of the tower is offensive and I see no reason to be subjected to further abuse. The tower as built well exceeds the surrounding tree line, so any reduction in its height would be a welcome improvement.

I was also informed that up to three additional antenna arrays are to be placed on the tower. These have never been shown in any of the applicant's current or former "simulations". If this is true, then the effort to camouflage the tower will be severely compromised as the antennas are external to the artificial branches. It will be even more conspicuous.

Unfortunately, as adjacent owners received only 10 days notice of this hearing, I will be out of town and unable to attend the July 11 meeting in person. Therefore I am writing to respectfully urge you to deny this SUP and require that the tower be brought into compliance.

John F. Hayes  
8324 Barons Ct.  
Longhill Gate  
258-4658

## 2-C Certification of Location and Elevation

Date of Survey: 07-07-2006

Initial Issue Rev. 0: 08-13-2007



Prepared For: SBA Network Services  
312 East 18<sup>th</sup> Street  
Norfolk, Virginia 23517

Site Reference: Ford's Colony  
Structure Type: Existing Tower  
Site Address: 4451 Longhill Road  
Williamsburg, James City County, VA

The elevations referenced hereon are based on N.A.V.D. 1988, and are accurate to within 20 feet, more or less as determined by our survey of the subject property. The values are as follows:

Elevation of Site Above Mean Sea Level:	40.5 feet (AMSL)
Overall Height Above Ground Level:	127.3 feet (AGL)
Overall Height Above Mean Sea Level:	167.8 feet (AMSL)
Overall Height AMSL w/c Appurtenances:	162.7 feet (AMSL)

The horizontal values of the above referenced point, and the geodetic coordinates thereof, were established by taking multiple readings with dual frequency Global Position Satellite Receivers and are hereby certified to be within 50 feet, more or less, based thereon. The values are as follows:

NAD '27      LATITUDE:      37° - 18 - 44.54" North  
LONGITUDE:      076° - 45 - 55.23" West

NAD '83      LATITUDE:      37° - 18' - 45.07" North  
LONGITUDE:      076° - 45' - 54.08" West

Kraig M. Blim  
Professional Land Surveyor No. L-4334



**REZONING-0006-2007. Public Land District**  
**Staff Report for the September 11, 2007, 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**

Planning Commission:

Board of Supervisors:

**Building F Board Room; County Government Complex**

August 1, 2007, 7:00 p.m.

September 11, 2007, 7:00 p.m.

**SUMMARY FACTS**

Applicant: James City County Board of Supervisors

Land Owner: Commonwealth of Virginia, Division of Parks  
Commonwealth of Virginia  
Commonwealth of Virginia, College of William & Mary  
Commonwealth of Virginia, Eastern State Hospital  
Commonwealth of Virginia, Department of Conservation and Recreation  
Commonwealth of Virginia, Jamestown Foundation  
Hampton Roads Sanitation District  
Industrial Development Authority of James City  
James City County  
James City County and City of Williamsburg  
James City Service Authority  
Middle Peninsula Juvenile Detention Authority  
Naval Weapons Station  
Newport News Waterworks, Dept. Public Utilities  
United States of America  
Virginia Department of Transportation  
Virginia Peninsula Regional Jail Authority  
Williamsburg/James City County School Board

Proposal: No land use changes or development plans are proposed for the 122 parcels during this rezoning.

Location: None, 9340 Merrimac Trail, 9320 Merrimac Trail, 9451 Merrimac Trail, 9300 Merrimac Trail, 8901 Pocahontas Trail, 300 Ron Springs Drive, 1801 Treasure Island Road, 541 Neck-O-Land Road, 4768 Captain John Smith, 4772 Captain John Smith, 4776 Captain John Smith, 4780 Captain John Smith, 4784 Captain John Smith, 4792 Captain John Smith, 2049 Back River Lane, 2045 Back River Lane, 2041 Back River Lane, 2037 Back River Lane, 2031 Back River Lane, 2027 Back River Lane, 2023 Back River Lane, 2019 Back River Lane, 2015 Back River Lane, 2013 Back River Lane, 2009 Back River Lane, 2005 Back River Lane, 2001 Back River Lane, 4764 Captain John Smith, 1368 Colonial Parkway, None, 8421 Pocahontas Trail, 101 Mounts Bay Road, None, None, 1831 Jamestown Road, 5087 John Tyler Highway, 3131 Ironbound Road, 1348 Colonial Parkway, None, None, 2915 John Proctor Way, 4315 John Tyler Highway, 2751 Greensprings

Plantation Drive, 2881 Greensprings Road, None, 2900 Greensprings Road, 3493 John Tyler Highway, 3501 Centerville Road, None, 3100 John Tyler Highway, 2860 John Tyler Highway, 5340 Palmer Lane, 5320 Palmer Lane, 149 Tewning Road, 5231 Longhill Road, None, 5301 Longhill Road, 4601 Ironbound Road, 4545 Ironbound Road, 4451 Ironbound Road, 105 Tewning Road, None, 3793 Ironbound Road, 5231 Longhill Road, 4951 Longhill Road, 3201 Monticello Avenue, 4085 Centerville Road, 1350 John Tyler Highway, 5312 Olde Towne Road, 4460 Longhill Road, 5417 Olde Towne Road, 6450 Centerville Road, 5700 Warhill Trail, 5380 Centerville Road, 5535 Centerville Road, 5370 Centerville Road, None, 5981 Centerville Road, 5537 Centerville Road, None, 1204 Jolly Pond Road, 7311 Richmond Road, 597 Jolly Pond Road, 7090 Church Lane, 180 Lakeview Drive, None, 8501 York River Park Road, 8528 Croaker Road, 225 Meadowcrest Trail, 3651 Rochambeau Drive, 7817 Richmond Road, 3135 Forge Road, 151 Leisure Road, 180 Leisure Road, None, 5526 Riverview Road, 9200 Croaker Road, 9551 Diascund Reservoir Road, 4788 Captain John Smith, 544 Neck-O-Land Road, 112 Laurel Lane, 5077 John Tyler Highway, None, 2080 Jamestown Road, 3950 John Tyler Highway, 3751 John Tyler Highway, None, 2620 Two Rivers Road, 5324 Palmer Lane, 5304 Palmer Lane, 5300 Palmer Lane, None, 5255 Longhill Road, 5237 Olde Towne Road, 5249 Olde Towne Road, 5800 Seasons Trace, 990 Brickyard Road, None, 7770 Croaker Road, 7994 Richmond Road, 187 Industrial Boulevard.

Tax Map/Parcel Nos.:

6220100001, 6010100012, 6010100011, 6010100003, 5920100048, 5920100046, 5820100003, 5610100002, 5610100001, 5520200035, 5520200034, 5520200033, 5520200032, 5520200031, 5520200030, 5510300049, 5510300048, 5510300047, 5510300046, 5510300045, 5510300044, 5510300043, 5510300042, 5510300041, 5510300040, 5510300039, 5510300038, 5510300037, 5510300036, 5510100001, 5240100001, 5230100001, 5010100009, 4930100002, 4930100001, 4730100001, 4721500001, 4710100058, 4630100015, 4620100041, 4620100039, 4620100033, 4620100021, 4610100013, 4610100012, 4610100011, 4610100009, 4520100012, 4520100002, 4520100001, 4510100018, 4510100016, 3911300004, 3911300003, 3910100156, 3910100155, 3910100154, 3910100153, 3910100152, 3910100151, 3910100004, 3910100003, 3830100027, 3830100010, 3820100002, 3810100003, 3630100023, 3630100001, 3430100002, 3240100027, 3230100001, 3220100047, 3210100013, 3210100012, 3130100049, 3130100006, 3040100003, 3030100001, 3020100010, 3010100009, 3010100007, 3010100004, 2320100035, 2240100009, 2120100001, 2110100026, 1640100004, 1510100005, 1410100037, 1330100016, 1310100020, 1240100051, 1230100027, 1120100003, 1120100001, 0840100001, 0830100002, 0740100015, 0310100005, 5520200001A, 5510200011A, 4810600171A, 4720100001A, 4640500001A, 4640100009A, 4610100007A, 4610100002D, 4420100016E, 4420100016B, 3911300002B, 3911300001B, 3911300001A, 3840100038B, 3820100002A, 3240100029C, 3240100029A, 3210100001A, 1920100018A, 1410100013A, 1340100023A, 1240100017D, 1240100013A

Parcel Size: 13,224.242 acres

Existing Zoning: A-1, General Agricultural; R-1, Limited Residential; R-2, General Residential; R-4, Residential Planned Community; R-8, Rural Residential; B-1, General Business; LB, Limited Business, M-1, Limited Business Industrial; M-2, General Industrial; PUD, Planned Unit Development; MU, Mixed Use; and AA, Airport Approach Overlay

Proposed Zoning: PL, Public Land and PL/AA, Public Land/Airport Approach Overlay

Comprehensive Plan: Conservation, Park, Public, or Semi-Public Open Space, Rural Lands, Low-Density Residential, Federal, State, and County Land, General Industry, Mixed Use. (See attachment for complete listing of parcels and their Comprehensive Plan designation.)

Primary Service Area: Inside and Outside

### **STAFF RECOMMENDATION**

With the adoption of the Public Land District Ordinance, staff believes it is necessary to rezone these 122 parcels to bring them into compliance with the new Public Land District that was established for publicly owned parcels, which are used for a public purpose. Staff recommends that the Board of Supervisors approve the rezoning of these 122 parcels.

Staff Contact: Jason Purse and Leanne Reidenbach Phone: 253-6685

### **PLANNING COMMISSION RECOMMENDATION**

At their August 1, 2007, meeting, the Planning Commission voted to recommend approval of this rezoning application by a vote of 7-0.

### **CHANGES MADE SINCE THE PLANNING COMMISSION MEETING**

None

### **PROJECT DESCRIPTION**

During the past two months, staff along with the County Attorney's office, has undertaken steps involved with establishing the Public Land District. The first step in the process was creating a Zoning Ordinance district, which was adopted on July 10, 2007, by the Board of Supervisors.

The purpose of this district is to establish a special classification for all significant publicly owned land, which is used for a public purpose. Currently, publicly owned parcels are spread throughout all of the established zoning districts as either permitted or specially permitted uses. The Public Land District is more restrictive than the other districts in which these parcels are currently located. No use that was specially permitted in another district is now permitted in the Public Land District. In fact, many of the previously permitted uses would now require special use permits under the new designation.

Staff has identified all publicly owned parcels and has grouped them into three categories: 1) land over five acres; 2) land under five acres that has a significant public impact; and 3) land that does not constitute a notable impact, or land that is not meant for public purpose. Lands from the first two groups are included in

this report to be rezoned into the Public Land District. Staff does not propose to rezone the parcels in the third group. The latter group includes uses such as well lots and pump stations that are accessory to residential or commercial uses and undeveloped parcels either under five acres in size or otherwise meant for economic development purposes, such as the parcel the County owns in the James River Commerce Center Industrial Park.

**No use changes or development plans will be filed for any parcel as a part of this rezoning; this process is only meant to initially place all relevant land into the Public Land District.** During this rezoning, the only changes to the parcels will be changing its underlying zoning to populate the newly created Public Land District with lands that are consistent with its purposes. Additionally, there are no new requirements that adjacent property owners must comply with if they are adjacent to a parcel zoned to Public Land. The only new restrictions would be to the Public Land parcel itself.

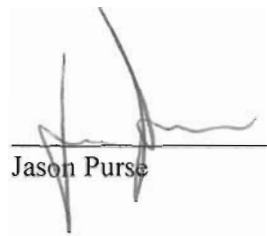
## **COMPREHENSIVE PLAN**

### **Land Use Map**

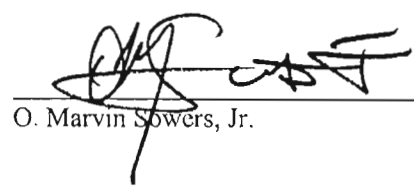
Designation	Conservation (page 129), Park, Public, or Semi-Public Open Space (page 129), Rural Lands (page 119-120), Low-Density Residential (page 120), Federal, State, and County Land (page 130), General Industry (page 123-124), Mixed Use (page 124).
	Staff Comment: Publicly owned parcels used for a public purpose are often situated adjacent to and among other uses such as commercial, residential, and industrial uses. Public services are needed throughout the county, and because they are needed in a variety of different places many of the Comprehensive Plan designation descriptions reference these types of public uses. None of the parcels currently being considered for rezoning involve a change of use or development proposal that intensifies the use of the site, so will therefore continue to be compliant with the goals of the Comprehensive Plan. Under the Public Land District Ordinance, most use changes and more intensive uses will require a special use permit, which is more restrictive than most of the other districts in which these parcels are currently located. This will allow the County to ensure continued conformance to the Comprehensive Plan and mitigation of additional impacts. Rezoning these 122 parcels will allow the greatest certainty regarding the character of potential uses of those parcels based on the Comprehensive Plan and surrounding land uses. Staff believes these rezonings are in conformance with the goals of the Comprehensive Plan.

## **RECOMMENDATION**

With the adoption of the Public Land District Ordinance, staff believes it is necessary to rezone these 122 parcels to bring them into compliance with the new Public Land District, which was established for publicly owned parcels, which are used for a public purpose. Staff recommends that the Board of Supervisors approve the rezoning of these 122 parcels.

  
\_\_\_\_\_  
Jason Purse  
\_\_\_\_\_  
Leanne Reidenbach

CONCUR:

  
\_\_\_\_\_  
O. Marvin Sowers, Jr.

JP/LR/gs  
z-006-2007

ATTACHMENTS:

1. Unapproved Planning Commission Minutes from August 1, 2007
2. Resolution
3. Location map
4. Parcel list and description



## RESOLUTION

### CASE NO. Z-0006-2007. PUBLIC LANDS DISTRICT

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, and a hearing scheduled on Zoning Case No. Z-0006-2007, for rezoning 13,011.642 acres from A-1, General Agricultural; R-1, Limited Residential; R-2, General Residential; R-4, Residential Planned Community; R-8, Rural Residential; B-1, General Business; LB, Limited Business; M-1, Limited Business Industrial; M-2, General Industrial; PUD, Planned Unit Development; and MU, Mixed Use to PL, Public Land; and

WHEREAS, the properties are located at the following James City County Real Estate Tax Map No. and addresses:

1. JCC Tax Map No. 5610100002, 1801 Treasure Island Road
2. JCC Tax Map No. 4520100002, 3501 Centerville Road
3. JCC Tax Map No. 4520100001, None
4. JCC Tax Map No. 5610100001, 541 Neck-O-Land
5. JCC Tax Map No. 5510100001, 1368 Colonial Parkway
6. JCC Tax Map No. 4930100002, None
7. JCC Tax Map No. 5510300036, 4764 Captain John Smith
8. JCC Tax Map No. 5510300037, 2001 Back River lane
9. JCC Tax Map No. 5510300038, 2005 Back River Lane
10. JCC Tax Map No. 5510300039, 2009 Back River Lane
11. JCC Tax Map No. 5510300040, 2013 Back River Lane
12. JCC Tax Map No. 5510300041, 2015 Back River Lane
13. JCC Tax Map No. 5510300042, 2019 Back River Lane
14. JCC Tax Map No. 5510300043, 2023 Back River Lane
15. JCC Tax Map No. 5510300044, 2027 Back River Lane
16. JCC Tax Map No. 5510300045, 2031 Back River Lane
17. JCC Tax Map No. 5510300046, 2037 Back River Lane
18. JCC Tax Map No. 5510300047, 2041 Back River Lane
19. JCC Tax Map No. 5510300048, 2045 Back River Lane
20. JCC Tax Map No. 5510300049, 2049 Back River Lane
21. JCC Tax Map No. 5520200030, 4792 Captain John Smith
22. JCC Tax Map No. 5520200031, 4784 Captain John Smith
23. JCC Tax Map No. 5520200032, 4780 Captain John Smith
24. JCC Tax Map No. 5520200033, 4776 Captain John Smith
25. JCC Tax Map No. 5520200034, 4772 Captain John Smith
26. JCC Tax Map No. 5520200035, 4768 Captain John Smith
27. JCC Tax Map No. 5520200001a, 4788 Captain John Smith
28. JCC Tax Map No. 5510200011a, 544 Neck-O-Land Road
29. JCC Tax Map No. 4610100013, 2751 Greensprings Plantation Drive
30. JCC Tax Map No. 6220100001, None
31. JCC Tax Map No. 5240100001, None
32. JCC Tax Map No. 1640100004, None
33. JCC Tax Map No. 6010100012, 9340 Merrimac Trail

34. JCC Tax Map No. 4630100015, 1348 Colonial Parkway
35. JCC Tax Map No. 3910100152, 4601 Ironbound Road
36. JCC Tax Map No. 3910100151, 4545 Ironbound Road
37. JCC Tax Map No. 3910100004, 4451 Ironbound Road
38. JCC Tax Map No. 0830100002, 5526 Riverview Road
39. JCC Tax Map No. 0840100001, None
40. JCC Tax Map No. 1510100005, 8501 York River Park Road
41. JCC Tax Map No. 1410100037, 8528 Croaker Road
42. JCC Tax Map No. 6010100011, 9320 Merrimac Trail
43. JCC Tax Map No. 2120100001, 7090 Church Lane
44. JCC Tax Map No. 6010100003, 9451 Merrimac Trail
45. JCC Tax Map No. 0310100005, 9551 Diascund Reservoir Road
46. JCC Tax Map No. 5920100046, 8901 Pocahontas Trail
47. JCC Tax Map No. 4710100058, 3131 Ironbound Road
48. JCC Tax Map No. 3210100012, 5700 Warhill Trail
49. JCC Tax Map No. 4610100009, 2900 Greensprings Road
50. JCC Tax Map No. 4620100033, 2915 John Proctor Way
51. JCC Tax Map No. 4620100021, 4315 John Tyler Highway
52. JCC Tax Map No. 3130100049, 5380 Centerville Road
53. JCC Tax Map No. 3040100003, 5370 Centerville Road
54. JCC Tax Map No. 5010100009, 101 Mounts Bay Road
55. JCC Tax Map No. 3830100010, 3793 Ironbound Road
56. JCC Tax Map No. 3830100027, None
57. JCC Tax Map No. 4420100016b, 2620 Two Rivers Road
58. JCC Tax Map No. 4610100007a, 3950 John Tyler Highway
59. JCC Tax Map No. 4510100018, 3100 John Tyler Highway
60. JCC Tax Map No. 2320100035, 7311 Richmond Road
61. JCC Tax Map No. 3230100001, 4460 Longhill Road
62. JCC Tax Map No. 3240100029c, 5237 Olde Towne Road
63. JCC Tax Map No. 3910100153, 5301 Longhill Road
64. JCC Tax Map No. 3820100002, 5231 Longhill Road
65. JCC Tax Map No. 4620100041, None
66. JCC Tax Map No. 4640500001a, None
67. JCC Tax Map No. 4610100011, None
68. JCC Tax Map No. 4620100039, None
69. JCC Tax Map No. 3220100047, 5417 Olde Towne Road
70. JCC Tax Map No. 4610100002d, 3751 John Tyler Highway
71. JCC Tax Map No. 1330100016, 225 Meadowcrest Trail
72. JCC Tax Map No. 3210100013, 6450 Centerville Road
73. JCC Tax Map No. 4520100012, 3493 John Tyler Highway
74. JCC Tax Map No. 1230100027, 3135 Forge Road
75. JCC Tax Map No. 3240100029a, 5249 Olde Towne Road
76. JCC Tax Map No. 3130100006, 5535 Centerville Road
77. JCC Tax Map No. 3840100038b, None
78. JCC Tax Map No. 3630100001, 4001 Brick Bat Road
79. JCC Tax Map No. 1310100020, 3651 Rochambeau Drive
80. JCC Tax Map No. 1240100051, 7817 Richmond Road
81. JCC Tax Map No. 2240100009, 597 Jolly Pond Road
82. JCC Tax Map No. 1340100023a, 7770 Croaker Road
83. JCC Tax Map No. 3010100004, 1204 Jolly Pond Road

84. JCC Tax Map No. 3030100001, None
85. JCC Tax Map No. 3010100007, None
86. JCC Tax Map No. 1120100001, 180 Leisure Road
87. JCC Tax Map No. 1120100003, 151 Leisure Road
88. JCC Tax Map No. 3010100009, 5537 Centerville Road
89. JCC Tax Map No. 3020100010, 5981 Centerville Road
90. JCC Tax Map No. 3430100002, 1350 John Tyler Highway
91. JCC Tax Map No. 2110100026, 180 Lakeview Drive
92. JCC Tax Map No. 1410100013a, None
93. JCC Tax Map No. 4510100016, 2860 John Tyler Highway
94. JCC Tax Map No. 4420100016e, None
95. JCC Tax Map No. 0740100015, 9200 Croaker Road
96. JCC Tax Map No. 3910100003, 105 Tewning Road
97. JCC Tax Map No. 5820100003, 300 Ron Springs
98. JCC Tax Map No. 4640100009a, 2080 Jamestown Road
99. JCC Tax Map No. 5920100048, 9300 Merrimac Trail
100. JCC Tax Map No. 3240100027, 5312 Olde Towne Road
101. JCC Tax Map No. 3630100023, 3201 Monticello Avenue
102. JCC Tax Map No. 5230100001, 8421 Pocahontas Trail
103. JCC Tax Map No. 3911300001b, 5304 Palmer Lane
104. JCC Tax Map No. 3911300001a, 5300 Palmer Lane
105. JCC Tax Map No. 3911300002b, 5324 Palmer Lane
106. JCC Tax Map No. 3911300003, 5320 Palmer Lane
107. JCC Tax Map No. 3911300004, 5340 Palmer Lane
108. JCC Tax Map No. 1240100013a, 187 Industrial Blvd
109. JCC Tax Map No. 3910100156, 149 Tewning Road
110. JCC Tax Map No. 4730100001, 1831 Jamestown Road
111. JCC Tax Map No. 4721500001, 5087 John Tyler Highway
112. JCC Tax Map No. 4720100001a, 5077 John Tyler Highway
113. JCC Tax Map No. 4610100012, 2881 Greensprings Road
114. JCC Tax Map No. 1920100018a, 990 Brickyard Road
115. JCC Tax Map No. 1240100017d, 7994 Richmond Road
116. JCC Tax Map No. 3820100002a, 5255 Longhill Road
117. JCC Tax Map No. 3210100001a, 5800 Seasons Trace
118. JCC Tax Map No. 3910100155, 5231 Longhill Road
119. JCC Tax Map No. 3810100003, 4951 Longhill Road
120. JCC Tax Map No. 3910100154, None; and

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, and a hearing scheduled on Zoning Case No. Z-0006-2007, for rezoning 212.6 acres from R-2, General Residential, AA, Airport Overlay and R-8, Rural Residential, AA, Airport Overlay to PL/AA, Public Land/Airport Approach Overlay; and

WHEREAS, the properties are located at the following James City County Real Estate Tax Map No. and addresses:

121. JCC Tax Map No. 4810600171a, 112 Laurel Lane, 12.6 acres
122. JCC Tax Map No. 4930100001, None, 200 acres; and

WHEREAS, the Planning Commission of James City County, Virginia, following its public hearing on August 1, 2007, recommended approval by a vote of 7 to 0.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-0006-2007.

---

John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:

---

Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of September, 2007.

z-0006-2007.res

**UNAPPROVED MINUTES OF THE August 1, 2007 MEETING  
OF THE PLANNING COMMISSION**

Z-6-07 Public Land District

Mr. Jason Purse presented the staff report stating that on July 10, 2007 the Board of Supervisors created the Public Land Zoning District and initiated the rezoning of land for inclusion in the District. The 122 parcels are currently zoned A-1, General Agricultural; R-1, Limited Residential; R-2, General Residential; R-4, Residential Planned Community; R-8, Rural Residential; B-1, General Business; LB, Limited Business, M-1, Limited Business Industrial; M-2, General Industrial; PUD, Planned Unit Development; MU, Mixed Use; and AA, Airport Approach Overlay. Staff recommended approval.

Ms. Paige Hewlett, 516 Neck- O-Land Road, stated her concerns relative to rezoning from residential zonings without a purpose. She stated that consideration should be given to whether citizens want land across from them to be used by the public. Ms. Hewlett also said she did not receive public notice by mail of the proposal.

Mr. Purse stated that a number of the residential zoned parcels are part of the Colonial Parkway Buffer and that rezoning will limit what is allowed on those parcels.

Ms. Hewlett stated that people live across the street from those properties. She stated that Neck-O-Land Road is a one lane road and that it floods. She said there are a large number of developments as well as traffic on the road and that she is not interested in having the road widened.

Mr. Kennedy asked Mr. Kinsman if the County is required to notify surrounding property owners when a rezoning is being considered and asked if it had been done.

Mr. Kinsman stated that with a rezoning of a few properties adjacent property owner notifications are required but not for mass rezoning above 25 parcels. Mr. Kinsman stated that for this case a full page ad was placed in the newspaper and staff posted signs on all the properties to be rezoned so that the County went above the legal requirement.

Mr. Kennedy stated that the government should be held to higher criteria than an individual.

Mr. Kinsman stated that the difference is the number of parcels not government versus individuals.

Mr. Kennedy said he still believes in notifying people.

Mr. Fraley asked if the case should be deferred until affects on adjacent property owners can be considered.

Mr. Murphy stated that the rezoning seeks to place lands with various zoning categories, which are publicly owned, into a public land district. He stated that should the public entity later decide to dispose of that property legislative consideration would be required for another proposed use.

Mr. Kennedy asked if the person adjoining that property be in non-compliance if this change is made.

Mr. Murphy said they would not be non-compliant.

Mr. Kenney asked if they could come forward with there own rezoning request will they be impacted by having a public land next door.

Mr. Murphy said the Board of Supervisors will consider surrounding zoning.

Mr. Kennedy said that takes him back to his concern about adjacent property owner notices. He asked if future rezoning requests could be impacted

Mr. Murphy stated that the purpose of the rezoning is to provide existing zoning categories for existing public uses.

Mr. Kennedy said he is still concerned about future individuals that border the public use site.

Ms. Jones stated that the Policy Committee, which is made up of members of Planning Commission, raised concerns about what the public entity could do with it they property. She stated they would be very limited as they types of uses. She also stated that specially permitted uses would require public hearing that provides another checks and balances. Ms. Jones said the County must maintain compatibility with surrounding uses.

Mr. Kennedy asked if they discussed the County property not individuals parcels surrounding the publicly owned property.

Ms. Jones said they addressed both due to the impact.

Mr. Kennedy asked if they arrived at a conclusion about affects on adjacent property owners who might seek rezoning. .

Ms. Jones said they looked at what is permissible and discussed the different check and balances.

Mr. Kennedy asked about the scope of the requests affects on property owners adjacent to the County property should they want to rezone their personal piece of

property. He stated that he wanted to ensure that is no compromise of individual public rights.

Mr. Kinsman said the use on those Properties would be very limited in scope and nature. He stated that the lands are general identified as public use sites on the Comprehensive Plan. He also stated consistency of a proposal to the adjacent parcels' Comprehensive Plan Land Use Designation would be weighted and they he is not sure of the significance of having a public land use next door in that determination.

Mr. Kennedy asked for confirmation that Individual property rights are not affected by this action.

Mr. Kinsman stated that it is only additional consideration that is given by the Planning Commission and the Board of Supervisors when considering a rezoning.

Mr. Kennedy asked that Mr. Kinsman's statement be reflected in public records.

Hearing no other requests to speak the public hearing was closed.

Mr. Obadal stated that he is in favor of the proposal. He said the Policy Committee spent extensive time on the proposal and that the uses permitted are very limited. Mr. Obadal said it would be similar to citizens' property being next to any other type of district. He also stated that approval would not affect citizens' right to use their property.

Mr. Billups stated his concern that the County does not control those properties such as removing trees or building on their property.

Mr. Krapf stated that rezoning will add a layer of consistency with the Comprehensive Plan designation and is more restrictive. He stated that he is in favor.

Mr. Kennedy stated his support as along as he has assurance from Mr. Murphy and Mr. Kinsman that it will have no affect on private property rights.

Mr. Fraley motioned for approval

Ms. Jones seconded the motion.

In a unanimous roll call vote the application was approved (7-0). AYE: Obadal, Fraley, Hughes, Billups, Krapf, Jones, Kennedy (7). NAY: (0).

**SPECIAL USE PERMIT-0023-2007. Temporary Classroom Trailers at Eastern State Hospital  
Staff Report for the September 11, 2007, 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**

Board of Supervisors:

**Building F Board Room; County Government Complex**

September 11, 2007, 7 p.m.

**SUMMARY FACTS**

Applicant:	Mr. Bruce Abbott of AES Consulting Engineers, on behalf of Williamsburg-James City County Public Schools
Land Owner:	Commonwealth of Virginia
Proposal:	To allow the placement of four temporary classroom trailers on property located at the Eastern State Hospital until July 1, 2012
Location:	4601 Ironbound Road
Tax Map/Parcel Nos.:	(39-1)(1-152)
Parcel Size:	540.647 acres
Zoning:	R-2, General Residential District
Comprehensive Plan:	Federal, State, and County Land
Primary Service Area:	Inside

**STAFF RECOMMENDATION**

Staff finds the proposal with the attached conditions to be compatible with surrounding land uses and the Comprehensive Plan. Staff recommends that the James City County Board of Supervisors approve this special use permit (SUP) application with the attached conditions.

Staff Contact:	Jose-Ricardo Linhares Ribeiro	Phone: 253-6685
----------------	-------------------------------	-----------------

**PROJECT DESCRIPTION**

Mr. Bruce Abbott of AES Consulting Engineers has applied on behalf of the Williamsburg-James City County Public Schools for an SUP to allow for the placement of four temporary school trailers to support the alternative education program know as the Academy for Life and Learning (i.e. "ALL" program) at Eastern State Hospital until July 1, 2012.

Eastern State Hospital is located at 4601 Ironbound Road on a parcel of land of approximately 540 acres. The site is currently zoned R-2, General Residential, and according to the 2003 Comprehensive Plan it is designated Federal, State and County Land. Staff notes that this property is currently being evaluated for rezoning into the Public Land District. Eastern State Hospital is bordered by two major thoroughfares, Route 199 to the west and Longhill Connector Road to the east, both designated by the 2003 Comprehensive Plan as Community Character Roads. The southern area of the site is located within the New Town Community Character Area.



Properties adjacent to the site are mainly residential; to the north, the Mews subdivision (zoned R-5, Multi-Family Residential); to the south, New Town parcels (zoned MU, Mixed Use) and smaller parcels zoned M-1, Limited Business/Industrial; to the west, parcels owned by the Commonwealth of Virginia (zoned R-2, General Residential) and Ford's Colony Subdivision (zoned R-4, Residential Planned Community); and to the east, residential parcels located in the City of Williamsburg.

The four classroom trailers will be located in an area of approximately 65,340 square feet, or 1.25 acres, on a vacant softball field situated at the corner of Moncure Drive and Foster Road in the northern part of the site. Combined, the four classroom trailers will occupy an area of approximately 6,408 square feet, or 10 percent of the 1.25 acres area. The total amount of impervious surface proposed (i.e. sidewalks) is 2,582 square feet, or four percent of the 1.25 acres area. Ingress and egress to the site will occur via the Longhill Road entry to Ashbury Road.

Of the four classroom trailers, one will be utilized to accommodate faculty and staff needs (six teachers and four staff members). The remaining classroom trailers will be used exclusively as classroom spaces for the operation of the ALL Program. Each classroom trailer contains two classroom spaces with one teacher and 10 students per classroom (a total of 22 occupants per classroom trailer). Each classroom trailer will have two entrances; one with an accessible handicap ramp and one with a set of steps. All trailers will provide private restrooms. Water will be used into an existing 8-inch water line owned by the Commonwealth of Virginia and sewer will be run to an existing manhole and 12-inch sewer owned by the Commonwealth of Virginia. The four classroom trailers have been used by the school system before and will be removed from its current school sites; Lafayette and Jamestown High Schools (one trailer per each school) and D. J. Montague Elementary School (two trailers) and placed at the Eastern State Hospital site. (Please refer to Attachment No.5 for a picture of a trailer at D. J. Montague, which will be moved to Eastern State Hospital. This is a typical design of all the trailers that are to be moved to the site.)

In addition to the four proposed classroom trailers, approximately 460 linear feet of sidewalk (ADA accessible) will be installed to provide pedestrian access and interconnectivity between the four classroom trailers and the existing parking area located to the north of the site on Moncure Drive. Currently there are twelve existing parking spaces at Moncure Drive; two of the existing parking spaces will be converted to accommodate handicap accessible spaces (i.e. one handicap parking space and one handicap parking aisle). A flagpole of 25 feet to be placed at the center of the area to be occupied by the four classroom trailers is also proposed.

The ALL Program will operate Monday through Friday from 12 p.m. to 7 p.m. providing educational services to students between the ages of 11 and 17 years old from Middle and High Schools. The program is scheduled to debut with the start of the 2007-2008 school year (please refer to Attachment No.4 for further information on the ALL Program).

The time period for the SUP extends until July 1, 2012, since this is the maximum length of time that Eastern State Hospital will commit to the site ( please refer to Attachment No. 2 for a copy of the signed lease between the Commonwealth of Virginia, Eastern State Hospital, and the Williamsburg-James City County Public Schools Board). Because Eastern State Hospital lies in property owned by the Commonwealth of Virginia, this request has been reviewed and approved by the State's Art and Architectural Review Board (please refer to Attachment No. 3 for a copy of the minutes from the July 6, 2007, Art and Architectural Review Board).

## **PUBLIC IMPACTS**

### **Public Utilities:**

**JCSA Comments:** The site is located within the Primary Service Area (PSA) and will be served by public water and sewer. JCSA has no objections to the SUP proposal and notes that Eastern State Hospital is a master metered site. Therefore, all on-site water and sanitary sewer mains are privately owned and maintained by the Hospital and are not under the jurisdiction of JCSA. However, the Applicant will be required to meet the requirements of the James City County Fire Department for the proposed development (e.g. fire hydrant spacing, fire flow requirements, etc.).

**Staff Comments:** Staff concurs with JCSA findings and notes that this proposal has been reviewed and approved by the James City County Fire Department.

**Transportation:**

**2005 Traffic Counts:** Longhill Road (Route 612) from Route 199 to Ironbound Road (Route 615) - 6,294 average daily trips.

**2026 Volume Projected:** Longhill Road (Route 612) from Route 199 to Ironbound Road (Route 615) - 16,000 average daily trips. This segment of Longhill Road has been placed in the 2003 Comprehensive Plan "Watch" category.

**VDOT Comments:** VDOT staff has reviewed and approved the proposed SUP application.

**Staff Comments:** Staff concurs with VDOT findings. Staff notes that traffic generated by this proposal will be minimal. According to information provided by the Applicant, students attending to the ALL Program will be transported to and from the site via school buses. Further, staff notes that there will be a maximum of 10 faculty and staff members working at the proposed classroom trailers at any given time.

**Environmental:**

**Watershed:** Powhatan Creek

**Environmental Comments:** Staff has noted minor changes that can be addressed during the plan of development stage; including but not limited to assessment of proposed erosion and sediment control and existing downstream receiving channels.

**Staff Comments:** Staff concurs with the Environmental Division findings.

**COMPREHENSIVE PLAN**

**Land Use Map**

Designation	<p><b>State, Federal and County Land (Page 130):</b> State, Federal and County Land are public owned lands, which include the Eastern State Hospital, military installations, County offices and facilities, and larger utilities such as the Hampton Roads Sanitation District Treatment Plant.</p> <p><b>Eastern State Hospital (Page 130):</b> Owned by the Commonwealth of Virginia, Eastern State Hospital occupies 540 acres of land bordered by Route 199 to its west, Longhill Connector along its north and east sides, and New Town to its south. If this site were no longer to be used as a public medical facility, its primary use should be to serve as the permanent campus for the Thomas Nelson Community College or other necessary public uses.</p> <p><b>Staff Comment:</b> Staff finds that this proposal is an important public use to James City County and compatible with the Comprehensive Plan land use designation and more specifically, compatible with the intent of the Eastern State Hospital site designation.</p>
-------------	---

**Community Character Corridors and Community Character Areas**

Designation	<p><b>Community Character Corridors (Page 83):</b> Community Character Corridors (CCCs) are roads that promote the rural, natural, or historic character of the County. The County acknowledges that views along these roads can have a significant impact on how citizens and visitors perceive the character of an area and feels these roads warrant a high level of protection.</p> <p><b>Community Character Areas-New Town (Page 86):</b> During the 1997 Comprehensive Plan, certain areas of James City County were identified as important places during the public participation process. Guidelines were developed for these areas for future development. These areas were identified as Community Character Areas (CCA) in the 1997 Comprehensive Plan.</p>
-------------	--

<b>Staff Comment:</b> Staff notes that the four proposed classroom trailers will be placed in an area that is internal to the Eastern State Hospital building complex, and therefore the classroom trailers will not visually impact adjacent roads (i.e. Route 199 and Longhill Road). Further, staff notes that the southern part of the entire Eastern State Hospital site is located within the New Town Community Character Area, however, the area where the proposed trailers will be placed is outside the limits of the New Town Community Area.
---

**Staff Comments:** Staff finds the proposed use consistent with the Comprehensive Plan, as they are accessory to a recommended land use. Further, staff notes that, from a land use perspective, the request to place four classroom trailers at the Eastern State Hospital site will have a minimum impact on the site and on adjacent properties as well.

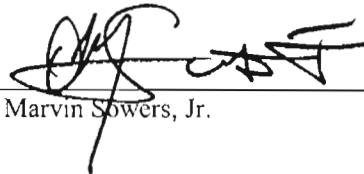
### **RECOMMENDATION**

Staff believes the proposal to be consistent with the Comprehensive Land Use Designation and compatible with surrounding properties and zoning. Staff recommends that the James City County Board of Supervisors approve this SUP application with the conditions listed in the attached resolution.



\_\_\_\_\_  
Jose-Ricardo Linhares Ribeiro

CONCUR:



\_\_\_\_\_  
O. Marvin Sowers, Jr.

JRLR/gs  
sup-0023-2007

### **ATTACHMENTS:**

1. Site Map for Eastern State Hospital with letter requesting an SUP
2. Copy of the signed lease between the Commonwealth of Virginia, Eastern State Hospital, and the Williamsburg-James City County Public Schools Board
3. Copy of Minutes from the July 6, 2007, Art and Architectural Review Board
4. Copy of the news release pertaining to the ALL Program - Williamsburg/James City County Public Schools
5. Picture of Trailer to be removed from D. J. Montague Elementary School and placed at the Eastern State Hospital site
6. Location Map
7. Resolution

## RESOLUTION

### CASE NO. SUP-0023-2007. TEMPORARY CLASSROOM TRAILERS AT

### EASTERN STATE HOSPITAL

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 (SUP) process; and

WHEREAS, all the conditions for the consideration of this SUP application have been met; and

WHEREAS, temporary classroom trailers, accessory to an existing school may be permitted upon the issuance of an SUP by the Board of Supervisors; and

WHEREAS, Mr. Bruce Abbott of AES Consulting Engineers has applied on behalf of Williamsburg-James City County Public Schools for an SUP to allow for the placement of four temporary classroom trailers at Eastern State Hospital on property owned and developed by the Commonwealth of Virginia located at 4601 Ironbound Road, and further identified as Parcel No. (1-152) on James City County Real Estate Tax Map No. (39-1); and

WHEREAS, in addition to the proposed classroom trailers, approximately 460 linear feet of new sidewalk and a flag pole of approximately 25 feet are also proposed; and

WHEREAS, the proposed school trailers are shown on the site layout prepared by AES Consulting Engineers, dated June 07, 2007, and entitled "Site Trailers-Commonwealth Site"; and

WHEREAS, the property is located on land zoned PL, Public Land, and is designated Low Density Residential on the 2003 Comprehensive Plan Land Use Map; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with the 2003 Comprehensive Plan Use Map designation for this site.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUPs for the placement of four temporary classroom trailers and associated additions as described above and on the attached site layouts with the following conditions:

1. At the Eastern State Hospital site, four temporary classroom trailers shall have permits valid until July 1, 2012.
2. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

---

John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:

---

Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of  
September, 2007.

sup-0023-2007

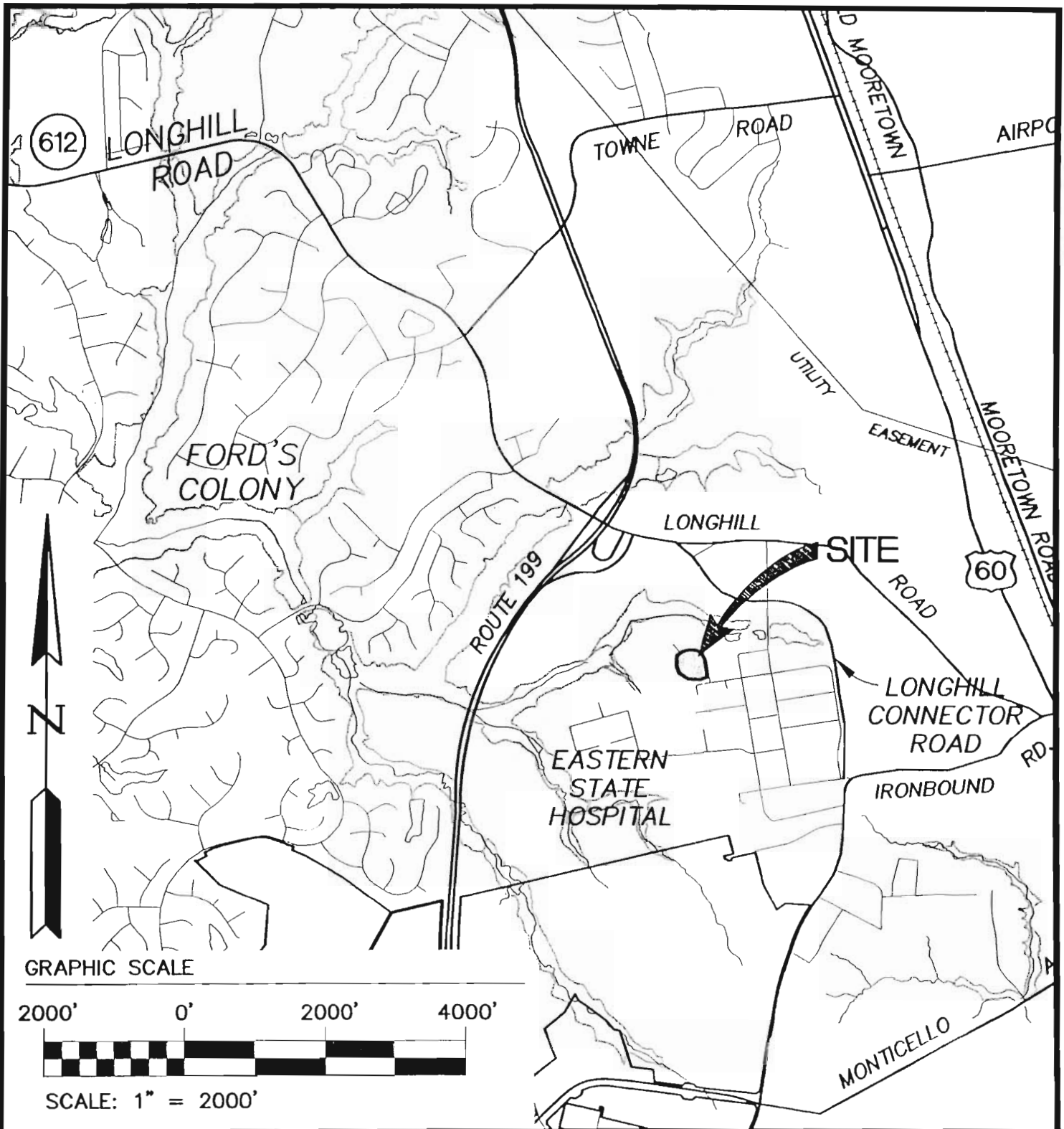


FIGURE 1  
VICINITY MAP  
COMMONWEALTH SITE

PROJECT # 720-07720-009 - WILLIAMSBURG/JAMES CITY  
COUNTY PUBLIC SCHOOLS (W/JCC) TRAILERS @ ESH

Drawn By: LBA

Scale: 1"=2000'

Date: 6/7//07

Job No: 9813-6B



CONSULTING ENGINEERS  
WILLIAMSBURG • RICHMOND • GLOUCESTER

5248 Olde Towne Road, Suite 1  
Williamsburg, Virginia 23188  
(757) 253-0040 Fax (757) 220-8994

SUP-0023-2007

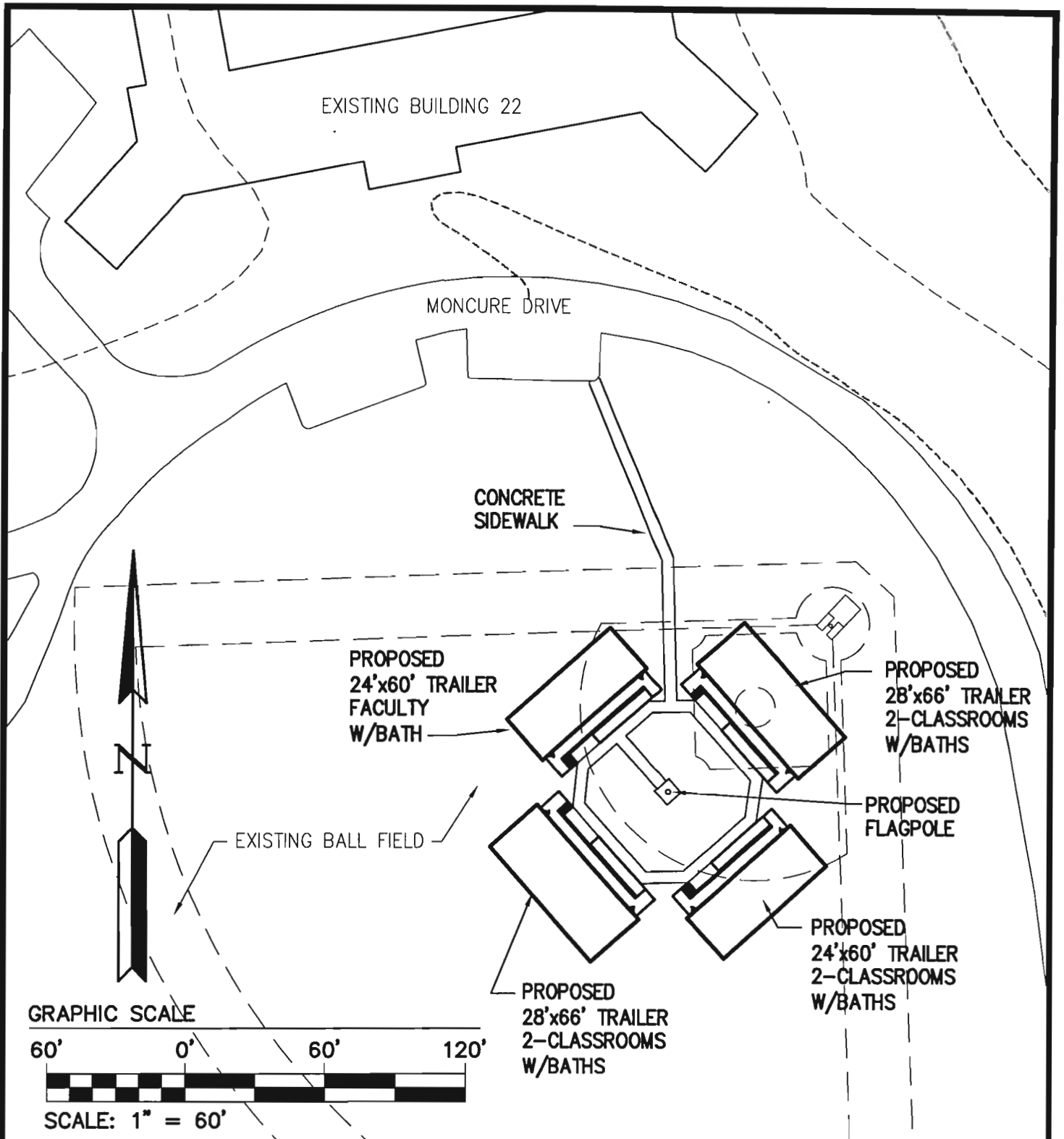


FIGURE 2  
SITE TRAILERS  
COMMONWEALTH SITE

PROJECT # 720-07720-009 - WILLIAMSBURG/JAMES CITY  
COUNTY PUBLIC SCHOOLS (W/JCC) TRAILERS @ ESH

Drawn By: LBA

Scale: 1"=40'

Date: 6/7//07

Job No: 9813-6B



CONSULTING ENGINEERS  
WILLIAMSBURG • RICHMOND • GLOUCESTER


5248 Olde Towne Road, Suite 1  
Williamsburg, Virginia 23188  
(757) 253-0040 Fax (757) 220-8994



## Williamsburg-James City County Public Schools

Superintendent  
Gary S. Mathews, Ph.D.

Assistant Superintendent  
Robert T. Becker, Jr.

  
**OPERATIONS**  
597 Jolly Pond Road  
Williamsburg, Virginia 23188-7328  
757-565-3838  
Fax: 757-565-1462

8/1/2007

James City County  
Marvin Sowers, Planning Director  
101 Mounts Bay Road  
Williamsburg, VA. 23185

Mr. Sowers,

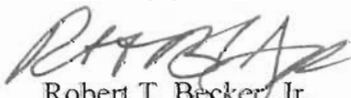
The attached Special Use Permit application is for the Academy for Life and Learning (ALL) program trailers to be placed within the boundaries of Eastern State Property. A lease agreement between the Williamsburg / James City County Public Schools and the State of Virginia is currently being processed and waiting the Governor's signature.

As soon as a copy of the lease is signed by the State and the School System a copy will be provided to James City County.

Should in the unlikely event the lease is not signed, by the School System or the State, the Special Use Permit application will be withdrawn.

Thank you for your attention to this matter.

Sincerely yours,



Robert T. Becker, Jr.  
Assistant Superintendent for Operations



## DEED OF LEASE

This DEED OF LEASE (the "Lease") is dated the 6<sup>th</sup> day of August, 2007, between the COMMONWEALTH OF VIRGINIA, EASTERN STATE HOSPITAL, as Grantor (the "Landlord"), and WILLIAMSBURG-JAMES CITY COUNTY PUBLIC SCHOOL BOARD (WJCCPS), a Virginia locality, as Grantee (the "Tenant"), with approval of the Governor pursuant to Section 2.2-1155.A. of the Code of Virginia (1950), as amended.

### WITNESSETH

1. **PREMISES.** For and in consideration of the terms, conditions, covenants, promises and agreements herein made, the Landlord leases to the Tenant the following real property (the "Premises"), together with the right of ingress and egress, in Williamsburg, County of James City, Virginia, subject, however, to all easements, restrictions and covenants of record. The Premises are more particularly described as:
  - a. *Approximately 1.25 acres of land at corner of Moncure Drive & Foster Road (vacant field between buildings 22 and 24), 4601 Ironbound Road, Williamsburg, VA 23188. All necessary parking is included within the designated property. (The Premises is shown on Attachment 1 attached hereto and incorporated herein by this reference.)*
  - b. *Ingress and egress shall be via the Longhill Road entry to Ashbury Road, right on Roster Road, and right on Moncure Drive and return exit the same route.*
2. **TERM.** The term of this Lease (the "Initial Term") shall be Twelve (12) months, beginning on August 1<sup>st</sup>, 2007 (or date of execution), and terminating on July 31<sup>st</sup>, 2008 (the "Termination Date").
3. **RENT.** The Tenant shall pay the Landlord the sum of One Hundred Eighty One and 25/100 Dollars (\$181.25) per acre, totaling Two Hundred Twenty-Six and 56/100 Dollars (\$226.56) per month as rent (the "Rent") for the Initial Term which shall be paid in advance, without notice or demand or offset, in one instalment of Two Thousand Seven Hundred Eighteen and 75/100 Dollars (\$2,718.75) for the basic lease period. The Rent is due and payable beginning on August 1<sup>st</sup>, 2007, and each year thereafter based on and including any renewal or extension thereof. All Rent shall be made payable to Eastern State Hospital, and mailed to Fiscal Services, P.O. Box 8791, Williamsburg, VA 23187-8791, or to such other person or entity or at such other address as the Landlord may designate from time to time by written notice to the Tenant.

Rent payments will be applied first to all past due balances of Rent and other charges due under this Lease and the remaining portion, if any, shall be applied to current Rent. If an installment of Rent is not paid within five (5) days of the due date, the Tenant shall pay as additional Rent a late fee of \$271.87.

**4. USE OF PREMISES.**

- (a) The Premises are to be used and occupied by the Tenant for the Academy for Life and Learning (ALL) and for no other purpose. No alterations, additions, or improvements shall be made to the Premises without the prior written consent of the Landlord. The Tenant shall not damage the Premises or any part thereof or allow the same to be done. The Tenant shall not allow the Premises to be used for any illegal purpose and shall not do or allow any act which may disturb occupants of adjoining property or cause damage to adjoining property.
- (b) The Tenant is authorized to install at their expense Four (4) Portable Classrooms Trailers in the area to allow use of the premises for the placement of the ALL as stated in location as stated above and indicated on Attachment 1. The actual placement shall be coordinated with the Lessor.
- (c) The Tenant shall comply with all applicable federal, state and local statutes, rules and regulations and licensing requirements, as they may be enacted or amended from time to time, concerning the use and occupancy of the Premises, which rules and regulations are intended to promote the convenience, safety or welfare of patients and residents and/or protect the Landlord's property from abusive conduct. The Tenant shall ensure that its staff, visitors, contractors and vendors park their vehicles in designated areas assigned to the Tenant for parking under this Lease. In the event the Tenant determines that it may need additional space for parking, Landlord and Tenant may negotiate for the provision of space for additional parking. Such agreement shall be reduced to writing and attached as an addendum to this Lease. The Tenant shall submit a written request to the Eastern State Hospital Director for consideration in the event the Tenant requires the use of ESH facilities or equipment not included in the Lease.

- 5. QUIET ENJOYMENT.** So long as the Tenant observes and keeps all the covenants, agreements and conditions of this Lease, the Landlord covenants that the Tenant shall have quiet and peaceful use and enjoyment of the Premises throughout the Initial Term of this Lease and any renewals or extensions thereof, subject, however, to the exceptions, reservations and conditions of this Lease.

- 6. PERSONAL PROPERTY.** All personal property placed in or kept on the Premises shall be at the sole risk of the Tenant or the owner of such personal property and the Landlord shall have no liability for loss, damage or deterioration of same for any reason.

- 7. ACCEPTANCE OF CONDITION OF PREMISES.** The Tenant covenants that it has inspected the Premises and accepts the Premises "as is" without any representations or warranties by the Landlord as to the condition or usefulness of the Premises for any purpose.

8. **ASSIGNMENT AND SUBLETTING.** The Tenant shall not assign or transfer this Lease, nor sublet any part of the Premises, without the prior written consent of the Landlord, which consent the Landlord may withhold in its sole discretion.
9. **ACCESS BY LANDLORD.** The Landlord and its representatives may enter the Premises only upon notice to the Tenant to make emergency repairs, preserve the Premises or to prevent or abate any nuisance, hazard, or unlawful conditions.
10. **INDEMNIFICATION; INSURANCE.** The Tenant shall indemnify, defend and hold harmless the Landlord, and its agents and employees, from all liability, claims for damage, injury or loss of every kind and nature, whether relating to person or property, arising on or within the Premises or incident to the Tenant's use of the Premises. Beginning on the Commencement Date and continuing during the Initial Term of this Lease and any renewals or extensions thereof, the Tenant, at the Tenant's expense, shall keep in force, with an insurance company authorized to transact business in Virginia, and in a form acceptable to the Landlord, an insurance policy with personal property and broad form liability coverage. The insurance policy shall include the Landlord as a named insured and have the following minimum limits and coverage: \$1,000,000.00 for personal injury to or death of any one person, or more than one person, as the result of any one accident or disaster, and include coverage for property damage and medical payments. On or before the Commencement Date, the Tenant shall deliver to the Landlord a certificate of insurance showing the same to be in force and effect, together with a copy of a paid receipt for the first year's premium. The policy shall provide for notification to the Landlord in the event of cancellation.

In the event that the Tenant fails to obtain and maintain the insurance required by this section, the Landlord may, at its option, cause the required insurance to be issued and maintained and the Tenant shall pay the premiums for such insurance as additional Rent.

11. **DAMAGE OR DESTRUCTION; SMOKE & CARBON MONOXIDE DETECTORS.**
  - (a) If the Premises or the building of which the Premises forms a part are damaged or destroyed by fire or other casualty, the Tenant shall notify the Landlord immediately.
  - (b) If the Premises or the building of which the Premises forms a part, or any portion thereof, are damaged or destroyed by fire or other casualty and, in the sole opinion of the Landlord, the Premises are thereby rendered unfit for occupancy, either the Landlord or the Tenant shall have the right to terminate this Lease by notice to the other party within seven ( 7 ) days after the fire or other casualty. If this Lease is so terminated, Rent shall abate as of the date of such fire or other casualty.
  - (c) If this Lease is not terminated pursuant to the provisions of Section 11 (b), and the Landlord elects, in its sole discretion, to repair and restore the Premises to their

former condition, there shall be a proportionate abatement of Rent for the period during which the said repairs and restoration are being completed for that portion of the Premises not substantially usable by the Tenant.

- (d) The Tenant shall install and maintain in good working order at least one smoke detector and one carbon monoxide detector in the Premises.
12. **KEYS.** On the Commencement Date, the Tenant shall deliver to the Landlord 2 sets of keys to the Premises. The Tenant shall not change or add locks without the prior written consent of the Landlord. Upon termination of this Lease, all keys will be surrendered to the Tenant.
13. **MECHANICS' AND MATERIALMEN'S LIENS.** The Tenant shall not create, place, or suffer the creation or filing of any mechanics' or materialmen's lien against the Premises by reason of labor or materials provided for or at the request or order of the Tenant, or of the Tenant's agents or contractors. The Tenant shall discharge any such lien within twenty (20) days after the date the same was filed.
14. **MAINTENANCE, REPAIRS, UTILITIES AND OTHER COSTS.** All costs relating to the possession, operation and maintenance of the Premises shall be the responsibility of the Tenant.
- (a) The Tenant shall keep, repair and maintain, at the Tenant's expense, all plumbing, lighting, heating, ventilation, air-conditioning, electrical and mechanical devices and appliances of every kind or nature located on the Premises in good working order and condition, and shall, if necessary, make such alterations, additions, and/or modifications to the Premises and all equipment, electrical and mechanical devices and appliances thereon or serving same so as to comply at all times with all applicable federal, state and local laws, ordinances, rules and regulations pertaining to health, safety, fire and public welfare.
  - (b) The Tenant shall pay all charges for utility services to the Premises, including, but not limited to, service charges, connection and disconnection charges, use charges and taxes. The Tenant shall provide such heating as shall be sufficient to prevent freezing of pipes, plumbing and associated equipment.
  - (c) The Tenant shall pay all charges and other levies of any nature against the Premises and improvements thereon, whether ordinary or extraordinary, foreseen or unforeseen, including, without limitation, all applicable real estate taxes and any payments or use charges in lieu thereof, and assessments.
  - (d) If the Tenant fails to make any payment or perform any act required by the Tenant under this Lease, the Landlord may (but shall be under no obligation to) make such payment or perform such act. All amounts so paid by the Landlord and all costs, fees and expenses incurred by the Landlord regarding such payment or performance shall be paid by the Tenant as additional Rent.

**15. ENVIRONMENTAL CONTAMINATION.**

- (a) The Tenant shall not engage in or allow any activity on the Premises involving: (i) the handling of any toxic or hazardous substances, (ii) the discharge of toxic or hazardous substances to the air, soil, surface water or groundwater, (iii) the storage, treatment or disposal of any toxic or hazardous substances (for purposes of this Lease, "hazardous substance(s)" shall have the meaning of "hazardous substance" set forth in 42 U.S.C. Section 9601(14), as amended, and of "regulated substance" at 42 U.S.C. Section 6991(2), as amended), or (iv) any other substances which may be the subject of liability pursuant to any environmental law of the United States or the Commonwealth of Virginia.
- (b) The Tenant shall indemnify and hold harmless the Landlord from any and all claims, suits, judgments, damages, fines, penalties, liability, costs and expenses (including reasonable fees for costs and expenses for any required attorneys, consultants and experts) resulting or arising from the discovery of any toxic or hazardous substance on, in or arising from, or contamination of, the Premises which is a result of any activity of the Tenant, its agents, employees, contractors or repairmen. Landlord shall, to the extent permitted by law, indemnify and hold harmless the Tenant from any and all claims, suits, judgments, damages, fines, penalties, liability, costs and expenses (including reasonable fees for costs and expenses for any required attorneys, consultants and experts) resulting or arising from the discovery of any toxic or hazardous substance on, in or arising from or contamination of, the Premises which is a result of any activity of the Landlord, its agents, employees, contractors or repairmen.

**16. EVENTS OF DEFAULT; LANDLORD'S REMEDIES UPON DEFAULT.**

- (a) The following events shall be deemed to be an event of default ("Event of Default") by the Tenant under this Lease:
  - (i) The failure of the Tenant to pay when due any installment of Rent or any other payment required to be made by the Tenant under this Lease and the failure to cure such default within ten (10) days after written notice thereof to Tenant.
  - (ii) The failure of the Tenant to comply with any term, provision, promise or covenant of this Lease (other than the payment of Rent or any other payment required to be made by Tenant hereunder) and the failure to cure such non-compliance within ten (10) days after written notice of an Event of Default to the Tenant.
- (b) If the Landlord gives written notice to the Tenant of an Event of Default pursuant to Section 20 of this Lease and the Tenant does not cure such default within the specified period following the notification, then at the expiration of said period,

this Lease shall automatically terminate as completely as if the deadline for curing the default were the date specified as the Termination Date in this Lease, and the Tenant shall then surrender the Premises to the Landlord. If this Lease shall be so terminated, the Landlord may, at its option, without formal demand or notice of any kind, re-enter the Premises by any unlawful detainer action or by any other means and remove the Tenant, or any other person who may be occupying the Premises, from the Premises without being liable for any damages therefor. Upon the Landlord's exercise of such termination, the Tenant shall pay the Landlord's costs and expenses incurred in fulfilling the Tenant's obligations under this Lease, including, without limitation, the Landlord's reasonable attorney fees and court costs, and this provision shall survive termination of this Lease.

- (c) The failure of the Landlord to insist upon the strict performance of any covenant, agreement, term or condition of this Lease or to exercise any permitted right or remedy upon an Event of Default, and/or acceptance of payment of full or partial Rent or other payment required to be made by the Tenant during the continuance of any such Event of Default shall not constitute a waiver of such Event of Default or of any covenant, agreement, term or condition of this Lease.
  - (d) No right or remedy herein conferred upon or reserved to the Landlord shall be exclusive of any other right or remedy, and every right and remedy shall be cumulative and in addition to any other right or remedy given hereunder or now or hereafter existing at law.
17. **RENEWAL OF LEASE.** Unless otherwise terminated as herein provided, at the end of the Initial Term or any renewal term, this Lease shall automatically renew and continue in full force and effect from year to year (the "renewal term") at the same monthly Rent, due and payable in the same monthly installments as provided in Section 3, and subject to all the terms and conditions herein contained. The total of any and all renewals shall not exceed 60 months.
18. **TERMINATION OF LEASE.** This Lease and any renewal term may be terminated by the Tenant or the Landlord only upon written notice at least thirty (30) days prior to the expiration of the Initial Term or any renewal term, otherwise this Lease shall renew and continue as provided in Section 17. Notwithstanding the foregoing or any other provision in or incorporated by reference into this Lease, this Lease and any renewal term may be terminated by the Landlord at any time upon at least thirty (30) days written notice to the Tenant. At the termination of this Lease, the Tenant shall deliver peacefully the Premises in as good order and repair as the same were on the Commencement Date, reasonable wear and tear excepted.
19. **BINDING EFFECT; AMENDMENTS.** The covenants, agreements, and rights contained in this Lease shall bind and inure to the respective heirs, personal representatives, successors and assigns of the Landlord and the Tenant. This Lease constitutes the entire, full and complete understanding and agreement between the Landlord and the Tenant, and all representations, statements, warranties, covenants,

promises or agreements previously made or given by either party to the other are expressly merged into this Lease and shall be null, void and without legal effect. Neither party, nor any agent of either party, has any authority to alter, amend or modify any of the terms of this Lease, unless the amendment is in writing and executed by all parties to this Lease with the same formality as this Lease. This Lease and any amendments hereto shall not be effective or binding unless and until signed by all parties and the Landlord obtains the recommendation of the Virginia Department of General Services and the approval of the Governor of Virginia, or his designee, as required by Section 2.2-1155.A. of the Code of Virginia (1950), as amended.

20. NOTICES.

- (a) All notices to the Tenant required or permitted under this Lease shall be given by mailing the notice by certified U.S. mail, postage prepaid, return receipt requested, addressed to:

Tenant's Agent: Gary S. Mathews, Ph.D  
Superintendent  
Address: Williamsburg-James City Co. Public Schools  
101-D Mounts Bay Road  
Williamsburg, VA 23187  
Phone: 757-253-6777

- (b) All notices to the Landlord required or permitted under this Lease shall be given by mailing the notice by certified U.S. mail, postage prepaid, return receipt requested, addressed to:

Landlord's Agent: Martin S. Kline  
Assistant Director, Administrative  
Address: Eastern State Hospital  
4601 Ironbound Road  
Williamsburg, VA 23187-8791  
Phone: 757-253-7112

- (c) Where, under the terms of this Lease, a notice is sent by certified U.S. mail, postage prepaid, return receipt requested, such notice shall be deemed to have been given as of the date of mailing such notice. Each party to this Lease shall notify the other party of any new address at which to mail notices, which notice shall be given in the manner provided above, and unless and until such notice of a new address is given, notices to a party hereto shall be sufficient if mailed to such party's address as specified in Section 20(a) or Section 20(b), as appropriate.
- (d) Where, under the terms of this Lease, a notice is required or permitted to be sent by certified U.S. mail, postage prepaid, return receipt requested, and such notice is not sent in such manner, the notice shall be effective if actually received by the party, or its appointed agent, to whom the notice is addressed.

21. **HEADINGS.** The heading of the sections of this Lease are inserted for convenience only and do not alter or amend the provisions that follow such headings.
22. **ADDITIONAL PROVISIONS.** This Lease is subject to the following terms, conditions, modifications, additions and/or deletions provided in the following designated attachments, exhibits and riders:

Attachments:

1. Facility Location Map
2. Additional Provisions

[Signature Page to follow]



IN WITNESS WHEREOF, the parties hereto have affixed their signatures and seals.

Landlord: COMMONWEALTH OF VIRGINIA  
EASTERN STATE HOSPITAL

By: [Signature]  
Name: John M. Favret  
Title: Hospital Director

COMMONWEALTH OF VIRGINIA  
CITY/COUNTY OF VIRGINIA, to-wit:

The foregoing instrument was acknowledged before me this 27 day of August, 2007, by John M. Favret, acting in his capacity as Hospital Director of the Commonwealth of Virginia, Eastern State Hospital, on behalf of the hospital.

My commission expires: March 31, 2010  
Notary Registration # 183419  
Cynthia D. Trade  
Notary Public

Tenant: WILLIAMSBURG-JAMES CITY COUNTY  
PUBLIC SCHOOLS

By: [Signature]  
Name: Gary S. Mathews, Ph.D.  
Title: Superintendent

COMMONWEALTH OF VIRGINIA  
CITY/COUNTY OF Williamsburg, to-wit:

The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of August, 2007, by Gary S. Mathews, Ph.D., acting in his capacity as Superintendent of the Commonwealth of Virginia, Williamsburg-James City County Public Schools, on behalf of the school.

My commission expires: 11/30/2010  
Notary Registration # 183053

[Signature]  
Notary Public

RECOMMEND APPROVAL:  
DEPARTMENT OF GENERAL SERVICES  
and its Division of Engineering and Buildings

By: *R. Ellwoski*  
Director

**APPROVED BY THE GOVERNOR:**

Pursuant to Section 2.2-1155.A. of the Code of Virginia (1950), as amended, and as the official designee of the Governor of Virginia, as authorized and designated by Executive Order 88 (01) dated December 21, 2001, I hereby approve this Deed of Lease for and on behalf of the Governor of Virginia.

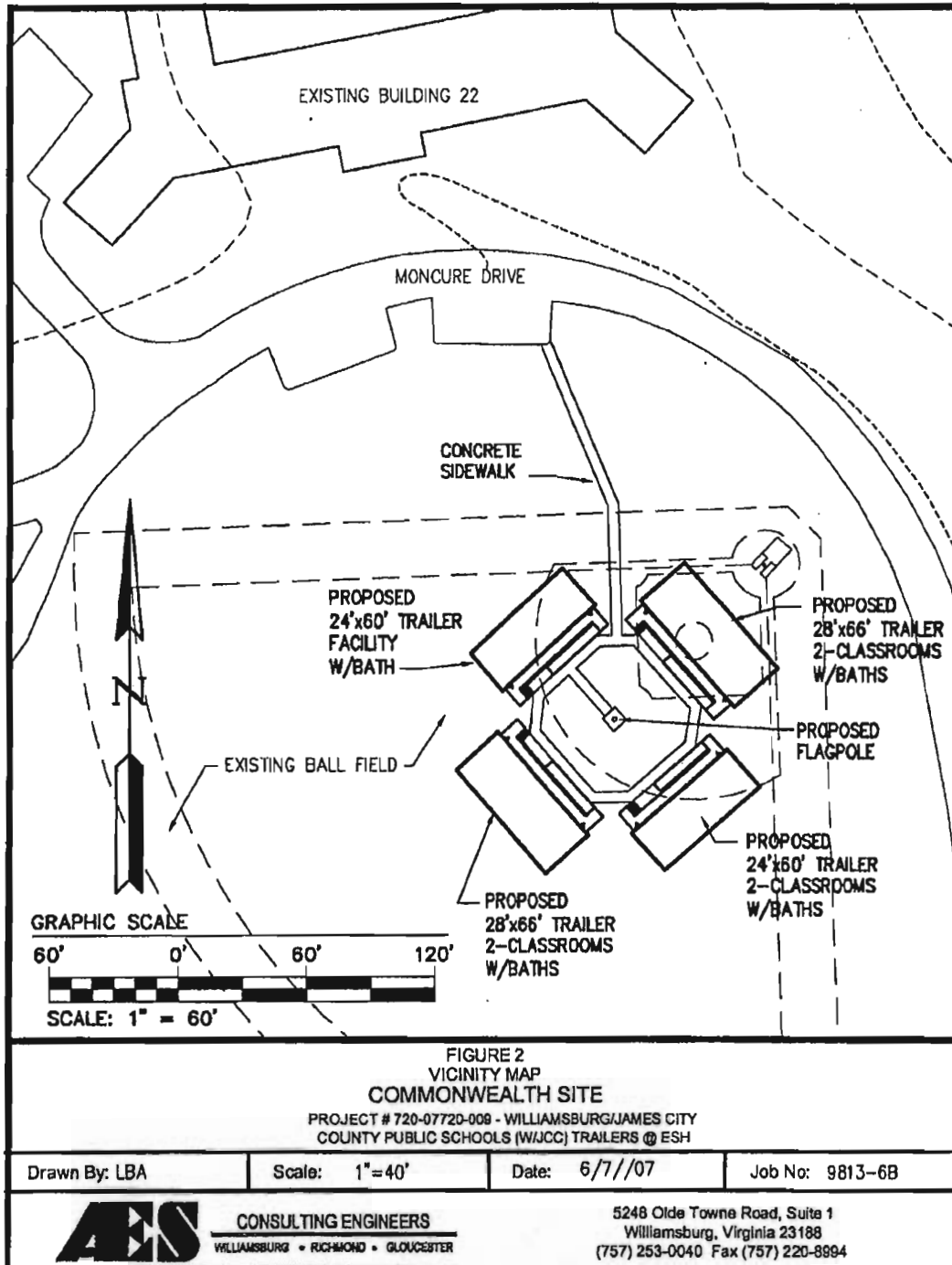
*Viola O. Baskerville*      *8-15-07*  
Secretary of Administration      Date

The site plan of Eastern State Hospital, Williamsburg, Virginia, shows a complex of buildings and grounds. Key features include:

- Buildings:** Labeled buildings include 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.
- Specialized Centers:**
  - Hospital:** The main building complex.
  - Administration:** Building 1.
  - Training:** Building 2.
  - Medical Services:** Building 3.
  - Recreation:** Building 4.
  - Physical Therapy:** Building 5.
  - Occupational Therapy:** Building 6.
  - Art Therapy:** Building 7.
  - Music Therapy:** Building 8.
  - Drama Therapy:** Building 9.
  - Speech Therapy:** Building 10.
  - Psychiatric Clinic:** Building 11.
  - Psychiatric Ward:** Building 12.
  - Psychiatric Kitchen:** Building 13.
  - Psychiatric Laundry:** Building 14.
  - Psychiatric Storage:** Building 15.
  - Psychiatric Office:** Building 16.
  - Psychiatric Reception:** Building 17.
  - Psychiatric Waiting Room:** Building 18.
  - Psychiatric Examination Room:** Building 19.
  - Psychiatric Treatment Room:** Building 20.
  - Psychiatric Observation Room:** Building 21.
  - Psychiatric Interview Room:** Building 22.
  - Psychiatric Consultation Room:** Building 23.
  - Psychiatric Conference Room:** Building 24.
  - Psychiatric Library:** Building 25.
  - Psychiatric Reading Room:** Building 26.
  - Psychiatric Study Room:** Building 27.
  - Psychiatric Writing Room:** Building 28.
  - Psychiatric Art Room:** Building 29.
  - Psychiatric Music Room:** Building 30.
  - Psychiatric Drama Room:** Building 31.
  - Psychiatric Speech Room:** Building 32.
  - Psychiatric Occupational Room:** Building 33.
  - Psychiatric Physical Room:** Building 34.
  - Psychiatric Recreation Room:** Building 35.
  - Psychiatric Art Room:** Building 36.
  - Psychiatric Music Room:** Building 37.
  - Psychiatric Drama Room:** Building 38.
  - Psychiatric Speech Room:** Building 39.
  - Psychiatric Occupational Room:** Building 40.
  - Psychiatric Physical Room:** Building 41.
  - Psychiatric Recreation Room:** Building 42.
  - Psychiatric Art Room:** Building 43.
  - Psychiatric Music Room:** Building 44.
  - Psychiatric Drama Room:** Building 45.
  - Psychiatric Speech Room:** Building 46.
  - Psychiatric Occupational Room:** Building 47.
  - Psychiatric Physical Room:** Building 48.
  - Psychiatric Recreation Room:** Building 49.
  - Psychiatric Art Room:** Building 50.
- Grounds:**
  - Plastic Area:** A large open area for recreation.
  - Plastic Kitchen:** A large open area for recreation.
  - Plastic Laundry:** A large open area for recreation.
  - Plastic Storage:** A large open area for recreation.
  - Plastic Office:** A large open area for recreation.
  - Plastic Reception:** A large open area for recreation.
  - Plastic Waiting Room:** A large open area for recreation.
  - Plastic Examination Room:** A large open area for recreation.
  - Plastic Treatment Room:** A large open area for recreation.
  - Plastic Observation Room:** A large open area for recreation.
  - Plastic Interview Room:** A large open area for recreation.
  - Plastic Consultation Room:** A large open area for recreation.
  - Plastic Conference Room:** A large open area for recreation.
  - Plastic Library:** A large open area for recreation.
  - Plastic Reading Room:** A large open area for recreation.
  - Plastic Study Room:** A large open area for recreation.
  - Plastic Writing Room:** A large open area for recreation.
  - Plastic Art Room:** A large open area for recreation.
  - Plastic Music Room:** A large open area for recreation.
  - Plastic Drama Room:** A large open area for recreation.
  - Plastic Speech Room:** A large open area for recreation.
  - Plastic Occupational Room:** A large open area for recreation.
  - Plastic Physical Room:** A large open area for recreation.
  - Plastic Recreation Room:** A large open area for recreation.
  - Plastic Art Room:** A large open area for recreation.
  - Plastic Music Room:** A large open area for recreation.
  - Plastic Drama Room:** A large open area for recreation.
  - Plastic Speech Room:** A large open area for recreation.
  - Plastic Occupational Room:** A large open area for recreation.
  - Plastic Physical Room:** A large open area for recreation.
  - Plastic Recreation Room:** A large open area for recreation.
- Compass Rose:** Located in the upper right corner, indicating North.
- Date:** 1938.
- Scale:** 1 inch = 100 feet.

▶ 1 2 3 4 5 6 7 8 9 10 11 12

Attachment 1 (page 2)  
Plot Plan



## ATTACHMENT 2 ADDITIONAL LESSOR PROVISIONS

**TOBACCO-FREE WORKPLACE:** During the term of this agreement, the Lessee agrees to adhere to the facility's tobacco-free workplace policy. No later than October 10, 2007, tobacco use will be prohibited on facility grounds and structures. Lessee agrees to ensure its employees and any ALL program participants remain tobacco-free while on facility grounds and in facility structures, including in their personal vehicles when located on facility grounds.

**STUDENT ACCESS:** The Tenant agrees to ensure that program participants do not have access to other areas of the ESH campus without prior written approval as specified in paragraph 4.(c.).

**SECURITY:** Police and Security Services shall be the responsibility of the Tenant during operating hours. Special monitoring and management of the student population shall be maintained at a level to ensure minimum disruption of Landlord operations. The Landlord shall include the Tenants leased site on normal patrols during non-operating hours. In the event of a security concern the Landlord's Security Staff will notify the Tenant's Security Office.

**IDENTIFICATION BADGES:** The Tenant shall issue ID Badges to program staff and participants to provide for access to the leased site during the term of the lease. No program staff or participant shall be permitted access to the Landlord's premises without the required badge. Program staff and participants without proper badge are subject to be removed from the Landlord's premises. Visitors to the program must sign in with the program and issued a temporary ID during their visit.

**CONFIDENTIALITY:** All program staff and participants shall adhere to the rules and regulations promulgated by the Department of Mental Health, Mental Retardation and Substance Abuse Services and the Joint Commission of Health Care Organizations regarding safeguarding and confidentiality of client related information during and after the term of the Lease.

**HOURS OF OPERATION:** Normal daytime hours for the Program are from 7:00 A.M. to 5:00 P.M., Monday through Friday. WJCCPS shall notify the ESH Security Department through the Information Center at 757-253-5161 of their presence during any other times.



**Brian J. Ohlinger, P.E.**  
**Chairman**

**700 W. Grace Street**  
**PO Box 842502**  
**Richmond, Virginia 23284**  
**(804) 828-9647 (tel)**  
**(804) 828-1288 (fax)**

**MINUTES**  
**July 6, 2007**  
**Science Museum of Virginia**  
**Forum Room**  
**2500 West Broad Street**  
**Richmond, Virginia**

- 10:00 a.m.**      **1.0      ADMINISTRATION**
- 1.1      **Call to Order:** The July meeting of the Art and Architectural Review Board was called to order at 10:10 by Chairman Brian J. Ohlinger, P.E.. Mr. Ohlinger, Constance Warnock Calder Loth and Kathleen Frazier AIA, were present. Dr. Charles McDowell, and Jack Risely were absent.
- 1.2      **Minutes:** The June Minutes were reviewed and approved.
- 1.3      **Other Business:**
- 10:05 a.m.**      **1.4      CONSENT AGENDA:**
- 1.5      **Virginia Tech**
- 1.5.1      Interim memorial to victims of April 16, 2007 shooting, Blacksburg, VA; VT; Working Drawings; interim memorial to be build this summer to honor the victims. RECOMMENDING APPROVAL.
- 1.6      **Department of Conservation and Recreation**
- 1.6.1      Belle Isle State Park Maintenance Complex, Belle Island State Park, Lancaster County, VA; Working Drawings (prototype design), a pre-engineered 2700 SF single story building to house maintenance operations. It is located where it is not directly visible by the general public. RECOMMENDING APPROVAL.
- 1.7      **Department of Corrections**
- 1.7.1      Repairs to Veranda, Staff House, Virginia Correctional Center for Women, Goochland, VA; Schematic Design; structural and architectural repairs to the Staff House Building due to termite and water damage. RECOMMENDING APPROVAL, with following comments: repair work needs to be coordinated with Department of Historic Resources.
- 1.7.2      Concrete Pad and Outdoor Walk-in Freezer, Marion Correctional Treatment Center, Marion, Virginia; Working Drawings; a 12' x 16' walk-in freezer on a 14' x 18' concrete pad. RECOMMENDING APPROVAL.
- 1.7.3      Cattle Shelter, Greensville Correctional Center, Jarratt, VA; Working Drawings; a wooden structure measuring 24' x 36' x 12' high built of pressure treated wood, with a concrete floor. RECOMMENDING APPROVAL.
- 1.8      **Department of Mental Health Retardation and Substance Abuse Services**
- 1.8.1      Williamsburg/James City County Public Schools trailers at Eastern State Hospital, James City County, VA; DMHRSAS; Working Drawings; installation

of 4 temporary use trailers to support the public school program for Academy for Life and Learning. The trailers belong to the public school system, they will be located on state property. RECOMMENDING APPROVAL.

**1.9 Department of State Police**

- 1.9.1** STARS – 199 self supporting communications tower, VDOT Old Camp 30 site, Fairfax County, VA; schematic design; part of the STARS system. RECOMMENDING APPROVAL.

10:30 a.m.

**2.0 DEMOLITIONS:**

**2.1 Department of Transportation**

- 2.1.1** Office Trailer demolition, Fairfax County Parkway, Fairfax County, VA; VDOT; demolition is needed to make way for a road for winter activities. RECOMMENDING APPROVAL.
- 2.1.2** Storage shed demolition, Fairfax County Parkway, Fairfax County, VA; VDOT; demolition is needed to make way for a road for winter activities. RECOMMENDING APPROVAL.
- 2.1.3** Spreader rack demolition, Fairfax County Parkway, Fairfax County, VA; VDOT; demolition is needed to make way for a road for winter activities. RECOMMENDING APPROVAL.
- 2.1.4** Green Bay AHQ Fuel Canopy, Green Bay Road, Green Bay, VA; VDOT; demolition is needed allow removal of a fuel underground storage tank. RECOMMENDING APPROVAL.
- 2.1.5** Brown's Store AHQ Fuel Canopy, Salem Church Road, Cumberland, VA; VDOT; demolition is needed allow removal of a fuel underground storage tank. RECOMMENDING APPROVAL.

**2.2 Department of Mental Health Retardation and Substance Abuse Services**

- 2.2.1** Demolition of buildings No. 1, 2, 4, 9, 10, 11 and 12 at Eastern State Hospital, Williamsburg, VA; DMHRSAS; demolition of seven buildings to prepare site for future development. All have been concurred with by DHR. RECOMMENDING APPROVAL.

**2.3 James Madison University**

- 2.3.1** Demolition of CISAT Modular Building, 891 Modular Hill Lane, Harrisonburg, VA; JMU; demolition of this two story, 32,566 SF structure is required due to extensive water and mold problems. The building has been vacated, and necessary repairs are not cost effective. Land will be used for recreational fields. RECOMMENDING APPROVAL.

**2.4 Virginia Community College System**

- 2.4.1** Demolition of three small buildings comprised of a pole barn, metal shed, and a concrete block building, John Tyler Community College, Chester Campus, Chester, VA; VCCS; demolition is required to poor condition. RECOMMENDING APPROVAL.

**2.5 George Mason University**

- 2.5.1** Select demolition of a small one story department store addition and an eyebrow canopy, Phase II Academic Building, Arlington Campus; GMU; selective demolition to allow for construction of the previous approved Academic Building. RECOMMENDING APPROVAL.

10:45 a.m.

**3.0 PROJECT REVIEWS:**

**3.1 Virginia Community College System**

- 3.1.1** Temporary Maintenance Building, Central Virginia Community College,

		Lynchburg, VA; VCCS; schematic design; a 1,152 SF temporary building to house facilities maintenance functions. RECOMMENDING APPROVAL.
	3.1.2	Loading Dock Canopy, Medical Education Campus, Northern Virginia Community College, Springfield, VA; VCCS; schematic design; a 450 SF shed roof canopy to protect the load dock area and stair. RECOMMENDING APPROVAL.
	3.1.3	Information Technology Building, Blue Ridge Community College, Weyers Cave, VA; VCCS; schematic design; a two story, 22,100 SF building incorporating a modest entry plaza, two story lobby, classrooms, a mezzanine level, and restrooms. RECOMMENDING APPROVAL, with following comments: revisit elevations for fenestration, consider adding horizontal elements to the various masses and fenestrations, front porch could be more develop to be more a feature, look at balance on the rear elevation between the glass and the stair tower.
	3.1.4	Regional Health Professions Center, Tidewater Community College, Virginia Beach Campus, Virginia Beach, VA; VCCS; schematic design; a 65,000 SF building comprised of classrooms, offices, and teaching labs for the health professions. RECOMMENDING APPROVAL, with following comments: look at making the plaza entrance more pronounced (entrance sequence needs to be clearer), design needs to be more unified, and project a more inviting and calmer appearance, respond, as appropriate, to the residential context, the random fenestration is unsettling, corner element needs to be re-conceived to be more restrained, exterior projecting classroom walls need to be reconsidered, current project will set the design direction for future buildings planned in the precinct – materials, fenestration, massing and detail should be considered as setting future context.
11:30 a.m.	3.2	<b>College of William and Mary</b>
	3.2.1	Zable Stadium scoreboard replacement, Williamsburg, VA; CWM; schematic design; replacement of scoreboard. RECOMMENDING APPROVAL.
11:40 a.m.	3.3	<b><u>Virginia Commonwealth University</u></b>
	3.3.1	Rice Center Education Building, Charles City County, VA; VCU; design development; a single story, 4,600 SF building for the Rice Center for Environmental Sciences, will include labs, classrooms, conference room, and offices. RECOMMENDING APPROVAL, a very unique and appropriate design. Seeking LEED platinum certification is excellent. Brian Ohlinger recused himself.
12:00 (Noon)		<b>Lunch</b>
12:40	3.4	<b><u>George Mason University</u></b>
	3.4.1.	Parking Deck III, Fairfax Campus, Fairfax, VA; GMU; schematic design; realignment of the Patriot Circle Road, a new four level parking deck with Safety offices. RECOMMENDING APPROVAL, with following comments: while not an AARB matter, the Board concurs with the proposed relocation of Patriot Circle, consider an accent to the garage at the northeast corner, safety building entry building could be more interesting and look less like the garage.
	3.4.2	Hotel and Conference Center, Fairfax Campus, Fairfax, VA; GMU; schematic design; a nine story building totaling 230,000 SF comprised of 90,000 SF of parking and 140,000 of hotel and conference space. RECOMMENDING APPROVAL, with following comments: concurred with the siting and massing,
	3.4.3	Renovate/Expand Physical Education Building – Phase I and II, Fairfax Campus, Fairfax, VA; GMU; working drawings; a two-story structure comprised of 66,460 new SF, and 50,490 of renovated space. RECOMMENDING APPROVAL, with following comments: materials approved, selected



demolition of existing building needed to do this project was approved.

- 1:30            3.5    **Department of Transportation**  
3.5.1    VDOT/VSP Administration Building, Alliance Boulevard, Fairfax, VA; VDOT; schematic design; a 144,500 SF, four-story building to house VDOT regional headquarters and the State Police Division 7 Headquarters. RECOMMENDING APPROVAL, with following comments: consider more stone at the base, some additional attention needed to the south façade which reads as an entry.
- 1:50 p.m.      3.6    **Department of Conservation and Recreation**  
3.6.1    Visitor Center for Sailors Creek State Park, Amelia County, VA; DCR; schematic design; a one story, 4,000 SF building with 1,000 SF of outdoor patio space. RECOMMENDING APPROVAL, with following comments: consider reworking the exhibit hall roof form, consider louver dormers to break up roofing mass, consider paired posts on porches.
- 1:40 p.m.      3.7    **Virginia State University**  
3.7.1    Trinkle Hall Accessible Entry Ramp, Petersburg, VA; VSU; to provide ADA access to the building. RECOMMENDING APPROVAL, with following comments: consider making ramp cap similar in dimension to the the band on the building, avoid, if at all possible, touching the existing stair entrance, consider adding landscaping to soften the ramp appearance. Further review waived.
- 2:00 p.m.      4.0    **ADJOURNMENT** There being no further business, the meeting was adjourned at 2:40.

APPROVED

RECOMMENDING FOR APPROVAL

Richard F. Sliwoski, P.E.  
Director  
Department of General Services

Brian J. Ohlinger, P.E.  
Chairman  
Art and Architectural Review Board



CONTACT: 050207-ALL  
Greg Davy  
Communications Specialist  
(757) 253-6759

## **SCHOOL BOARD UNANIMOUSLY SUPPORTS NEWLY STRUCTURED PROGRAM FOR SUSPENDED/EXPELLED STUDENTS; SEVEN "AT- RISK" PRE-KINDERGARTEN POSITIONS FULLY FUNDED**

### *Creation of Academy for Life and Learning (ALL) Addresses Community Concerns About Alt-Ed Program's Future*

**Williamsburg, May 2** – Pending final School Board approval of the FY2008 budget, a newly configured alternative education program known as the Academy for Life and Learning (ALL), which addresses both academic and life skills needed by students who have been long-term suspended or expelled, will debut with the start of 2007-08 school year. The budget scenario also fully funds seven much-needed "at-risk" pre-kindergarten classes.

A straw vote taken at the regular meeting of the W-JCC School Board Tuesday showed unanimous support for the ALL program, which maintains an alternative education option for those students needing it while at the same time streamlining some of the traditionally high costs of what has previously been known as the Center for Educational Opportunity (CEO). The program will be housed in portable buildings situated on a parcel of land at the Eastern State Hospital. The School Division is awaiting final state approval for the use of the land.

"The discussion of the future of our school division's alternative education program was arduous and impassioned, but I am confident that the ALL program strikes an excellent compromise that all of us in the community can rally behind as we continue to look for ways to better serve this special-needs population of students," said Denise Koch,

(MORE)

chair of the School Board. "The ALL program is fiscally and educationally responsible, and, most important, it is the right thing to do.

"I also believe it was very important to continue the expansion of pre-kindergarten education in W-JCC via this most cost-effective, research-proven investment in young children," Koch added.

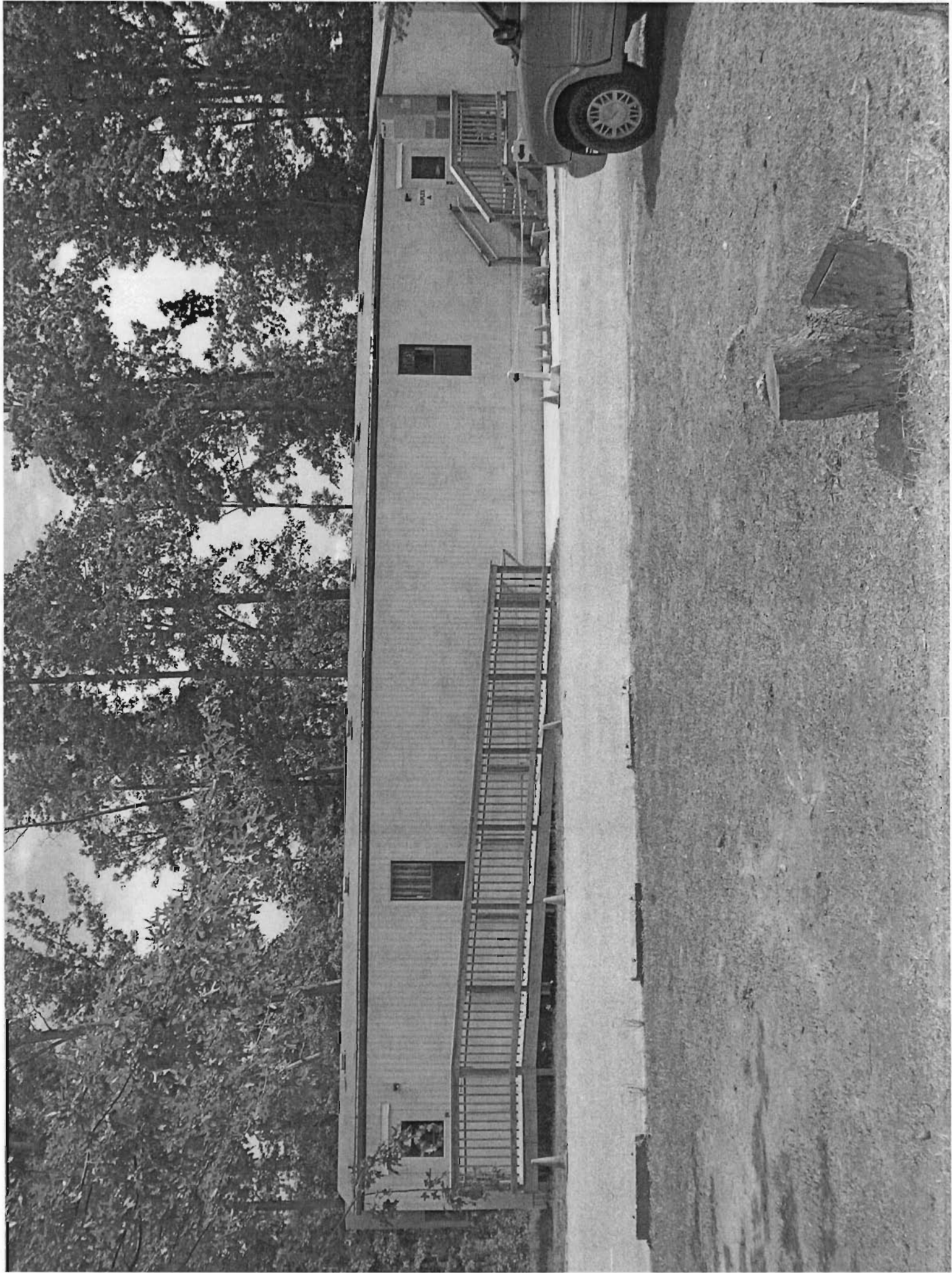
The ALL program will be structured as follows: From noon to 3 p.m. each day, students will learn life skills such as character building, community service, coping skills, citizenship education, and how to make career choices. The second portion of the day will be devoted to academics, utilizing a staff of five teachers. The student/staff ratio would be approximately 10:1, which will allow for up to 50 students to be served at any given time.

Superintendent Gary Mathews' budget proposal also recommended that a community task force consisting of W-JCC staff, representative community members and agencies be formed to study and implement a long-term alternative education program for Williamsburg-James City County. The School Board also supported this recommendation, expressing a desire to direct the task force's effort and receive a final report by December of this year.

A number of other reductions were made to help balance the budget, including the purchase of textbooks, instructional materials for the two new schools opening this fall, the elimination of a multicultural specialist position and a part-time fine arts coordinator.

An FY2008 School Division budget of \$110,904,051 will be voted upon by the School Board at its May 15 meeting.

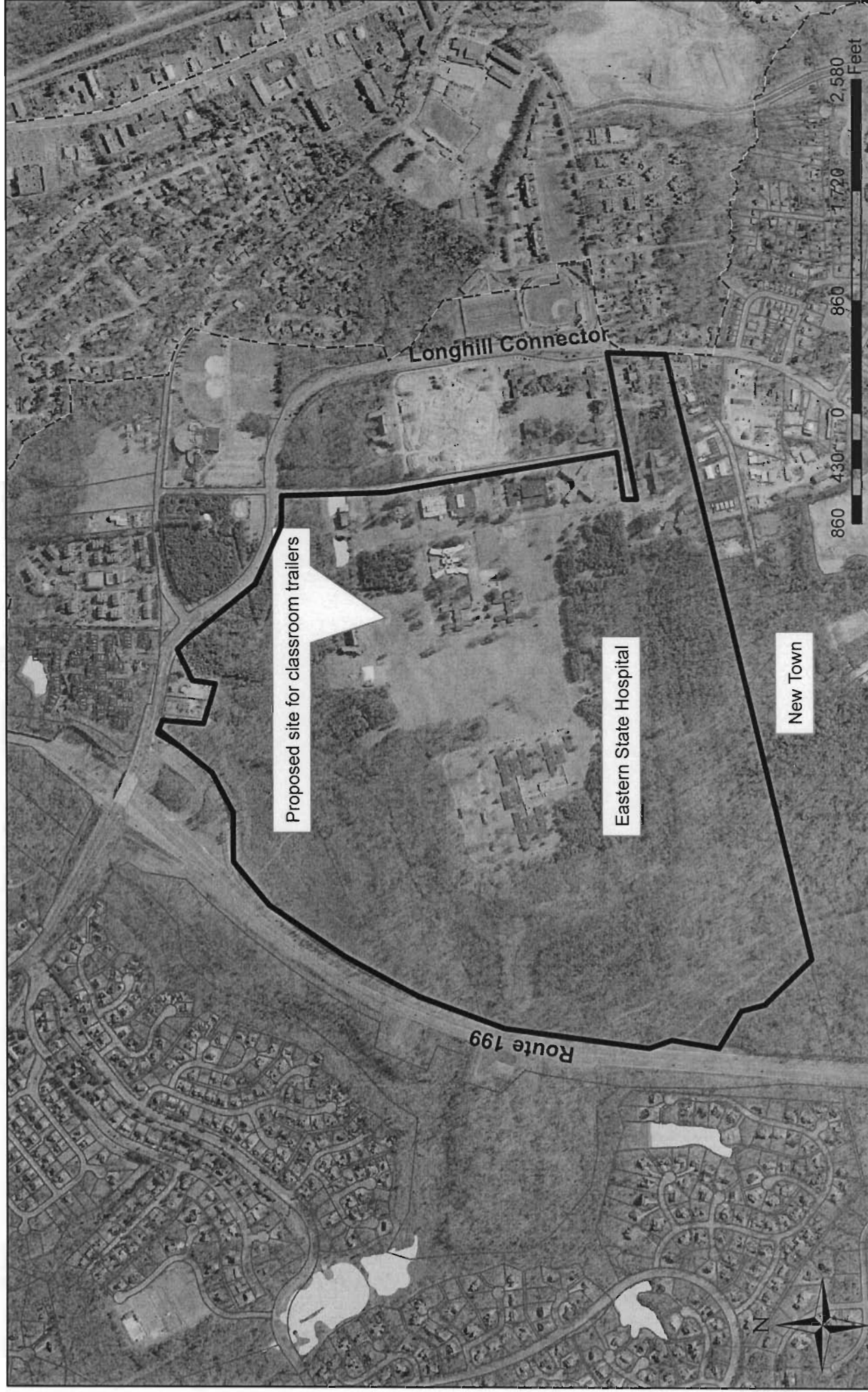
"I believe the new ALL initiative, while less costly (appr. \$350,000), will prove to be more effective for our students," Dr. Mathews said. "It, too, should better engage the College of William & Mary and various social service agencies as we seek to reach and teach our students who have experienced chronic or severe disciplinary infractions."





JCC-0023-2007

# Trailers at Eastern State Hospital



**M E M O R A N D U M**

DATE: September 11, 2007

TO: The Board of Supervisors

FROM: Adam R. Kinsman, Deputy County Attorney  
Emmett H. Harmon, Chief of Police

SUBJECT: Amendment of the Concealed Weapon Permit Procedure and Adoption of Regulations of the Use of Pneumatic Guns

---

Following a review of several recent changes to the Code of Virginia regarding concealed weapon permit procedures and the regulation of pneumatic guns, certain changes to the County Code are necessary and recommended.

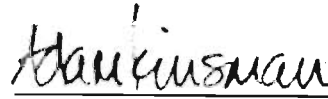
The County Code currently requires that all applicants for concealed weapons permits be fingerprinted, regardless of whether the applicant is seeking a new or renewed permit. During its 2007 Session, the General Assembly adopted changes to the Code of Virginia, which eliminated the County's ability to require fingerprinting applicants for renewal of an existing concealed weapons permit. Consequently, it is necessary to amend Section 15-35 of the County Code to clarify that applicants for renewal of concealed weapons permits will not be fingerprinted. It is also necessary to change the reference to "game warden" in Section 15-34 of the County Code to "conservation police officer" to reflect a similar change to the Code of Virginia.

Recently, the Police Department has responded to a number of complaints regarding individuals shooting paintball guns in and around residential neighborhoods in the County. Section 15-36 of the County Code prohibits the use of "air operated or gas operated weapons" in or within 50 feet of the boundaries of any recorded subdivision. While we have consistently opined that paintball guns are included in this prohibition, recent changes to the Code of Virginia have eliminated the need for such a determination. The term "air operated or gas operated weapons" has been deleted in favor of the term "pneumatic gun," which specifically includes paintball guns. We recommend adding this new term and definition to Section 15-36 of the County Code.

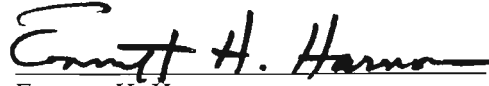
In addition, the County may now adopt specific regulations to limit minors' use of pneumatic guns. The proposed regulations permit minors under the age of 16 to use pneumatic guns only on private property with the consent of the property owner and under the supervision of a parent, guardian, or other adult supervisor. Minors over 16 must first obtain the written consent of a parent or guardian before using pneumatic guns on private property. Regardless of age or parental permission, all minors must still obey all laws, regulations, and restrictions that otherwise apply to the use of pneumatic guns in the County. We recommend that these regulations be included in the County Code which, along with the above-referenced definition of "pneumatic gun," should help clarify when and where pneumatic guns may be used in the County.

Staff recommends adoption of the attached Ordinance to amend Sections 15-34, 15-35, and 15-36 of the County Code to bring them into compliance with the Code of Virginia and to add regulations regarding the use of pneumatic guns in the County.

Amendment of the Concealed Weapon Permit Procedure and Adoption of Regulations of the Use of  
Pneumatic Guns  
September 11, 2007  
Page 2



Adam R. Kinsman



Emmett H. Harmon

ARK/EHH/gs  
pneumaticguns.mem

Attachment

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 15, OFFENSES-MISCELLANEOUS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING SECTION 15-34, WEAPONS-FIREARMS NOT TO BE CARRIED, OR IN VEHICLE, WHEN LOADED; ENFORCEMENT PROVISIONS; SECTION 15-35, CARRYING CONCEALED WEAPONS; AND SECTION 15-36, DISCHARGE OF FIREARMS, ETC., IN CERTAIN AREAS; EXCEPTIONS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 15, Offenses - Miscellaneous, is hereby amended and reordained by amending Section 15-34, Weapons-Firearms not to be carried, or in vehicle, when loaded; enforcement provisions; Section 15-35, Carrying concealed weapons; and Section 15-36, Discharge of firearms, etc., in certain areas; exceptions.

Chapter 15, Offenses - Miscellaneous

**Sec. 15-34. Weapons-Firearms not to be carried, or in vehicle, when loaded; enforcement provisions.**

(b) It shall be unlawful for any person to transport, possess or carry a loaded shotgun or loaded rifle in any vehicle on any public street, road or highway within the county. ~~Game wardens~~ *Conservation police officers*, sheriffs and all other law enforcement officers shall enforce the provisions of this subsection.

The provisions of this subsection shall not apply to duly authorized law enforcement officers or military personnel in the performance of their lawful duties, nor to any person who reasonably believes that a loaded rifle or shotgun is necessary for his personal safety in the course of his employment or business.

**State law references**-Power of county to regulate the carrying of loaded firearms on public highways, Code of Va., § ~~18.2-287~~ *15.2-1209.1*; transporting a loaded rifle or shotgun, Code of Va., § ~~18.2-287~~ *15.2-915.2*; Uniform Machine Gun Act, Code of Va., § ~~18.2-288~~ et seq.; Sawed-off Shotgun Act, Code of Va., § ~~18.2-299~~ et seq.; general law as to other illegal weapons, Code of Va., § ~~18.2-308~~ et seq.



**Sec. 15-35. Carrying concealed weapons.**

(d) Any person wishing to obtain a permit to carry a concealed handgun must apply pursuant to Section 18.2-308D of the Code of Virginia. In order to determine the applicant's suitability for a concealed handgun permit, the applicant shall be fingerprinted; *however, any person applying for renewal of an existing permit, validly issued by any locality in the commonwealth, shall not be fingerprinted.* The fingerprints and descriptive information shall be forwarded through the Virginia State Police to the Federal Bureau of Investigation for a national criminal history record check. Fingerprints taken pursuant to this section shall not be copied, held, or used for any other purposes.

**State law references**—For state law as to the carrying of concealed weapons, see Code of Va., § 18.2-308; *requiring fingerprints, Code of Va., § 15.2-915.3.*

**Sec. 15-36. Discharge of firearms, etc., in certain areas; exceptions.**

(a) It shall be unlawful for any person to discharge any firearms or ~~air-operated or gas-operated weapons~~ *pneumatic gun* in the county in or within 300 feet of any dwelling, commercial building or shelter for animals, except with the prior written permission of owner or tenant, in or within 50 feet of the boundaries of any recorded subdivision, or in a manner which causes ammunition to cross such areas.

(b) For purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them below:

*Pneumatic gun. Any implement, designed as a gun, that will expel a BB or a pellet by action of pneumatic pressure. Pneumatic gun includes a paintball gun that expels by action of pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact.*

(e) *It shall be unlawful for any minor under the age of 16 to use a pneumatic gun on private or public property unless such minor is under the supervision of a parent, guardian, or other adult supervisor approved by a parent or guardian of such minor. Minors above the age of 16 may, with the written consent of a parent or guardian, use a pneumatic gun on private property with the consent of the owner. Any minor, whether permitted by a parent or guardian to use a pneumatic gun or not, shall be*

*responsible for obeying all laws, regulations, and restrictions governing such use. Pneumatic gun offenses shall be punishable as a Class 3 misdemeanor.*

**State law references**-General powers of counties, Code of Va., § 15.2-1200; shooting of firearms, *or arrows from bows, compound bows, crossbows, longbows, recurve bows, or air or gas-operated weapons* in certain areas prohibited, Code of Va., § 15.2-1209; hunting in certain areas prohibited, Code of Va., § 15.2-1200; *regulation of pneumatic guns, Code of Va., § 15.2-915.4; regulation of compound bows, crossbows, longbows, and recurve bows, Code of Va., § 15.2-916.*

---

John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:

---

Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of September, 2007.

Chap15Offenses.ord

**MEMORANDUM**

DATE: September 11, 2007

TO: The Board of Supervisors

FROM: Mark D. Rickards, Executive Director

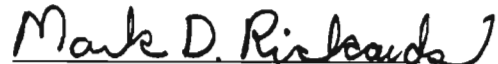
SUBJECT: Establishment of Positions for Service Expansion and Surry Employee Connector Service for Williamsburg Area Transport

---

Williamsburg Area Transport (WAT) has secured Fiscal Year 2008 demonstration grants, included in a budget appropriation approved by the Williamsburg Area Transport Board of Directors.

The appropriation includes position support of \$304,000 to hire eight full-time limited-term Bus Driver positions and one limited-term Road Supervisor position required for service expansion, commuter service linking Surry County to Williamsburg, and to ensure adequate driver breaks reducing fatigue and enhance safety. This brings the number of Road Supervisors to three, a necessary action for a roster of sixty drivers with this hire.

Position hiring will coincide with a phased improvement program helping WAT better support our region and James City County's Strategic Management Plan. Staff recommends approval of the attached resolution.

  
Mark D. Rickards

CONCUR:

  
Doug Powell

MDR/nb  
WATPositions.mem

Attachment

## RESOLUTION

### ESTABLISHMENT OF POSITIONS FOR SERVICE EXPANSION AND SURRY EMPLOYEE

#### CONNECTOR SERVICE FOR WILLIAMSBURG AREA TRANSPORT

WHEREAS, Williamsburg Area Transport desires to implement phased service improvements and Surry County Connector service through Fiscal Year 2008 Demonstration Assistance Grants approved by the Hampton Roads Planning District Commission and Department of Rail and Public Transportation.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby establishes eight full-time limited-term Bus Driver positions and one limited-term Road Supervisor position to meet service expansion, connecting service between James City County, and to ensure adequate driver relief.

---

John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:

---

Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of September, 2007.

WATPosition.res