
A G E N D A

JAMES CITY COUNTY PLANNING COMMISSION

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

1. ROLL CALL
 2. MINUTES: February 4, 2002
 3. DEVELOPMENT REVIEW COMMITTEE REPORT
 4. POLICY COMMITTEE REPORT
 5. PUBLIC HEARINGS
 - A. Case No. AFD-1-98. Barrett's Ferry AFD - 2002 Renewal
 - B. Case No. AFD-12-86. Gospel Spreading Church - Mikula Withdrawal
 - C. Capital Improvements Program (CIP)
 - D. Case No. SUP-3-02. Truswood Properties Water Line Extension
 - E. Case No. SUP-1-02. VoiceStream Wireless
 - F. Proposed Closure of Centerville Road
 6. PLANNING DIRECTOR'S REPORT
 7. ADJOURNMENT
-

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE FOURTH DAY OF FEBRUARY, TWO-THOUSAND AND TWO, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-C MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

1. ROLL CALL

A. Joe Poole
George Billups
John Hagee
Don Hunt
Wilford Kale
Joe McCleary
Peggy Wildman

ALSO PRESENT

Leo Rogers, Deputy County Attorney
Greg Dohrman
Marvin Sowers, Planning Director
Paul Holt, Senior Planner
Karen Drake, Planner

2. MINUTES

Upon a motion by Joe McCleary, seconded by John Hagee, the minutes of the January 14, 2002, meeting were approved by unanimous voice vote.

3. PLANNING COMMISSION PRESENTATION

Joe Poole made a presentation to Martin Garrett on behalf of the Planning Commission for his twenty-four years of service on the Commission and to the community of James City County.

Martin Garrett said that there may have been differences between the members of the Commission but believed that they always had the best interest of the all residents of the County at heart. He said the Commission had never done anything special in the way of political interest for a specific district of the County and he hoped that the present Commission would continue with that philosophy. He said he felt some sadness in departing and wished all the Commission members well.

Joe Poole thanked Martin Garrett and spoke on behalf of the Commission and all citizens stating how deeply appreciated his services were on the Commission.

4. ELECTION OF OFFICERS AND APPOINTMENTS

Marvin Sowers opened the floor for nominations for Chairperson of the Planning Commission for the year 2002.

Joe McCleary nominated Joe Poole, seconded by Peggy Wildman. There being no further nominations, the floor was closed. In a unanimous voice vote, Joe Poole was appointed Chairperson of the Planning Commission.

Joe Poole asked if there were any nominations from the floor for Vice Chair of the Planning Commission for the year 2002.

Peggy Wildman nominated Joe McCleary, seconded by John Hagee. There being no further nominations, the floor was closed. In a unanimous voice vote, Joe McCleary was appointed Vice Chair of the Planning Commission.

Joe Poole stated that John Hagee was presently Chair of the Development Review Committee (DRC) and has agreed to continue in that capacity. He asked that Peggy Wildman continue working on the DRC and that Joe McCleary also serve. Joe Poole stated he would continue to serve on DRC.

Joe Poole stated that Wilford Kale has been very diligent and thorough as Chair of the Policy Committee and since the committee was in the process of reviewing the CIP, he asked Wilford Kale to continue to serve as its Chair. He said he would like George Billups, Don Hunt, and Joe McCleary to also serve on that committee.

Joe Poole said that the Leadership Group would consist of Joe McCleary, John Hagee, Wilford Kale and himself.

5. DEVELOPMENT REVIEW COMMITTEE (DRC)

John Hagee presented the DRC report stating they reviewed a case prior to tonight's meeting. He stated that Avid Medical had requested an expansion of its existing 31,000-sq. ft. building to an additional 35,000 sq. ft. He stated the DRC recommended preliminary approval of this application.

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

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

Paul Holt presented the staff report stating the applicant had requested a three-month deferral. Staff concurred with this request.

Cliff Nordyke, representing VoiceStream Wireless, stated that he did not feel the application before the Commission tonight was a very solid one. He stated that VoiceStream was looking at other opportunities to locate on the VDOT property and was working with staff at this time.

Joe Poole opened the public hearing. There being no speakers, the public hearing remained open.

6. CASE NO. SO-1-02. SUBDIVISION ORDINANCE AMENDMENT

Bob Smith, Assistant Manager of the James City Service Authority, presented the staff report stating the ordinance amendment change request was to increase the water and sewer line inspection fee from \$0.62 per foot to \$1.43 per foot noting that the fee increase would cover the actual costs incurred. He stated that the fee had not been changed since April 1990, and if approved by the Board would take effect July 1, 2002. He recommended the Commission approve this Subdivision Ordinance amendment.

George Billups asked if they would be guaranteed that they would recover these funds. He also asked if these fees were retroactive or new.

Bob Smith stated it was not a new fee but an increase to a fee that has been in place. He stated a review had been made and it was determined that they were not fully recovering their costs, therefore, this request was being made.

Joe Poole opened the public hearing. There being no speakers, the public hearing was closed.

John Hagee made a motion, seconded by Wilford Kale, to recommend approval. In a roll call vote, motion passed (7-0). AYE: Wildman, McCleary, Hagee, Hunt, Kale, Billups, Poole (7); NAY: (0).

8. CASE NO. SUP-30-01. KING'S WAY CHURCH

Karen Drake presented the staff report stating the applicant applied for a special use permit to allow the relocation and operation of the Greenwood Preschool on the lower level of the existing King's Way Church. Staff found the proposed relocation of the preschool compatible with surrounding development, zoning, and the Comprehensive Plan. Staff believed that the completion of the required VDOT improvements would satisfy traffic and safety concerns resulting from the relocation of the preschool. Staff recommended the Commission approve this application with the conditions as outlined in the staff report.

Joe McCleary stated as of now, coming from the Five Forks area, anyone turning left into the church would be making an illegal turn. He asked that once a left turn lane on Route 5 was established, would that also mitigate the problem that one cannot, at this time, exit the church making a left hand turn.

Karen Drake stated that should mitigate the problem.

Joe McCleary stated that the VDOT proposal would allow one to turn in and turn out in any direction.

Wilford Kale asked for an explanation as to why staff had required a final Certificate of Occupancy be obtained within two years of approval of the Special Use Permit.

Karen Drake stated it would give the church and preschool the time to construct the basement facilities and move into the church. This condition was based upon previous special use permits with similar circumstances citing the Mount Gilead Child Day Care/School.

Wilford Kale stated since the preschool will be closing at its current location and staff is recommending that all installation for traffic be done prior to opening at the new location, would the preschool be opening this fall.

Karen Drake said that was the best case scenario and that is what the applicant had stated they wanted to do. She stated staff was requiring the turn lanes, for safety consideration as required by VDOT, be installed prior to the preschool opening.

Joe Poole opened the public hearing.

Stephen Suders, pastor of King's Way Church, said he was very grateful to Karen Drake and the staff for the recommendation of this project and their willingness to make this a very speedy resolution. He stated they accepted the recommendations being made, but the greatest obstacle they were facing was the VDOT recommendation. He hoped to address this issue tonight and was opened for some suggestions in helping the church in resolving this issue. He stated that the installation of the right turn taper into the church property was not done adequately by VDOT. He also stated that there was no provision to rectify this situation in the Five Year Road Plan. He asked if this was being addressed because of the fact the Greenwood Preschool was coming to this location or was it something that should be addressed right now and if so, again questioned why it was not on the Five Year Road Plan. He said if it was something that should be addressed at this time, they would like come up with some type of plan or alternate solution in order to make this a reality. He said the church makes a very good fit for the preschool and he would like to answer any questions the Commission would have regarding the application.

Joe McCleary said that he observed a myriad of illegal left-hand turns into the church on one Sunday morning. He said what Pastor Suders was asking the Commission to do was to

ignore a VDOT requirement, add a greater number of people who would be making the illegal left hand turn, and combine with the church to continue a dangerous situation involving young children. He asked Pastor Suders what he proposed as an alternative that would be safe.

Pastor Suders stated that there was already a yellow striped section in the road and asked why there was a center lane was placed in front of the church then striped. He also asked why there was a right taper put in front of the property which was not adequate. What he was asking was not to make a difficult situation even worse, but what can we come up with that would allow left hand turns to take place. He did note there were conflicting quotes as to the cost of the VDOT requirements and he said he had estimates of \$50,000 to \$100,000.

Wilford Kale asked when the facility was completed did they have to file anything with VDOT after the construction.

Pastor Suders said that VDOT approached the church prior to construction and they were interested in right-of-way in order to do the expansion out front and to construct the BMP's.

Wilford Kale asked if there was a trip limit in which the length of these lanes are designed according to the number of vehicles.

Marvin Sowers stated that was one factor but there were other factors that VDOT took into account such as safety, distance to signals, and existing and projected traffic.

Wilford Kale asked if it were conceivable that VDOT, in the examination of the church with the one day a week usage, determined that the length of the turn lane that was now required wasn't necessary when it was first built.

Marvin Sowers said he thought that had something to do with it because he knew they looked closely at what the use of the site would be and would match the peak hours of the site with the peak hours of the adjoining road.

John Hagee asked Marvin Sowers if there was anything the Commission could do to address Pastor Suders issues.

Marvin Sowers stated the Special Use Permit condition is at the Commission's discretion as to whether or not to include that condition as part of its recommendation. He stated that condition was very general and VDOT standards would be ultimately defined during the site plan process. He said the other thing the Commission should know was that VDOT standards in this particular case, would more than likely require the Special Use Permit condition in order to be enforceable. He said this would be viewed as an off-site improvement since the church and driveway are already there and it looked doubtful as to whether VDOT would require it at the site plan stage. He noted if the preschool and church were to come in today for a site plan as a new use, VDOT would have the ability to enforce the left-hand turn in and the right-hand turn taper. He said if the Commission deleted the condition, then it would be up in the air, at this time, as to whether VDOT would require it when reviewing the site plan.

George Billups asked what the liability of the Commission would be if they did delete the VDOT requirement since it was an area that they were not qualified to make.

Leo Rogers said the Commission would be granting permission for an application but would not be actually conducting the work so there would be no liability to the County that would come out of a decision to delete the Special Use Permit condition. He said even though there would be no financial liability to the County that did not eliminate the public safety concern that the Commission should be thinking about.

Marvin Sowers added that there would be a political liability if the Commission were to delete the condition because the County does participate with road improvements where safety issues are involved.

Pastor Suders concluded by stating that their intentions were not to create a dilemma, a problem, or a hazard but to greatly enhance the preschool by taking advantage of relocating it to the church.

Kitty Beatty, owner of the Greenwood Preschool, gave a brief history of the school that has been in existence since the fall of 1967. She stated that the County has made many accommodations for growth in the past 30 years and she believed that Greenwood Preschool has provided an amenity for that growth to make the community a better place to work and live. She believed that the preschool's contribution deserved the cooperation of the County to make sure that this institution survives for the benefit of everyone. She stated she shared, with King's Way Church, the cost of a traffic study that they believed offered a reasonable compromise that met the requirements for addressing traffic at the church location. They also agreed that the combination of off-peak operating hours of Greenwood and the opening of Monticello Extension would not result in a negative impact on the overall traffic at the entrance of the church. She concluded by stating for these and other reasons, she respectfully asked that the County provide a compromise to insure that this important community institution survives and prospers. She thanked the Commission for its consideration.

Lara Lunsford of 3973 Driftwood Way spoke in support of the application and asked that the Commission recommend approval.

Julie Leverenz of 3313 Running Cedar Way represented the Historic Route 5 Association. She handed out and read a letter of support of staff's recommendation on behalf of the neighborhoods and businesses along Route 5.

Karen Schugeld of 110 Dogwood Drive read a letter she sent to the Board of Supervisors asking for its support in approving this application. She asked the Commission to also recommend approval to the Board.

Michael Beatty, the oldest son of the Greenwood Preschool owners, spoke in support of this application. He asked the Commission members to help facilitate the relocation of the preschool in working with VDOT to see if a "no left turn" sign could be put in place and to ask VDOT why the right- turn lane had not be done more effectively.

Jill Whitten of 106 Vaiden Drive spoke in support of this application and asked the Commission to recommend approval of this application.

Lottie Grimes of 3312 Durham Court suggested, if the VDOT request was due to the number of cars entering the church at a particular time, that the preschool have staggered admission and dismissal times to alleviate the traffic flow.

Jason Robins of Hickory Sign Post Road said he had no children attending Greenwood and there would be no impact on him but, the safety issue that has been discussed appeared to be very simple. He said if VDOT was concerned about safety, the concrete island in the middle would have been extended in order to prevent cars from turning left into the church property. He asked if it was really a safety issue or a way to have someone else complete a project that VDOT didn't finish. He said he was disappointed that VDOT was not here to address his questions.

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

Don Hunt supported this application and made a motion, seconded by Wilford Kale, to recommend approval with the deletion of condition #3.

John Hagee commended Greenwood and felt it was an asset to the community but, he did not feel qualified to make a decision on traffic safety, therefore, he would vote to approve staff's recommendation with the VDOT requirements. He suggested that the applicant discuss this issue with VDOT personally or possibly get local politicians involved. He felt that VDOT had to stand firm on what they think is the right thing to do in terms of safety.

Joe McCleary stated that he never thought he would take a position and defend VDOT against a church and preschool. He said everything about this case he admired. It was the right thing in the right place, a win-win situation. He said, however, if the Commission were to approve this with the deletion of condition #3, he could not live with himself if there was an accident due to an illegal left turn and people were killed. He said he could not support the motion.

Peggy Wildman said she was very vocal about the fact she was not a big fan of day care in the home in low-density residential areas. She was pleased with the idea of this application but agreed with Joe McCleary and was not comfortable by being the arbitrator of the safety on that road and could not support the deletion of condition #3.

Joe Poole said he was also supportive of this application. He said it was lamentable to him that the existing preschool had been sold and that the Commission was working against a time constraint. He was uncomfortable with that because he felt there needed to be a discussion with the applicant and VDOT to resolve some of the issues. He felt it was unfortunate that the Commission had to work in a defensive mode when there should be frank discussion between the church, the applicant, and VDOT. He said he was not supportive in striking condition #3 and was opposed to the motion at hand.

Wilford Kale stated that VDOT has had a very bad track record and the errors made have been compounded. He agreed with the comments of Jason Robins that an error was made by VDOT several years ago and now they want someone else to come in to repair their mistake. He felt VDOT needed to explain to the Commission why they put in the yellow hatched lines instead of continuing the concrete, if, in fact, that was an illegal left turn into the church. He asked if the Commission could use some leverage here and with the Board to have someone give this a serious look. He felt if the applicant were to speak with VDOT, they wouldn't get anywhere and suggested that the County discuss this with VDOT letting them know this was an important issue for the County and community.

Don Hunt withdrew his motion. He said he was trying to find a solution and to see how the other Commission members felt. He felt there could be some type of solution for this application.

Wilford Kale made a motion, seconded by Joe McCleary, to recommend approval with staff's recommendations with the addition that staff, the church, and the preschool owners meet with VDOT to see if some type of compromise could be agreed upon.

John Hagee stated that the applicant had requested that this application be presented to the Board on February 26th and wondered if staff could put VDOT on notice so that a representative from VDOT would be at the Board meeting to explain the situation.

Marvin Sowers stated staff could contact VDOT and also suggested that Joe Poole write a letter to VDOT on behalf of the Commission.

Marvin Sowers stated the motion was to approve the SUP with staff's recommended conditions with additional comment that staff, the church, and the preschool owners meet with VDOT to find a compromise.

In a roll call vote, motion passed (7-0). AYE: Wildman, McCleary, Hagee, Hunt, Kale, Billups, Poole (7); NAY: (0).

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

Paul Holt presented the staff report stating the applicant had applied on behalf of New Zion Baptist Church for a special use permit to allow for an 8,210-sq. ft. expansion to the existing 4,502 sq. ft. church. Staff found the proposal compatible with the surrounding uses and zoning and the Comprehensive Plan. Staff recommended the Commission approve this application with the conditions as outlined in the staff report.

Joe Poole opened the public hearing.

Al Bush of Facilities Managers & Consultants, Inc. stated his company was the project managers for the New Zion Baptist Church expansion project. He introduced John Hopkee of Hopkee and Associates, Howard Price of AES Consulting Engineers, the Reverend Robert A. Whitehead, Pastor of the church, and Mrs. Thelma Jackson, Chair of the Trustee Board. He stated that they reviewed the proposed conditions submitted by staff and brought to the Commission's attention condition #2. He stated that the proposed sidewalk and bike path shown on the site plan concerned them since the location of the sidewalk posed a potential burden and liability to the church. He stated the location of the sidewalk is on church property and the change in grade, 4' vertically and 12' horizontally, would require steps. He said the County was considering a multi-purpose path from the County District Park down east of Ford's Colony to the County Park at Centerville Road. He said the path would cross at some point between the pond at Ford's Colony and the church location. He said one recommendation they had for the Commission was to consider moving the walkway down from the church property in order to meet at the Longhill Road crossover point.

Marvin Sowers asked Al Bush to explain exactly where the multi-purpose path would cross over Longhill Road.

Al Bush, displayed a drawing of the proposed site area, stating it was his understanding that the multi-purpose path at one point would crossover somewhere near the church site and then continue to Centerville Road.

Marvin Sowers stated the County was in the process of working with VDOT and hired consultants and at this time a determination had not been made as to which side of the road the path was going to be. It has been the assumption that the path would go on the north side and that's where the County has constructed pieces of that path which connects the District Park with Lafayette High School.

Joe McCleary stated the proposed sidewalk looked like a sidewalk to nowhere and asked what damage would be done if there were a proposal to delete "sidewalk and" from condition #2.

Paul Holt stated it was a sidewalk to nowhere at this time. He said that one challenge in implementing a sidewalk plan was that if there was not enough right-of-way for 10' or 12' wide multi-purpose trail then the next equivalent might be the combination of a shoulder bikeway lane and a sidewalk. The challenge in trying to construct a large linear segment of sidewalk all at once could be very problematic, especially when crossing many properties. The reason for the wording in condition #2 was, as additional properties continue to develop along the road and the

County constructs sidewalks along residential properties, eventually the sidewalk would become contiguous.

Joe Poole asked if the applicant would have the right to come before the DRC to request a waiver during site plan review.

Paul Holt stated that would be for a by-right development but since this was a binding master plan under a SUP, the applicant would be obligated to put in the sidewalk. He said the applicant could come back to amend the SUP and master plan.

John Hagee asked when staff thought the road crossing might occur.

Marvin Sowers said the multi-use path engineering would probably be done toward the end of this year and said the sidewalk replacement program, under the CIP, could be answered right away but said he did not have a copy of the plan at hand.

Paul Holt stated there might be some flexibility built into the condition, stating the bikeway may either be constructed or bonded prior to the issuance of the CO.

Wilford Kale asked Al Bush if the concern of the sidewalk was that the church didn't want it there at all or was it the drop in grade and how it could cause a liability to the church.

Al Bush said specifically the latter. He asked staff for clarity on the bonding saying, as he understood it, the cost of the sidewalks, estimated to be \$2,000, could be bonded by the church until the County makes a decision as to what they would do with the multi-purpose path.

Marvin Sowers stated it could be a bond or a letter of credit from the bank.

George Billups stated that according to the Comprehensive Plan there were bikeway trail and sidewalk plans proposed from Centerville Road past Ford's Colony. He asked why private concerns, such as the church, are obligated to construct anything along that road.

Paul Holt said for this particular site it was applicable during this SUP because it made for a good trigger point between additional development and having the developers of the church contribute to that cost and linking them together.

Marvin Sowers said the County's Sidewalk Plan was to provide sidewalks where they would not otherwise be provided by the private sector. The County's thought is that by the development process the private sector was generating the need for the sidewalks and the County's plan was to fill in the gaps.

Joe McCleary stated that Al Bush's concern was that if the church built the sidewalk they would be liable. He asked if the Commission deleted condition #2 and at later date the County puts in the sidewalk, would the County then be liable.

Leo Rogers stated that if the church put the sidewalk in, the sidewalk would ultimately be dedicated to the County at some point. At that time, it would be put into the County's sidewalk program and would be owned and maintained by the County.

Rob Whitehead, Pastor of the New Zion Baptist Church, made a brief presentation on the history of his church and he asked that the Commission reconsider condition #2 of this special use permit.

Ronald Small of 112 South Stoker Court asked staff if they had looked at the proposed sidewalk from a safety standpoint.

Paul Holt said the actual design details for the sidewalk would be done at the time of site plan and would be reviewed by the County Engineer for safety standards and conformance with County policy.

Theodore Allen of 5568 Centerville Road spoke on behalf of the Centerville Association stating that New Zion Baptist Church has been very helpful to the community and a great asset to the County. He supported this application and requested that the Commission work with the church on the proposed expansion.

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

John Hagee suggested that the church would be able to post a bond or letter of credit rather than providing a sidewalk. He said he did not like the idea that the church put in the sidewalk that may ultimately may not be accepted by the County.

George Billups was uncomfortable imposing a standard on a landowner when the County does not have an idea as to what the multi-purpose path was going to look like. He felt that until the County was in a better position to make a decision, that condition #2 should be deleted from this application.

Peggy Wildman made an alternative suggestion that the applicant donate the cost of the sidewalk to the Sidewalk Fund. She added that this had been done a number of times during the DRC process when they allowed the developer to donate funds to be used anywhere in the County.

Joe Poole felt a donation to the Sidewalk Fund made a great deal of sense especially when we were asking the applicant to put in a premature segment when we don't have any knowledge of the bigger picture. He said he would be very supportive of something that would adjust condition #2.

Peggy Wildman made a motion to amended condition #2 to read that the applicant could donate the cost of the sidewalk to the Sidewalk Fund to be used in lieu of putting the sidewalk in front of the property.

John Hagee asked what would that do and would it end up precluding any type of sidewalk in front of the church.

Marvin Sowers said that ideally the County would ask for both the contribution and the right-of-way. He said that way the County would have the ability to put in the sidewalk. He said if the Commission was more comfortable there could be a sunset provision that, if the County determined after a certain amount of time the sidewalk was not needed, the right-of-way would go back to the church.

Leo Rogers stated that this was a Special Use Permit in which the Commission and County were imposing conditions, which would require the dedication of real property and cash. He stated that was not something that we were generally permitted to do. His suggestion was to make a requirement that a sidewalk be installed or bonded and then provide an alternative prior to site plan approval that these dedications or temporary dedication of right-of-way be done as an alternative to sidewalk installation.

Joe Poole stated there was a motion on the floor with those adjustments to condition #2. He asked for a second.

Joe McCleary seconded the motion.

In a roll call vote, motion passed (7-0) AYE: Wildman, McCleary, Hagee, Hunt, Kale, Billups, Poole (7); NAY: (0).

10. CASE NO. SUP-18-01. WALTRIP CELLULAR TOWER

Paul Holt presented the staff report stating this case was deferred from the January 14, 2002, meeting in order for the applicant to obtain additional information. He stated that the FAA and the VA Department of Aviation determined that the proposed communication facilities would not constitute an air hazard to airport operations. He noted that no additional balloon test was conducted by the applicant since the last balloon test on October 10, 2001. Staff found that this application failed to demonstrate the need for facilities that are 165 feet in height and believed that adequate coverage for a primary carrier may be obtained with towers that were much lower. Staff continued to find that the proposed towers were not consistent or compatible with existing surrounding structures an zoning and the Comprehensive Plan. Staff recommended that the Commission recommend denial of this application.

Joe Poole opened the public hearing.

Vernon Geddy gave a brief history stating the concept for this application came about when the Larry Waltrip was looking and analyzing his radio needs for his businesses, Waltrip Recycling and Waltrip Express Mulch Blower. He stated the applicant had always had radio communications noting there use to be a 150' radio tower at his office off Marclay Road. He said that, in looking at various alternatives, the applicant realized the property was strategically located and that a tower could fill the gap in service along Route 199. He stated that there were four wireless carriers that expressed a strong interest in locating on a facility on this location. He also stated that the applicant had spoken with the James City County Radio Communications Department about potentially locating its facilities on such a tower. He said the issue, as with any other tower, was visibility versus the ability to provide the service. He stated the applicant held a balloon test in October as required and had meetings with the adjacent property owners in Williamsburg Landing. He stated the applicant also made several attempts to contact the Kingspoint Association to arrange a meeting. He felt it was not accurate to state that the applicant has refused to conduct an additional balloon test since that was one of the topics about which the applicant wanted to speak to the Kingspoint Association. He said, that based on the most recent balloon test, the tower would not be not be seen from anywhere along the Colonial Parkway, The Williamsburg Winery, Lake Powell Road, College Landing Park, or Port Anne Subdivision in the City. He said that approximately one-quarter of the tower would be visible to traffic traveling westbound on the Route 199 bridge. He said it would be visible from the waterfront properties in Kingspoint and from parts of Williamsburg Landing. He said the FAA and the VA Department of Aviation had approved the proposed height of 165' noting it did not constitute any hazard to aviation. He concluded his presentation stating that citizens were becoming more and more dependent on wireless communications noting that this was a very important and busy corridor in the County. He asked the Commission to recommend approval of this application.

Tim Murphy representing the Kingspoint Homeowners Association spoke on its behalf stating that this application was not proposing one tower but two towers and that was clearly anticipated in the original proposal of the applicant. He noted that the application by the landowner was to accommodate her business but, clearly the application contemplated a commercial venture to rent out the space on the tower in order to accommodate the need for cell phone coverage between Jamestown Road and Route 64. He stated the need to accommodate those customers drove the tower height to 165' noting that if the tower was needed only to accommodate the Waltrip Recycling business, it would not need to have a tower of that height. He asked, in this priceless setting at a significant social cost to the quite enjoyment of the property owners of Kingspoint and surrounding areas, if the Commission was

prepared to accommodate, a private landowner with twin cell towers for financial profit to meet the needs, not of the landowner, but of the private cell phone companies.

Laura Holmes Jost of 2640 Jockey's Neck Trail spoke on the importance of the reception for cellular phones and supported this application.

Forrest Williamson of 142 Kingspoint Drive commended the Commission and staff for the hard work that went into creating the 1998 Performance Standards for Wireless Communications Facilities. He said many people will see these towers and to permit such visual intrusion in the Community certainly would not meet the goals of the Performance Standards of the County.

Mark Sexton of Eight Prestwick commented on both applications, the Waltrip tower at the airport and the VoiceStream tower at Rochambeau and Croaker Roads. He stated that according to staff the two current applicants had failed to comply with the performance specifications or were in violation of the Comprehensive Plan and specific communications facilities ordinance and thus should be rejected.

Cliff Nordyke representing VoiceStream Wireless spoke in support of this application and stated that VoiceStream has always tried to look at co-locating noting that at present 86% of its sites were co-located. He felt this application would provide coverage in an area that VoiceStream would eventually have to provide coverage and this would be a great opportunity to provide service.

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

Joe Poole said he knew how this Commission labored over the development of the Performance Standards for Wireless Communication Towers and said he could appreciate the desire of the applicant for a use at the location. He felt that the ordinance was cognizant of the unique land use, zoning, and aesthetic qualities of this community and yet recognized the desire for wireless service. He said it was clear that the County was willing to sacrifice shorter towers with more frequency and encouraged co-location. He said this application did not meet the standards of the County and could not support a recommendation of approval.

Joe McCleary agreed with Joe Poole and staff noting there were serious flaws in this application and he could not support it.

Don Hunt stated that he considered the aesthetics as important, in some respects, as the communication towers but, he could not see sacrificing service in an area that did not have sufficient service at this time. He supported this application.

John Hagee asked how the Commission could support this application given the number of violations with the County policy. He could not support this application.

Peggy Wildman also noted that she could not support this application since it did not adhere to the standards of the County's communications facilities policy or the Comprehensive Plan.

Joe McCleary made a motion, seconded by Peggy Wildman, to deny this application.

In a roll call vote, motion to deny was approved (6-1). AYE: Wildman, McCleary, Hagee, Kale, Billups, Poole (6); NAY: Hunt (1).

11. POLICY COMMITTEE REPORT

Wilford Kale stated the Policy Committee had met prior to tonight's meeting to begin the process of the Capital Improvements Program (CIP). He noted that on February 12, 2002, the committee would be meeting to hear presentations from the Parks and Recreation, the schools, and the Fire Department relating to some of their requests.

12. PLANNING DIRECTOR'S REPORT

Marvin Sowers stated that VDOT had received a federal grant to construct an interpretative site at the intersection of Route 5 and Greensprings Road and would be holding a meeting public meeting on February 20, 2002, at 7 p.m. at the Jamestown High.

13. ADJOURNMENT

There being no further business, the February 4, 2002, meeting of the Planning Commission was adjourned approximately at 10:10 p.m.

A. Joe Poole, III, Chairman

Marvin Sowers, Secretary

**Agricultural and Forestal District 1-98. Barrett's Ferry AFD - 2002 Renewal
Staff Report for March 4, 2002, Planning Commission Public Hearing**

This staff report is prepared by the James City County Planning Division to provide information to the AFD Advisory Committee, 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

AFD Advisory Committee: February 21, 2002 - 4:00 p.m. Human Services Building
Planning Commission: March 4, 2002 - 7:00 p.m. Building C Board Room
Board of Supervisors: April 9, 2002 - 7:00 p.m. Building C Board Room (tentative)

SUMMARY FACTS

Applicant/Landowner: Mr. Baxter Bell

Proposed Use: Renewal of the existing Barrett's Ferry Agricultural and Forestal District

Location: Generally located between the Chickahominy River, Governor's Land, and Route 5.

Tax Map/Parcel No.: (43-2)(1-3)

Primary Service Area: Outside

Existing District Size: 210.49 acres

Existing Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Surrounding Zoning: North: A-1: Gordon's Creek AFD
South: R-4: Governor's Land
East: A-1: Undeveloped
West: A-1: Barrett's Ferry Subdivision

Staff Contact: David Anderson Phone: 253-6685

RECOMMENDATION:

Staff finds that the AFD is consistent with the surrounding zoning and development and consistent with the Comprehensive Plan and recommends the continuance of the Barrett's Ferry Agricultural and Forestal District for a period of four years subject to the conditions listed in the staff report. On February 21, 2002 the AFD Advisory Committee voted 8-0 to recommend approval of the renewal.

Barrett's Ferry Agricultural and Forestal District is approaching the end of its four-year term. In order for the continuation of this AFD, the Board of Supervisors will need to approve its renewal by April 28, 2002. This district is comprised of approximately 210 acres at 1671 John Tyler Highway in the Berkeley District. The property is located approximately 3,000 feet east of the Chickahominy River bridge on Route 5, John Tyler Highway, and is further identified as Parcel No. (1-3) on the James City County Real Estate Tax Map No. (43-2). The property is zoned A-1, General Agricultural District, and is designated Rural Lands and Conservation Area on the James City County Comprehensive Plan.

Property Description

The property lies generally between the Chickahominy River, Governor's Land, and Route 5. A small portion of the parcel is north of Route 5. The majority of the parcel is adjacent to the Barrett's Ferry subdivision. This subdivision was created by the property owner from a portion of the parent parcel. The property is wooded, but large areas have been selectively timbered. The land also has direct frontage on the Chickahominy River and has approximately 20-30 acres of marshland that drains directly into the Chickahominy River. There are no structures on the property and it is completely outside of the Primary Service Area (PSA). Public water and public sewer are not available to the property.

Surrounding Zoning and Land Uses

The property is zoned A-1, General Agricultural District. Land directly north of the site is also zoned A-1, and is part of the Gordon Creek AFD. To the west is Barrett's Ferry subdivision, also zoned A-1, and the Chickahominy River. To the south is Governor's Land, zoned R-4, Residential Planned Community. East of the property is undeveloped, wooded land zoned A-1.

Staff feels continuation of this AFD is compatible with surrounding zoning and land uses. The property is in an area of the County where suburban, residential development is not encouraged. The creation of this proposed AFD will help to ensure the property remains in forestal and/or agricultural uses for the duration of the district.

Comprehensive Plan

The property is designated Rural Lands and Conservation Area on the James City County Comprehensive Plan. Most of the southwestern quarter of the property is designated Conservation Area. This area drains directly into the Chickahominy River and is undevelopable. Preferred land uses in this area include hunting and fishing clubs, fish and game preserves, parks and other open spaces which compliment the natural environment.

The balance of the property is designated Rural Lands and includes all of the land which fronts on Route 5. The continuation of this AFD is supported by several Rural Land Use Standards listed in the Comprehensive Plan, including preserving the natural, wooded, and rural character of the County. Staff feels that continuing an AFD on this property is consistent with the Comprehensive Plan.

Forestry Potential

The Resident State Forester had reviewed the initial application for this AFD and worked with the applicant to develop a forestry management plan for the property. Because the property has been selectively timbered, ensuing undergrowth makes it difficult for evergreen seedlings to establish themselves under such conditions. As a result, the Resident State Forester had suggested that the hardwoods be allowed to establish themselves on the property. In conjunction with the forestry management plan, the applicant has worked with the Department of Game and Inland Fisheries to create and preserve existing wildlife habitat on the property.

Soils

According to the Natural Resources Conservation Service, there are no less than nine soil complexes present on the property. Most of the soils on the property have moderate to very high tree potential. Some soils do not support tree growth nor are they suitable for agriculture because of their location in tidal areas. There are two Prime Farmland soil complexes present on the property, however, they constitute a very small percentage of the total property.

Transportation Issues

The property has approximately 3,500 feet of frontage on the south side of Route 5 and 1,000 feet of frontage on the north side. All lands within 25 feet of the existing right-of-way on the north side of Route 5 are excluded from the district for possible road and/or drainage improvements. Because of the Route 5 corridor's inclusion in the Capitol to Capitol Bikeway, all lands within 50 feet of the existing right-of-way on the south side of Route 5 are excluded from the district for the bikeway and for possible road and/or drainage improvements. This exclusion of land from the district does not negatively impact the applicant's ability to qualify for Use Value Taxation should his property otherwise qualify for it.

RECOMMENDATION:

The location and physical characteristics of this property make it a viable candidate for continuation of an AFD. The analysis provided by the Natural Resources Conservation Service and the Virginia Department of Forestry supports the forestry potential of the property. In addition, the environmental sensitivity of the area is not conducive for intensive residential or commercial development. The Comprehensive Plan supports the continuation of this district by preserving forestry and agricultural lands, and by preserving the rural character of the County.

Staff recommends this District be renewed for a four-year term from the date of its approval by the Board of Supervisors. As stated earlier, the applicant has previously subdivided a 54-acre portion of the parent parcel. The 210-acre remaining portion abuts this earlier subdivision. Staff recommends the AFD Advisory Committee recommend continuation of AFD-1-98, Barrett's Ferry Agricultural and Forestal District with the following conditions, as originally adopted by the Board of Supervisors on April 28, 1998:

1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family. Parcels of up to 5 acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment, provided: a) The subdivision does not result in the total acreage of the District to drop below 200 acres; and b) The subdivision does

not result in a remnant parcel of less than 25 acres.

2. No land within the Barrett's Ferry Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District.
3. No special use permit shall be issued except for agricultural, forestal or other activities and uses consistent with the State Code Section 15.2-4301 et. seq. which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

In addition, staff recommends that all land within 50 feet of the existing right-of-way on the south side of Route 5, John Tyler Highway, continue to be excluded from the District for possible future road and/or drainage improvements, and for the planned Capitol to Capitol Bikeway. Staff recommends that all land within 25 feet of the existing road right-of-way on the north side of Route 5, John Tyler Highway, continue to be excluded from the district for possible future road and/or drainage improvements.

David Anderson
Planner

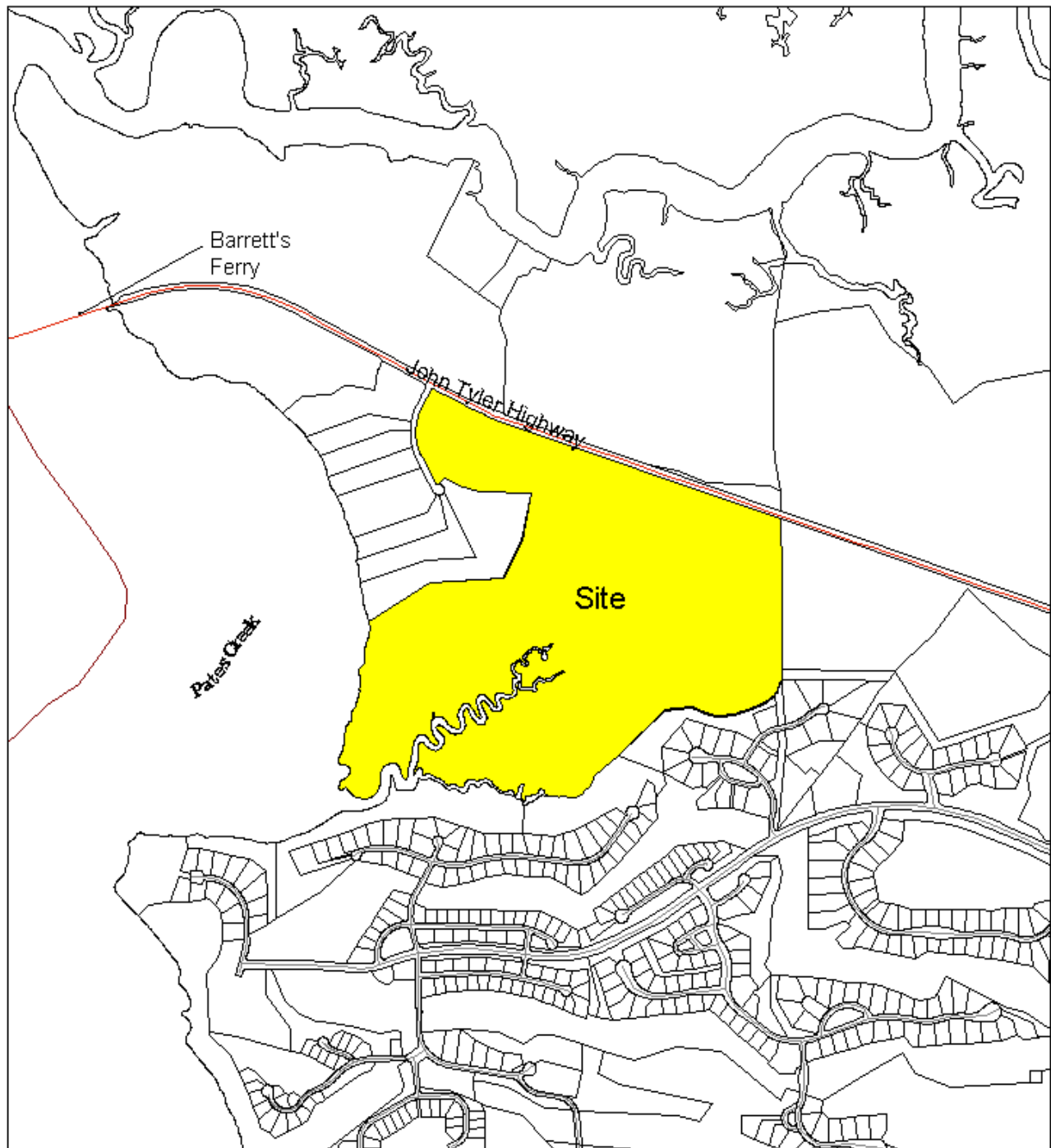
Attachments

1. Location Map
2. Unapproved Minutes from February 21, 2002 AFD Advisory Committee Meeting

Unapproved Minutes from February 25, 2002, AFD Advisory Committee Meeting

Case No. AFD-1-98. Barrett's Ferry (2002 Renewal)

Mr. Anderson presented the staff report stating that the 4-year term for Barrett's Ferry AFD expires on April 28, 2002. Mr. Anderson stated that the applicant did not wish to add or withdraw any land from the 210-acre parcel, and stated that Staff finds the AFD consistent with the surrounding zoning and development and consistent with the Comprehensive Plan. No questions arose regarding this renewal and Mr. Kennedy made a motion to approve the renewal. The motion was seconded. Upon a roll call vote, the Committee approved the renewal, by a vote of 8-0.



Case No. AFD 1-98
Barrett's Ferry AFD - 2002 Renewal

500 0 500 1000 1500 2000 Feet

A horizontal scale bar with markings at 500, 0, 500, 1000, 1500, and 2000 feet.

Attachment 1



**Agricultural and Forestal District 12-86. Gospel Spreading Church AFD(Mikula Withdrawal)
Staff Report for March 4, 2002 Planning Commission Public Hearing**

This staff report is prepared by the James City County Planning Division to provide information to the AFD Advisory Committee, 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

AFD Advisory Committee: February 21, 2002 - 4:00 p.m. Human Services Center
Planning Commission: March 4, 2002 - 7:00 p.m. Building C Board Room, Govt. Center
Board of Supervisors: April 9, 2002 - 7:00 p.m. (tentative) Building C Board Room

SUMMARY FACTS

Applicant: Thomas and Elva Mikula

Landowner: same

Proposed Withdrawal: 22.97 acres

Proposed Use: single-family dwelling

Location: 2258 and 2264 Lake Powell Road; Jamestown District

Tax Map/Parcel No.: (48-3)(1-40), (48-3)(1-39)

Primary Service Area: Inside

Existing Zoning: R-8, Rural Residential

Comprehensive Plan: Low-Density Residential

Surrounding Zoning: North: R-1, Limited Residential (undeveloped property)
South, East, West: R-8, Rural Residential (predominantly undeveloped property)

Staff Contact: Jill E. Schmidle Phone: 253-6685

RECOMMENDATION

Staff finds the proposed withdrawal consistent with the surrounding zoning, development and the Comprehensive Plan. Staff also finds that this application meets all three criteria of the adopted Board policy regarding the withdrawal of lands from Agricultural and Forestal Districts that are inside the Primary Service Area. Therefore, staff recommends that 22.97 acres be withdrawn from the Gospel Spreading Church AFD. Should this withdrawal be approved, the size of the Gospel Spreading Church AFD would become 971.94 acres. On February 21, 2001, the AFD Advisory Committee voted 8-0 to approve the withdrawal. Staff recommends the Planning Commission recommend approval of the withdrawal.

District History

The Gospel Spreading Church Agricultural and Forestal District (AFD) was created on December 1, 1986 for a term of four years, and the Board of Supervisors has approved four-year renewals in 1990 and 1994. On September 22, 1998, the Board of Supervisors approved the renewal of this AFD for a period of four years with the conditions listed in the attached resolution. In 1999, the Board of Supervisors approved the addition of approximately 26.46 acres, bringing the total acreage in the district to 994.91 acres.

In September of 1996, the Board of Supervisors adopted a policy and withdrawal criteria for AFD parcels within the Primary Service Area (PSA). Should this withdrawal be approved, the size of the Gospel Spreading Farm AFD would become 971.94 acres, which exceeds the 200-acre minimum requirement.

Site Description

The properties to be withdrawn are zoned R-8, Rural Residential, and are predominantly woodland. Surrounding property is undeveloped or has developed residentially. The 14.42-acre parcel contains an existing single-family residential house and a new single-family residential house is proposed for the 8.55-acre parcel.

Surrounding Zoning and Development

Surrounding property is predominantly undeveloped, except for a few large-lot single-family residences. Property to the north is zoned R-1, Limited Residential and is undeveloped. Property to the west, south and east is zoned R-8, Rural Residential and contains large lots that are either undeveloped or contain scattered single-family homes. Existing R-8 zoning requires a minimum 3-acre lot size. Staff finds this withdrawal request to be consistent with the surrounding zoning.

Comprehensive Plan

Comprehensive Plan Land Use Designation

The portion of the Gospel Spreading Church AFD that is under consideration for withdrawal has a Low-Density Residential designation on the Comprehensive Plan Land Use Map.

Public Utilities

A majority of the land within this district (860 acres) is located outside of the Primary Service Area (PSA). 134.35 acres within this district are located inside the Primary Service Area. The 22.97 acres requested as part of this withdrawal are located within the Primary Service Area.

Transportation and Access

Most of the AFD is located along Lake Powell Road and Treasure Island Road. All land within 25-feet of the road rights-of-way of Treasure Island Road, Lake Powell Road, Neck-O-Land Road, and Jamestown Road shall be excluded from the district.

Analysis

On September 24, 1996, The Board of Supervisors adopted a policy and withdrawal criteria for AFD parcels that are within the Primary Service Area. That policy and criteria are as follows:

FOR AGRICULTURAL AND FORESTAL DISTRICTS WITHIN THE PRIMARY SERVICE AREA, the Board of Supervisors will use the minimum standards listed below. These standards are different standards from the standards applied to those districts located outside the Primary Service Area

(PSA). They are in recognition that lands within the PSA are intended for urban development at some point in the future and, therefore, are not expected to remain in agricultural and forestal use in the long term. Lands outside the PSA are intended to remain rural and the preferred use for rural lands is agricultural and forestal use.

1. Withdrawals will be approved no more than once per year, per AFD, per landowner. This means that an owner of multiple parcels within an AFD will be allowed only one withdrawal per year in the AFD.
2. The minimum acreage for withdrawals shall be 75 acres, either as a single parcel or in combination with more than one parcel. Individual landowners who own less than 75 acres must withdraw all of their parcel from the district. Parcels withdrawn as part of any one request need not be contiguous.
3. The new land use shall be in conformance with the Comprehensive Plan. A formal application to convert the use of the property shall accompany any request for withdrawal, such as an application for rezoning, special use permit or any development plans. The application shall include a conceptual plan acceptable to the Director of Planning. The application for withdrawal and the application to convert the use of the property shall be submitted together and processed as a single development request.

The policy states that the Board shall weigh each of the above criteria in its deliberation, but may also use whatever criteria it deems appropriate for the individual case. Each of these three criteria have been evaluated by staff:

Criteria 1: One Withdrawal per year

The applicant has not requested a withdrawal within the past year and is requesting to remove all of their land presently included in the AFD. The application meets this criterion.

Criteria 2: Minimum Acreage of 75 Acres

The applicant has requested a withdrawal of 22.97 acres, which represents all of their land presently in the Gospel Spreading Church AFD. The application meets this criterion.

Criteria 3: Conformance with the Comprehensive Plan and Submitted Land Development Application and Plan

The parcels are designated as Low-Density Residential on the Comprehensive Plan. The 14.42-acre parcel contains an existing single-family residential house, and a new single-family house is proposed for the 8.55-acre parcel. The Comprehensive Plan recommends a density of one dwelling unit per acre. This proposal constitutes a density of one dwelling unit per 11.45 acres. The application meets these criteria.

Existing AFD Conditions

The current conditions of the Gospel Spreading Farm Agricultural and Forestal District are as follows:

1. The Gospel Spreading Church Agricultural and Forestal District is hereby continued for a period of four years beginning the twenty-second day of September, 1998, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq.
2. That the district shall include the following parcels:

<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
JCC Bible and Agricultural and Training School	(48-3)(1-35)	403.560
JCC Bible and Agricultural and Training School	(56-2)(1-1)	457.000
Floyd P. Carmines	(47-4)(1-37)	27.920
Lyman Hall	(47-4)(1-11)	17.890
Lyman Hall	(47-4)(1-13)	39.110
Thomas M. and Elva Mikula	(48-3)(1-39)	14.420
Thomas M. and Elva Mikula	(48-3)(1-40)	8.550
*Dr. Stanley H. and Mrs. Mavis Powell	(47-4)(1-33)	<u>26.460</u>
Total:		<u>994.910</u>
<i>*Added on January 12, 1999</i>		

provided, however, that all land within 25 feet of the road rights-of-way of Treasure Island Road (Route 617), Lake Powell Road (Routes 617 and 618), Neck-O-Land Road (Route 682), and Jamestown Road (Route 31) shall be excluded from the district.

3. That pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Gospel Spreading Church Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
 1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment, provided: a) The subdivision does not result in the total acreage of the district to drop below 200 acres; and b) The subdivision does not result in a remnant parcel of less than 25 acres.
 2. No land outside the Primary Service Area and within the Agricultural and Forestal District (AFD) may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Parcels inside the Primary Service Area and within the Agricultural and Forestal District may be withdrawn from the District in accordance with the Board of Supervisors policy pertaining to A Withdrawal of Lands From Agricultural and Forestal Districts Within The Primary Service Area, adopted September 24, 1996.
 3. No special use permit shall be issued except for agricultural, forestal or other activities and uses consistent with the State Code Section 15.1-4301 et. seq. which are not in conflict with the policies of this district. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

RECOMMENDATION

Staff finds the proposed withdrawal consistent with the surrounding zoning, development and the Comprehensive Plan. Staff also finds that this application meets all three criteria of the adopted Board policy regarding the withdrawal of lands from Agricultural and Forestal Districts that are inside the Primary Service Area. Therefore, staff recommends that 22.97 acres be withdrawn from the

Gospel Spreading Church AFD. Should this withdrawal be approved, the size of the Gospel Spreading Church AFD would become 971.94 acres. On February 21, 2002, the AFD Advisory Committee voted 8-0 to approve the withdrawal. Staff recommends the Planning Commission recommend approval of the withdrawal.

Jill E. Schmidle
Senior Planner

Attachments:

1. AFD Advisory Committee minutes, dated February 21, 2002
2. Location Map
3. Withdrawal request letter dated January 8, 2002
4. Gospel Spreading Church AFD Ordinance No. 173A-9, approved on September 22, 1998.
5. Gospel Spreading Church AFD Powell Addition Resolution Ordinance No. 173A-11, approved on January 12, 1999.
6. Board of Supervisors Policy for withdrawal of lands from AFD's within the Primary Service Area, approved on September 24, 1996

Unapproved Minutes from February 21, 2002, AFD Advisory Committee Meeting

Case No. AFD-12-86. Gospel Spreading Farm (Mikula Withdrawal)

Ms. Schmidle presented the staff report stating that the application met all three criteria of the adopted Board of Supervisors policy regarding the withdrawal of lands from AFDs inside the Primary Service Area, and is consistent with surrounding zoning, development and the Comprehensive Plan. Mr. Schmidle stated that the 4-year term of the AFD is up for renewal in September 2002, but that the property owner wished to request withdrawal now. Mr. Barry Robinson, proposed buyer of the property, spoke of his intentions to build a single-family structure on one parcel, and spoke of his desire to begin construction sometime this summer, before the AFD is up for renewal. Questions arose regarding the ability of the soils to perk, to which Mr. Robinson replied the soils tests had been completed showing the property does perk. Committee members asked general questions regarding the amount of property in the AFD, remaining acreage if this withdrawal is approved, the location of the parcels, the length of time the property has been in the AFD, the history of the Gospel Spreading Farm AFD, and whether all of the Mikula property was to be withdrawn. Upon satisfactory response from Ms. Schmidle and Mr. Robinson, Ms. Garrett made a motion to approve the withdrawal request. Mr. Richardson seconded the motion. Upon a roll call vote, the Committee approved the withdrawal request, by a vote of 8-0.

**Thomas and Elva Mikula
2264 Lake Powell Road
Williamsburg, Virginia 23185
757-220-8412**

January 8, 2002

Mr. Paul D. Holt, III
Senior Planner
James City County
101 E. Mounts Bay Road
Williamsburg, Virginia 23187-8784

Subject: Withdrawal request from the Gospel Spreading Church Agricultural and Forestal District (AFD-12-86) for the following properties.

2258 Lake Powell Road (Parcel ID number 4830100040) 8.55 acres (48-3) (1-40)

2264 Lake Powell Road (Parcel ID number 4830100039) 14.42 acres (48-3) (1-39)

Dear Mr. Holt,

Thank you for taking the time to answer my questions regarding the above properties and their removal from the AFD. At this time I request the removal of both properties from the AFD. The reason for this request is that I am planning on selling the 8.55 acre parcel (48-3) (1-40) as soon as it can be removed. It is presently under contract for sale to Mr. and Mrs. Barry S. Robinson. I have requested from the Commissioner of Revenue, Richard Bradshaw, the calculation of the applicable roll back taxes that will be due on both properties.

It is my understanding, based on the applicable ordinance (173A-9) and the Resolution "Withdrawal of lands from the Agricultural and Forestal Districts within the Primary Service Area", that the withdrawal of my properties from the AFD can be approved based upon my written request. I believe that my request follows the intent of the applicable Ordinance and Resolution based upon the following,

- Both of my parcels are in the Primary Service Area (PSA). As stated in the AFD Resolution "Lands within the PSA are intended for urban development at some point in the future and, therefore, are not expected to remain in agricultural or rural use in the long term"
- I have not requested removal of any properties from an AFD within the past year.
- All of my properties in the AFD are being removed since I own less than 75 acres.
- At present, my plan is to sell the one 8.55 parcel as mentioned. It is my understanding that the purchasers (Barry S. and Vickie L. Robinson) plan on building a single family home on the property. If you have any questions relative to their plans please feel free to call them directly at 345-3220.

Again, thank you for your assistance. If you have any questions please feel free to call me at 220-8412.

Sincerely

Elva W. Mikula
Thomas M. Mikula

Thomas and Elva Mikula

SEP 22 1998

ORDINANCE NO. 173A-9BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIAGOSPEL SPREADING CHURCH AGRICULTURAL AND FORESTAL DISTRICT (AFD-12-86)

WHEREAS, James City County, has completed a review of the Gospel Spreading Church Agricultural and Forestal District; and

WHEREAS, in accordance with Section 15.2-4305 of the Code of Virginia, property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the continuation of the Gospel Spreading Church Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its meeting on August 27, 1998, voted 8-0 to recommend renewal of the district; and

WHEREAS, the Planning Commission following its public hearing on September 2, 1998, voted 6-0, with one absence, to renew the district with the conditions listed below.

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

1. The Gospel Spreading Church Agricultural and Forestal District is hereby continued for a period of four years beginning the twenty-second day of September, 1998, in accordance with the provisions of the Virginia Agricultural and Forestal District Act, Virginia Code Section 15.2-4300 et. seq.
2. That the district shall include the following parcels:


<u>Owner</u>	<u>Parcel No.</u>	<u>Acres</u>
JCC Bible and Agricultural Training School	(48-3)(1-35)	403.56
JCC Bible and Agricultural Training School	(56-2)(1-1)	457.00
Floyd P. Carmines	(47-4)(1-37)	27.92
Lyman Hall	(47-4)(1-11)	17.89
Lyman Hall	(47-4)(1-13)	39.11
Thomas M. and Elva Mikula	(48-3)(1-39)	14.42
Thomas M. and Elva Mikula	(48-3)(1-40)	<u>8.55</u>
Total:		<u>968.45</u>

provided, however, that all land within 25 feet of the road rights-of-way of Treasure Island Road (Route 617), Lake Powell Road (Routes 617 and 618), Neck-O-Land Road (Route 682), and Jamestown Road (Route 31) shall be excluded from the district.

3. That pursuant to the Virginia Code, Section 15.2-4312 and 14.2-4313, as amended, the Board of Supervisors requires that no parcel in the Gospel Spreading Church Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:
 - a. The subdivision of land is limited to 25 acres or more, except where the Board

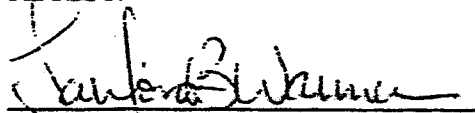
of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment provided: a) The subdivision does not result in the total acreage of the district to drop below 200 acres; and b) The subdivision does not result in a remnant parcel of less than 25 acres.

- b. No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District (AFD) may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Land inside the PSA and within the AFD may be withdrawn from the district in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996.
- c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code Section 15.2-4301 et. seq. which are not in conflict with the policies of this district. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.



Jack D. Edwards
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
SISK	AYE
MCGLENNON	AYE
BRADSHAW	AYE
NERVITT	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of September, 1998.

afd1286.res

JAN 12 1999

ORDINANCE NO. 173A-11

BOARD OF SUPERVISORS
JAMES CITY COUNTYGOSPEL SPREADING CHURCH AGRICULTURAL AND FORESTAL DISTRICT(AFD-12-86) POWELL ADDITION

WHEREAS, an Agricultural and Forestal District has been established in the Gospel Spreading Church Area; and

WHEREAS, in accordance with Section 15.2-4305 of the Code of Virginia, property owners have been notified, public notices have been filed, public hearings have been advertised, and public hearings have been held on the application for an addition to the Gospel Spreading Church Agricultural and Forestal District; and

WHEREAS, the Agricultural and Forestal Districts Advisory Committee at its meeting on December 3, 1998, recommended approval of the application by a vote of 6-0; and

WHEREAS, the Planning Commission following its public hearing on December 7, 1998, recommended approval of the application by a vote of 5-0.

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

1. The Gospel Spreading Church Agricultural and Forestal District is hereby amended by the addition of the following parcel:

Dr. Stanley H. and Mrs. Mavis Powell (47-4) (1-33) 26.46 acres

provided, however, that all land within 25 feet of the Lake Powell Road (Route 617) right-of-way shall be excluded from the district.

2. That pursuant to the Virginia Code, Section 15.2-4312 and 15.2-4313, as amended, the Board of Supervisors requires that no parcel in the Gospel Spreading Church Agricultural and Forestal District be developed to a more intensive use without prior approval of the Board of Supervisors. Specifically, the following restrictions shall apply:

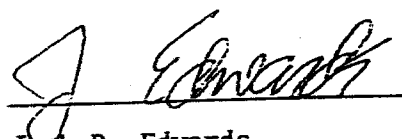
- a. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment provided: a) The subdivision does not result in the total acreage of the District to drop below 200 acres; and b) The subdivision does not result in a remnant parcel of less than 25 acres.

- b. No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning

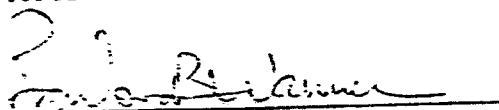
-2-

shall be filed earlier than six months prior to the expiration of the district. Land inside the PSA and within the Agricultural and Forestal District may be withdrawn from the District in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996.

- c. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code Section 15.2-4301 et. seq. which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.


Jack D. Edwards
Chairman, Board of Supervisors

ATTEST:


Sanford B. Warner
Clerk to the Board

SUPERVISOR	VOTE
NERVITT	AYE
SISK	AYE
MCGLENNON	AYE
BRADSHAW	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of January, 1999.

afd-pow.res

RESOLUTION

WITHDRAWAL OF LANDS FROM AGRICULTURAL AND FORESTAL DISTRICTS

WITHIN THE PRIMARY SERVICE AREA

- WHEREAS, the Board of Supervisors has determined that Agricultural and Forestal Districts (AFD) are a valuable tool to help protect the agricultural and forestal lands and industry in James City County; and
- WHEREAS, premature withdrawal of land from the Districts is contrary to the intent of the Board in allowing the establishment of these Districts; and
- WHEREAS, the Board of Supervisors recognizes that lands outside the Primary Service Area are intended to remain rural and the preferred use for rural lands is agricultural and forestal use; and
- WHEREAS, the Board of Supervisors recognizes that lands inside the Primary Service Area are intended for urban development at some point in the future and, therefore, are not expected to remain in agricultural and forestal use in the long term; and
- WHEREAS, the Board of Supervisors has previously adopted a resolution for the Withdrawal From Agricultural and Forestal Districts on December 18, 1989, which still remains in force outside the Primary Service Area; and
- WHEREAS, at each renewal, the Board will review urban development trends in the County, and consider carefully whether the general public interest continues to be served by allowing land within the Primary Service Area to remain in an Agricultural and Forestal District.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby establishes the following policy relating to the withdrawal of lands from AFD inside the Primary Service Area during the terms of those Districts. This policy in no way supersedes the provisions for withdrawal by right under Sections 15.1-1511F or 15.1-1513D of the Code of Virginia.

FOR AGRICULTURAL AND FORESTAL DISTRICTS WITHIN THE PRIMARY SERVICE AREA, the Board of Supervisors will use the minimum standards listed below. These standards are different standards from the standards applied to those districts located outside the Primary Service Area (PSA). They are in recognition that lands within the PSA are intended for urban development at some point in the future and, therefore, are not expected to remain in agricultural and forestal use in the long term. Lands outside the PSA are intended to remain rural and the preferred use for rural lands is agricultural and forestal use.

1. Withdrawals will be approved no more than once per year, per AFD, per landowner. This means that an owner of multiple parcels within an AFD will be allowed only one withdrawal per year from the AFD.

2. The minimum acreage for withdrawals shall be 75 acres, either as a single parcel or in combination with more than one parcel. Individual landowners who own less than 75 acres must withdraw all of their parcel from the District. Parcels withdrawn as part of any one request need not be contiguous.
3. The new land use shall be in conformance with the Comprehensive Plan. A formal application to convert the use of the property shall accompany any request for withdrawal, such as an application for rezoning, special use permit or other development plans. The application shall include a conceptual plan acceptable to the Director of Planning. The application for withdrawal and the application to convert the use of the property shall be submitted together and processed concurrently as a single development request.

The Board shall weigh each of the above criteria in its deliberation, but may also use whatever criteria and it deems appropriate for the individual case.



David L. Sisk
Chairman, Board of Supervisors

ATTEST:

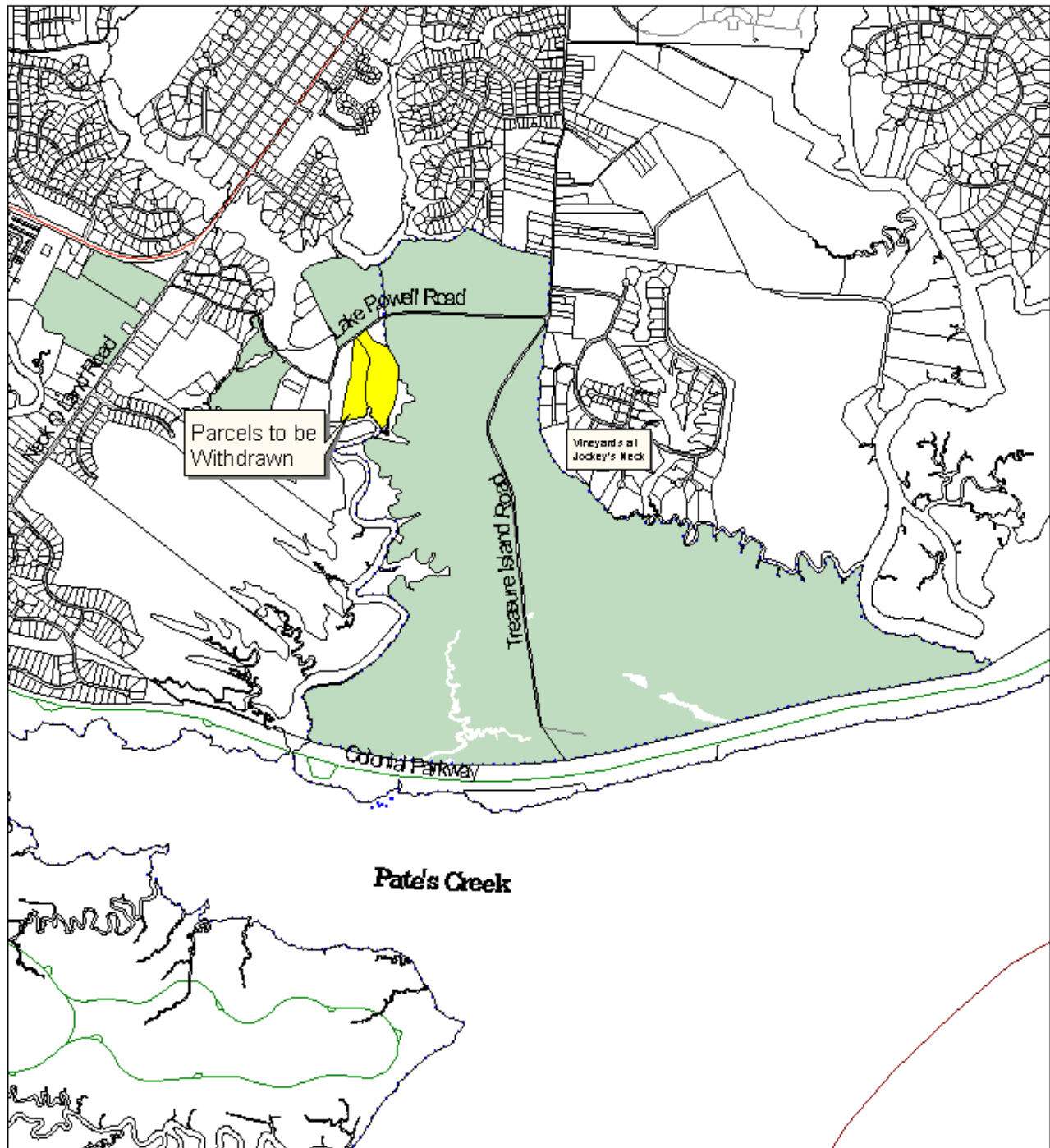


Sanford B. Warner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
TAYLOR	NAY
MAGOON	AYE
DEPUE	AYE
EDWARDS	AYE
SISK	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of September, 1996.

WtAgrFor.res



Case No. AFD -12-86
Gospel Spreading Church - Mikula Withdrawal

500 0 500 1000 1500 2000 Feet

Attachment 1



MEMORANDUM

DATE: March 4, 2002

TO: The Planning Commission

FROM: Karen Drake, Planner

SUBJECT: FY 2003-2007 Capital Improvements Program (CIP)

After a series of meetings to discuss and rank Capital Improvements Program (CIP) requests, the Policy Committee, in conjunction with staff, is forwarding its recommendations for the Fiscal Years 2003 - 2007 Capital Improvements Program. In addition to a project's ranking, the Policy Committee in some instances included specific recommendations. These additional recommendations are included in the project descriptions and are highlighted in ***bold italics***.

The ranking system for CIP requests emphasizes service needs and conformance to the Comprehensive Plan and other approved planning documents such as the Recreation Master Plan and Master Water and Sewer Plan. A sample rating sheet is attached for your reference. Following the determination of numerical scores based on the ranking system, each project has been designated as a *high*, *medium*, or *low* priority. Please note that this objective ranking system does not account for all factors that may influence a project's priority. For instance, the Policy Committee was mindful of priorities established by specific departments.

Typically, all projects designated as a high priority are recommended by the Comprehensive Plan. Projects receiving a medium priority designation may be recommended by the Comprehensive Plan, and require particular consideration due to Federal or State mandates, contractual obligations, or because they complement County policy or departmental goals and objectives. Projects receiving a low priority are generally those projects that are not specifically supported by the Goals and Objectives of the Comprehensive Plan and thus require further scrutiny to determine their standing within the CIP.

The attached report contains a summary of CIP project rankings and descriptions of the proposed projects. New this year due to changes in the accounting system, is the Operating Contribution category. Operating Contribution category requests are for various projects that do not result directly in a county asset, but are major expenditures that support the Comprehensive Plan.

RECOMMENDATION:

The Policy Committee and staff recommend the Planning Commission approve the Capital Improvements Program rankings as summarized in the attached report.

Karen Drake

Attachments:

1. Summary of CIP Project Rankings
2. County Project Descriptions and Rankings
3. Summary of JCSA CIP Rankings
4. CIP Ranking Sheet
5. Minutes of the Policy Committee Meetings

DEVELOPMENT PROJECTS

Greenspace *[Ranking - High]*

FY03 Request: \$382,000

Proposed 5-Year Project Total: \$2,285,000

The Board of Supervisors approved, as part of the FY97 budget, an annual allocation of approximately one cent of the Real Estate Tax Rate to purchase land for open space. This request continues to set aside those funds.

Road Improvements *[Ranking - High]*

FY03 Request: \$135,000

Proposed 5-Year Project Total: \$485,000

This CIP fund request consists of the following elements:

- Landscaping
- Upgrade of Louise Lane North of Welstead (including stormwater)
- Upgrade of Louise Lane South of Westland (including stormwater)
- Upgrade Road Signs. There are 18 intersections that the County has identified as candidates for consolidated route identification signs, due to their high traffic volumes and visibility. The primary emphasis is on roads that are Community Character Corridors or main entry points into the County. The Board passed a resolution in support of a Regional Issues Committee program that proposes these signage changes.

Sidewalks *[Unranked project - no funds requested]*

FY03 Request: \$0

Proposed 5-Year Project Total: \$0

As of January 2002, there is a balance of \$190,000 available for sidewalk construction. Staff does not recommend any sidewalk construction for the next two years. If the Board wishes to fund any sidewalk construction projects, staff recommends a sidewalk from Ironbound Road to Mid-County Park or along Chisel Run Road from the Ewell Shopping Center to the Chisel Run Development. Either sidewalk construction project would cost an estimated \$250,000.

Water Quality Improvement *[Ranking - High]*

FY03 Request: \$500,000

Proposed 5-Year CIP Funds Total: \$5,200,000

Proposed 5 Year Total Project Cost: \$6,700,000

While there are multiple projects associated with Water Quality Improvement request such as the watershed management plans (baseline study of Powhatan Watershed), the following is the only part considered a CIP Project;

- Design/Construction of Remedial Retrofits (\$500,000) for regional stormwater ponds and stream channel repair in more developed JCC watersheds. Project priorities will follow recommendations in watershed management plan currently being proposed for Powhatan and Yarmouth watershed.

FACILITIES MANAGEMENT

HVAC Replacement in Building C, County Complex *[Ranking - Medium]*

FY03 Requested \$100,000

Proposed 5-Year Project Total: \$100,000

Replace the original 1978 air conditioning system with a new system containing dehumidification coils to improve indoor air quality. To be accomplished after Building J is constructed.

HVAC Replacement in Building B, County Complex *[Ranking - Medium]*

FY03 Requested \$125,000

Proposed 5-Year Project Total: \$125,000

Improve HVAC efficiency by replacing the original the original 1979 air conditioning system with modern equipment. To be accomplished in conjunction with Building B renovations after Building J is constructed.

Roof Replacement at WJCC Recreation Center *[Unranked project - no funds requested]*

FY03 Requested \$0

Proposed 5-Year Project Total: \$130,000

In FY04, \$130,000 is requested to replace approximately 32,000 square feet of the ballasted membrane roof over the pool and support sections of the original 1987 James City County Community Center. Documented in the JC/WCC 2000 Maintenance Plan.

GENERAL SERVICES

New Building/Board Room and Video Center Equipment *[Ranking - High]*

FY03 Requested \$610,000

Proposed 5-Year Project Total: \$917,150

This CIP requests consists of two elements: Building J Board Room and the Video Center.

New Building/Board Room

The expansion of the Government Center includes plans for a new user-friendly Board Room for the Board of Supervisors, School Board, Planning Commission, as well as other official and community uses. The CIP request for the new board room includes new cameras, audio, presentation and playback equipment that will replace the current outdated video and audio equipment now over 11 years old. The request also supports citizen feedback received from a survey about the current boardroom and its facilities. That feedback suggests the public would like improvements made to presentations, sound, and TV broadcast quality. Other suggestions include improved visibility, seating capacity, and in-house sound reinforcement. This CIP request would also fund the capability to broadcast and receive audio/video signals from other County locations (HSC, library, satellite office). Two-way audio/video allows for distance meetings, training and accommodates overflow at important public hearings.

Video Center

The Community Video Center continues to follow an inventory and schedule for the replacement of all video and audio equipment for the Video Center and new Board Room equipment. This is based on a depreciation schedule set up for all the existing county equipment, donated City and school equipment, and public access equipment inherited from Continental Cable. Setting it up in the Capital Budget is appropriate to fund a replacement schedule that allows an annual carry forward of unspent funds.

The Policy Committee recommended moving this project from medium to high in anticipation of the completion of the new building/board room.

Human Services Center (HSC) Expansion *[Unranked project - no funds requested]*

FY03 Request: \$0

Proposed 5-Year Project Total: \$2,419,600

The Human Services Center (HSC) was constructed in 1985 to provide a central location for the County's human service functions. Today the building provides office space for approximately 80 employees, but for only four divisions: Community Services, Parks and Recreation Administration, Social Services, and Williamsburg Area Medical Assistance Corporation (WAMAC). According to a Facility Master Plan, HSC currently is overcrowded, and there is limited capacity to expand at the existing site. The parcel adjacent to the HSC, consisting of .894 acres is for sale. Funds requested are to purchase the site and to construct a 13,580 square foot building and related parking for Community Services, Extension, Housing and Community Development, Neighborhood Connections, Parks and Recreation Administration, and Transit Administration. Social Services and WAMAC would occupy the existing HSC. This proposal also would allow the County to terminate a lease for the facility that currently

GENERAL SERVICES, cont.

serves as office space for Neighborhood Connections and Housing and Community Development. The County currently pays \$2,153 per month in rent for that space.

Library HVAC Software Upgrade *[Unranked project - no funds requested]*

FY03 Request: \$0

Proposed 5-Year Project Total: \$100,000

Funding is requested in 2004 to upgrade the software for the James City County Library HVAC system.

Mobile Outreach Library *[Unranked project - no funds requested]*

FY03 Request: \$0

Proposed 5-Year Project Total: \$124,860

The WRL strategic plan identifies the need for a smaller auxiliary unit to provide outreach services to the community. Funding would provide for a bookmobile to serve as a primary unit for educational workshops and specialized services to childcare facilities, adult respite care, and assisted living facilities. James City County would jointly fund this project with the City of Williamsburg.

Purchase of Development Rights (PDR) *[Ranking - High]*

FY03 Request: \$1,000,000

Proposed 5-Year Project Total: \$5,000,000

Uniform and consistent funding is necessary to implement and establish the PDR program established by the Board of Supervisors on November 27, 2001. Future state and federal grants for PDR funding will be given only to localities with established programs. It is proposed starting in 2003, the CIP request will be only used for conservation easement purchases and any operating costs will be budgeted and expensed to a separate account. The Board of Supervisors has already approved \$1,000,000 in FY2002, so in FY2007 there will be a total of \$6,000,000 requested.

**Note: Development Management formerly administered this program. Since the program has been adopted, it is now called PDR and administered through Community Services.*

PARKS AND RECREATION

Aquatic Center *[Unranked project - no funds requested]*

FY03 Request: \$0

Proposed 5-Year Project Total: \$4,980,000

Competitive swim team utilization of James City/Williamsburg Community Center is adversely impacting the quality of service to members, the general public, and the operation of the center. Parks and Recreation cannot continue to increase the amount of time that is allocated to school and community swim teams for a pool not designed for competitive swim use.

District Park *[Ranking - Medium]*

FY03 Request: \$450,000

Proposed 5-Year Project Total: \$3,770,000

The District Park is located on the Hotwater Cole Property at Centerville and Longhill Road. The \$450,000 requested in FY2003 and \$500,000 requested in FY2004 is for the development of a ropes course, restroom facility and trail development due to public demand/need and response to the 1994 referendum.

District Park Sports Complex *[Ranking - Medium]*

FY03 Request: \$212,000

Proposed 5-Year Project Total: \$3,762,000

The District Park Sports Complex (DPSC) is located on the Warhill tract on Longhill Road. FY2003 funds are for approximately 160 parking spaces in the soccer area. The FY 2005 funds will create four soccer fields and additional parking. The FY 2006 funds will complete the softball complex. A revision of the DPSC Master Plan will need to be adopted prior to any future expansion of site.

****The Policy Committee recommended moving this project from high to medium due to the preferences indicated by Parks and Recreation.***

Greensprings Trail *[Ranking - High]*

FY03 Request: \$265,000

Proposed 5-Year Project Total: \$265,000

Funds are requested to complete the Greensprings Trail. Funds will install a parking lot and restroom facility at trailhead behind Jamestown High School. VDOT has provided partial design services for the connection of the parking lot to the proposed interpretive site on Jamestown Road. The site would also provide parking for the capital-to-capital bikeway.

PARKS AND RECREATION, cont.

Greenways and Trails *[Ranking - Medium]*

FY03 Request: \$250,000

Proposed 5-Year Project Total: \$2,250,000

Annual fund to acquire and develop greenways and open space. Funds are designated for the design/development and/or conservation of greenways and open space. Used to support state and federal grant funds for trail development and land acquisition. FY2003 requests \$250,000 and increases in FY2004-FY2007 to \$500,000 due to potential adoption and funding requirements necessary to implement the Master Greenway Plan.

****The Policy Committee recommended moving this project from high to medium due to the preferences indicated by Parks and Recreation.***

James City/Williamsburg Community Center *[Ranking - Medium]*

FY03 Request: \$183,500

Proposed 5-Year Project Total: \$703,500

To maintain an effective, enjoyable and comprehensive "community living room" funds requested in FY2003 are for the purchase of new and replacement of old fitness equipment, engineering related to the redesign of the entire site, and a lighting analysis of existing parking.

James River Community Center *[Ranking - Medium]*

FY03 Request: \$80,000

Proposed 5-Year Project Total: \$230,000

Funds are requested (\$80,000 in FY03 and \$150,000 in FY04) to purchase a portable climbing wall to be used throughout the community and provide funds for tile replacement, if not included in school project.

Mid-County Park *[Ranking - High]*

FY03 Request: \$332,500

Proposed 5-Year Project Total: \$382,000

The FY2003 funds are requested to replace the existing restroom/office building with a similar facility, including a small meeting/activity room for rental use. Also requested are funds for an ADA swing set, screening for a large baseball field and replacement of several basketball goals and backboards.

****The Policy Committee recommended moving this project from medium to high due to the preferences indicated by Parks and Recreation.***

PARKS AND RECREATION, cont.

Powhatan Creek *[Ranking - Low]*

FY03 Request: \$50,000

Proposed 5-Year Project Total: \$50,000

Funds are requested in FY2003 to pave the parking lot and improve the entrance area. The improvements will reduce maintenance costs and improve the appearance of the site.

School Site Improvements *[Ranking - Low]*

FY03 Request: \$500,000

Proposed 5-Year Project Total: \$500,000

Funding is requested to address the lack of lighted sports fields for youth football, soccer and baseball practices, and general community use at Stonehouse Elementary, Toano and Berkley Middle Schools. CIP Request noted that priority will be given to Parks & Recreation and co-sponsored athletic associations through written agreement with JCWCC school system.

****The Policy Committee recommended moving this project from high to low due to the preferences indicated by Parks and Recreation.***

Skate Park/Tower Site *[Unranked project - no funds requested]*

FY03 Request: \$0

Proposed 5-Year Project Total: \$695,000

Funds in 2004 are designated for the addition of approximately 120 parking spaces, lighting the existing skate park, and the construction of a restroom/concession/office building for that facility and site.

Upper County Park *[Unranked project - no funds requested]*

FY03 Request: \$0

Proposed 5-Year Project Total: \$245,000

Funding in FY2004 will create a new entrance area, fencing and renovate the existing restroom facility. FY2005 and FY2006 funds are requested to renovate the existing entrance building and replace the other restroom facility.

PUBLIC SAFETY

Ambulance *[Unranked project - no funds requested]*

FY03 Request: \$0

Proposed 5-Year Project Total: 125,000

Funds are requested to purchase an additional ambulance in 2006 in anticipation of the Jamestown 2007 celebration. This unit will also increase the reserve fleet allowing more than one unit to be out of service for repairs.

Ambulance Replacement *[Ranking - Low]*

FY03 Request: \$125,000

Proposed 5-Year Project Total: \$250,000

Funds are requested to replace existing ambulances with new ambulances at a rate of one per year over the next two years.

CAD Replacement *[Unranked project - no funds requested]*

FY03 Request: \$0

Proposed 5-Year Project Total: \$400,000

Funds are requested that will replace the present CAD system, which is fifteen years old. The current CAD system will not interface with GIS software used throughout the County, a priority issue in Phase II Wireless implementation.

Grove Fire Station 2 Replacement *[Ranking - High]*

FY03 Request: \$760,000

Proposed 5-Year Project Total: \$1,520,000

Funds are requested to replace the existing fire station in Grove in FY 2003/2004. The fire station would be constructed on the County property located next door to the existing fire station. The current fire station was built in 1976 as a temporary building and was originally scheduled to be a temporary building. The building received an addition in 1982 and has outlived its usefulness. The new building would utilize the same design as Fire Station 5. No new personnel would be assigned as a result of the new construction.

****The Policy Committee recommended moving this project from medium to high due to the poor condition of the current facility.***

Heavy Rescue Vehicle *[Unranked project - no funds requested]*

FY03 Request: \$0

Proposed 5-Year Project Total: \$400,000

Funds are requested to purchase a heavy rescue vehicle at Fire Station 3 in FY2006.

PUBLIC SAFETY, cont.

Mobile Data Terminals *[Ranking - Low]*

FY03 Request: \$589,000

Proposed 5-Year Project Total: \$1,645,000

Funds are requested to equip police vehicles with mobile data terminals. The use of MDT's in the police vehicles will streamline the current reporting process and, as a result, officers will use these timesavings for more important policing activities.

Station 4 Renovation *[Unranked project - no funds requested]*

FY03 Request: \$0

Proposed 5-Year Project Total: \$53,000

Funds are requested in FY2004 to renovate the 24-year old fire station. Renovations include brick veneer front, repair/replacement of doors/windows and overhead doors and construction a new A frame roof.

Stonehouse Fire Station *[Unranked project - no funds requested]*

FY03 Request: \$0

Proposed 5-Year Project Total: \$100,000

The Board of Supervisors has already approved \$1,311,000 to construct a 6th firehouse in Stonehouse. The Fire Department is delaying construction till 2007/2008 due to growth and fire/EMS experience in the Stonehouse area of the County. \$100,000 is requested in FY2007 for architecture and engineering.

SCHOOLS

Clara Byrd Baker Elementary *[Unranked project - no funds requested]*

FY03 Request: \$0

Proposed 5-Year Project Total: \$1,260,500

The last three principals agree that the unsafe parking conditions need to be remedied and the parking expanded to accommodate visitors, volunteers, and guests attending school-sponsored functions. Funds are also included for the replacement of the HVAC system in FY2006-07.

D. J. Montague Elementary *[Unranked project - no funds requested]*

FY03 Request: \$0

Proposed 5-Year Project Total: \$79,000

An estimate of \$35,000 for engineering fees is placed in FY05-06 and \$44,000 in FY06-07 to engineer the replacement of the HVAC system throughout the building. Construction/renovation is scheduled to begin in FY07-08.

James River Elementary *[Ranking - High]*

FY03 Request: \$413,500

Proposed 5-Year Project Total: \$448,500

James River is the fourth school scheduled for refurbishment (paint, tile, carpet) in the summer of 2002, including installation of lights. Funds in FY2006-07 are requested to begin the process of replacing the HVAC system throughout the building.

****The Policy Committee recommended moving this project from low to high due to the poor condition of the current facility.***

Norge Elementary *[Unranked project - no funds requested]*

FY03 Request: \$0

Proposed 5-Year Project Total: \$463,000

Norge is the next school after James River scheduled for refurbishment (paint, tile, carpet) in 2003-2004. Funds are included to expand the parking area by 65-80 spaces in FY04-05.

Matthew Whaley Elementary *[Ranking - Low]*

FY03 Request: \$93,500

Proposed 5-Year Project Total: \$386,300

Safety considerations require a request to re-brick and renovate the front entrance to the building during FY02-03. Other FY funding is requested to replace the existing attic insulation to help conserve energy, air-condition the gymnasium and replace classroom doors.

SCHOOLS, cont.

Rawls Byrd Elementary *[Unranked project - no funds requested]*

FY03 Request: \$0

Proposed 5-Year Project Total: \$0

The county has provided funds for the construction of a pitched roof during the FY01-02. No other projects have been identified which exceeds the county's \$50,000 threshold.

Stonehouse Elementary *[Unranked project - no funds requested]*

FY03 Request: \$0

Proposed 5-Year Project Total: \$224,500

Stonehouse was dedicated in September 2000. Funds for an additional 40 parking spaces are requested in 2003-2004 that were included in the original site plan for the school, but not constructed. Funds for a bus loop canopy are requested for FY 2004-2005.

Berkeley Middle *[Unranked project - no funds requested]*

FY03 Request: \$0

Proposed 5-Year Project Total: \$445,000

Berkeley renovation was substantially completed in September 2000. The three original student restrooms were not refurbished and are addressed as a capital item. Funding for the replacement of the auditorium lighting and sound system is requested in FY2004-2005. A 400-meter non-rubberized hard surface track is requested for physical education classes, fitness training, and student athletes in 2005-06. If a rubberized track is authorized, costs will increase significantly.

James Blair Middle *[Ranking –High]*

FY03 Request: \$460,000

Proposed 5-Year Project Total: \$840,500

Funding will provide for the renovation of student restrooms, front entrance, air-conditioning the gym, and a hard surface running track. The construction of maintenance catwalks in the gym is necessary for the safety of school HVAC personnel.

****The Policy Committee recommended moving this project from low to high due to the poor condition of the restrooms.***

Cooley Field *[Unranked project - no funds requested]*

FY03 Request: \$0

Proposed 5-Year Project Total: \$279,000

Cooley Field, for the first time, is presented as an individual site/facility and is not included as part of the James Blair Middle School site, as requested by the School Board members. The lighting system is a new request for FY04-05 and renovations/upgrades in FY06-07 are for a new scoreboard and sound system, additional parking, a concession stand and equipment shed, and the re-crowning and re-sod of the playing field.

SCHOOLS, cont.

Toano Middle *[Unranked project - no funds requested]*

FY03 Request: \$0

Proposed 5 Year Project Total: \$354,100

The school has had several problems with its current phone system and is seeking an upgrade in FY2003-2004. A request for a non-rubberized hard surface track is consistent with other middle school requests. A rubberized track will increase costs significantly. The sewage lift station needs to be upgraded for safety and health reasons and to ensure no loss of school time for students and staff. The bus loop canopy would protect students and staff from weather elements and help keep the new tile floor in better condition.

Jamestown High *[Ranking - Low]*

FY03 Request: \$184,500

Proposed 5-Year Project Total: \$686,500

Funding in FY03-04 is requested to add 100 student parking spaces and extend the soccer/field hockey field to accommodate competitive games. Maintenance catwalks are essential to allow our maintenance staff safe access to HVAC equipment in the auditorium and gym. Noise control is needed in the auditorium to avoid interference with school productions and other auditorium events. Funds would also be used for a new athletic storage shed. Installing lighting at three fields is a new proposal for FY06-07. If it remains in the Board's budget request, there might be an interest by the County and/or the City recreation departments in sharing the costs in return for field use.

Lafayette High *[Ranking - Medium]*

FY03 Request: \$261,800

Proposed 5-Year Project Total: \$812,800

FY02-03 funding is requested to install air conditioning in the schools gymnasiums. The gym floor and spectator stands are 28 years old and badly in need of replacement in FY03-04. The domestic hot water boiler was not replaced during Lafayette's renovation due to lack of funds, it is nearing the end of its useful life, and is scheduled for replacement in FY04-05. Funding in FY05-2006 will construct walkways and outdoor pavilions on Powhatan Creek that will enhance the schools field laboratory and biology programs.

****The Policy Committee recommended moving this project from low to medium in order to maximize usage of the gymnasiums during the summer.***

Operations Center *[Unranked project - no funds requested]*

FY03 Request: \$0

Proposed 5-Year Project Total: \$0

No projects have been identified which exceed the county's \$50,000 threshold.

SCHOOLS, cont.

Third High School *[Ranking - Low]*

FY03 Request: \$90,000

Proposed 5-Year Project Total: \$36,065,000

Request is for funds for pre-planning for a third high school. The above costs are rough estimates and will be solidified once programmatic and design details are finalized.

Athletic Complex *[Unranked project - no funds requested]*

FY03 Request: \$0

Proposed 5-Year Project Total: \$5,264,000

The School Board has identified the need to construct a multi-use athletic complex for out high school in FY05-06. This facility would provide a high quality competition-grade complex.

Multi-Purpose Building *[Unranked project - no funds requested]*

FY03 Request: \$0

Proposed 5-Year Project Total: \$3,535,000

A consolidated multiple use building is proposed in FY04-05 to house Student Services, Alternative Education, Adult Education, Purchasing and Storage. The Schools currently are renting space for all of these programs/areas except purchasing.

Operating Contribution Projects

Bikeways *[Ranking - High]*

FY03 Request: \$289,000

Proposed 5-Year Project Total: \$981,000

At its November 10, 1998 meeting, the Board of Supervisors adopted the Williamsburg, James City, and York Regional Bicycle Facilities Plan as an update to the plan previously adopted in 1993. The revised plan calls for the development of 127 miles of bikeways in James City County over the next 20 years. The 1998 plan carries forward most of the recommendations of the 1993 plan for bicycle facilities that are transportation-related. However, a major new focus of the 1998 plan is the integration of facilities that serve recreational purposes and a broader range of cyclists. Priority projects bikeways on Longhill Road, Ironbound Road/Sandy Bay Road, Ironbound Road/Longhill Connector Road and Centerville Road.

Economic Development *[Ranking – Medium]*

FY03 Request: \$510,000

Proposed 5-Year Project Total: \$2,885,000

One penny year equivalent to pay past incentives, enterprise zone payments and also used for smaller economic development investments. _

Housing and Development Fund *[Ranking - High]*

FY03 Request: \$200,000

Proposed 5-Year Project Total: \$600,000

Funding is requested for planning, property acquisition and site development expenses for the Ironbound Square Redevelopment Project. The Ironbound Square Residential Revitalization Project, which has received a commitment of \$1 million of Community Development Block Grant (CDBG) funds, is designed to improve housing conditions, eliminate blight and to preserve Ironbound Square as a viable single-family residential neighborhood. The project includes proposed redevelopment of several blocks fronting Ironbound Road. It is envisioned that the area will be resubdivided into approximately 64 lots for new and rehabilitated homes. The preliminary plan proposes new internal access roadways to eliminate curb cuts along a reconstructed and widened Ironbound Road. The Ironbound Square Residential Revitalization Project funding plan proposes Housing Development Fund financing for planning and engineering, property acquisition and site development expenses. Significant housing rehabilitation has been completed or initiated since the CDBG project began in February 2000. The remainder of funds is to be used for other housing development and blight abatement projects.

Neighborhood Parks *[Ranking - Medium]*

FY03 Request: \$50,000

Proposed 5-Year Project Total: \$50,000

Funds would upgrade Ironbound Square and Forest Glen Parks. Improvements would only be made if agreement is reached that the neighboring homeowners associations would assume ownership and maintenance of the property.

Operating Contribution Projects, cont.

Shell Building II *[Ranking - Medium]*

FY03 Request: \$550,000

Proposed 5-Year Project Total: \$3,040,000 with \$2,470,000 allocated from the sale of the first Shell Building.

Funds will provide for the design and construction of an 80,000 square foot industrial shell building located in the James River Enterprise Zone. When completed the building will provide a useful marketing tool for business recruitment, which enhances the county's tax base, diversifies the economy and offers enhanced job opportunities to citizens. Property contract to be recommended to IDA, January 2002, design completed late spring 2002, and construction to begin summer/fall 2002.

****Considering the proposed New Town commercial development, the Policy Committee recommended moving this project from high to medium to give priority to other projects.***

Underground Utilities Escrow Fund *[Ranking - Medium]*

FY03 Request: \$510,000

Proposed 5 Year Project Total: \$2,235,000

Funds are requested for escrow fund to relocate utilities. Four project areas were approved by the BOS along Route 5. Staff and Virginia Power are in design and contracting on those projects. To date, one additional project area on Jamestown Road has been identified, with other project areas to be established in the future.

VDOT Revenue Sharing Match *[Ranking - High]*

FY03 Request: \$250,000

Proposed 5-Year Project Total: \$2,500,000

These funds are used to match State revenue sharing funds to be used on eligible secondary or primary roads in the County. At its February 26, 2002 meeting the Board of Supervisors will review authorizing \$250,000 to the road match to be applied towards improvements along the 2007 Corridor from Route 199, down Route 31 and relocating Route 321 to the Colonial Parkway. **Note the FY03 requested amount reduction from the current fiscal year allocation of \$500,000.**

Water Quality Improvement *[Ranking - High]*

FY03 Request: \$180,000

Proposed 5 Year Operating Contribution Fund: \$180,000 escrow fund

Proposed 5 Year Total Project Cost: \$6,700,000

While there are multiple projects associate with Water Quality Improvement request such as the watershed management plans (baseline study of Powhatan Watershed), the following is the only part considered an operating contribution request:

- Ironbound Square Stormwater Pond: \$180,000 in local funds supporting the CDBG.



MEMORANDUM



Date: January 24, 2002

To: John McDonald, Manager of FMS
Sue Mellen, Director of Budget & Accounting

From: Bob Smith, Assistant Manager, JCSA *RHA*

Subject: FY03-07 Capital Improvements Program (CIP)

Please find enclosed a copy of the revised JCSA proposed FY03-07 CIP Summary and Priority Ranking. The revised submission is based on our discussion which resulted with the following projects being deleted from the CIP and will be included in the Operations & Maintenance Budget.

- Tank Coatings
- Master Water & Sewer Plan
- Inflow & Infiltration
- Right of Way Clearing
- Lift Station Grease/Grit Removal
- Gravity Sewer Survey
- Emergent Lateral Repairs
- Road Repair

In addition to the above adjustments a Debt Service Fund has been established to handle the projected financing of the Desalination Plant.

Should you have any questions please give me a call.

cc: Larry Foster, General Manager
Karen Drake, Planning

JCSA PROJECTS
FY 03-07 Capital Improvements Program Priority Ranking

High Priority Projects

Desalination Plant
Desalination Plant Loan - Principle Payback
Supervisory Control and Data Acquisition System (SCADA)
First Colony Waterline Replacement
LS 2-1 Jamestown Ferry & LS 2-2 Glasshouse Upgrade
Tewning Road Expansion
Altitude Valve - Eastern State Hospital
Water Supply Escrow

Medium Priority Projects

Transmission Main Improvements
Heavy Equipment
Water System Improvements
Sewer System Improvements
Waterline Replacement Escrow
Lift Station Control Upgrades
Lift Station Upgrades
Lift Station 6-8 (Toano) Force Main
Well Facility Upgrade
W-38 Kristiansand Well Upgrade
W-25 Stonehouse Improvements
Odor Control System
Water Storage Escrow
Lift Station Dry/Wet Well Rehabilitation
Hansen Maintenance Management System Upgrade
St. George Hundred Pressure Reducing Valve
LS 4-6 Discovery Lane & LS 1-9 Posie Circle Control Buildings
LS 1-5 Windsor Forest Upgrade
LS 5-4 Franks Truck Stop Control Building
LS 3-9 Indigo Dam Road Control Building
LS 6-3 Handy Grocery Force Main Replacement
Sewer Bridge Rehabilitation
School Lane Sewer Line Replacement
Pressure Reducing Valves
Kristiansand Sewer Extension

Low Priority Projects

Automatic Meter Reading System
Toano Water Main
Canterbury Hill Waterline
Norge Area Waterline Replacement
Kingswood Area Waterline Replacement
Contingency

CAPITAL IMPROVEMENTS PROGRAM RATING SYSTEM

This is the rating system which will be used by the Planning Division in ranking all CIP projects. CIP project funding requests will become part of the Five Year Capital Improvements based on their conformity with the strategies and policies of the Comprehensive Plan. This form is provided for your information only. Please do not attempt to rate your project request(s) using this form. The Policy committee will review this form and approve it or some variation thereof for use during consideration of funding requests.

<u>Rating Category</u>	<u>Points</u>
1. Implements Comprehensive Plan	
A. Implements specific strategy	20
B. Implements specific objective or goal	10
2. Project/Service Location	
A. Encourages development or service provision in appropriate areas as delineated by the Comprehensive Plan	10
B. Encourages development or service provision in inappropriate areas as delineated by the Comprehensive Plan.	-10
3. Service Needs	
A. Meets service needs which are totally unmet as suggested by the Comprehensive Plan (particularly the public facilities and service standards, if applicable).	10
B. Meets service needs which are inadequate as suggested by the Comprehensive Plan (particularly the public facilities and service standards, if applicable).	5
C. Commits the County to an entirely new service not addressed by the Comprehensive Plan or duplicates an existing community service.	-10
4. Project Timing/Urgency	
A. Cannot be reasonably postponed due to mandate or service/facility need.	10
B. Necessary within five years for anticipated needs.	5
C. Can be postponed for at least five years without detriment.	0
5. Project Funding	
A. Partially funded as part of previous fiscal year CIP.	10
B. Project will utilize Federal, State, Non-County, or Private sources or cost will be shared as part of a regional agreement.	5
C. Not previously funded and/or does not utilize any non-County funds.	0
6. Project Site Characteristics (if applicable)	
A. Utilizes an existing County-owned or controlled site or facility.	10
B. Preserves only potentially available and/or appropriate site or facility for the future.	5
7. Project Relationships	
A. Supports or improves existing facilities or services not addressed by the Comprehensive Plan (i.e., addressed by Tactical Plan, Master Water and Sewer Plan, Recreation Master Plan, etc.)	10
B. Contrary to County policy or negative impacts other programmed projects.	-10

POLICY COMMITTEE

MONDAY, FEBRUARY 4, 2002

Committee Members: Wilford Kale, Don Hunt, Joe McCleary, George Billups

Staff: Karen Drake, John McDonald, Sue Mellen

Karen Drake opened the meeting with the introduction of Sue Mellen, FMS Director of Budgeting and Accounting, who gave a brief explanation as to why there was a category separation in the projects. Sue noted that the first grouping would be including in the Capital Improvement Program (CIP) and, unlike previous years, the second grouping would now fall under Operating Contribution general category. The Policy Committee will rank all projects.

Karen Drake began with the review of new or important changes to the various department CIP requests. She requested that while reviewing each individual project, the committee decide what additional information they might wish to have for any one of the projects.

The following projects were discussed and the committee requested that additional information be brought to the next meeting for further explanation:

FIRE DEPARTMENT: New Stonehouse Fire Station; Grove Fire Station

PARKS AND RECREATION: Lighting analysis of the existing parking lot, replacement of restroom facilities at both Mid-County Park and Upper County Park.

SCHOOLS: James River Elementary, Matthew Whaley Elementary, Athletic Facilities.

There being no further business the Policy Committee adjourned at approximately 6:30 p.m.

POLICY COMMITTEE

MONDAY, FEBRUARY 12, 2002

Committee Members: Joe McCleary, George Billups

Staff: Karen Drake, John McDonald, Sue Mellen

Karen Drake began the meeting with the introduction of Chief Richard Miller who was there to explain the Public Safety CIP requests.

GROVE FIRE STATION

Richard Miller stated that the present Grove Fire Station was built in 1976 as a temporary building and added on in 1982. He said the building had outgrown its function and had become inefficient in its operation. He was requesting the funds to replace the existing fire station with one similar to the new Fire Station #5 on Monticello Road.

Joe McCleary said there was no doubt the fire station needed to be replaced and asked what priority Richard was requesting.

Richard Miller stated that there were some safety issues and would place it as a high priority.

George Billups asked if there were any plans or needs assessment for this project.

Richard Miller said he hoped that 2003 would begin the design and engineering process and by 2004 it would be under construction. He told the committee that Station #5 had a small meeting room, a room for officers who work in that zone, a space for a decontamination process, and major space improvement overall. He said those were improvements they were looking for at the Grove station.

George Billups asked if the population growth in the Grove area was the justification for requesting a larger fire station.

Richard Miller stated the growth was not in the population but due to the industrial growth that has occurred.

STONEHOUSE FIRE STATION

Richard Miller stated that due to the slow growth in the Stonehouse Development, there has been a lower call rate than anticipated. He suggested continuing this as a low priority in the CIP until the residential and industrial growth increases and the need becomes apparent.

George Billups asked if Stonehouse Development made any type of contribution for the fire station.

Richard Miller stated that Stonehouse Development has proffered a location site for the station.

RADIO SYSTEM

Richard Miller said the County was working jointly with York County on obtaining a consultant and having one tower site that would serve both counties. He said they were looking at three locations and presently the County had a tower but did not know if York County could effectively co-locate at that site.

George Billups asked if the towers would be under 199'.

Richard Miller said a tower for a Trunk Radio System could be up to 300'. He stated that towers under 199' would require more tower sites which would dramatically increase the cost.

SCHOOLS

Joe Grebb reviewed the high priority projects.

James River - carpet, tile, and painting

James Blair - renovate student restrooms

Third High School - preliminary cost for an Architect and Engineer

Lafayette - install air conditioning in gymnasium and auxiliary room

Joe Grebb said that beyond the above high priorities, there were no other safety issues.

MATTHEW WHALEY

Joe Grebb said the front entrance area could be patched until a later time when the entire front could be done.

Joe McCleary asked Joe Grebb to give prioritize the school needs..

Joe Grebb stated the high priorities were James River, James Blair, Matthew Whaley, and Lafayette.

George Billups asked how frequently the auxiliary gymnasium was used.

Joe Grebb said that during the summer it was not used very but anticipated that with the addition of air conditioning its use would increase.

George Billups asked if the student restrooms were being expanded would it decrease the size of adjacent rooms.

Joe Grebb said that the restrooms would be gutted rather than enlarged.

Joe McCleary said that during last year's CIP review, Dr. Martin appeared to be walking away from the idea of a third high school. He asked what was the School Boards position on a third high school.

Joe Grebb stated the School Board discussed a third high school rather than a combined facility and said the new school should be similar to Jamestown High in size (1,200 student capacity) with the addition of an additional 20,000 feet for storage.

George Billups asked if there was a location site for the school.

Joe Grebb said they were looking at several sites and will be checking sites with County staff on February 13, 2002. He said the Board is looking at centrally located site for the athletic facility that would accommodate all three schools.

George Billups asked if Stonehouse Development proffered any land for the school.

Joe Grebb stated that the land given for the site was not applicable.

PARKS AND RECREATION

One concern of committee at the last meeting was Mid-County Park and John Carnifax informed them that as of December, 2001, the restrooms were heated, are now opened and the portable restrooms were removed. He also said the the building located in that park had termite problems for some time and needed to be replaced.

John Carnifax said they want to upgrade and maintain the existing failities for saftey purposes and make improvements to meet the needs of the citizens, namely restroom facilities for the new Skate Park.. He stated that the Green Ways Trail Master Plan to maintain and develop trails was a high priority for citizens and that the James River Community Center was in need up upgrading in line with the school.

Joe McCleary asked John what the priorities were for Parks and Recreation.

John Carnifax list the order of priorities as Mid-County Park, JCW Community Center, James River Community Center, Powhatan Creek and the Skate Park.

The presentations concluded and Karen Drake asked the committee if they had any comments or corrections to the minutes of the February 4, 2002 meeting.

Karen Drake listed the properties that have been purchased by the County to preserve green space and said there was a standing committee that develops a list of the top 10 properties that the Board of Supervisors considers in closed session.

There being no further business, the meeting was adjourned at approximately 5 p.m.

POLICY COMMITTEE

MONDAY, FEBRUARY 20, 2002

Committee Members: Wilford Kale, Joe McCleary, George Billups

Staff: Karen Drake, Matt Arcieri, John McDonald, Sue Mellen

Wilford Kale requested that Karen Drake review for the committee the process which determined the rankings that were before them.

Karen Drake stated there was a copy of the Capital Improvements Program Rating System attached to the rankings. She said that each individual project was reviewed using the rating system and final points accumulated. Once completed, all projects are ranked in three categories based upon accumulated points: 50 or less falls into the low ranking, 55-65 falls into the medium ranking, and 70 and over falls into the high ranking. She noted that the rankings were listed in alphabetical order.

Wilford Kale suggested that Building J Board Room/Video Center be placed in the high priority ranking.

Joe McCleary questioned the Shell Building II as high priority since there was commercial development proposed at New Town and suggested changing it to a medium priority. He suggested changing the District Sports Park, and Greenways and Trails to a medium priority and Mid-County Park and Grove Fire Station to a high priority. School site improvements moved from high to low due to Parks and Recreation preferences.

George Billups agreed on putting the Grove Fire Station to a high priority but felt that there was not a pressing need for high priority for Mid-County Park since the restroom facilities were improved and opened and the portable facilities were taken away.

John McDonald stated that the proceeds from the sale of the first Shell Building was approximately 2.5 million dollars and that no new dollars would be needed for Shell Building II which was proposed for the James River Commerce Park.

Wilford Kale agreed that the Shell Building II and the District Sports Park should be a medium priority.

Karen Drake stated that a Greenways Master Plan was adopted in the 1997 Comprehensive Plan and a committee has been working on developing a plan. She stated that the Greenways Master Plan would be presented to the Commission possibly in April.

Wilford Kale raised some issues regarding the request for a third high school and felt that the committee should seriously consider a paragraph in its report to the Commission urging the School Board and Board of Supervisors to reexamine the possibility of expanding the existing Jamestown

High School to allow for projected the increase of students.

Joe McCleary felt uncomfortable doing that and suggested if there was discussion during the Commission meeting regarding the third high school, the Commission could vote on a decision to report those concerns.

John McDonald noted that the 1997 Comprehensive Plan suggests the minimal number of students and lot size when considering a school.

The meeting continued with the committee reviewing the agreed upon priorities.

Karen Drake stated she would be preparing a memorandum with the list of changes for the Planning Commissioners packets for the March 4, 2002, Planning Commission meeting.

Wilford Kale requested that the minutes of the three Policy Committee meetings also be attached to the staff report.

There being no further business the meeting adjourned at approximately 4:50 p.m.

Special Use Permit 3-02

Truswood Water Line Extension

Staff Report for the March 4, 2002, Planning Commission Public Hearing

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

PUBLIC HEARINGS

Planning Commission:

Building C Board Room; County Government Complex

March 4, 2002 7:00 p.m.

Board of Supervisors:

April 9, 2002 (Tentative) 7:00 p.m.

SUMMARY FACTS

Applicants:

Mr. Kevin J. Rhind of Truswood, Inc.

Mr. Mark Rinaldi of LandMark Design Group

Land Owners:

James City County Industrial Development Authority

Williamsburg Developments, Inc.

BASF Corporation

Truswood Properties, LLC

Commonwealth Gas Pipeline Corporation

Proposed Use:

Water line extension (16-inch diameter pipe; approx. 5,500 linear feet).

Location:

The water line would extend from Endeavor Drive, which is located within the James River Commerce Center, across BASF property to the Truswood site.

Tax Maps/Parcels:

(59-4)(1-1); (1-3); (1-4); (1-5A)

(59-2)(1-17); (1-45)

Primary Service Area:

Inside

Existing Zoning:

The James River Commerce Center is zoned M-1, Limited Business/Industrial. The BASF and Truswood properties are zoned M-2, General Industrial.

Comprehensive Plan:

On the Land Use Map, the James River Commerce Center is designated for Mixed Use while the BASF and Truswood properties are designated for General Industry.

Surrounding Zoning:

The proposed water line extension would be located entirely within the existing James River Commerce Center, BASF, and Truswood sites. The water line extension would not serve any other surrounding property.

Staff Contact:

Paul D. Holt, III

Phone: 253-6685

STAFF RECOMMENDATION

Staff finds that this proposal, with the attached conditions, would not impact surrounding

development and is consistent with the Comprehensive Plan. Therefore, staff recommends approval of the application.

Description of the Project

Mr. Kevin Rhind of Truswood and Mr. Mark Rinaldi of LandMark have applied on behalf of the James City County Industrial Development Authority, Williamsburg Developments, Inc., Commonwealth Gas Pipeline, BASF, Corp., and Truswood Properties, LLC., for a special use permit (SUP) to allow for the construction of a 16-inch water line between the James River Commerce Center and the Truswood property, which is located at the BASF site in Grove.

Water facilities (public or private), including, but not limited to, pumping stations, storage facilities, and transmission mains are specially permitted uses on property zoned M-1 and M-2.

Truswood recently purchased two lots within the BASF site. The BASF property is a 649 acre parcel located off Route 60 in Grove. Most of the property fronts on the James River and has limited occupancy by a few tenants. Truswood intends on speculatively developing the two parcels purchased. One lot is 16 acres in size and the other is 3.2 acres in size and were formerly owned by Virginia Common Textiles, LLC. Both properties have existing building and parking lot infrastructure and are served with a small private water and sewer line, which have been generally adequate for restroom and potable water needs. However, the existing water and sewer lines are not large enough for any new industrial user which may require process water or an automatic fire suppression system (e.g., sprinklers).

The largest, closest existing water main in which to tap into is the 16-inch water line located within the right of way of Endeavor Drive, the road leading into the James River Commerce Center. Should the SUP be approved, Truswood would extend the water main from Endeavor Drive to their two properties on the BASF site. The exact location of the water line has yet to be engineered, but the general location is shown on the enclosed Master Plan. The water line would be located entirely within the applicants' property.

Truswood will not actually need the amount of water that is delivered by a 16-inch water line. Therefore, should the SUP be approved, the new water line would have excess capacity to serve the remaining property within the James River Commerce Center, including the site for the second shell building which would be constructed by the Industrial Development Authority (IDA), and some or all of the remaining BASF property. The incremental costs of installing the larger size pipe is relatively small given the total project costs, with the benefits going to the undeveloped land.

The Commission should note that the water supplied to this pipeline extension will come from Newport News Water Works, and not the James City County well supply.

Surrounding Zoning and Development

As mentioned, the proposed water line would be contained within the James River Commerce Center (JRCC), BASF and Truswood properties. The JRCC is zoned M-1, Limited Business/Industrial, with proffers. Primary uses expected to develop in the park include light industrial and warehouse facilities, with research and development centers and general office as

secondary uses. The park is approved for up to 1,056,000 square feet of development among five development pods totaling 219.24 acres, including approximately 57 acres of open space and environmentally sensitive areas.

Staff is proposing conditions designed to mitigate potential impacts to environmentally and historically sensitive areas. No above ground construction is proposed. With the proposed conditions, staff believes the water line extension will not negatively impact any adjacent property.

Comprehensive Plan

The James River Commerce Center is designated for Mixed Use while the BASF and Truswood properties are designated for General Industry on the Comprehensive Plan Land Use Map. These sites are also located within the Enterprise Zone. The purpose of the Enterprise Zone is to create an improved climate for private sector investment, development and expansion, thereby improving the overall physical and social conditions within the Zone.

Several relevant strategies and objectives from the Comprehensive Plans Economics Element include:

- S “Continue efforts to enhance the County’s economic environment by ensuring that a sufficient amount of properly planned or zoned land and infrastructure exist, or can be provided, and that public actions support and promote desirable commercial and industrial development.”
- S “Encourage public/private partnerships to ensure the development of quality industrial parks... .”
- S “Utilize the James City Service Authority (JCSA) and Newport News Water Works to promote desirable economic growth through the provision of water and sewer infrastructure consistent with the Comprehensive Plan policies and the regulations governing utility service.”

Staff finds the water line extension will provide a needed utility to support investment, development, redevelopment and expansion within the JRCC, Truswood and BASF sites. Staff finds the utility supports the other objectives listed above as well, and will provide added infrastructure to the second shell building. Staff therefore finds the proposal consistent with the Comprehensive Plan.

James River Commerce Center is presently developing as an industrial park. The Truswood properties are re-developing and BASF should redevelop in the future. Installation of a water line of this size should aid that process. All three properties lie within the James River Enterprise Zone.

Recommendation

Staff finds that this proposal, with the attached conditions, would not impact surrounding development and is consistent with the Comprehensive Plan. Therefore, staff recommends approval of the application.

Paul D. Holt, III

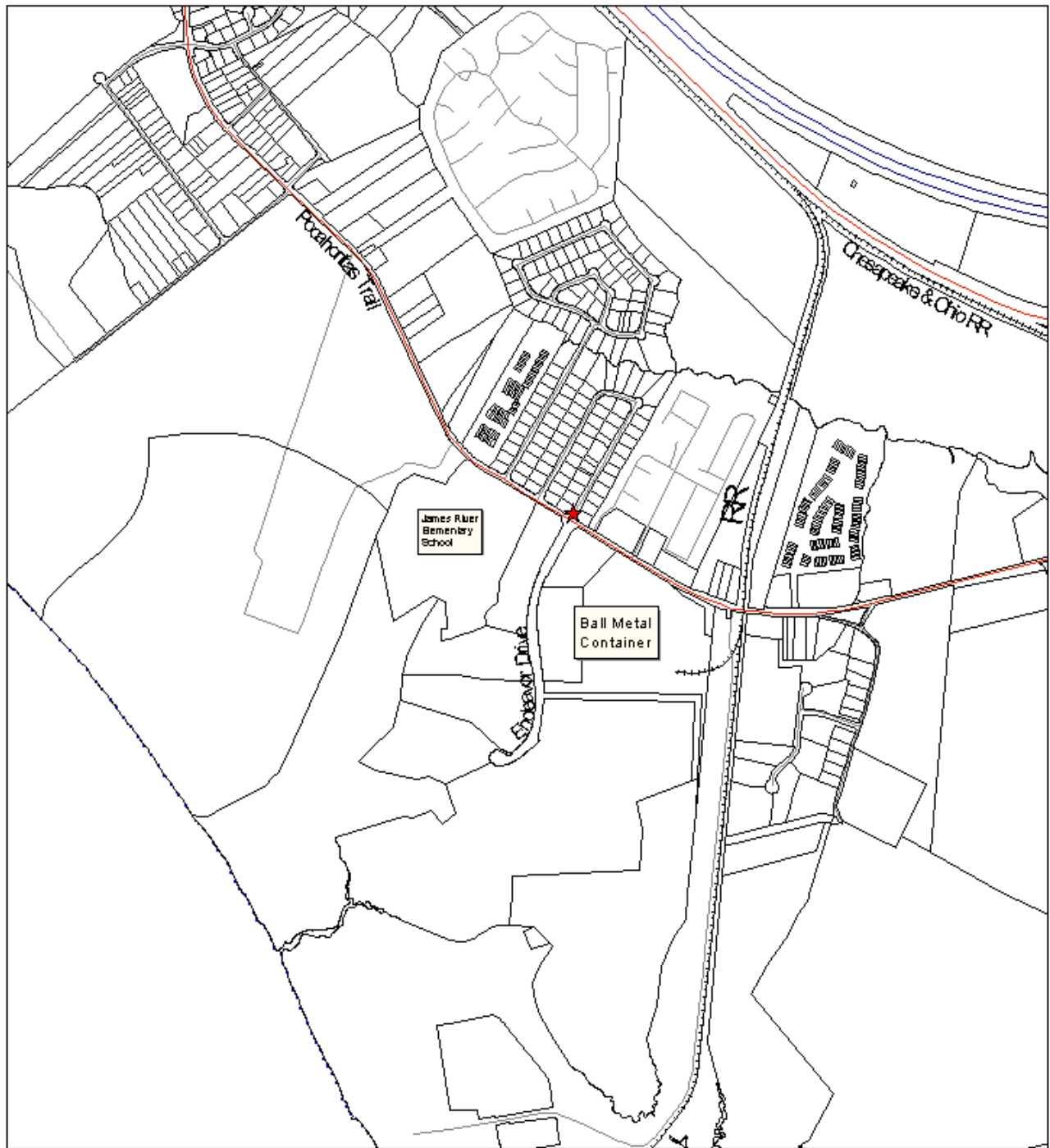
attachments:

1. Location map
2. Proposed SUP conditions
3. Master Plan (separate)

Proposed SUP Conditions
for
SUP-3-02. Truswood Properties Waterline Extension

1. Archaeological studies shall be performed in accordance with the James City County Archaeological Policy for all land disturbed within the "Proposed 16" water transmission main extension corridor," as identified on the Master Plan entitled "Conceptual Corridor Alignment - 16" water transmission main extension," prepared by LandMark Design Group and dated February 5, 2002.
2. Natural resource studies shall be performed in accordance with the James City County Natural Resource Policy for all land disturbed within the "Proposed 16" water transmission main extension corridor," as identified on the Master Plan entitled "Conceptual Corridor Alignment - 16" water transmission main extension," prepared by LandMark Design Group and dated February 5, 2002.
3. The location of any Resource Protection Area (RPA), RPA buffer, steep slope (i.e., slopes greater than 25% in grade) and/or wetland shall be identified by the developer and shall be indicated on any site plan or development plan which is submitted to James City County for approval. The identification must be approved by the James City County Environmental Division prior to the issuance of preliminary site plan approval.
4. For all portions of the construction easement that have been cleared, but that do not need to remain clear after construction, as determined by the Planning Director, tree seedlings shall be planted in accordance with the Virginia Department of Forestry guidelines and shall be shown on a reforestation plan to be approved by the Director of Planning. This reforestation plan shall be submitted within one year of clearing the easement. The reforestation of this easement shall be completed, as determined by the Director of Planning, within two years of clearing the easement. It shall be the responsibility of the developer to provide surety prior to final site plan approval for the pipeline construction guaranteeing implementation of the reforestation plan and to secure the necessary means to plant on the construction easement after the easement reverts back to the property owner.
5. The final location of the pipeline shall be approved by the Director of Planning. However, the final location of the pipeline and all construction related activity shall avoid previously undisturbed areas of the RPA and the RPA buffer. Should the pipeline alignment need to cross a previously undisturbed RPA or previously undisturbed RPA buffer, the pipeline shall be bored underground to avoid any above ground disturbance. Previously uncleared portions of the RPA and RPA buffer shall remain generally undisturbed, except as determined by the Environmental Director.
6. Any crossing of the BASF sanitary sewer line and/or pump station, shall be reviewed and approved by the James City Service Authority.
7. Prior to the issuance of preliminary site plan approval, an agreement and plan, including implementation time lines, must be reviewed and approved by the James City Service Authority on how the two Truswood properties, Tax Map ID: (59-4)(1-4) and (59-4)(1-5A), will be served with public sewer.

8. The project shall comply with all Virginia erosion and sediment control regulations as specified in the 1992 Virginia Erosion and Sediment Control Handbook, as amended.
9. All required permits and easements, including necessary approvals from the Newport News Water Works, shall be obtained prior to the start of construction, as defined in the James City County Zoning Ordinance.
10. Construction, operation and maintenance shall comply with all local, state, and Federal requirements, including all Newport News Water Works requirements.
11. A Land Disturbing Permit shall be obtained by the developer within 24 months of the date of this SUP or the permit shall be void.
12. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.



Case No. SUP-3-02
Truswood Properties Water Line Extension

500 0 500 1000 Feet

Attachment 1



Special Use Permit 1-02. VoiceStream Wireless Extension

Staff Report for March 4, 2002, Planning Commission Public Hearing

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

PUBLIC HEARINGS

County Government Complex

Planning Commission: March 4, 2002 - 7:00 p.m. Building C Board Room
Board of Supervisors: April 9, 2002 - 7:00 p.m. Building C Board Room (Tentative)

SUMMARY FACTS

Applicant: Ms. Ambre Blatter

Land Owner: Jonathan C. Kinney, Trustee

Proposed Use: 20' extension of existing 190' tower-mounted wireless communications facility

Location: 10039 Old Stage Road; Stonehouse District

Tax Map/Parcel: (4-1)(1-10)

Primary Service Area: Outside

Parcel Size: 196 acres

Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Surrounding Zoning: North, South, East, West: A-1, General Agricultural

Staff Contact: Jill E. Schmidle Phone: 253-6685

STAFF RECOMMENDATION

Staff finds the proposed addition consistent with the surrounding zoning and development and consistent with the Comprehensive Plan. Staff recommends the Planning Commission recommend approval of this proposal with the conditions listed in the staff report.

Description of Project

Ms. Ambre Blatter of VoiceStream Wireless has applied on behalf of Jonathan C. Kinney for a special use permit to extend an existing 190-foot telecommunications tower twenty feet, for an overall height of 210 feet plus radio equipment cabinets. The purpose of the extension is to allow co-location on the existing Alltel tower. Communications towers over 35 feet require a special use permit in the A-1, General Agricultural District. On June 10, 1997, the Board of Supervisors approved Case No. SUP-12-97, which permitted a 190-foot telecommunications tower on this site. An extension of the existing tower also requires a special use permit.

Existing Conditions

The existing tower is located on a 100' x 100' compound at the western end of a large, timbered parcel of approximately 196 acres. The property is located between Old Stage Road and Interstate 64. The tower location is approximately 3,400 feet west of the nearest residences on Route 30, Old Stage Road, including King's Village subdivision. The tower is located approximately 3,500 feet west of Old Stage Road and approximately 3,500 feet north of the closest home site in the Racefield subdivision. The site is approximately 800 feet northeast of the westbound lanes of Interstate 64. The parcel has approximately 4,000 feet of frontage on I-64 and 300 feet of frontage on Old Stage Road. The topography of the parcel is rolling with ravines and flatter areas. The tower is located on a relatively flat area within a depression. A band of mature pines and hardwoods, approximately 150 feet deep, has been retained along the parcel's I-64 frontage.

Surrounding Zoning and Development

The property is zoned A-1, General Agricultural District and is surrounded by A-1 property. There are five parcels north of the site that total 252 acres, which belong to the Barnes Swamp Agricultural and Forestal District and are wooded and predominantly undeveloped. There are several parcels between the property and Old Stage Road that are zoned A-1 and contain single-family residences on large lots. Across Old Stage Road is the King's Village subdivision, zoned A-1. Interstate 64 is located to the west of the property. Across I-64 are several large parcels zoned A-1.

Staff finds the proposed use is compatible with the surrounding zoning and development. The site's relatively remote location places it at least two-thirds of a mile away from the closest residences, and the balloon test revealed minimal visibility from most areas. Visibility is discussed in greater detail in a later section.

Access

Access to the site is from Old Stage Road through an existing dirt and gravel logging road which is locked when not in use. The length of the road is approximately 4,000 feet. The use does not generate a significant amount of additional traffic, and staff does not anticipate an extension would generate significant additional traffic.

Comprehensive Plan

The property is designated Rural Lands by the 1997 Comprehensive Plan. Rural Lands are properties containing farms, forest and scattered houses, and are exclusively outside the Primary Service Area. Appropriate primary uses include agricultural and forestal activities, together with certain recreational and public or semipublic and institutional uses which may require a spacious site and which are compatible with the natural and rural surroundings.

General Land Use Development Standards suggest siting nonagricultural and nonforestal uses in areas designated away from agricultural/forestal uses, away from open farm fields, and away from important agricultural/forestal soils and resources. Due to the small size of the tower site, staff finds that this use does not interfere with surrounding forestal activity. Because of its distance from public roads and existing development, staff finds an extension of this tower would not significantly impact the rural character of the area. In addition, the tower has minimal impact on the site's forestry use.

Visual Analysis of the Proposal

To simulate the proposed height of the tower extension, the applicant conducted a publicly advertised balloon test on February 21, 2002. A balloon was raised and staff drove on nearby streets to gauge visual impacts.

Balloon Test Results

The balloon test revealed the existing structure and proposed extension has minimal to no visibility on adjacent roadways and surrounding properties. Pictures taken during the test and a location map are attached.

Approximately 1 mile from the tower traveling westbound on I-64, the tower and balloon are visible for a distance less than .1 of a mile, due to higher topography at that location. The tower is not visible from any other section of I-64 west as a result of the wooded buffers along the property. Traveling east bound on I-64, the balloon is not visible.

On Racefield Drive, approaching the intersection of Stewarts Road, at a point approximately 1 mile from the tower, the balloon is visible at the treeline. The balloon is not visible from any other portion of Racefield Drive.

At Barnes Swamp on Stewarts Drive at the New Kent County line, the balloon is visible above the treeline.

The balloon was not visible along Old Stage Road. At the Dzula Farm on Old Stage at the New Kent County line, the balloon is visible from portions of the property, approximately 600 feet from Old Stage Road. At this location, the balloon is visible through the treeline, at a distance of approximately 3/4 of a mile from the tower location. The property owner did not express any reservations with the existing tower or the proposed extension.

Federal Aviation Administration (FAA) requirements

Per Federal requirements, all structures greater than 200 feet above ground level (AGL) must be marked and/or lighted. Owners/developers of all structures greater than 200' AGL are required to provide notice to the FAA, which will then conduct an aeronautical study for the specific project.

Structure marking may consist of alternating bands of orange and white paint (for daytime visibility) and red obstruction lights (for night visibility). As an alternative to this combination, the FAA may allow a dual lighting system featuring red lighting at night and medium intensity white strobe lighting during the day. Because the extension exceeds 200 feet, a marking system would be required by the FAA. Staff prefers a red beacon light or lights of low-medium intensity rather than a white strobe light.

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

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

Section 24-124 of the Zoning Ordinance states that "in considering an application for a special use permit for a Wireless Communications Facility, the planning director shall prepare a report identifying the extent to which the application takes into account the "Performance Standards for Wireless Communication Facilities," dated May 26, 1998, and endorsed by the Board of Supervisors. In general, it is expected that all facilities shall substantially meet the provisions of the above performance standards."

As noted in the performance criteria, in order to maintain the integrity of James City County's significant historic, natural, rural and scenic resources, to preserve its existing aesthetic quality and its landscape, to maintain its quality of life and to protect its health, safety, general welfare, and property values, tower mounted wireless communications facilities (WCFs) should be located and designed in a manner that minimizes their impacts to the maximum extent possible and minimizes their presence in areas where they would depart from existing and future patterns of development. To implement these goals, the Planning Commission and the Board of Supervisors have adopted the Performance Standards for use in evaluating special use permit applications. While all of the standards support these goals, some may be more critical to the County's ability to achieve these goals on a case by case basis. Therefore, some standards may be weighed more heavily in any recommendation or decision on a special use permit, and cases that meet a majority of the standards may or may not be recommended for approval.

The standards generally address the need to explore any other co-location alternatives prior to proposing a new tower facility, locating and designing the tower to be consistent with existing and future surrounding development and the Comprehensive Plan, minimizing the visibility of a new tower and appropriately buffering the new tower from adjacent views.

Staff comment on the application with respect to the Performance Standards is below:

A. Co-Location and Alternatives Analysis

These standards encourage co-location. Since this extension is a co-location on an existing tower, and eliminates the need for constructing a new tower, staff finds that this application meets the co-location and alternatives analysis standards.

Condition Nos. 6 and 13 of the existing special use permit outline requirements for co-location including good faith negotiations to allow the County to install public communications equipment.

Where new towers are permitted and approved, these standards allow for maximum co-location opportunities possible, thereby minimizing the number of new sites within the County as a whole.

Standard A4 will be met through proposed SUP conditions.

B. Location and Design

Performance standard B1 states that towers and tower sites should be consistent with existing and future surrounding development and the Comprehensive Plan. More specifically, 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 finds that while the proposed extension will be partially visible in a few select locations, the impact on the viewshed will be minimal. In addition, staff finds that the co-location opportunity should be advocated rather than encourage a new tower in another location.

As discussed in the sections on surrounding development and zoning and the Comprehensive Plan, staff finds the application meets this performance standard.

Performance standard B2 states that new towers should have minimal intrusion on residential areas and on scenic resource corridors. Since such a small portion of the tower (less than 25% of the tower) will be visible and in very limited locations, staff finds that the extension will have minimum intrusion on residential areas, historic and scenic resource areas or roads, or scenic resource corridors.

For areas designated rural lands on the Comprehensive Plan that are within 1500 feet of the tower, the extension has little to no visibility. For rural lands that are more than 1500 feet from the tower, no more than the upper 25% of the tower should be visible. In the cases noted previously (I-64, Dzula Farm, Racefield Drive, Barnes Swamp), less than the upper 25% of the tower will be visible.

For the most part, the tower is not visible above the treeline, and the surrounding area contains enough tree cover to screen the tower's visibility.

Performance standard B3 does not apply.

Performance standard B4 states that towers should be less than 200 feet to avoid lighting. This application does not meet this standard.

Performance standard B5 states that towers should be freestanding and not supported with guy wires. Staff finds the application meets this standard.

C. Buffering

The performance standards state that towers should be placed on a site in a manner that maximizes buffering from existing trees, including a recommended 100-foot wide wooded buffer of existing mature trees around the base of the tower, and that the access drive should be designed in a manner that provides no off-site view of the tower base or related facilities.

Staff finds the application exceeds this performance standard. As noted above, the tower site takes maximum advantage of existing trees and vegetation to screen as much of the entire facility as possible from view from adjacent properties and public roads. The access drive is approximately .7 of a mile in length and does not provide a view of the tower base or related facilities.

Surrounding areas are primarily rural in character. Staff finds that the proposed extension is compatible with the existing conditions, and accommodates a service need in this area of the county without adding a new tower.

Recommendation

Staff finds the proposed tower consistent and compatible with existing surrounding structures and zoning. Staff also finds that the application is consistent with the Comprehensive Plan and generally meets the County's performance standards for Wireless Communications Facilities by encouraging co-location and avoiding placement of a new tower. In consideration of these factors, staff recommends approval of the application with the following conditions:

1. All towers shall be designed and constructed for at least three (3) users and shall be certified to that effect by an engineering report prior to final site plan approval.
2. The tower shall meet or exceed the structural requirements as set out in the most current version of "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures," published by the Electronic Industries Association. A report certifying that these structural requirements will be met shall be submitted prior to preliminary site plan approval.
3. A statement from a registered engineer that NIER (nonionizing electromagnetic radiation) emitted from any equipment on or service the facility does not result in a ground level exposure at any point outside such facility which exceeds the lowest applicable exposure standards established by any regulatory agency of the U.S. Government or the American National Standards Institute shall be submitted prior to preliminary site plan approval.
4. Following construction of the facility, certification by the manufacturer or an engineering report by a Virginia-registered structural engineer, shall be filed by the applicant indicating the tower height, design, structure, installation and total anticipated capacity of the structure, including number and type of antennas which could be accommodated, and demonstrating to the satisfaction of the building official that all structural requirements and other safety considerations set forth in the BOCA Basic Building Code and Section 222(D) of the standards adopted by the Electronics Industries Association, or any amendment thereof, have been met.
5. The applicant shall allow other users to locate on the tower and site and shall provide the County, upon request, verifiable evidence of having made good faith efforts to allow such locations. To this end, the applicant agrees to execute a letter of intent prior to final site plan approval stating that the applicant will make every reasonable effort to accommodate all future requests to share space and that the applicant will negotiate in good faith with any party requesting space on the tower or site.

6. Maximum height of all towers shall not exceed 210 feet, plus radio antenna equipment.
7. The tower shall have a finish that is grey in color. Lighting, beacons and other similar devices shall be prohibited unless required by the FCC or FAA. When required by the FCC or FAA, a red beacon light or lights of low-medium intensity shall be used rather than a white strobe light. Should the regulations and requirements of this subsection conflict with any regulation or requirement by the FCC or FAA, then the regulations of the FCC and FAA shall govern. At the time of site plan review, a copy of the FAA and/or FCC findings shall be made available to the County.
8. No advertising material or signs shall be placed on the tower.
9. Prior to installation of equipment other than that of the applicant's, an intermodulation study, prepared by a licensed engineer, shall be submitted to, and approved by the Planning Director or his designee, indicating that no interference with County-operated emergency communications equipment will take place.
10. If the use of the tower, or portions of the tower above the level of the uppermost equipment ceases, and the tower or said portion remains unused as a wireless communications facility or unused as a facility that supports public safety antenna for a period of six (6) months, the tower or unused portion and associated and unused accessories shall be removed from the property by its owners. The applicant shall post a surety, performance bond, or cash equivalent in an amount sufficient to guarantee removal of any unused facility or part thereof prior to final site plan approval.
11. Prior to final site plan approval and prior to leasing space on the tower to additional users, the applicant shall offer a lease option and negotiate in good faith with the County to install public communications equipment on the tower. Evidence of good faith negotiations shall include, but not be limited to, documented and executed lease agreements for similar agreements for public use on a privately owned tower. The County shall, within a reasonable time period, make a final determination regarding its desire to locate on the tower and shall notify the applicant of its intentions.
12. A permanent Certificate of Occupancy shall be obtained within one (1) year of approval of this Special User permit, or the permit shall become void.
13. The tower shall be freestanding and shall not use guylines for support.
14. Any supporting structures, such as equipment sheds and huts, shall be of a similar design and material and/or color to that generally used on a single-family residence and shall be approved by the Director of Planning. A gable or shed roof shall be used on all equipment sheds and huts as determined by the Director of Planning prior to final site plan approval.
15. There shall be a future lease area to accommodate one additional tower and supporting equipment as generally depicted on the site plan prepared by the Timmons Group titled "360° communications - Norge Site," dated March 24, 1997 and site plan prepared by GEM Engineering Company titled "VoiceStream Wireless - ATC/Norge," dated January 15, 2002. Such lease area shall remain free of all strictures until such time a second tower is constructed and the additional tower shall be subject to an administrative approval only.

Said tower shall meet all requirements of this special use permit.

16. The fencing used to enclose the lease area shall be vinyl-coated and shall be dark green or black in color and shall be reviewed and approved by the Director of Planning prior to final site plan approval.
17. Existing trees in the ravines of the parcel and along the parcels Interstate 64 frontage shall be retained for screening purposes and shall not be timbered while a tower or towers remain on the property. These areas are identified as Areas 1 and 3 on the map entitled "HDWD MGMT AREA," prepared by Chesapeake Forest Products, dated February 1970.
18. This special use permit is not severable. Invalidity of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Jill E. Schmidle

Attachments:

1. Location map
2. Preliminary site plan (separate)
3. JCC Performance Standards for Wireless Communications Facilities, dated May 26, 1998
4. Approved conditions for Case No. SUP-12-97
5. Photos taken at the publicly advertised balloon test
6. Photo location map

PERFORMANCE STANDARDS FOR WIRELESS COMMUNICATIONS FACILITIES
MAY 26, 1998

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

A. Collocation and Alternatives Analysis

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

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

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

B. Location and Design

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

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

Proposed Location of Tower

Impact Criteria

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

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

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

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

Same criteria as above

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

Same criteria as above

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

Same criteria as above

Notes for the above table:

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

C. Buffering

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

RESOLUTION

CASE NO. SUP-12-97. VIRGINIA METRONET/360° COMMUNICATIONS

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance certain land uses requiring a special use permit; and

WHEREAS, James City County has developed certain policies for the placement of personal wireless communications towers; and

WHEREAS, the Planning Commission following its public hearing on May 5, 1997, voted 6-0 to approve this application.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-12-97 as described herein with the following conditions:

1. All towers shall be designed and constructed for at least three (3) users and shall be certified to that effect by an engineering report prior to the site plan approval.
2. The tower shall meet or exceed the structural requirements as set out in the most current version of "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures," published by the Electronic Industries Association. A report certifying that these structural requirements will be met shall be submitted prior to preliminary site plan approval. Where the tower meets the structural criteria outlined above, the minimum side- and rear-yard setback may be consistent with the corresponding zoning district requirement, or 110 percent of the document collapse radius, whichever is greater. In the event the tower does not meet the above requirements, then the minimum setback requirement from the base of the tower to any property line shall be equal to one hundred and ten (110) percent of the height of the tower. Additionally, no tower shall be located closer than two hundred (200) feet from an existing residential structure, regardless of the district in which the structure is located. However, in no case, shall setbacks or tower design be such that a collapsed tower will fall outside a property line as documented in the aforementioned report. The tower shall also be set back from any public planner right-of-way a minimum distance equal to one-half the height of the structure, including any attachments.
3. A statement from a registered engineer that NIER (nonionizing electromagnetic radiation) emitted from any equipment on or serving the facility does not result in a ground level exposure at any point outside such facility which exceeds the lowest applicable exposure standards established by any regulatory agency of the U. S. Government or the American National Standards Institute shall be submitted prior to preliminary site plan approval.
4. Following construction of the facility, certification by the manufacturer, or an engineering report by a Virginia-registered structural engineer, shall be filed by the applicant indicating the tower height, design, structure, installation and total anticipated capacity of the structure, including number and type of antennas which could be accommodated, demonstrating to the satisfaction of the building official that all structural requirements and other safety considerations set forth in the BOCA Basic

Building Code and Section 222(D) of the standards adopted by the Electronics Industries Association, or any amendment thereof, have been met.

5. Towers shall be located on the site in a manner that maximizes the buffering effects of trees. Tree clearing shall be limited to the minimum necessary to accommodate the tower and related facilities. Access drives shall be designed in a manner that provides no view of the tower's base or related facilities. A minimum buffer of 100 feet in width shall be maintained around the tower. Where existing vegetation on the site is not of a sufficient depth to provide this buffer, an enhanced buffer shall be provided that is as wide as is practicable. A screening plan for the enhanced buffer shall be provided for approval by the Director of Planning or his Designee prior to final site plan approval.
6. The applicant shall allow other users to locate on the tower and site and shall provide the County, upon request, verifiable evidence of having made good faith efforts to allow such locations. To this end, the applicant agrees to execute a letter of intent prior to final site plan approval stating that the applicant will make every reasonable effort to accommodate all future requests to share space and that the applicant will negotiate in good faith with any party requesting space on the tower or site.
7. The tower(s) shall have a finish that is grey in color.
8. Maximum height of all towers shall not be greater than 199 feet.
9. Lighting, beacons and other similar devices shall be prohibited unless required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA). When required by the FCC or FAA, a red beacon light of low-medium intensity shall be used rather than a white strobe light. Should the regulations and requirements of this subsection conflict with any regulation or requirement by the FCC or FAA, then the regulations of the FCC and FAA shall govern. At the time of site plan review, a copy of the FAA and/or FCC findings shall be made available to the County.
10. No advertising material or signs shall be placed on the tower.
11. Prior to the installation of equipment other than that of the applicant's, an intermodulation study, prepared by a licensed engineer, shall be submitted to, and approved by, the Director of Planning or his designee, indicating that no interference with County operated emergency communications equipment will take place.
12. If the use of the tower or portions of the tower above the level of the uppermost equipment ceases, and the tower or said portion remains unused for a period of six (6) months, the tower or unused portion and associated and unused accessories shall be removed from the property by its owners. The applicant shall post a surety, performance bond, or cash equivalent in an amount sufficient to guarantee removal of an unused facility or part thereof prior to final site plan approval.
13. Prior to final site plan approval and prior to leasing space on the tower to additional users, the applicant shall offer a lease option and negotiate in good faith with the County to install public communications equipment on the tower. Evidence of good faith negotiations shall include, but not be limited to documented and executed lease agreements for similar agreements to public use on a privately owned tower. The

County shall, within a reasonable time period, make a final determination regarding its desire to locate on the tower and shall notify the applicant of its intentions.

14. A Permanent Certificate of Occupancy shall be obtained within one (1) year of approval of this Special Use Permit, or the permit shall become void.
15. The tower shall be freestanding and shall not use guy wires for support.
16. Any supporting structures, such as equipment sheds and huts, shall be of a similar design and material to that generally used on a single-family residence and shall be approved by the Director of Planning prior to final site plan approval. A gable or shed roof shall be used on all equipment sheds and huts as determined by the Director of Planning prior to final site plan approval.
17. There shall be a future lease area to accommodate one additional tower and supporting equipment as generally depicted on the site plan, prepared by Timmons Engineering, titled "360° Communications - Norge Site," dated March 24, 1997. Such lease area shall remain free of all structures until such time a second tower is constructed and the additional tower shall be subject to administrative approval only.
18. The fencing used to enclose the lease area shall be vinyl-coated and shall be dark green or black in color and shall be reviewed and approved by the Director of Planning prior to final site plan approval.


Robert A. Magoon, Jr.
Chairman, Board of Supervisors

ATTEST:


Sanford B. Wanner
Clerk to the Board

SUPERVISOR	VOTE
EDWARDS	NAY
TAYLOR	AYE
SISK	AYE
DEPUE	NAY
MAGOON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of June, 1997.

SUP-12-97.res



Tower Site access road - .5 miles from Old Stage Road (1)



338 Racefield Road

(2)



Stewarts Road at New Kent County Line (3)

Barnes Swamp,

Barnes Swamp - close-up (4)

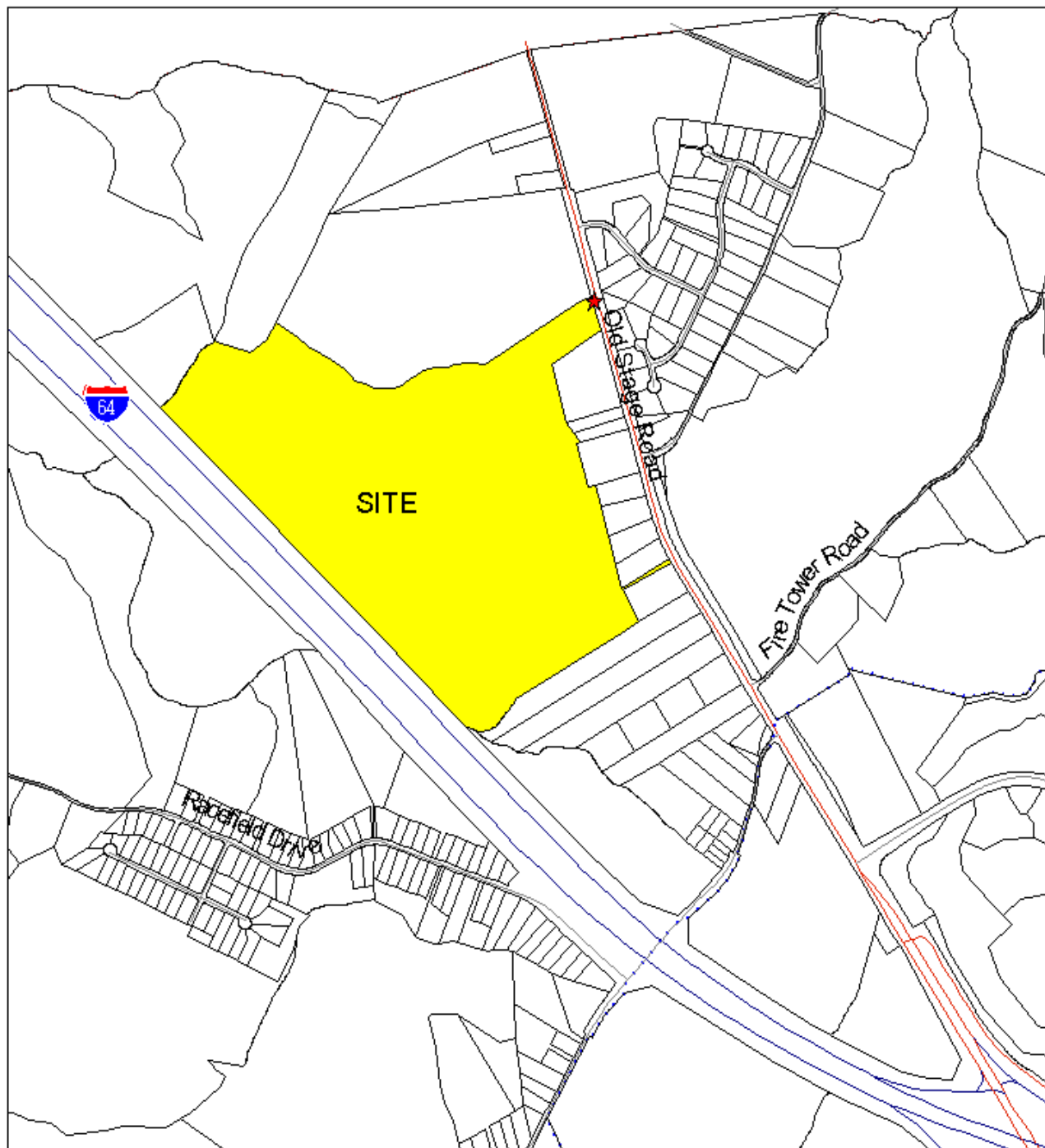


New Kent County line (5)



West, at approximately mile marker 226 (6)

Dzula
Farm, Old Stage Road at



Case No. SUP-1-02
Voicestream Wireless

1000 0 1000 2000 Feet



Attachment 1



MEMORANDUM

DATE: March 4, 2002

TO: The Planning Commission

FROM: O. Marvin Sowers, Jr., Planning Director

SUBJECT: Centerville Road: Proposal to Close Portion of Road

The National Park Service (NPS) has requested to close the portion of Centerville Road between Rt. 5 and Monticello Avenue. NPS has formally stated an intention to develop and open its adjoining Green Spring Plantation site to the public as a component of the Colonial National Historical Park, and has identified two park plan alternatives that would accomplish this goal. Alternative C, the alternative preferred by NPS, recommends closing this portion of Centerville Road. Under the Virginia Code, the Planning Commission is charged with making a recommendation to the Board of Supervisors as to whether closing a public road is consistent with the Comprehensive Plan. This matter has been advertised for public hearing. The Board of Supervisors must also act on the road closing itself.

Two separate attachments describe the proposed road closing and the closing process in greater detail. The first attachment is an "Issue Summary and Position Paper." That document summarizes those issues that are critical to staff, and the conditions staff believes that must be met before closing the road. The second attachment is a "Background Information and Detailed Analysis." Please note that these documents have been prepared in cooperation with several County departments, including Fire, Police, County Administration and Development Management Departments. A third separate attachment contains copies of correspondence received by the Planning Division from citizens, businesses and other members of the public regarding the proposed closing.

Conclusion

Staff's recommendations are contained in the attached Issues Summary and Position paper. Staff requests that the Planning Commission make a determination whether the proposed road closing is consistent with the Comprehensive Plan. Staff's recommendation on this finding is contained in the aforementioned attachment. Please note that the Planning Commission is not bound by its specific rule, if it wishes to offer additional recommendations to the Board of Supervisors.

O. Marvin Sowers, Jr.

Attachments:

1. Location Map
2. Issue Summary and Position Paper (separate attachment)
3. Background Information and Detailed Analysis (separate attachment)
4. Correspondence Received (separate attachment)

**ISSUE & POSITION PAPER
CENTERVILLE ROAD: PROPOSED CLOSING
JAMES CITY COUNTY
MARCH 4, 2002**

The National Park Service (NPS) proposes to close Centerville Road between Rt.5 and Monticello Avenue with the stated intent of developing and opening to the public the Green Spring Plantation site as a park component of the Colonial National Historical Park. NPS's stated reasons for seeking closure of the road include its intrusive nature on the site's historic setting, safety for both motorists and park visitors, difficulty of opening the east section of the site, anticipated changes in traffic patterns with the opening of Monticello and shifting shopping patterns, adequate road capacity of area roads, marginal impacts on emergency response times, improved drainage patterns for native vegetation and wildlife, and site security.

Centerville would remain available in some form for use by County public safety vehicles for emergency response, and to the public during emergency evacuations. The date of the road closing is dependent on fund raising efforts by NPS and the Friends of the National Park Service for Green Spring, Inc. NPS has proposed that the Board of Supervisors approve closing Centerville in advance of park development, with NPS taking over maintenance in the interim. The Friends organization has stated that closing the road would significantly enhance its fundraising efforts. Without their fundraising, the park will not likely be open for visitation.

Following are key staff conclusions. Please note that identified in *italics* are the issues which staff believes to be critical, along with conditions that must be met before closing Centerville (Please note that additional background materials are included in the separate attached document "Background Information and Detailed Analysis."):

NPS PROPOSAL & CLOSING PROCESS

- **Terms of NPS Proposal Regarding Emergencies.** NPS has provided a significant, written statement of intentions outlining the nature and conditions of the proposed closing, including a stated intent to allow use of Centerville by County public safety vehicles and the public during evacuations "subject to NPS budget priorities." As drafted, NPS's proposal does not legally guarantee access by County public safety vehicles, or access by the general public during events such as evacuations. NPS's legal counsel states that NPS cannot legally guarantee these County and public needs, and that NPS's agreement must be described as intentions subject to budgetary priorities. *Staff believes that emergency access for both County vehicles and the general public during evacuations is a critical need that must be addressed to the satisfaction of the County prior to closing Centerville.*
- **Terms of NPS Proposal Regarding Access Road Design.** NPS has provided a significant, written statement of intentions to consult with the County regarding the design of the emergency access. NPS's legal counsel states that the County cannot be granted veto authority over the design standards. As written, NPS's proposal does not guarantee the access way will handle large fire apparatus, that the road's design will maintain existing emergency response times, or that access will be available when needed by County vehicles. *Staff believes that these public needs must continue to be met, and is very concerned whether a road meeting both NPS's and the County's design objectives can be provided especially within NPS's budget priorities and constraints. This issue must be addressed to the satisfaction of the County prior to closing Centerville.*
- **Permanency of Closing.** Once a road is abandoned or discontinued, future motor vehicle use is not likely, and Centerville should not be assumed to be able to be placed back into the State Secondary Road System absent any formal agreement to do so at NPS's expense or assumed expenditure of County or State money. Should it become necessary to put Centerville back into the State system, VDOT will likely require the road to be brought up to current standards. This would cost

approximately \$2.4 million.

- **Timing of Closing.** As prescribed by VDOT, the effect of a road closing is relatively immediate. VDOT would act on the County's request, and then cease maintenance of Centerville within several months of a Board of Supervisors decision to close the road.
- **Maintenance.** Assuming the Board of Supervisors votes to close the road prior to the park being ready to open, NPS or the County would need to take over Centerville's maintenance. NPS has provided a significant, written statement of intentions to maintain Centerville in this interim period "in a timely manner consistent with budget priorities". These conditions placed on these provisions by NPS are required by NPS's legal counsel. Given past experience with local NPS maintenance of its facilities, competing NPS local priorities and current federal funding, County staff have significant concerns about NPS's capabilities and resources to absorb the additional maintenance responsibilities during this interim period and over the long term. *Staff believes that both interim and long term road maintenance needs must be addressed to the County's satisfaction prior to closing Centerville.*

HISTORICAL RESOURCE & INTERPRETATION CONSIDERATIONS

- Because of the road's location, public visitation to the site's most prominent, known archaeological resources would be negatively impacted by traffic both aurally and visually.
- Closing Centerville would allow the opportunity to better visually and physically recreate the site as an expansive plantation without 21st Century intrusions.
- Closing Centerville would sever a long-standing connection to other areas such as the Hot Water tract that have historic ties to Green Spring.

ECONOMIC IMPACTS

- **Direct & Indirect Impacts.** Any direct revenue or employment benefits of opening the site to the public are minor. Indirect impacts may occur on some businesses in the County. If shopping shifts occur as predicted by the NPS study, closing Centerville may negatively impact businesses in Lightfoot, but positively impact businesses in the Monticello Marketplace and New Towne areas.

TRANSPORTATION

- **Daily Volumes.** Total daily traffic volumes on Centerville have decreased 23% with the opening of Monticello, but the road continues to be well utilized (2950 vehicles per day).
- **Centerville's Role as a Route To/From the North or South.** Centerville's role as a route to/from points north (i.e., Lightfoot) and south during both peak hours has significantly diminished (about 50%), but has not been eliminated.
- **Centerville's Role as a Route To/From the East.** Despite the completion of Monticello, Centerville plays a significant role as a route to points to/from the east (i.e. Monticello Marketplace)
- **Daily Traffic Impacts of the Park.** Developing the Green Spring site for visitation would put only a minor amount of park traffic on surrounding roads, with only 159 additional vehicles per day and 30 vehicles in the peak hour.
- **Road Capacity Concerns.** Daily volumes on Rt. 5, Ironbound and Monticello are expected to be just below their two lane capacity thresholds in 2021. Closing Centerville will decrease area road network capacity by 15%, add an estimated 5000 vehicles per day traffic onto other roads in 2021, and result in a loss of reserve capacity to accommodate future growth. The cost to replace this capacity should it become needed is very high (\$2.4 million to replace Centerville, more to widen other roads). NPS has declined to agree to conditions to guarantee the replacement of Centerville should the park not open.
- **Overall Level of Service (LOS) & Delay.** The closure would improve overall LOS and delay in both 2007 and 2015 during the AM peak hour at the Rt.5/Greensprings intersection. Converting

Centerville to a park entrance would help address current congestion problems due to overlapping queues with the Rt. 5/Greensprings intersection

- **LOS & Delay for Specific Movements.** Future LOS and delay for specific movements at the Rt. 5/Greensprings intersection is a very critical concern. However, it is a concern with or without closing Centerville, and closing Centerville would not provide a significant long-term solution.

PUBLIC SAFETY

- **Accidents.** The Rt. 5/Centerville intersection has had far more total accidents and injuries over the past three years than any other intersection in the area studied. At the Centerville/Monticello intersection, four of the 9 accidents occurred after the opening of Monticello, giving it the highest frequency rate for accidents of those intersections studied. Closing Centerville should have a positive benefit in safety at both intersections.
- **JCC Fire Department Position.** *The JCC Fire Department has formally opposed the closing of Centerville, but has stated that if the closure is necessary, certain conditions should be met.* Some of the more significant of these include access through the park for County emergency response vehicles and the public during evacuations. NPS has stated its intention to meet these conditions, but County staff have concerns whether they can be satisfactorily met. *As noted above, meeting emergency access needs to the satisfaction of the County is critical before closing Centerville.*
- **Private Vehicle Access.** *If Centerville is closed, permanent provisions should be made to ensure private vehicles can use the emergency access road to access Fire Station No. 5 if phone lines are out of service.* Staff has concerns whether this condition can be satisfactorily met.
- **Impacts on Evacuations.** Closing Centerville would reduce the capacity of the road network serving several Surry Evacuation Zones. The closing would increase the current estimated time needed for evacuations from those zones by about 20%. *Should the Rt. 5/Chickahimian River bridge fail during an evacuation event and Centerville is also closed, evacuation time would increase over 50%. As noted above, this is a critical issue that must be addressed to the satisfaction of the County prior to closing.*

PUBLIC CONVENIENCE

- **Impacts on Trips.** Centerville provides the quickest travel time over alternative routes. However, its main benefit is to short or “local” trips where it saves about 2.5 minutes (or about 35%) in a trip that would otherwise take about 9 minutes. For more “regional” trips to areas like Lightfoot, Centerville’s benefits are much less as it only saves about 1.5 minutes (or about 13%) when compared to a trip using Rt. 199 which takes about 12.5 minutes.

ALTERNATIVES

- **Traffic Calming & Visual Screening.** These types of measures would significantly reduce the noise, visual and safety impacts associated with Centerville, but would keep Centerville open to all traffic. NPS believes that these measures would not sufficiently mitigate aural and visual impacts of through traffic, and have stated that if through traffic is not eliminated they will implement Alternative B, an alternative that still opens the site to public visitation but with fewer facilities.
- **Other Alignments.** In staff’s opinion, a completely new alignment is not environmentally feasible. More feasible is a partial realignment that departs from the present alignment just north of the road’s abrupt rise in topography, and extends northeast around the open field east of Centerville. This alternative would add only about 0.1 mile more to the current road’s length and not significantly impact emergency response times. However, it would cost approximately \$1.8 million. NPS has rejected this option due to potential impacts on archaeological resources, visual and aural impacts of through traffic, cost and other reasons.
- **Leaving Centerville As Is.** Examples exist both locally and nationally to simply maintain a major

road through a NPS historical park. However, NPS has rejected this alternative for the same reasons listed above.

CONSISTENCY WITH COUNTY COMPREHENSIVE PLAN

- **Degree of Consistency.** Closing Centerville is consistent with certain aspects of the Community Character and Land Use elements. However, the road closure is inconsistent with certain aspects of the Bicycle Facilities, Transportation and Community Character elements (The Historic Triangle Bicycle Advisory Committee has recommended that the closing would not significantly inconvenience bicyclists.) Overall, staff finds the road closing generally inconsistent with the Comprehensive Plan.

COUNTY STAFF POSITION

Staff believes that before closing Centerville, three sets of issues need to be addressed. These are as follows:

1. Consistency with the Comprehensive Plan. As stated above, staff believes that the closing is generally inconsistent with the Comprehensive Plan. Staff recommends that the Planning Commission and Board of Supervisors also find the closing inconsistent with the Plan.
2. Critical Public Safety and Maintenance Issues. These issues are identified above in italics. Before closing Centerville, staff recommends that these issues be resolved to the satisfaction of the County.
3. Trade-Offs. The closure of Centerville requires a number of trade-offs beyond those related to public safety and maintenance that should be addressed prior to closing the road. These have been described above, and are enumerated below:
 - The ability to replace the road at some point in the future.
 - The provision of a road connection or some other identifiable public acknowledgement to historic sites related to Green Spring.
 - The relative community value of achieving certain historic preservation goals compared to other public values lost by closing the road, including loss of road capacity possibly necessary for future traffic demand and additional development, potential negative impacts on Lightfoot businesses, and decreased public convenience. Included in this consideration should be a weighing of the degree to which “lesser” alternatives to closing Centerville would or would not help strike an appropriate balance between historic preservation values and other community values.

Staff believes that, with adequate funding and guarantees, the NPS can do an excellent treatment of this historical area. Staff also believes that Centerville Road is important to the overall efficiency of our transportation network now and into the future. Most significantly, staff recognizes that this is a community issue which should be debated not only from the vantage point of the facts outlined in this report, but also from the perspective of the values of our citizens. Given the unusual aspects of this project, staff does not offer a specific recommendation whether to close Centerville. Instead, we will work with all parties involved in an effort to craft a solution that reflects the best efforts of our Planning Commission and Board of Supervisors to reach a conclusion on this proposal.

BACKGROUND INFORMATION & DETAILED ANALYSIS
CENTERVILLE ROAD: PROPOSED CLOSING
JAMES CITY COUNTY
MARCH 4, 2002

NATIONAL PARK SERVICE PROPOSAL

The National Park Service (NPS) proposes to close Centerville Road between Rt. 5 and Monticello Avenue as part of a stated effort to open to the public the Green Springs Plantation site as a park component of the Colonial National Historical Park. This proposal came about through one of the alternatives in the Draft General Management Plan Amendment and Environmental Impact Statement document prepared for NPS. Two build alternatives are presented in that document: Alternative B which develops the site to a much smaller scale and does not seek to close Centerville, and Alternative C which provides more facilities and other features, and recommends closing Centerville through the site. Alternative A, a “no action” alternative, was also considered by NPS.

In the Draft General Management Plan on page 19, NPS cites several reasons why they wish to close a portion of Centerville. These include the intrusive nature of the road on the site’s historic setting, safety for both motorists and park visitors, difficulty of opening both the east and west section of the site, anticipated changes in traffic patterns with the opening of Monticello and shifting shopping patterns, adequate road capacity of area roads, marginal impacts on emergency response times, improved drainage patterns for native vegetation and wildlife, and site security. NPS has provided to the County the attached (Attachment 1) draft letter outlining the following proposed components and conditions of this closure:

- **Access.** Centerville would remain open for use by County public safety vehicles for emergency response, and to the public during emergency evacuations such as flooding, public safety problems with the Surry Power Station, and other similar events.
- **Design Standards.** NPS will consult with the County on design standards for the emergency access, including design speed, actual speed, and weight bearing capabilities, surface treatment, pavement width, barricades and other factors of interest to the County. It is NPS’s intent to minimize the visual intrusion of the access way possibly through the use of stabilized turf.
- **Other Vehicles & Pedestrians.** Private vehicles, bicycles, and pedestrians would be prohibited from using Centerville for through access.
- **Access Control.** Access would be controlled, but NPS will, after consultation with the County, install and maintain a device that allows County public safety vehicles to use the road for emergencies.
- **Closing Schedule.** NPS anticipates developing the park prior to the 2007 Jamestown event. The exact date of park development and road closing is dependent on fundraising efforts by NPS and the Friends of the National Park Service for Green Spring, Inc. NPS has proposed that the Board of Supervisors approve closing Centerville in advance of park development,

with NPS taking over road maintenance, snow removal and law enforcement in the interim. The Friends organization has stated that closing the road would significantly enhance its fundraising efforts. To support this statement, the Friends organization has submitted copies of letters from a potential donor and their former fundraising counsel which states the importance of resolving the road issue prior to committing to a donation (Attachments 2 and 3).

- **Closing Trigger.** NPS has stated that permanent closing of Centerville would occur when archaeological research is underway, the Friends group has raised the money and constructed an archaeological support facility/visitor station, parking lot, trails and exhibits, and when NPS deems it safe and practical to open the facility for public visitation.

Conclusions Regarding the NPS Proposal:

- As written, the proposal does not guarantee that current emergency response times will be maintained or that the County will have sufficient authority to assure access to the general public during events such as evacuations. As proposed, NPS retains full control over design and use of the road. Inherent conflicts will arise between NPS's goal to have a road that is compatible with the historic surroundings of the park and the County's need to maintain a road that retains current response times and the ability to accommodate large (43,000 pound gross vehicle weight) fire apparatus.

ROAD CLOSING PROCESS

The process to close a secondary road is prescribed by the Virginia Code and VDOT policy, and involves two actions by the County. Each action is taken under a separate section of the Code.

- **Planning Commission Action.** The Commission must make a determination whether the closing is generally in accord with the County Comprehensive Plan. A subsequent section of this report addresses this issue. The Commission's recommendation then goes to the Board of Supervisors for consideration.
- **Board of Supervisors Action.** After considering the Planning Commission's recommendations, the Board may consider whether to *abandon* or *discontinue* the road. Both actions would result in removing Centerville from the State Secondary Road System. If *abandoned*, the road is also no longer available for public access as the property typically reverts to the adjacent landowner. In this case it would revert to NPS. *Discontinuing* a road allows the County to retain the road and the right of way for certain public uses. Under the Virginia Code, these uses can include hiking or biking trails, greenway corridors with or without public access, or access to historic, cultural and educational sites.
- **VDOT Involvement.** VDOT's Williamsburg Residency has stated that VDOT will not review or take a position on the closing until the Board of Supervisors has decided to support the closing. Staff verbally confirmed this with VDOT late last year and again in February, 2002 (Please note that the attached letter from NPS states that the closure "will have no impacts to existing or proposed transportation facilities." This comment is from VDOT's

Environmental Division and represents only a very general environmental review. VDOT has not yet reviewed NPS's traffic impact study, and has stated that they will not review this study until the County has acted. In staff's opinion, the statements by VDOT's Williamsburg Residency reflect the proposal's current status with VDOT). Once the Board of Supervisors decides it supports abandoning or discontinuing Centerville, VDOT will initiate its processes. Assuming VDOT agrees with the Board, VDOT's process to physically close the road to motor vehicles happens relatively quickly according to VDOT, and cannot be delayed for an extended period. According to VDOT staff, VDOT would cease maintenance and motor vehicle use of the road within 3-4 months of the Board's action. Once Centerville is abandoned or discontinued, it is not likely to be able to go back into the State Secondary Road System. Although it is theoretically possible under a discontinuance, Centerville would likely have to be brought up to current VDOT standards before going back into the State System. Centerville currently has only a 30-foot right of way, and County staff believes that obtaining the necessary right of way would be very difficult given the necessary Federal approvals.

- **NPS Request.** NPS has requested that the County support abandoning the road as opposed to discontinuing it. NPS has also proposed that they be permitted to maintain the road and keep it open to the general public until such time as the park is developed.

Conclusions Regarding the Road Closing Process:

- **Abandonment vs. Discontinuance.** Abandoning Centerville gives NPS greater control for future park planning. On the other hand, discontinuance potentially gives the County more control of use of the road for emergency access and keeps options open for future public bicycle or pedestrian access. However, once abandoned, future motor vehicle use is not likely, and should not be assumed to be a future possibility. County staff previously suggested that provisions be made to guarantee that Centerville would be brought up to then-current VDOT standards should it be determined that it is needed in the future, but NPS has stated that they are opposed to such an arrangement.
- **Maintenance Issues.** Abandoning Centerville is preferred by NPS, with NPS taking over maintenance in the interim until the road is physically closed (NPS has stated that reopening Centerville to the public in the future is unacceptable.). Abandonment presents maintenance responsibility issues. In the interim, NPS would need to be able to respond in a timely manner on matters such as snow and tree removal, road repair and law enforcement. Given past experience and current federal funding, County staff have significant concerns about NPS's capabilities and resources to absorb the additional maintenance responsibilities of Centerville both in the interim until the park is developed and over the long term to keep the emergency access open. Discussions will continue with NPS and VDOT on this issue, but staff is not confident this issue can be satisfactorily resolved in a manner that assures both adequate maintenance of emergency access and near-term abandoning or discontinuing of Centerville so fundraising can begin.

HISTORICAL RESOURCE & INTERPRETATION CONSIDERATIONS

This section highlights the historical considerations from County staff's perspective that play a part

in the decision to close a portion of Centerville. NPS may have other considerations that are equally important, and the reader is referred to the full Draft General Management Plan Amendment and to other materials provided by NPS and the Friends organization in the reading file (Please note that Martha W. McCartney assisted with this section to ensure its historical accuracy, but the opinions reflect those of County staff.).

- Green Spring, the only 17th century manor plantation in Virginia that was built by a royal governor and titled nobleman, was America's first great house. In June 1643 Governor William Berkeley was granted nearly 1,000 acres at Green Spring for his personal use. In time, the plantation enveloped more than 2,000 acres. The current site consists of approximately 200 acres.
- Sir William Berkeley, who built his Green Spring mansion in 1645, lived there for more than 30 years. Although very little is known about how he developed his property, contemporary narratives reveal that Green Spring had elaborate gardens, large orchards, and agricultural fields. At Green Spring Berkeley conducted agricultural and industrial experiments and encouraged others to follow suit, in hope of diversifying the Virginia colony's economy. Archaeological research should shed light upon how Green Spring was developed during the Berkeley era.
- Sir William Berkeley, the most influential governor of the 17th century, dominated Virginia politics for more than 30 years and played a pivotal role in establishing a civil society based upon English law. However, Berkeley's Indian policies culminated in the popular uprising known as Bacon's Rebellion and accelerated the marginalization of Native groups. During Bacon's Rebellion, military tribunals were held at Green Spring, where a number of rebels were executed. During Governor Berkeley's lengthy term in office, slavery became equated with race and linked with the plantation economy. After Sir William Berkeley's death, Green Spring was home to two royal governors and three generations of the Ludwell family. At times, the colony's legislature met at Green Spring.
- Several events that occurred in the 18th and 19th centuries also make the site significant, notably the Battle of Green Spring in July 1781, a prelude to the Battle of Yorktown. William Ludwell Lee, an owner of Green Spring after Berkeley, freed his slaves in 1803. This directly led to the establishment of one of America's earliest free black communities. It was located upon the Hot Water tract, at Centerville, one of Green Spring's several subsidiary farms. During the Civil War, William Ludwell Lee's home was burned by Union troops.
- The Green Spring site is listed on the National Register of Historic Places and the Virginia Landmarks Register. It includes the archaeological remains of the original Green Spring mansion and its outbuildings, gardens, a pottery kiln, and other cultural features. It also includes the plantation house that was built by William Ludwell Lee during the 1790s. All of these features are located on the west portion of the site, within 300-500 feet from Centerville Road. Other cultural features are located on the east side of Centerville Road.
- Although Centerville Road has been an important public thoroughfare since the early-to-mid

17th century, its location has shifted over the years. Maps that date from 1683 to 1770 show that the road originally was located west of the Green Spring mansion site. An 1863 Civil War map indicates that by that time it had relocated to the east side of the mansion site. To the north of Green Spring, Centerville Road also has shifted, but by 1893 it was in approximately the same location that it is in today.

Conclusions Regarding Historical Considerations:

- Because of the road's location, public visitation to the sites' most visible, known archaeological resources would be negatively impacted by traffic both aurally and visually. In a site tour provided by NPS these impacts were intrusive on presentations given by tour guides and detracted from the site's historic setting.
- Travel speeds make it difficult to safely cross the road, especially for large groups. This was experienced during the tour provided by NPS. In its present state, Centerville will make it very difficult to use the east portion of the site for public visitation.
- Closing Centerville would allow the opportunity to better visually and physically recreate the site as an expansive plantation without 21st Century intrusions.
- Closing Centerville would allow NPS to reopen the original Colonial-era road trace visually and perhaps as part of the park's pedestrian system. This would re-establish Green Springs' connection to Jamestown and at least visually reopen one of America's oldest roads.
- Closing Centerville would sever a long-standing travel connection to areas such as the Hot Water tract that are directly historically related to events that occurred at Green Spring.

ECONOMIC IMPACTS

NPS's General Management Plan considered the economic impacts of closing Centerville. This information is on page 238-242 of that document. Following is a summary of some of that information:

- **Annual Visitation.** Alternative B: 20,000-70,000 visitors; Alternative C: 60,000-160,000 visitors.
- **Average Length of Stay.** Alternative B: 0.75 hours; Alternative C: 1.5 hours.
- **Annual Sales and Income Tax Revenues.** Alternative B: \$730 to \$2,870; Alternative C: \$7,600 to \$23,000.
- **Jobs Created.** Alternative B: 0-1; Alternative C: 2-5.
- **Shift in Shopping Patterns.** The General Management Plan projected a shift in shopping patterns away from Lightfoot and towards the Monticello Marketplace area with the opening of Monticello.

Conclusions on Economic Impact:

- **Direct Impacts.** Any direct revenue or employment benefits to the County of either Alternative B or C are minor.
- **Indirect Impacts.** Indirect impacts may occur on some businesses in the County. Specifically, if shopping shifts occur as predicted, closing Centerville may further increase the negative impacts on businesses in Lightfoot, but positively impact businesses in the Monticello Marketplace area. The manager of the Williamsburg Outlet mall has stated that almost 14% of their shoppers come from the Rt. 5 corridor and Surry County, and has reported a drop in sales as a result of the opening of Monticello. Copies of the mall manager's documents are included in the reading file.

TRANSPORTATION

NPS's consultant, Kimley-Horn and Associates, Inc., prepared a full traffic study for NPS, which deals with impacts of closing Centerville Road. The study, dated August 25, 2000, is based on traffic counts made in September 1999. Kimley-Horn also more recently recounted traffic volumes in several locations before and after the opening of Monticello. Staff requested VDOT to review the traffic information provided by NPS; however, VDOT verbally declined to do so until the Board of Supervisors has taken a position on closing the road. This section reviews the traffic information provided by NPS and provides additional information prepared by the Hampton Roads Planning District Commission and the Planning Division.

- A. **Changes Due to Opening of Monticello Avenue.** Attachment 4 and 5 depicts traffic volumes before (counted on November 11, 2001) and after (counted on January 13, 2002) the full opening of Monticello provided by Kimley-Horn.

Conclusions on Movement Changes with the Opening of Monticello:

- **Daily Volumes.** Total daily traffic on Centerville has decreased 23%, but the road continues to be well utilized (2950 vehicles per day). Most of these volume reductions on Centerville are related to the through movements on Centerville at the Centerville/Monticello intersection.
 - **Centerville's Role as a Route To/From the North or South.** Prior to the opening of Monticello, Centerville's main role was to provide access to/from points north and south. Centerville's role as a route to/from points north (i.e., Lightfoot) and south during both peak hours has significantly diminished (about 50%), but has not been eliminated.
 - **Centerville's Role as a Route To/From the East.** Despite the completion of Monticello, Centerville plays a significant role as a route to points to/from the east (i.e. Monticello Marketplace), with a significant number of motorists opting for Centerville rather than using Greensprings Plantation. In fact, the number of southbound and northbound vehicles on Centerville turning onto or off of Monticello to make trips to and from the east are about the same. Peak hour volumes for both eastbound and north/southbound traffic are also about the same.
- B. Future Traffic Volumes.** In its August 25, 2000 traffic impact study, NPS's consultant evaluated daily traffic volumes in 2007 (to coincide with the 2007 Jamestown event) and in 2015. The study evaluated traffic impacts with Centerville both open and closed. The following future traffic projections are from NPS's traffic study, the County's Comprehensive Plan (Attachments 6 through 10) and the Hampton Roads Planning District Commissions 2021 Transportation Plan. All projections are based on computer modeling performed prior to completion of Monticello, but assume the completion of Monticello.

	<u>2001</u>	<u>NPS'07</u>	<u>NPS'15</u>	<u>JCC '15</u>	<u>HRP '21</u>
Centerville Road	2,950	3,600	3,100	5,400	5,000
Rt. 5 @ Shell. Crk.	9,090	9,000	12,000	12,000	9,000
Rt. 5 W. of 5 Forks	14,425	13,000	11,500	11,500	12,000
Monticello Avenue	1,460	5,300	11,000	11,000	14,000

Conclusions on Future Daily Volumes:

- **Daily Traffic Impacts of Park.** Developing the Green Spring site for visitation would put only a minor amount of additional daily traffic on surrounding roads, with only 159 additional vehicles per day and 30 vehicles in the peak hour.
- **Future Daily Traffic on Centerville.** In 2021, daily volumes on Centerville are projected to

be 70% higher than they are today, but still well within the road's capacity.

- **Future Daily Traffic on Rt. 5.** In 2015 and 2021, daily volumes on Rt. 5 just west of Five Forks are projected to be less than what they were in 2001 (Note: Rt. 5 daily volumes may have already declined to about where they are projected to be in 2015 and 2021 assuming that daily traffic has decreased about the same as peak hour traffic.).
- **Road Capacity Concerns.** Daily volumes on both Rt. 5 and Monticello are expected to be just below their two lane, 13,000 vehicles per day capacity threshold in 2021, and closing Centerville will add more traffic onto a portion of Rt. 5. Closing Centerville will also reduce the overall capacity of the network serving the general area by 15%, possibly constraining future development. It is important to note that although AM peak hour traffic on Rt. 5 east of Centerville fell by 25% after Monticello opened, the PM peak hour volumes did not change. The fact that the PM peak volumes did not decrease coupled with the consultant's projection that peak hour volumes on Rt. 5 east of Centerville (with Centerville closed) will be much higher (94% and 36% higher in the AM and PM peak hours, respectively) in 2015 than when the peak hour volumes were counted in January, 2002 raises the following significant concerns in regard to future daily volumes:
 - 1) *Potential capacity problems if a large portion of the 5000 daily vehicles projected to use Centerville in 2015 opt to use Rt. 5 over another capacity-constrained route. No origin-destination survey is available to determine the likely impacts on other roads.*
 - 2) *Diversion of traffic from Centerville which is well below total capacity to other roads such as Rt. 5 and Ironbound that are right at total daily capacity.*
 - 3) *Loss of reserve capacity to accommodate future growth.*
- C. **Level of Service (LOS) & Delay.** NPS's traffic study analyzed levels of service at four intersections for 2000, 2007 and 2015 with and without the closing of Centerville: Monticello/Centerville, Rt. 5/Centerville, Rt. 5/Greensprings and Rt. 5/Greensprings Plantation. For purposes of the consultant's analysis, the Monticello/Greensprings Plantation intersection was assumed to be signalized. (Attachments 11, 12, 13)

Conclusions on LOS & Delay.

- **Overall LOS & Delay.** Currently, the delay at all four intersections is within what can be considered as acceptable. Delay for the four intersections ranges from almost one-half minute at the Rt. 5/Greensprings Plantation intersection to only a few seconds at the other three intersections. LOS at the Rt. 5/Greensprings Plantation intersection is C. In 2007 and 2015, Centerville's closure would have little impact on overall intersection delay. However, with or without Centerville closed, overall delay will be a significant concern at the Rt. 5/Greensprings intersection. During the 2007 AM peak hour at this intersection, overall delay with Centerville closed is about 7 seconds but increases to almost 30 seconds if Centerville is left open. In 2015, overall delay increases significantly, with a delay of almost 2 minutes with Centerville closed and 2.7 minutes with the road open in the AM peak hour.

- **LOS & Delay for Specific Movements.** With one exception, LOS and delay for all movements at all four intersections is currently very good (LOS C or better, and in most cases better than C), and will not be changed significantly with closing Centerville either now, or in 2007 or 2015. It should be noted, though, that these conclusions by the consultant assume that two of the unsignalized intersections will be signalized by 2007, including Monticello/Centerville and Monticello/Greensprings Plantation. Future LOS and delay for northbound turning movements at the Rt. 5/Greensprings intersection is a very critical concern especially by 2015. However, this will remain a concern with or without closing Centerville. Specifically, vehicles making a northbound turn in the 2007 AM peak hour at the Rt. 5/Greensprings intersection are projected to experience significant delay (LOS D and a delay of 30 seconds with Centerville closed, and LOS F and a delay of 2 minutes with the road closed). In 2015 the delay at this intersection is expected to become very severe (LOS F with Centerville open or closed, but delay increasing from 8 to 12 minutes if the road is not closed). It should be noted that LOS for the Rt. 5/Greensprings and Rt. 5/Centerville intersections are likely overly optimistic due to overlapping left turn queues which can hinder movements at both intersections. Converting Centerville to a park entrance would greatly improve this situation.
- Closing Centerville will not help very much over the long term, and adding turn lanes will likely be the only solution. Given the severity of the projected delay, it is also likely that motorists will seek other routes unless improvements are made to the Rt. 5/Greensprings intersection. This diversion of traffic may help mitigate future capacity concerns on Rt. 5, but will also place stress on other roads and intersections such as Ironbound which is already at capacity. Severe traffic congestion in developing localities like James City County is directly related to reliance on formerly rural roads to carry suburban traffic and a lack of interconnecting streets. VDOT's local residency has sought unsuccessfully to have these improvements funded over the past several years. Any turn lane improvements on Greensprings would also have a severe negative impact on the road's tree canopy and historic character.

PUBLIC SAFETY

This section provides an analysis of public safety issues associated with closing Centerville. The following issues are addressed: accidents, County emergency response and other emergency access, and emergency evacuation.

- A. Accident History.** Accident data was gathered for six intersections by the JCC police Department. Data was provided by the Virginia State Police and the Virginia Department of Transportation. The data covers the period for January 1, 1999 to December 31, 2001. Please note that some of the intersections experienced recent major changes in traffic patterns with the opening of Monticello on December 7, 2001. Following is a summary of this data:

<u>Intersection</u>	<u>Accidents/Alcohol Related</u>	<u>Injured/Dead</u>	<u>Prop. Damage</u>
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Rt.5/Centerville	15/1	11/0	\$135,450
Rt.5/Greensprings	4/0	1/0	24,700
Rt.5/Greensprings Plantation	2/0	4/0	10,600
Rt.5/Monticello	0	0	0
Centerville/Monticello	9/0	9/3	88,050
Greensprings Plant/Mont.	0	0	0

Conclusions Based on Accident History:

- **Rt. 5/Centerville.** Even discounting for alcohol related accidents, the Rt. 5/Centerville intersection has had far more total accidents and injuries over the period than any other intersection in the study. All of the accidents at the Rt. 5/Centerville intersection occurred prior to opening Monticello, and all but 4 occurred prior to opening Rt. 199. Nine of the accidents on Rt. 5 occurred when a vehicle was making a turn or had slowed down. Closing Centerville should have a positive benefit in safety at this intersection given the projected low park visitation.
 - **Rt. 5/Greenspring.** The 4 accidents at the Rt. 5/Greenspring intersection were of a similar nature as the 9 described above at the Rt. 5/Centerville intersection.
 - **Centerville/Monticello.** Four of the 9 accidents at the Centerville/Monticello intersection occurred after the opening of Monticello, giving it the highest frequency rate for accidents of those intersections studied. It is also the only intersection to have had an accident resulting in fatalities over the three year study period. All of the accidents were the result of a failure to yield right of way. Closing Centerville should have a positive benefit on safety at this intersection.
 - **Rt. 5/Greensprings Plantation.** Despite its higher overall peak hour volumes, the Rt.5/Greensprings Plantation intersection has enjoyed a relatively lower number of accidents. This is largely due to the presence of turn lanes, signal and good sight distances. Of the two accidents, one involved an illegal turn. This intersection is a much safer alternative than the Rt. 5/Centerville intersection under the latter intersection's current configuration.
- B. County Emergency Response.** Actual response times were performed by the James City County Fire Department from Station 5 on Monticello to the Rt. 5/Centerville intersection using three different routes. Following are the results:

Route

Miles

Minutes

Centerville Road	1.1	2.0
West on Monticello/East on Rt. 5 (West Route)	2.0	2.8
East on Monticello/South on Greensprings Plantation/West on Rt. 5 (East Route)	2.7	3.9

Conclusions Regarding County Emergency Response:

- **Critical Response Needs.** The American Heart Association estimates that in a cardiac arrest, each additional minute of response time results in a 7-10 percent reduction in the likelihood of obtaining a successful resuscitation. Based on this, chances of obtaining a successful resuscitation would be reduced about 7-10 percent using the west route and about 14-20 percent using the east route.
- **JCC Fire Department Position.** The JCC Fire department has formally opposed the closing of Centerville, but has stated that if the closure is necessary, the following conditions should be met:
 - 1) *The closure not occur until construction of park improvements begins given the uncertainty of funding for the park (While NPS is agreeable to this condition there are practical issues which may not make this possible. These issues are discussed further in another section.)*
 - 2) *An emergency route be maintained through the Green Spring site that maintains response times. This requires maintenance of an access design that will not reduce vehicle speeds to typical parking lot speeds; otherwise, response times would be similar to those of the alternate routes. Also required is a road capable of sustaining fire apparatus gross vehicle weights of 43,000 pounds. These conditions should be guaranteed through a binding agreement (While NPS has agreed in principle to these conditions and has stated that they intend to revise the General Management Plan to allow access by County emergency vehicles, details have not been worked out). Meeting these conditions will be difficult given NPS's desire to make the access road as unobtrusive as possible.*
 - 3) *Access by the general public during a disaster, evacuation or other significant emergency shall be permitted. Such access shall be controlled by the JCC Fire Department or JCC Office of Emergency Management (NPS's proposed conditions does not give either County agency this authority).*
 - 4) *The County seek and encourage an alternative route between Rt. 5 and Monticello (NPS has stated that any new road through the Green Spring site is unacceptable. Some of their stated reasons involve noise and visual intrusion impacts, destruction of natural features, and the length of time to complete a new environmental impact statement.).*
- C. **Privately-Owned Vehicle (POV) Emergency Access.** The need for emergency access through the Green Spring site may also occasionally extend to vehicles other than those operated by the County Fire or Police Departments. Telephone lines are occasionally out of service in the neighborhoods surrounding the Green Spring site. In some of the nearby

neighborhoods, phone service was out up to 3 days during the December, 1998 ice storm. In such instances, POV transport of a victim to Fire Station No. 5 or the hospital may be the quickest if not the only solution. Centerville provides the quickest route to Fire Station No. 5 from many neighborhoods south of Rt. 5. Upon reaching the station, a victim can be stabilized for transport to the hospital.

Conclusions Regarding POV Emergency Access.

- Privately owned vehicles will occasionally need to make emergency trips to the fire station and possibly the hospital whenever telephone lines are out of service. If Centerville is closed, permanent provisions should be made to ensure POVs can use the emergency access road, and that any gate controlled access is not an impediment on time or use (Please note when telephone service is available, the County Fire Department recommends that citizens call 911 rather than attempt to transport themselves or a victim. Response time to reach a victim rather than transport time to the hospital is more often the critical time.)
- D. Evacuation.** Evacuation routes have been designated in the vicinity of the Green Spring site for incidents at the Surry Nuclear Power Station. Staff conducted an analysis of the impact of closing Centerville on evacuation needs. The Surry Power Station evacuation plan has established eight Protective Action Zones in the County, each of which has been assigned specific evacuation routes (Attachment 14) Each zone also has a designated Evacuation Assembly Center located outside the County. Centerville is one of several designated evacuation route for zones 22A, 22B, and 24, and assembly centers are located at the Charles City County School Complex and Hampton Coliseum. Primary evacuation routes are Rt. 5 to Charles City County and I-64 to Hampton. Other official evacuation routes in the vicinity of the Green Spring site include Ironbound Road and Jamestown Road.

The following table presents a general analysis of the time needed (in hours) to evacuate portions of Zones 22A, 22B, and 24. The analysis makes the following assumptions: (1) very little additional development will occur outside the Primary Service Area (PSA); (2) the event occurs at a time when most individuals are at home and time share developments are at 75% occupancy; (3) roads and intersections will have enough capacity to handle the traffic that converges upon them and still deliver at least a LOS E; (4) two-way traffic on evacuation routes is maintained; (5) Monticello Extension will be a thru-lane road as recommended in HRPDC's 2021 Transportation Plan; and (6) traffic is generally equally distributed among evacuation routes. The analysis is based on the 2000 Census and 2026 HRPDC household projections. It includes scenarios with Centerville both open and closed as well as with the Chickahominy River Bridge both open and closed in order to reflect potential bridge failures. **Please bear in mind that, given the assumptions, the time estimates are most likely very optimistic given capacity limitations of certain intersections and the possibility that traffic may not actually be generally equally distributed among evacuation routes. The primary value of this analysis are the percentage increases in time due to the various road closures, and the effects on overall road network capacity.**

<u>Road Closure Assumptions</u>	<u>2000</u>	<u>2026</u>
Centerville Open/Chick Bridge Open	0.9	1.2

Centerville Closed/Chick Bridge Open	1.1	1.4
Centerville Open/Chick Bridge Closed	1.2	1.5
Centerville Closed/Chick Bridge Closed	1.4	1.8

Conclusions Regarding Evacuation:

- **Impacts of Closing Centerville Today.** Should Centerville not be available to the public during an evacuation, the capacity of the road network serving portions of Surry Evacuations Zones 22A, 22B and 24 would decrease by 15% and evacuation time would increase by over 20%. Should the Rt. 5/Chickahominy River bridge fail during an evacuation event and Centerville not be available, road capacity would be reduced a total of 33% and evacuation time increased over 50%.
- **Impacts of Closing Centerville in 2026.** Should Centerville not be available to the public during an evacuation, evacuation time would increase by about 17 % of what it would otherwise be in 2026. Should the Rt. 5/Chickahominy River bridge fail during an evacuation event and Centerville not be available, evacuation time would increase 50% (Note: VDOT has been working on plans to replace the bridge, but no funding is available in the foreseeable future for construction).
- **Dominion Power Position.** A company representative has verbally informed the Fire Chief that Dominion Power is opposed to the closing.

PUBLIC CONVENIENCE

After the opening of Monticello, Planning Division staff performed actual drive time tests for three destinations using four different routes. Each route either began or ended at the Centerville/Rt. 5 intersection. The first three routes were the same ones used by the Fire Department. The fourth route followed Rt. 199. Each route was driven in both directions at least twice during non-peak hours. Driving times listed below are averages of both directions in minutes and seconds. Mileage is shown in parentheses. The three origins and destinations included: (1) Centerville/Rt. 5 intersection to/from the Centerville/Monticello intersection, (2) Centerville/Rt. 5 intersection to/from the District Park, and (3) Centerville/Rt. 5 intersection to/from Richmond Road/Lightfoot.

<u>Centerville/Rt. 5 To:</u>	<u>C-ville.</u>	<u>W. Rt.</u>	<u>E. Rt.</u>	<u>Rt. 199</u>
Centerville/Monticello	1:05 (0.7)	3:38 (2.5)	3:31 (2.1)	N/A
District Park	6:50 (5.1)	9:22 (6.9)	9:14 (6.5)	N/A

Lightfoot	11:02 (8.1)	13:32 (9.9)	13:53 (9.5)	12:26 (8.6)
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Conclusions on Public Convenience Impacts:

- **Factors Affecting Drive Times.** Actual drive times varied not only due to distance, but to other factors including traffic conditions and whether the test vehicle was stopped by a signal. The presence of slow-moving vehicles such as trucks also impacted drive times. Given the distances involved, these factors potentially play as large a role as distance in the drive times that a motorist will actually experience.
- **Impacts on Shorter Trips.** As expected Centerville provides the quickest travel time. Its main benefit is to short or “local” trips where it saves about 2.5 minutes (or about 35%) in a trip that would otherwise take about 9 minutes. In terms of mileage, it saves 1.4-1.8 miles in a 5.1 mile trip.
- **Impacts on Longer trips.** For more “regional” trips to areas like Lightfoot, Centerville’s benefits are much less as it only saves about 1.5 minutes (or about 13%) compared to a trip using Rt. 199 that takes about 12.5 minutes. The Rt. 199 route is also only 0.5 miles longer than Centerville. Those making trips to Lightfoot and beyond such as commuters will only be minimally impacted by switching to Rt. 199.

ALTERNATIVES

Alternatives to closing Centerville have been discussed among staff and with NPS. This section summarizes some of the alternatives considered, and County staffs’ and NPS’s conclusions as to their acceptability.

Conclusions Regarding Other Alternatives:

- **Traffic Calming & Visual Screening.** These types of measures would significantly reduce the noise, visual and safety impacts associated with Centerville, but would keep Centerville open to all traffic. Specific measures can include reduced speeds (current speed is 55 mph though most of the Green Spring site with a 45 mph speed limit at the north end), speed bumps or humps, pedestrian signals and markings, pedestrian tunnels, earth berms and landscape screening, and parkway design. A more costly measure includes altering the topography by a combination of berms and depressing the road several feet to achieve vistas similar to those enjoyed at the Governor’s Palace in Colonial Williamsburg. In order to implement highly effective traffic calming techniques, it is likely that Centerville would need to become an NPS rather than a VDOT road. NPS believes that this alternative would not sufficiently mitigate aural and visual impacts of through traffic, and have in fact stated that if through traffic is not eliminated they will implement Alternative B.
- **Other Alignments.** Options to construct a new alignment on a separate location are very limited given both wetlands and existing development. In staff’s opinion, a completely new

alignment is not feasible. More feasible is a partial realignment that departs from the present alignment just north of the road's abrupt rise in topography and extends northeast around the open field east of Centerville. This realignment would then re-enter the present alignment just south of Monticello. South of the abrupt rise through the wetlands area, Centerville would stay in its present location. Such an alternative would provide a large contiguous area and an uninterrupted, large vista. However, it would be very costly and noise would still impact some of the more active use areas of the Green Spring site. NPS has rejected this option due to potential impacts on archaeological resources, visual and aural impacts of through traffic, cost and other reasons.

- **Leaving Centerville As Is.** Examples exist both locally and nationally to simply maintain a major road through a NPS historical park. Some examples include the Yorktown Battlefield (U.S. 17) and the Gettysburg Battlefield (U.S. 15). However, NPS has rejected this alternative for the same reasons listed above.

CONSISTENCY WITH THE COMPREHENSIVE PLAN

Under the Code of Virginia (Section 15.2-2232), the planning commission must make a determination whether the closing of Centerville is “substantially in accord with the adopted comprehensive plan.” The Code states that the comprehensive plan “shall control the general or approximate, location, character and extent of each feature shown on the plan.” Unless a feature is already shown on the plan, the Code states that no street or connection to an existing street shall be constructed, established or authorized unless the general location, character and extent has been submitted to and approved by the planning commission as being substantially in accord with the comprehensive plan. The Code goes on to require that any vacation or change of use of a street shall likewise be submitted to the planning commission for approval. The planning commission is required to communicate its findings to the governing body, which may overrule the action of the commission by a majority vote of its membership.

Conclusions Regarding Comprehensive Plan Consistency:

- **Bikeways Element.** This plan element proposes a bicycle facility between Rt. 5 and Monticello Avenue within the Centerville Road corridor. NPS would prohibit through bicycle travel, and preclude construction of a future bikeway open to the general public. On October 15, 2001, the Historic Triangle Bicycle Advisory Committee (HTBAC) found that closing Centerville to bicycles would not significantly inconvenience bicyclists because of the availability of other suitable alternatives. HTBAC also expressed safety concerns about bicyclists making turning movements at the Rt. 5/Centerville intersection as a reason for their preference of other alternatives.
- **Transportation Element.** This plan element anticipates Centerville remaining a two-lane road. The road network in the adopted plan was modeled to determine County-wide capacity deficiencies, and Centerville is an element of this network. Pulling Centerville out of the adopted network sets a new precedent for eliminating roads in the absence of a comprehensive analysis.

- **Community Character Element.** Closing Centerville helps achieve the Plan's goals, objectives, and strategies to enhance and preserve the integrity of historic areas. However, closing the road is inconsistent with retaining the road as a community character corridor and Virginia Byway, especially as part of a scenic connection between Monticello and the Colonial Parkway.
- \$ **Land Use Element.** The site is designated "Park, Public or Semi-Public Open Space" on the Land Use plan. Use of the NPS property as a park is consistent with this plan element.
- **Overall Consistency.** Overall, staff finds the road closing generally inconsistent with the Comprehensive Plan.

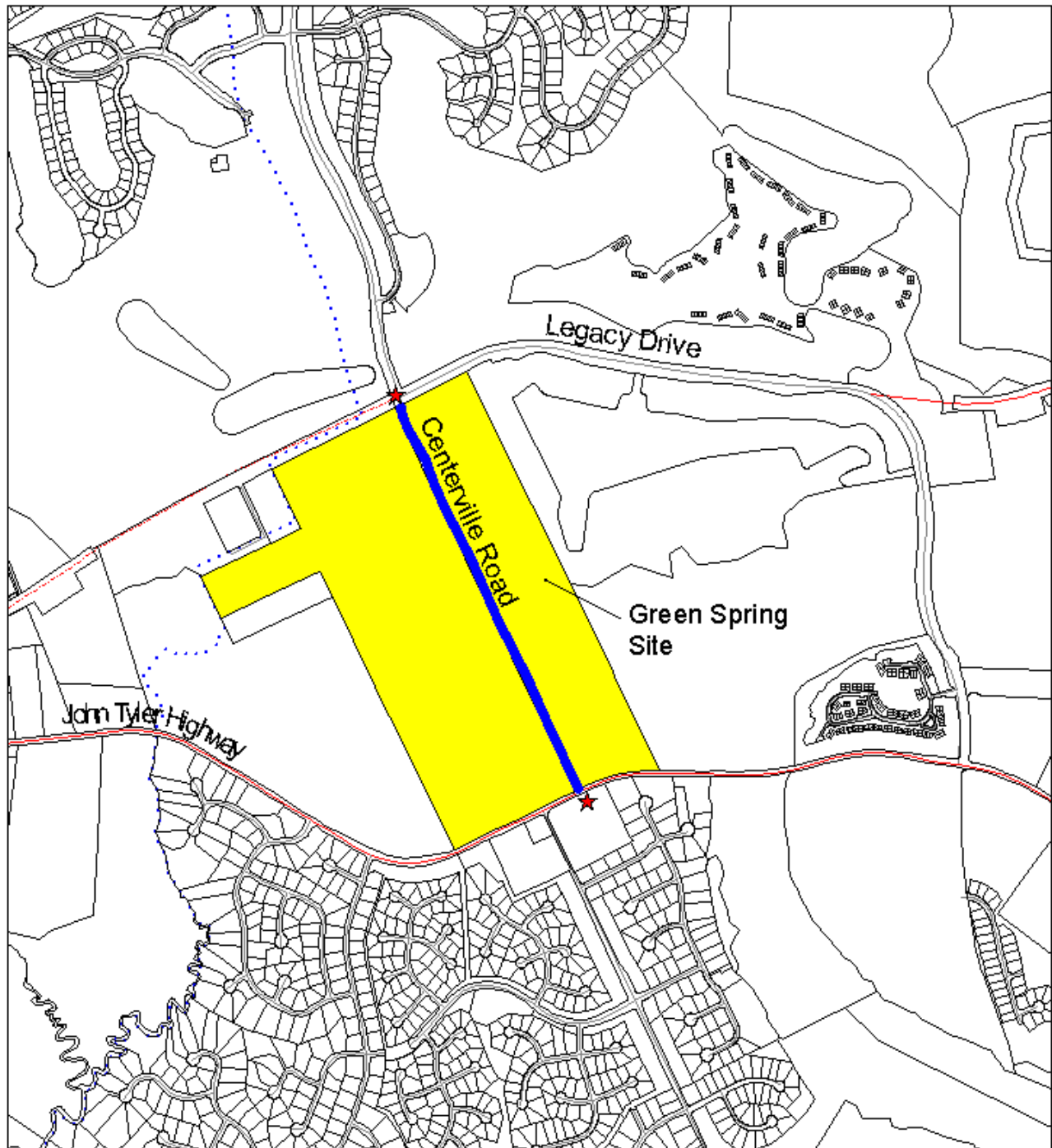
CONCLUSION

Closing Centerville creates both significant opportunities and challenges. The companion report to this document entitled, "Issue and Positions Paper," weighs these factors and identifies issues critical to staff and the conditions that must be met before closing the road.

Attachments:

1. February 25, 2002 draft letter from NPS of proposed components & conditions of closure
2. February 21, 2002 letter from C.M. Biehn regarding fundraising
3. February 19, 2002 letter from C.R. Williams regarding fundraising w/ attachment
4. 2001 Traffic Volumes Before Monticello Avenue (K-H Fig. 1)
5. 2002 Traffic Volumes After Monticello Avenue (K-H Fig. 2)
6. 1999 Peak Hour Volumes (K-H Fig. 3)
7. 2007 Peak Hour Volumes w/ Centerville Open (K-H Fig. 5)
8. 2015 Peak Hour Volumes w/ Centerville Open (K-H Fig. 6)
9. 2007 Peak Hour Volumes w/ Centerville Closed (K-H Fig. 10)
10. 2015 Peak Hour Volumes w/ Centerville Closed (K-H Fig. 11)
11. 1999 Level of Service (K-H Table 1)
12. 2007 & 2015 Level of Service w/o Green Spring Park Traffic & w/ Centerville Open (K-H Table 2)
13. 2007 & 2015 Level of Service w/ Green Spring Park Traffic & W/ Centerville Closed (K-H Table 8)
14. Surry Power Station Evacuation Zones

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Proposed Closing of Centerville Road

★—★ Proposed section to be closed

0 500 1000 1500 2000 Feet

Attachment 1



PLANNING DIRECTOR'S REPORT

MARCH, 2002

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

1. Master Greenways Plan. The Greenways Advisory Committee is continuing to make important decisions about the final document. The document will be going to the Parks and Recreation Advisory Board shortly. The Greenways Steering committee will be receiving the remainder of the document at the March meeting for approval. It will go to the Planning Commission in April for comment.
2. Architectural Survey. The VDHR Portsmouth field office continues to complete the remaining work on this project.
3. Comprehensive Plan Review BOS Work Session. Staff is preparing a proposal for a Comprehensive Plan methodology to present to the BOS at its March 26TH work session.
4. U.S. Census. The Census Bureau continues to release data with key data released later this Spring that staff will be incorporating into the Comprehensive Plan Technical Manual. Information has been posted on the demographics section of the Development Management page of the James City County website at: www.james-city.va.us.
5. Route 5/Green Spring Interpretative Site. VDOT has received a federal grant to construct interpretative sites along Route 5, and is working with staff to locate one in the County. VDOT held a public meeting on February 20TH at Jamestown High School to consider proposed site alternatives.
6. Proposed Closure of Centerville Road. The National Park Service's proposal to close a portion of Centerville Road is scheduled for the March 4 Planning Commission meeting.
7. Jamestown Subarea Study. Staff continues to work with the affected landowners and their consultants to reach the agreement on the of Route 359. Tentative agreement on landscaping has been reached.
8. Capital Improvement Program. The Policy Committee met three times in February to review FY03 CIP requests. Rankings will be presented at the March 4, 2002, Planning Commission Meeting.
9. DRB Cases. The New Town DRB met on February 21st to discuss the following cases: WindsorMeade Way entrance road, WindsorMeade overall plan of development and SunTrust office building. The DRB made various suggestions to both WindsorMeade plans, and revised plans will be presented at the march meeting. Revised plans for the SunTrust building will also be presented at the March meeting.
10. Other Board Action. At its February 12th meeting, the Board approved Case No. SUP-24-01 Zion Baptist Church, Case No. SUP-26-01 Grace Covenant Church, Case No. SUP-28-01 McKinley Office Building, and SUP-29-01 A-Stat Restoration. The Board deferred Case No. Z-5-00 New Town Office Building to its February 26th meeting. At its February 26th meeting, the Board approved Case No. SUP-30-01. King's Way Church and deferred Case No. Z-5-00. New Town Office Building.

11. Upcoming Cases. New cases that are tentatively scheduled for the April 1, 2002, Planning Commission meeting.

CASE NO. SUP-4-02. J.W. CROSSING SHOPPING CENTER EXPANSION. Mr. Vernon Geddy, III, has submitted a special use permit application to amend SUP-7-98 to increase the size of the permitted retail shopping center to 17,200 sq. ft. and to eliminate the automobile service center and fast food restaurant as specially permitted uses. The property is located at the southwest corner at the intersection of Richmond Road and Olde Towne Road.

O. Marvin Sowers, Jr.

