
AGENDA

JAMES CITY COUNTY PLANNING COMMISSION

May 6, 2002 - 7:00 P.M.

1. ROLL CALL
 2. MINUTES: April 1, 2002 1
 3. COMMITTEE AND COMMISSION REPORTS
 - A. Development Review Committee Report / Reading File 51
 - B. Other Reports
 4. PRESENTATIONS
 - A. 2002 Greenway Master Plan 7
 - B. JCSA - Water Supply and Sewage Treatment Capacity
 5. PLANNING COMMISSION CONSIDERATIONS
 - A. Proposed Closure of Centerville Road 9
 - B. Case No. SUP-18-01. Waltrip Cellular Tower 13
 6. PUBLIC HEARINGS
 - A. Case No. SUP-25-01. VoiceStream Wireless Communications Tower 23
 - B. Case No. Z-1-02. 7294 Merrimac Trail Rezoning / Baker Farmer's Market 25
 - D. Case No. SUP-22-01. JCSA Groundwater Treatment Facility, Production Wells, Concentrate Discharge Main, and Route 5 Water Main Extension 37
 7. PLANNING DIRECTOR'S REPORT 49
 8. ADJOURNMENT
-

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE FIRST DAY OF APRIL, 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
Don Hunt
Wilford Kale
Joe McCleary
Peggy Wildman

ALSO PRESENT

Greg Dohrman, Assistant County Attorney
Marvin Sowers, Planning Director
David Anderson, Planner

2. MINUTES

Joe McCleary made a motion to approve the minutes of the March 4, 2002, meeting and commented that Ms. Giuliano deserved special recognition for having produced not only an accurate set of minutes but very well organized ones that would be useful to anyone who read them. In a unanimous voice vote, motion passed.

3. COMMITTEE AND COMMISSION REPORTS

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Peggy Wildman presented the DRC report stating they reviewed five cases that were not controversial. She stated the Williamsburg Landing and Williamsburg Plantation (units 184-251 and units 134-183) projects were before the DRC because each one exceeded 50 lots. She said the applicant for Ironbound Village requested a modification to the required 50' structure setback and requested to amend the master plan. She stated the DRC recommended approval of all cases.

Joe Poole stated he would abstain from the Williamsburg Landing vote since he was a member of its board.

Wilford Kale asked if the County was watching the rear property of Williamsburg Plantation as its developed toward the wetlands adjacent to Route 199.

Joe Poole said absolutely and added that has been a concern of the DRC. He said there was a BMP partially on VDOT property and partially on Williamsburg Plantation property that has met the environmental regulations.

By a unanimous voice vote, motion passed.

B. DEVELOPMENT POTENTIAL ANALYSIS

Joe McCleary stated several years ago the Board directed staff to do a study of the development potential in the County and that engendered further discussion as to the accuracy of those figures. He said as a preparation for the review of the Comprehensive Plan, the development potential analysis study would be redone in a more in-depth method which involves the employment of a consultant. He stated the DPA Committee would be working with staff and the consultants from Kimly-Horn and added that the potential development analysis was being done strictly within the PSA. He said there were four scheduled meetings, one of which was held on March 29, and the next one would be on April 22, 2002 at 3 p.m. in Conference Room E.

Don Hunt asked if the study would be defining the number of lots by economic classification. He stated that there has been talk about the need for affordable housing and asked if there would be a distinction made as to how many potential sites/or lots would fit lower income.

Joe McCleary said not per say, but it could be inferred.

C. PROPOSED CLOSURE OF CENTERVILLE ROAD

Joe Poole stated he wanted to follow up on the March 4th meeting on the proposed closing of a section of Centerville Road. He stated that Joe McCleary, members of staff, and members of the National Park Service met shortly after that March meeting to come to terms with how best to accommodate a range of interests in this matter. He stated that before the Commission tonight was a proposed resolution he hoped could be acted on at the May meeting and then sent to the Board. He asked if the Commission had any substantive items regarding the resolution and to either offer those comments tonight or as soon as possible so the final resolution could be prepared for the next meeting.

Peggy Wildman stated there were two issues of concern which she felt weren't specifically addressed. She proposed that the Commission put forth a speed limit on the road, suggesting 25 mph for safety reasons and to avoid traffic issues within the Park. She felt the use of pea-gravel on top of the road surface was a wonderful idea but asked if there was any assurance that the road would hold up with use by Fire, Police, and EMT emergency vehicles.

Joe Poole asked if anyone else had any comments.

Joe McCleary stated the County Attorney recommended several changes in the resolution and he agreed to strike the word *iterative* and inserting *incremental* in the first paragraph and to delete the word *fulsome* in the last paragraph.

George Billups asked if this would be discussed at the May meeting.

Joe McCleary stated that this resolution was not being officially considered at this time because there was not enough time to have tonight's consideration publicly announced.

Alec Gould of the National Park Service stated he had spoken with Joe McCleary and then put in writing comments regarding the resolution that was before the Commission.

Joe McCleary informed Alec Gould that the other Commission members had received a copy of the resolution and the letter from the National Park Service.

Alec Gould stated there were two main concerns regarding the resolution. He asked that there be an acknowledgement that many citizens of the County did, in fact, support Alternative C and that it be noted that the long range goal of the National Park Service was to do Alternative C. He said he preferred the word *incremental* to *iterative* because it better expressed what the Commission was saying and felt that was positive position.

Don Hunt made a motion, seconded by Wilford Kale, to bring this issue before the May 6, 2002 meeting. In a unanimous voice vote, motion passed.

Marvin Sowers stated the Commission closed the public hearing at its March 4, 2002, meeting and that would affect the way staff would advertise the May meeting. He asked if the Commission wanted the matter to be a public hearing or a consideration.

Joe Poole said his first thought would be to have another public hearing.

Wilford Kale stated there had been a public hearing and felt this now should be the Commission's handling of what was heard during the public hearing in March. He was reluctant to reopen the public hearing because it could be a redundancy of the March meeting.

Don Hunt said he believed there was a fair and open airing from both sides on this issue and felt the resolution was beneficial.

There was support from other Commission members not to open the public hearing and it was agreed this would be a consideration.

4. PUBLIC HEARINGS

A. CASE NO. SUP-4-02. J. W. CROSSING EXPANSION

David Anderson presented the staff report stating the applicant had applied to amend a previously approved special use permit in order to increase the size of the permitted retail shopping center to 17,149 sq. ft. and to eliminate the previously approved automobile service station center and fast food restaurant. He stated the proposed conditions would mitigate traffic and visual impacts of this development. Staff found the proposal to be consistent with the surrounding commercial zoning and development and the Community Commercial designation of the Comprehensive Plan. Staff recommended that the Planning Commission recommend approval with the conditions as outlined in the staff report.

Joe Poole opened the public hearing.

Sheldon Franck of Geddy, Geddy, Franck, and Hickman spoke on behalf of the applicant. He stated the earlier special use permit was approved in March of 1999 and said it was necessary to file suit in order to get some of issues resolved between the owner of the out parcel and the owner of the shopping center. He said one result, determined by the courts, was that the configuration of the automobile service facility did not comply with the covenant restrictions. He said the other two issues were agreed upon by a settlement that was incorporated into a court order in that suit. He said the process took almost 18 months and by that time, the prospective user for the fast food restaurant was no longer interested in locating at the site. He stated that before the Commission tonight was a modified proposal for that site. He noted that the proposed buildings would have the same exterior appearance and retail use as the existing building. He said the applicant agreed with the staff report with the exception of Condition #8. He said what this condition was doing was putting the owner of the out parcel in a "catch 22" situation stating the County won't approve this application until the owner of the shopping center approves it and the owner of the shopping center won't approve it until the County approves it. He believed the length of the litigation was considerably greater by virtue of this condition and respectfully asked that this special use permit be approved without Condition #8. He said he would answer any questions of the Commission.

Peter Paluzsay spoke on behalf of Ewell Station, Inc. stating that the special use permit that was being applied for tonight did affect them. He said there were restrictive covenants on the property and noted that the County and applicant were fully aware of what they have to do with these covenants in order to develop the property. He stated the applicant to this date had not given Ewell Station, Inc. any information as to the changes in the special use permit. He said the applicant was applying for a modification of a special use permit which, in fact, has expired. He asked the Commission to take a hard look at this case and said that Ewell Station, Inc. had not yet approved this application as required in the covenants and objected to it at this time.

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

Joe McCleary asked the Assistant County Attorney on his views on Condition #8.

Greg Dohrman stated there were no legal problems with Condition #8. He said that the condition was in the original application because there was an issue of whether the development could be done due to the restrictive covenants and the Commission did not want to be in a position of approving something that was generally against covenants. He said Condition #8 allowed the applicant to go forward to the Board and then for the owner of Ewell Station Shopping Center to take the applicant to court since approval of the SUP was granted by the County. He felt that the Commission could be in the same position today since the owner of the shopping center stated that they had not approved this proposed change. He also stated that the County did not have any obligation to enforce any private covenants between private parties. He concluded that the SUP condition could be removed without affecting the rest of the application.

Marvin Sowers added that this was a very unique instance and staff felt that site plans should not be processed unless there was a guarantee that what was actually applied for could actually happen and condition #8 addressed this issue.

Dave Anderson concurred with Marvin Sowers stating that staff did not want to approve a site plan unless the use was going to be allowed on the property.

Marvin Sowers stated this was a solution worked out when the case was before the Commission last time.

Joe McCleary asked Greg Dohrman to be more specific regarding Condition #8.

Greg Dohrman stated that there was not a legal need for this condition and felt it was a staff and Commission policy as to whether it should be in. He said the County Attorney's office position would be that they would not want to be in a position of monitoring compliance with restrictive covenants but because of the unique history of this case, they did not have an objection to Condition #8 in this case.

Wilford Kale asked Sheldon Franck to confirm that Peter Paluzsay had not seen this application prior to today.

Sheldon Frank stated they had not formally submitted anything on the revised proposal to the owners of Ewell Station because they needed to have the approval of the special use permit first.

George Billups asked if there was a possibility, if this application were approved, that there could be an agreement among the parties and that they would not have to go back to court.

Sheldon Franck said they hoped they would not have to go back to court noting that many of the elements of this development had already been approved by the owner of the shopping center when they approved the old SUP. He said what the owner of the shopping center hasn't approved was the different size, exterior appearance, and location of the two buildings and they can't be submitted to him until the applicant obtains the approval from the County.

Joe Poole stated he was supportive of this application with the conditions listed. He said he was impressed with the finished product that evolved from the 1999 SUP and was pleased with this application because it continued to retain the Comprehensive Plan intent for this parcel.

Wilford Kale made a motion, seconded by Joe McCleary, to approve this special use permit with the inclusion of all 11 staff recommended conditions.

In a roll call vote, motion passed (6-0). AYE: Wildman, McCleary, Hunt, Kale, Billups, Poole (6); NAY: (0).

5. PLANNING COMMISSION REQUESTS

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

Joe Poole stated that the cellular tower application that was before the Planning Commission in February and forwarded to the Board has had a subsequent reduction in height by the applicant. He stated a balloon test was conducted last week and he requested that the Commission endorse a resolution asking the Board to allow them to review this case again.

Wilford Kale made a motion, seconded by Peggy Wildman, to support Joe Poole's request.

In a unanimous voice vote, motion passed.

B. COMPREHENSIVE PLAN METHODOLOGY

Joe Poole said that last Tuesday, March 26th, the Commission had the opportunity to listen to staff's presentation on the Comprehensive Plan revision process with suggestions of methodology options. He said the methodology options were: staff would do it almost exclusively with some technical consulting assistance, there would be a blended approach between staff and a consultant, or the consultant would do the revisions entirely. He stated the Commission was in charge of steering the process and noted staff had been very helpful. He asked if any Commissioners had any thoughts on the methodology.

Don Hunt commented on the DPA Committee that would be looking at the residential areas and the consideration of the Primary Service Area (PSA). He felt that affordable housing might be one criteria for the expansion of the PSA.

Joe McCleary said the citizen survey indicated that the citizens wanted a review and tweaking of the plan with adjustments in some areas but no major overhaul of the plan. He said that Plan B was a reasonable employment of consultants to be used in specific areas. He felt that staff could do a good and fair job and with all the citizen input and the oversight of the Commission, he believed they needed to keep the expenses to a reasonable level and the use of consultants to a reasonable level.

Joe Poole concurred and felt a blended approach of staff and consultants made a lot of sense. He said what he heard at the work session from the Board was that they wanted to see more citizen participation throughout the entire process.

George Billups said that in the development of the Comprehensive Plan he would not like to see things that would agitate the attitudes of this community in a divisive way. He knew of their concerns about affordable housing, Ironbound Road and, the realignment of Route 60.

He said he would hate to see the Commission make decisions that would escalate and aggregate those particular attitudes. He referred to Centerville Road stating that it was still a major corridor and evacuation route, it still had an economic impact, there would still be emergency services and ferry travel. He said the Commission was embarking upon certain things that they needed to think about and noted they were moving into a new era with more participation among the citizens.

Peggy Wildman said the County had an exceptionally good staff that was capable of doing so much to get participate in the process and felt there was no need in spending the kind of money that was being discussed at the work session for a consultant. She said the County had a Planning Commission that was very involved, caring, and knowledgeable. She commented that the citizens survey done by a consultant did not bring out anything that was different from what they already knew but it did confirm what they had known.

Joe Poole asked Marvin Sowers if he understood the consensus of the Commission to do a resolution and said there was a strong sense among everyone that they would support Methodology Option B, A Blended Approach.

Marvin Sowers suggested that the Commission Chair and Vice Chair contact the Board Chair and the representatives for their particular district of its support for Methodology Option B.

6. PLANNING DIRECTOR'S REPORT

Marvin Sowers stated the 2002 Draft Greenway Master Plan has been handed out to the Commission and it will be on the agenda for the May 6, 2002, meeting.

Peggy Wildman commented that she spent many hours working as a member of the Steering Committee on the development of the 2002 Greenway Master Plan and said that everyone who helped work on this plan did an outstanding job.

Marvin Sowers also stated that the JCSA Desalinization Plant application would be coming back to the Commission in May along with the brine line for waste water. He said a field trip would be scheduled for the Commission to visit a similar facility in Newport News for the second or third week in April.

Joe Poole asked that perhaps some citizen association representatives from adjoining residential communities might be able to attend the field trip as well.

7. ADJOURNMENT

There being no further business, the April 1, 2002, meeting of the Planning Commission was adjourned approximately at 8:15 p.m.

A. Joe Poole, III, Chairman

Marvin Sowers, Secretary

MEMORANDUM

DATE: May 6, 2002
TO: Planning Commission
FROM: Lee A. Schnappinger, Landscape Planner
SUBJECT: The Greenway Master Plan
Parks and Recreation Advisory Commission Presentation

On April 1, 2002, the Planning Commission received the draft Greenway Master Plan for review. This document is the result of fourteen months of collaboration between the Divisions of Parks and Recreation and Planning, the Greenway Steering Committee, and members of the community.

The Parks and Recreation Advisory Commission unanimously agreed to support the draft Greenway Master Plan at the public hearing on April 17. The draft Greenway Master plan will go to the Board of Supervisors for action at their meeting on May 28.

At this May 6 Planning Commission meeting, the Parks and Recreation Advisory Commission will be making a presentation on the draft Greenway Master Plan to solicit comments and questions from members of the Planning Commission.

Lee A. Schnappinger

MEMORANDUM

DATE: May 6, 2002
TO: Planning Commission
FROM: O. Marvin Sowers, Jr., Planning Director
SUBJECT: Centerville Road: Proposed Closing of Southern Portion

At its April 1, 2002 meeting, the Planning Commission informally considered a draft resolution concerning the proposed closure of the southern portion of Centerville Road. The resolution reflected the National Park Service's (NPS) stated intent to initially develop the Green Spring Colonial National Historical Park under an alternative (Alternative B) that does not require closing a portion of the road at this time. The Commission requested that the resolution be placed on its May 6, 2002 agenda for formal consideration to allow sufficient notice to be given to interested parties. Attached is a copy of the resolution.

The attached resolution contains the changes agreed to at the Commission's April 1 meeting. I have also taken the liberty of deleting the recommendation to install a traffic signal at the Centerville Road/Monticello Avenue intersection since that has been accomplished.

Recommendation

It is recommended that the Planning Commission adopt the attached resolution. For your information, the matter is tentatively scheduled to be considered by the Board of Supervisors at its May 28, 2002 meeting. Given the nature of the Commission's anticipated action, staff has recommended to the Board that this be brought forward as a Board consideration rather than a public hearing.

O. Marvin Sowers, Jr.

Attachment

1. Resolution

Special Use Permit 18-01

Waltrip Communications Tower

Staff Report for the May 6, 2002, Planning Commission Meeting

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; 7:00 p.m.
November 5, 2001; December 3, 2001; January 14, 2002;
February 4, 2002, (Denied); May 6, 2002

Board of Supervisors:

March 12, 2002; April 9, 2002 (remanded back to the Commission)
June 11, 2002 (Tentative)

SUMMARY FACTS

Applicant/Land Owner:

Ms. Mary Waltrip

Proposal:

Construct a 133-foot tall communications tower

Location:

Adjacent to the Williamsburg-Jamestown Airport

Tax Map ID:

(48-2)(1-12)

Primary Service Area:

Inside

Existing Zoning:

R-8, Rural Residential

Comprehensive Plan:

Airport

Surrounding Zoning & Development

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

Staff Contact:

Paul D. Holt, III

Phone: 253-6685

Recommendation:

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

While staff has previously requested the applicant consider using a camouflaged structure, at the current request of 133 feet staff finds that a mono-pine would appear somewhat out of scale when viewed from the westbound lane of Route 199. The fact that the facility would not be lighted reduces the chance it would be noticed in this direction. Staff also finds the structure would appear substantially out of scale when viewed from certain locations within the Kingspoint subdivision and from certain locations within Williamsburg Landing.

In these locations, with respect to the Zoning Ordinance criteria noted in this report, staff finds the

mono-pine would be “noticeably dissimilar to nearby vegetation in terms of height.” Also, while an existing mature tree buffer would remain around the base of the tower, staff finds the mono-pine would “appear out of scale with existing natural vegetation to an off-site viewer.” Finally, with respect to the adopted Performance Standards for Wireless Communication Facilities, staff finds the mono-pine not “compatible in scale with surrounding natural trees.”

While a taller facility constructed at the airport would help to cover a larger service area, there are still service area limitations, as noted below. For the reasons just listed, and using the enclosed aerial photographs for reference, staff finds that a 133 foot tall mono-pine structure does not substantially meet the Zoning Ordinance requirements and adopted Performance Standards. Staff therefore does not recommend approval of the application. While it may minimize options for co-location, staff finds adequate coverage can be provided with a structure more in scale with existing natural vegetation.

Current Status of the Project

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

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

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

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

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

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

Such camouflaged-design towers and lower structures are typically used when standard, taller steel

towers are deemed incompatible with surrounding residential uses. For instance, the City of Newport News has successfully implemented the use of a “mono-pine” at the City Farm, off Menchville Road. In the off-site views of the Newport News monopine, it appears in-scale with surrounding trees and of a similar species. Attached are photos of that structure. If approved, the proposed structure at the Airport would be similar in design to that in the photo. Albemarle County also represents another successful example of the use of camouflaging through the common practice of restricting tower heights to 5-10 feet above the surrounding trees. According to the Albemarle County Planning department, the following companies have successfully installed antenna and have implemented their coverage networks with facilities at, or just above, the tree line: CFW, Triton, Ntelos, Devon, and Alltel.

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

The Performance Standards state that “camouflaged towers having the design of a tree should be compatible in scale and species with surrounding natural trees or trees native to Eastern Virginia.”

The site does contain many species of pine trees. Therefore, the proposed design is compatible in species with surrounding natural trees. A discussion regarding the proposed structure’s compatibility with scale is discussed below.

Relationship to the Zoning Ordinance

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

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

Service Coverage

At 133 feet, up to three carriers would be possible on the structure – the primary carrier at 133 feet and potential co-locates at 117 feet and 101 feet. Additional information has been supplied by the applicant’s consultant. The consultant states that at 133 feet, one service provider (Sprint) is no longer interested in co-location. Three other service providers are however, still considering this location to be a viable site for expansion. These carriers include Ntelos, VoiceStream and Nextel. The consultant also provided documentation showing anticipated service coverage for Ntelos at the lower antenna height currently proposed.

At the original application request of 165 feet, some carriers were not able to completely fill the coverage gap that exists along Route 199. This continues to be the case at the reduced height of 133 feet. With the information presented to staff by the applicant’s consultant, staff finds that the existing service gap may be too large to be filled by just one facility that meets Zoning Ordinance requirements and that significantly meets the County’s Wireless Communications Facility policy and

Comprehensive Plan. Therefore, even if a facility were to be approved and built at the Airport site, staff believes additional infill antenna may still be needed by the carriers in the future.

Staff Recommendation

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

Views of the facility would remain at three locations (in addition to the view from the Airport itself): Route 199, Williamsburg Landing, and from certain locations within the Kingspoint subdivision.

While staff has previously requested the applicant consider using a camouflaged structure, at the current request of 133 feet staff finds that a mono-pine would appear somewhat out of scale when viewed from the westbound lane of Route 199. The fact that the facility would not be lighted reduces the chance it would be noticed in this direction. Staff also finds the structure would appear substantially out of scale when viewed from certain locations within the Kingspoint subdivision and from certain locations within Williamsburg Landing.

In these locations, with respect to the Zoning Ordinance criteria noted in this report, staff finds the mono-pine would be “noticeably dissimilar to nearby vegetation in terms of height.” Also, while an existing mature tree buffer would remain around the base of the tower, staff finds the mono-pine would “appear out of scale with existing natural vegetation to an off-site viewer.” Finally, with respect to the adopted Performance Standards for Wireless Communication Facilities, staff finds the mono-pine not “compatible in scale with surrounding natural trees.”

While a taller facility constructed at the airport would help to cover a larger service area, there are still service area limitations, as noted above. For the reasons just listed, and using the enclosed aerial photographs for reference, staff finds that a 133 foot tall mono-pine structure does not substantially meet the Zoning Ordinance requirements and adopted Performance Standards. Staff therefore does not recommend approval of the application. While it may minimize options for co-location, staff finds adequate coverage can be provided with a structure more in scale with existing natural vegetation.

Should the Commission wish to approve this application, a revised list of proposed SUP conditions is attached.

Paul D. Holt, III

Attachments:

1. Photos taken at the March 28, 2002, balloon test
2. Photos taken from the pine-tree camouflaged structure at the Newport News City Farm
3. Revised, proposed SUP conditions

RESOLUTION

A RESOLUTION ON GREEN SPRING COLONIAL NATIONAL HISTORICAL PARK

WHEREAS, the National Park Service has graciously chosen to accommodate the wishes of the people of James City County by choosing to develop the Green Spring Colonial National Historical Park in an incremental fashion (Alternative B) such that it no longer requests closure of Centerville Road (Route 614) between John Tyler Highway (Route 5) and Monticello Avenue (Route 5000) (hereinafter the “park roadway”) at this time; and

WHEREAS, the National Park Service may now proceed to develop and open the Green Spring Colonial National Historical Park “by right,” an undertaking that the Planning Commission supports, as this initiative will significantly add to the scenic, cultural, and historical value of the County; and

WHEREAS, the Planning Commission was created nearly fifty years ago to insure the prosperity, health, safety, and general welfare of the citizens of James City County.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia, takes this opportunity to respectfully make the following recommendations to the Board of Supervisors for the advancement of this park while at the same time furthering the safety and welfare of our citizens:

That the Board of Supervisors urge action by, or coordination with, applicable State and County agencies to:

- Significantly reduce the speed limit on the entire park roadway and make the entire park roadway a no passing zone. It is hoped that this action, and other possible traffic calming initiatives, will improve safety and reduce noise and therefore enhance the ambiance of the park..
- Resurface the park roadway with pea gravel pressed into the macadam surface so as to make the roadway have a more “country” appearance as has been done in the restored area of Colonial Williamsburg.
- Increase the fine for speeding on the park roadway, and encourage an increased police presence to enforce the new regulations.
- Undertake a traffic safety study of the entire area. This study might look into the possibility of creating a better alignment of the junction of Centerville Road and Greensprings Road, installation of left-turn lanes on John Tyler Highway at the aforementioned junction(s), and a reduction of the speed limit on John Tyler Highway as far west as Patriot’s Colony.

BE IT FURTHER RESOLVED that the Planning Commission takes this opportunity to congratulate the National Park Service and the Friends of Green Spring for being good citizens of this

County through their cooperation in open negotiations to resolve this situation amicably through compromise.

A. Joe Poole, III
Chair of the Planning Commission

ATTEST:

O. Marvin Sowers
Secretary

Adopted by the Planning Commission this 6th day of May, 2002.

grnspgs.res

Special Use Permit 25-01

Voice Stream Wireless Telecommunications Tower

Staff Report for the May 6, 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

Building C Board Room; County Government Complex

Planning Commission:

January 14, 2002; February 4, 2002; May 6, 2002 7:00 p.m.

Board of Supervisors:

n/a

SUMMARY FACTS

Applicant

Ms. Ambre M. Blatter on behalf of Voice Stream Wireless

Land Owner:

Thomas and Rado Banks

Proposal:

Construct a 250-foot tall communications tower

Location:

4392 Rochambeau Drive
At the intersection of Rochambeau, Croaker Road, and I-64

Tax Map ID:

(14-3)(3-1)

Primary Service Area:

Inside

Existing Zoning:

A-1, General Agriculture

Comprehensive Plan:

Mixed Use

Surrounding Zoning & Development

North: Undeveloped lands zoned A-1 and B-1, General Business.
South & West: Scattered single family homes on A-1 zoned property and vacant R-8, Rural Residential zoned land.
East (across I-64): Undeveloped, M-1, Limited Business/Industrial zoned land, and the Kiskiack Golf Course on R-8 and R-5, Multi-family zoned land.

Staff Contact:

Paul D. Holt, III Phone: 253-6685

STAFF RECOMMENDATION

At the February 4, 2002, Planning Commission meeting, the applicant requested a three month deferral. Since that time, the applicant has withdrawn this application and submitted a new application for an alternative. This alternative SUP request and application (Case No. SUP-10-02) is currently scheduled to be heard by the Commission at its June 3, 2002, meeting.

Paul D. Holt, III

**REZONING 01-02. 7294 Merrimac Trail Rezoning / Baker Farmer's Market
Staff Report for May 6, 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: May 6, 2002 - 7:00 p.m. Building C Board Room
Board of Supervisors: June 11, 2002 - 7:00 p.m. Building C Board Room (tentative)

SUMMARY FACTS

Applicant: Michael H. Brooks

Land Owner: Teamsters Local 95

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

Location: 7294 Merrimac Trail; Roberts District.

Tax Map/Parcel No.: (50-2)(8-1A) & (50-2)(1-10)

Primary Service Area: Inside

Parcel Size: .715 acres

Existing Zoning: B-1, General Business

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

Comprehensive Plan: Low Density Residential

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

Staff Contact: David Anderson Phone: 253-6685

STAFF RECOMMENDATION:

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

Description of Project

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

Surrounding Zoning and Development

North, South & East of the property is mainly zoned R-2, General Residential, consisting primarily of single-family homes. However, there are pockets of property zoned B-1, General Business, located adjacent to Merrimac Trail. West of the property is zoned B-1, General Business, with Car Quest Auto Parts located directly across the railroad tracks and Route 60. Approximately 1500 ft east of the property, at the intersection of Route 199 and Merrimac Trail, is property zoned M-1, Limited Business/Industrial.

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

Physical Features

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

Access

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

Comprehensive Plan

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

RECOMMENDATION:

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

Dave Anderson

CONCUR:

O. Marvin Sowers, Jr.

Attachments:

1. Location Map
2. Current Zoning Map
3. Comprehensive Plan Designation Map
4. Proffer Agreement

PROFFER AGREEMENT

THESE PROFFERS are made as of this 14 day of April, 2002, by TEAMSTERS LOCAL NO 95, (together with its successors and assigns, the "Owner").

RECITALS

- A. Owner is the owner of certain real property (the "Property" in James City County, Virginia more particularly described as parcels (1-10) and (8-1A) on James City County Real Estate Tax Map Page (50-2).
- B. The property is located at 7294 Merrimac Trail and is now zoned B-1, General Business.
- C. Owner has applied for a rezoning of the Property from B-1, General Business, to M-1, Limited Business/Industrial, with proffers.
- D. Owner desires to offer to the County certain conditions on the development of the Property not generally applicable to land zoned M-1 for the protection and enhancement of the community and to provide for the high-quality and orderly development of the Property.

NOW, THEREFORE, for and in consideration of the approval by the Board of Supervisors of James City County of the applied for rezoning, Owner agrees that it shall meet and comply with all of the following conditions in developing the Property. If the applied for rezoning is not granted by the County, the Proffers shall thereupon be null and void.

CONDITIONS

1. LIMITATIONS ON USE. Without the amendment of this agreement the Property shall only be used for one or more of the following generally permitted uses as listed in the M-1, Limited Business/Industrial District contained within the Zoning Ordinance of James City County with additional restrictions noted herein:

- An apartment or living quarters for a guard, caretaker, proprietor, or other person employed on the premises which is clearly secondary to the business or industrial use of the property.
- Automobile service stations; if fuel is sold, then in accordance with section 24-38.
- Banks and other similar financial institutions.
- Barber and beauty shops.
- Business, professional and governmental offices.
- Child day care centers.
- Contractors offices, equipment storage yards, shops and warehouses with storage limited to a fully enclosed building.
- Drugstores.
- Dry cleaners and laundries.
- Farmer's markets.
- Feed, seed and farm supply stores.
- Fire stations.
- Funeral homes.
- Health clubs, exercise clubs, and fitness centers.
- Hotels, motels or convention centers with accessory retail sales, barber shops and beauty shops located within the hotel, motel or convention center for the principal benefit of the resident guest.
- Houses of worship.
- Indoor sport facilities.
- Lumber and building supply (with storage limited to a fully enclosed building or fully screened from view with a structural barrier approved by the development review committee, located within the building setback area with a maximum height of 12 feet).
- Machinery sales and service with major repair limited to a fully enclosed building.
- Marine or waterfront business to include receipt, storage and transshipment of waterborne commerce, or seafood receiving, packing and distribution.
- Medical clinics and offices.
- Off-street parking as required by section 24-53.
- Plumbing and electrical supply stores (with storage limited to a fully enclosed building).
- Post offices.

- Printing, lithographing, engraving, photocopying, blueprinting and publishing establishments.
- Radio and television stations and accessory antenna or towers, self-supported, (not attached to buildings) which are 60 feet or less in height.
- Restaurants, tearooms and taverns.
- Retail and service stores, including the following stores: books, cabinet, candy, carpet, coin, department, dressmaking, florist, furniture, furrier, garden supply, greeting card, gunsmith (excluding shooting ranges), hardware, home appliance sales and service, ice cream, jewelry sales and service, locksmith, music and records, paint, pet, picture framing, plant supply, shoe, sporting goods, stamp, tailor, tobacco and pipes, toys, travel bureau, upholstery, wearing apparel, and yard goods.
- Retail food stores, bakeries and fish markets.
- Telephone exchanges and telephone switching stations.
- Timbering in accordance with section 24-34.
- Veterinary hospitals.
- Warehouse, storage and distribution centers (with storage limited to a fully enclosed building).
- Wireless communication facilities that utilize alternative mounting structures, or are building mounted, or are camouflaged, and comply with division 6, Wireless Communication Facilities.

2. LIMITATIONS ON SPECIALLY PERMITTED USES. Without the amendment of this agreement the Property shall only be used for one or more of the following uses listed in the M-1, Limited Business/Industrial District with additional restrictions noted herein and permitted only with the issuance of a special use permit by the Board of Supervisors:

- Antennas and towers (not attached to buildings) in excess of 60 feet in height.
- Convenience stores; if fuel is sold, then in accordance with section 24-38.
- Electrical generation facilities (public or private), steam generation facilities, electrical substations with a capacity of 5,000 kilovolt amperes or more and electrical transmission lines capable of transmitting 69 kilovolts or more.
- Heliports, helistops (as an accessory use).
- Hospitals.
- Outdoor sports facilities with water and sewer facilities for golf courses as approved by the Board of Supervisors.
- Railroad facilities including tracks, bridged, switching yards and stations. However, spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad right-of-ways and track safety improvements in existing railroad right-of-ways are permitted generally and shall not require a special use permit.
- Theme parks of ten acres or more.
- Tower mounted wireless communication facilities in accordance with division 6, Wireless Communications Facilities, in excess of 60 feet in height.
- Transmission pipelines (public or private), including pumping stations and accessory storage, for natural gas, propane gas, petroleum products, chemicals, slurry coal, and any other gases, liquids or solids. However, extensions or private connections to existing pipelines, which are intended to serve an individual customer and which are accessory to existing or proposed development, are permitted generally and shall not require a special use permit.
- Water facilities (public or private), and sewer facilities (public), including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, wells and associated equipment, such as pumps to be owned and operated by political jurisdictions. However, the following are permitted generally and shall not require a special use permit:
 - a) Private connections to existing mains that are intended to serve an individual customer and that are accessory to existing or proposed development, with no additional connections to be made to the line: and
 - b) Distribution lines and local facilities within a development, including pump stations
- Water impoundments, new or expansion of, 50 acres or more or with dam heights of 25 feet or more.

3. OPERATIONAL CONDITIONS. Without the amendment of this agreement the farmer's market operation shall be operated as follows:
- As stated in the definition of a farmer's market in the James City County Zoning Ordinance - the farmer's market is an occasional or periodic market held in a structure or open area where farmers sell their produce or farm products – thereby limiting the sale of goods to strictly farm produce or farm products and requiring the vendor to be a farmer. No second or third party vendors shall be permitted. No sales of items not grown or raised on a farm shall be permitted.
 - The farmer's market operation shall be of a small scale, consisting of one farmer selling produce or farm products from his truck.
 - The farmer's market operations shall occur approximately between the dates of June 15th to September 15th.
 - The farmer selling his produce or farm products shall have access to sanitary facilities within the Teamsters Local 95 building for his individual use.
4. SIGNAGE. Any exterior signs must receive a permit per Section 24-67 of the James City County Zoning Ordinance.
5. HEADINGS. All section and subsection headings of Conditions herein are for convenience only and are not part of these proffers.
6. SEVERABILITY. If any condition or part thereof set forth herein shall be held invalid or unenforceable for any reason by a court of competent jurisdiction, the invalidity or unenforceability of such condition or part thereof shall not invalidate any other remaining condition contained in the Proffers.

WITNESS the following signatures and seals:

TEAMSTERS LOCAL NO 95

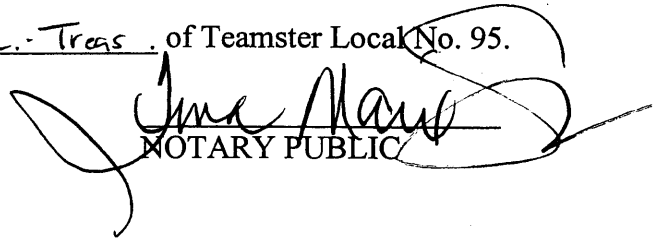
By:

Title:

Michael Brooks
Sec. Treas. / B.A.

STATE OF VIRGINIA
COUNTY OF JAMES CITY, to wit:

The foregoing instrument was acknowledged before me this 24 day
of April, 2002 by Michael Brooks as Sec. - Treas. of Teamster Local No. 95.

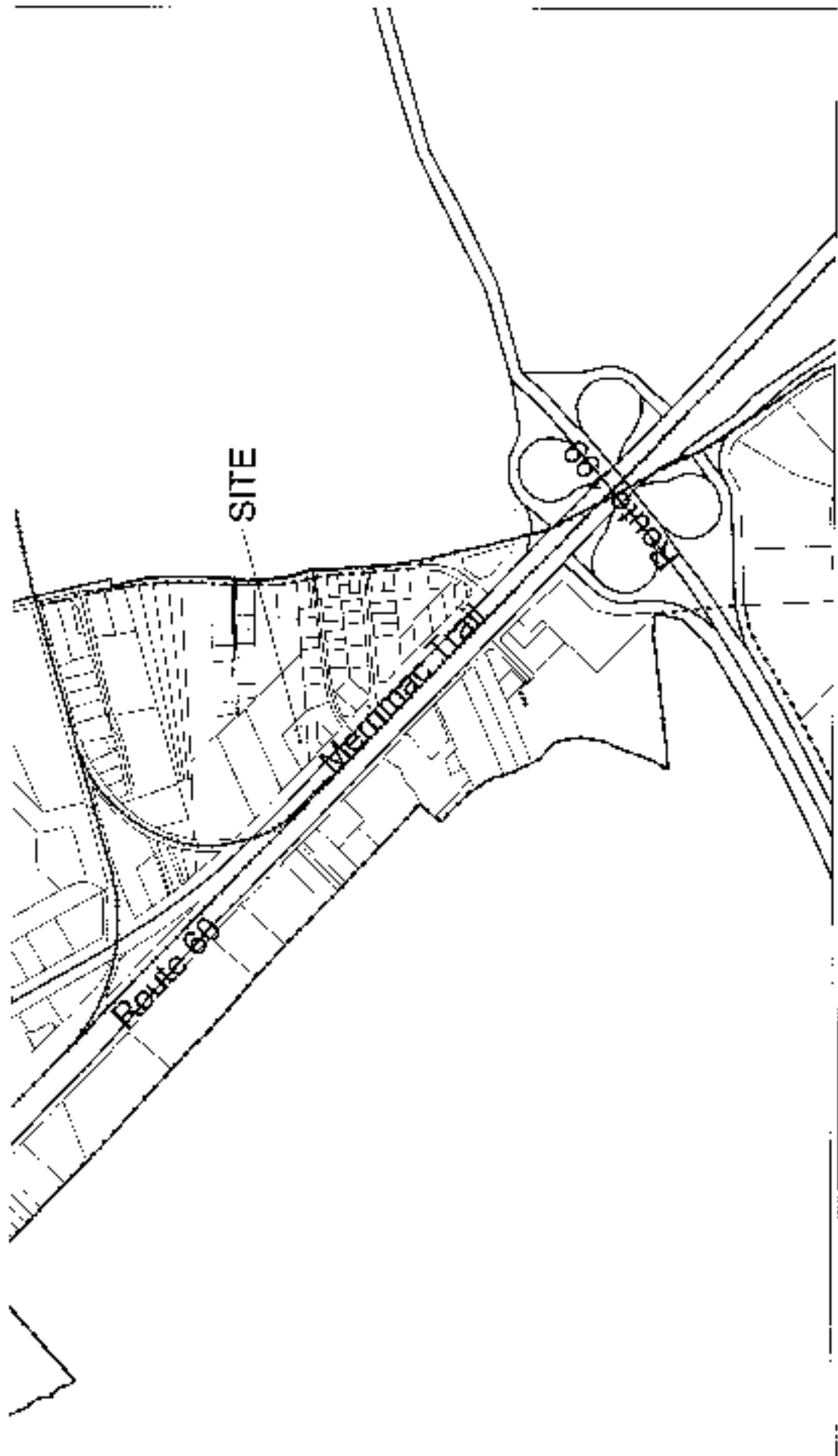

NOTARY PUBLIC

Prepared by:

Dave Anderson
James City County Planning Department
101-E Mounts Bay Road
P.O. Box 8784
Williamsburg, VA 23187



Tina Marie Sherk
Notary Public
Commonwealth of Virginia
My Commission Expires Dec. 31, 2003

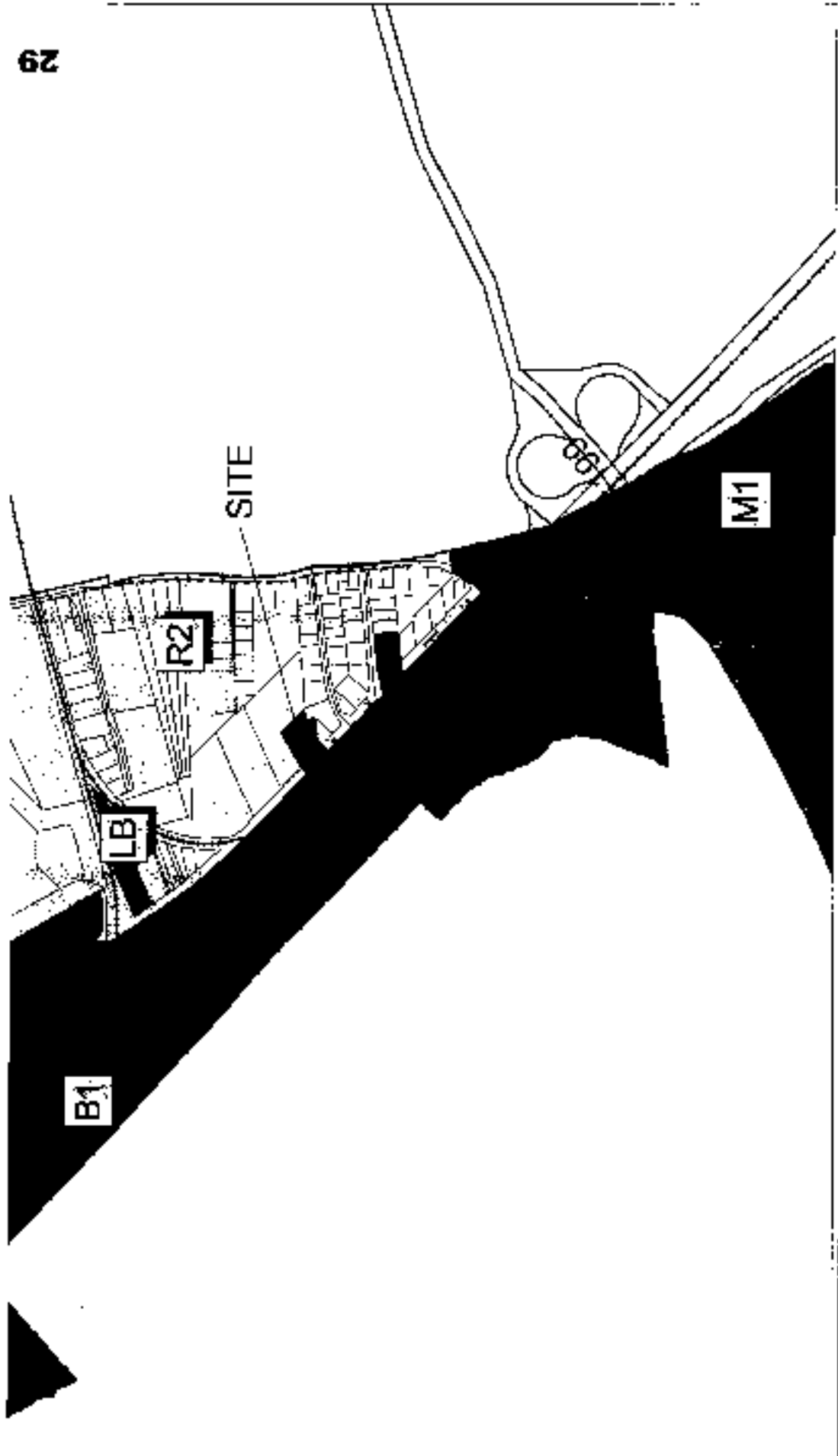


Case Number: Z-01-02

Case Title: 7294 Merrimac Trail Rezoning

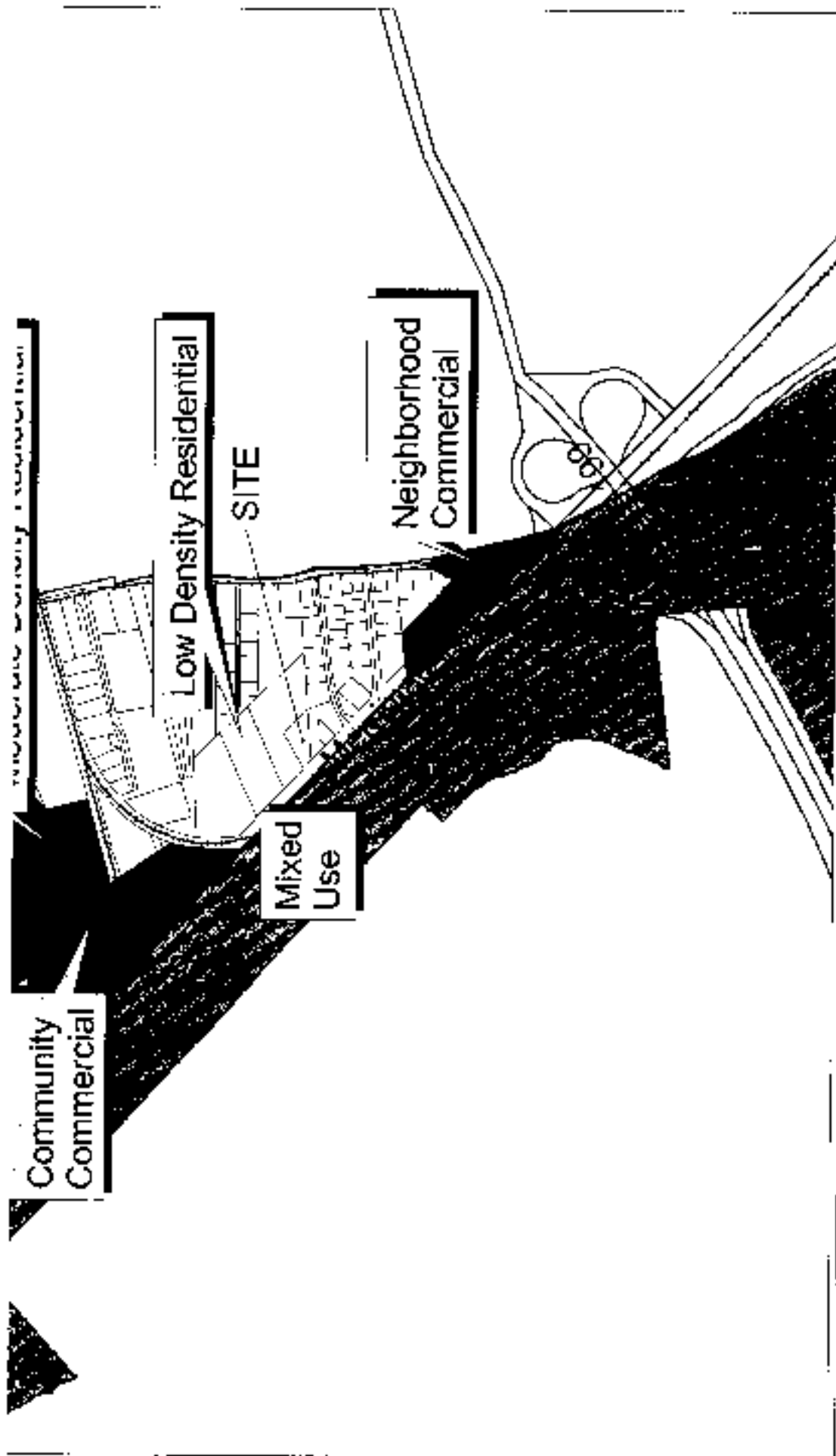
1000 0 1000 2000 Feet





Case Number: Z-01-02
Case Title: 7294 Merrimac Trail Rezoning
Current Zoning Map





Case Number: Z-01-02
Case Title: 7294 Merrimac Trail Rezoning
Comprehensive Plan Designation



SPECIAL USE PERMIT 22-01. James City Service Authority Groundwater Treatment Facility, Concentrate Discharge Main, Production Wells, and Route 5 Water Main Extension Staff Report for the May 6, 2002, Planning Commission Public Hearing

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

PUBLIC HEARINGS

Planning Commission: Building C Board Room; County Government Center
November 5, 2001, 5:00 p.m. (deferred)
May 6, 2002, 7:00 p.m.

Board of Supervisors: May 28, 2002, 7:00 p.m. (Tentative)

SUMMARY FACTS

Applicant: Larry Foster, General Manager, James City Service Authority

Landowners: James City Service Authority, James City County, Rosa Armistead Estate, and Axel & Sheila Nixon

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

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

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

Primary Service Area: Inside

Parcel Size: ± 20.66 acres

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

Comprehensive Plan: Low Density Residential; Moderate Density Residential

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

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

STAFF RECOMMENDATION:

Staff finds the proposals, with the attached conditions, consistent with surrounding zoning and development and consistent with the Comprehensive Plan. Staff recommends the Planning Commission recommend approval of this application with the conditions listed in the staff report. On November 5, 2001, the Planning Commission deferred action on this application due to concerns over the potential development impacts on adjacent properties and the lack of

architectural elevations for the proposed water treatment facility. The applicant brought the application forward in November in an effort to expedite the engineering and construction process once the groundwater withdrawal permits have been issued by the Department of Environmental Quality (DEQ). In the time that has passed since the deferral of this application, the applicant has produced an architectural elevation for the proposed treatment facility (attachment #3). The application has also been amended to include three uses identified in the original staff report as future projects: a concentrate discharge main, production wells, and a water main extension along Route 5 (see Project Descriptions).

In an effort to address concerns raised by adjacent property owners and members of the Commission concerning potential development related impacts, the applicant scheduled public meetings with residents in Chanco's Grant, St. George's Hundred, and Jamestown 1607. These meetings were well attended and fostered a healthy exchange of information between citizens and JCSA staff. Staff also scheduled a field visit to the Lee Hall treatment facility in Newport News for members of the Commission. Neighborhood representatives from several of the adjacent residential developments were also invited to attend. The applicant and staff have attempted to address concerns raised at the initial public hearing and at the subsequent public meetings. The conditions recommended by staff address many of these concerns, specifically building lighting, environmental impacts, historical impacts, landscape screening, and preservation of buffers.

History

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

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

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

Project Descriptions

Groundwater Treatment Facility

The James City Service Authority (JCSA) proposes the construction of a Groundwater Treatment Facility at 3123 Ironbound Road with access from 4321 John Tyler Highway. The site is located

behind Clara Byrd Baker Elementary School. The proposed facility, also commonly referred to as a desalinization plant, would allow the County to produce up to five million gallons of treated water per day and would be funded with a combination of connection fees, utility revenue funds, and debt financing. Water facilities (public and private), including treatment plants, are specially permitted uses in the R-8 Zoning District.

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

Production Wells

In order to produce five million gallons per day of treated water, the proposed treatment facility must be supplied with 6.25 million gallons of groundwater. Raw, untreated groundwater which would serve the proposed treatment facility would be provided on site by six production wells. Water facilities (public and private), including wells and associated equipment such as pumps, are specially permitted uses in the R-8 Zoning District.

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

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

Concentrate Discharge Main

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

A study was conducted to select an alignment for the approximately 13,600 feet of discharge main necessary to convey the concentrate flow from the proposed treatment facility to the James River. The study identified environmental considerations, archaeological considerations, public impacts, traffic impacts, existing utilities and easements, permitting issues and construction costs in selecting a recommended alignment. The recommended alignment (attachment #4) extends south from the treatment facility across property owned by Axel and Sheila Nixon west of the Chanco's Grant subdivision, south across a County owned parcel, then remains on high ground to a point approximately 100 feet north of Jamestown Road on a parcel owned by the Rosa Armistead Estate. From this point, the alignment would cross under Powhatan Creek by a horizontal directional drill to an existing JCSA sewer pump station site. From the JCSA site the alignment would continue along an existing JCSA utility easement to London Company Way in the Jamestown 1607 subdivision. The alignment would continue westward along the northern side of London Company Way in VDOT right-of-way to the intersection of Jamestown Road. The recommended alignment from the intersection of Jamestown Road and 4-H Club Road to the James River discharge point would be entirely within VDOT right-of-way on the north side of Jamestown Road at varying distances from the edge of pavement depending on tree cover. Discharge into the James River would be located between the Scotland Ferry pier and the site of a former pier to the north.

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

Route 5 Water Main Extension

In order to pump 5 million gallons of potable water per day into the existing JCSA water distribution system at one location, system improvements are necessary. The applicant proposes the construction of approximately 6,500 feet of 16-inch water main to distribute treated potable water from the treatment facility directly into the existing JCSA water distribution system. Water facilities (public and private), including transmission mains, are specially permitted uses in the R-8 Zoning

District. The proposed water main (attachment #4) would extend north from the treatment facility along the entrance road on Route 5, connect to an existing 12-inch water main on the south side of Route 5, cross under Route 5 and continue west along the north side of Route 5 before terminating at a connection to an existing 12-inch water main at Greensprings Plantation Drive across from Jamestown High School. With the exception of the portion of the proposed water main that would be constructed along the entrance road, the main would be located entirely within the VDOT right-of-way.

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

Surrounding Zoning and Development

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

The concentrate discharge main would extend south from the proposed treatment facility west of Chanco's Grant adjacent to Powhatan Creek on three large undeveloped properties zoned R-8. From the JCSA sewer pump station lot on the west side of the Powhatan Creek bridge, the concentrate main would extend west until reaching its discharge location adjacent to the Scotland Ferry pier. Along this route, the concentrate main would pass through the Jamestown 1607 townhouse community, zoned R-2, General Residential, and be located in VDOT right-of-way along 4-H Club Road adjacent to Cardinal Acres, zoned R-2, and Foxfield, zoned R-5, Multi-Family Residential. The property on the north side of Jamestown Road from Greensprings Road to the Ferry is zoned B-1, General Business.

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

Nearly all operations on the proposed treatment facility site would occur inside the facility. Chemicals used during the treatment process, such as chlorine and anti-scalant, would be stored inside the facility. Deliveries would typically occur one to two times per month based on information provided during a site visit to the Lee Hall Treatment Facility. On the site visit, no odors were

present and noise levels were similar to that of commercial air conditioning units. Staff believes that the facility will not generate negative impacts to adjacent property owners and, with the proposed conditions, believes the proposal is compatible with surrounding zoning and uses.

Physical Features & Environmental Considerations

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

Traffic Generation

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

Public Utilities

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

Comprehensive Plan

Land Use Designation and Community Character

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

proposed conditions, the proposal is compatible with the Comprehensive Plan Land Use Designation.

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

Archaeological Impacts

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

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

Recommendation:

Staff finds the proposal, with the attached conditions, consistent with surrounding zoning and development and consistent with the Comprehensive Plan. Therefore, staff recommends the Planning Commission recommend approval of this application with the following conditions:

1. Start of Construction on the Groundwater Treatment Facility, as defined in the Zoning Ordinance, shall commence within 36 months of approval of this special use permit, or the permit shall become void.
2. Construction, operation, and maintenance of the Groundwater Treatment Facility, water transmission main, production wells, and concentrate discharge main shall comply with all local, State, and Federal requirements.
3. All permits and easements shall be acquired prior to the commencement of construction for the water transmission main and concentrate discharge main.

4. The project shall comply with all Virginia erosion and sediment control regulations as specified in the 1992 Virginia Erosion and Sediment Control Handbook as amended.
5. Development and land clearing of the site shall be generally in accordance with the "Preliminary Plan, Brackish Groundwater Desalinization Facility" prepared by AES Consulting Engineers, March 19, 2002, with such accessory structures and minor changes as the Development Review Committee determines does not change the basic concept or character of the development.
6. Prior to the issuance of a Certificate of Occupancy, a spill containment plan which addresses the chemical handling and storage areas shall be submitted to the Environmental Director and Fire Department for their review and approval.
7. Prior to the issuance of a land disturbing permit for this project, an archaeological survey shall be conducted for the project area for the water treatment facility and along the recommended alignment for the concentrate discharge main in accordance with the adopted Board of Supervisors policy. The results shall be submitted to the Director of Planning for review and approval.
8. All exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, prior to final site plan approval, a lighting plan shall be submitted to, and approved by, the Planning Director or his designee which indicates no glare outside the property lines. "Glare" shall be defined as more than 0.1 footcandle at the property line or any direct view of the lighting source from the adjoining residential properties.
9. Prior to final site plan approval, architectural elevations, building materials, and colors shall be submitted to the Director of Planning for review and approval for all structures on the site. The intent of this condition is to ensure that all future buildings on the site are uniform and compatible in terms of design, materials and colors, have a residential appearance, and are designed for minimal visual impact.
10. Any accessory structures on the site, such as storage tanks and production well structures, shall be screened with enhanced landscaping or constructed with materials and colors matching the treatment facility. Enhanced landscaping shall be defined as either 133% of evergreen trees required by the Zoning Ordinance or 125% of general planting required by the Zoning Ordinance as determined by the Planning Director.
11. All utilities shall be located within the limits of clearing for the access driveway to the site from John Tyler Highway. No utility shall be located more than ten feet from the edge of pavement.
12. A 250-foot undisturbed wooded buffer shall be maintained along John Tyler Highway with the exception of the clearing necessary for the driveway providing access to the site. The driveway shall be curved in such a way to minimize views of the site from John Tyler Highway to the greatest extent possible, as determined by the Planning Director.
13. A 300-foot undisturbed wooded buffer shall be maintained along the southern property line of the treatment facility site adjacent to the Chanco's Grant subdivision with the exception

of the clearing necessary for the construction of the concentrate discharge main and greenway trail.

14. The applicant shall construct a greenway trail to the specifications of the James City County Division of Parks and Recreation over the areas of construction for the concentrate discharge main between the treatment facility site and the directional drill location north of Jamestown Road. The final alignment of the concentrate discharge main and greenway trail shall generally be as shown on the "Brackish Groundwater Desalinization Facility, SUP Pipeline," dated 4-24-02, prepared by Buchart Horn, Inc. and Skipper Engineering Associates, PC. The final location for both the concentrate discharge main and greenway trial shall be subject to the approval of the Planning Director.
15. The applicant shall avoid removing trees, bushes and shrubs along the water main and concentrate discharge main corridors along Route 5, London Company Way, 4-H Club Road, and Jamestown Road. Trees, bushes, and shrubs damaged during construction shall be replaced with a tree, bush, or shrub of equal type as approved by the Planning Director.
16. For water main or concentrate main construction adjacent to existing development, adequate dust and siltation control measures shall be taken to prevent adverse effects on adjacent property. It is intended that the present and future results of the proposed water transmission main and concentrate discharge main do not create adverse effects on the public health, safety, comfort, convenience, or value of the surrounding property and uses thereon.
17. Vehicular access to residences within the effected right-of-ways, to include London Company Way in Jamestown 1607, shall be maintained at all times.
18. All construction activity adjacent to existing development shall occur between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.
19. Construction vehicles shall not be parked or stored along Route 5, London Company Way, 4-h Club Road, or Jamestown Road between the hours of 5:00 p.m. and 8:00 a.m.
20. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

Christopher Johnson

Attachments:

1. Minutes of the November 5, 2001, Planning Commission public hearing
2. Preliminary Plan, "Brackish Groundwater Treatment Facility," dated 3-19-02
3. Architectural Elevation, Groundwater Treatment Facility
4. Recommended Alignment Map, "Brackish Groundwater Treatment Facility, SUP Pipeline", dated 4-24-02

PLANNING DIRECTOR'S REPORT

MAY, 2002

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

1. Master Greenway Plan. Parks and Recreation Advisory Board held a public meeting on the Greenways Steering Committee's Draft Greenway Master Plan on Wednesday, April 17, 2002 and voted to recommend approval. A presentation will be made to the Planning Commission at its May 6, 2002, meeting.
2. Architectural Survey. The VDHR Portsmouth field office continues to complete the remaining work on this project.
3. U.S. Census. The Census Bureau continues to release data with key data released later this Summer 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.
4. Jamestown Subarea Study. Staff continues to work with the affected landowners and their consultants to reach an agreement on the of Route 359. Tentative agreement on landscaping has been reached. VDOT is preparing construction drawings.
5. DRB Cases. The New Town DRB met on April 18th to discuss the revisions to the WindsorMeade project. The DRB approved the overall development plan for WindsorMeade.
6. Centerville Road Propose Closure. On May 6, 2002, the Planning Commission will consider a resolution acknowledging that the National Park Service intends to develop Green Spring with Centerville Road left open at this time. NPS intends to return after the park is open to again seek closing a portion of the road.
7. Comprehensive Plan Update. On April 23, 2002, the Board of Supervisors conducted a work session to consider a methodology for the update of the 1997 Comprehensive Plan. The Board recommended Option B, utilizing a combination of staff and consultants to update the Comprehensive Plan and referred the issue back to the Planning Commission for consideration at its June meeting.
8. Development Potential Analysis. A meeting of the DPA Committee was held on April 22, 2002, and the committee will met with the consultant again on May 20, 2002.
9. Treyburn Drive Extension. The City of Williamsburg has requested County approval to extend Treyburn Drive from the entrance of the Chambrel Community to Ironbound Road. The extension would serve the vacant Torsion property located in the City. An amendment to the County's Comprehensive Plan is needed in order to construct the road. The City conducted a meeting with the Chambrel Community on March 28, 2002, and another meeting is scheduled for late April.
10. Route 199 Widening - Phase I. Staff continues to work with VDOT to widen Route 199 from South Henry Street to Pocahontas Trail. At a meeting with VDOT on April 1, 2002, it was learned that construction is expected late this year with completion targeted in two years.

11. Primary Road Priorities. The County's primary road priorities were presented by Bruce Goodson with assurance from the Planning Division at a VDOT public hearing in April 12, 2002.
12. Other Board Action. At its April 9th meeting, the Board approved Case Nos. AFD-1-98. Barrett's Ferry 2002 Renewal; AFD 12-86 Gospel Spreading Church - Mikula Withdrawal; SUP-01-02 VoiceStream Wireless; and SUP-3-02, Truswood Properties Waterline Extension. The Board deferred Case Nos. SUP-05-02 Lafayette H.S. Temporary Trailers; SUP-06-02 Jamestown H.S. Temporary Trailers; and SUP-09-02 D. J. Montague School Temporary Trailers, and concurred with the withdrawal of SUP-07-02 Toano Middle School Temporary Trailers and SUP-08-02 Clara Byrd Baker School Temporary Trailers. The Board referred Case No. SUP-18-01. Waltrip Cellular Tower back to the Planning Commission for consideration.

At its April 23rd meeting, the Board approved Case Nos. SUP-05-02 Lafayette H.S. Temporary Trailers, SUP-06-02 Jamestown H.S. Temporary Trailers and SUP-09-02 D. J. Montague School Temporary Trailers.

13. Upcoming Cases. New cases that are tentatively scheduled for the June 3, 2002, Planning Commission meeting.

Case No. SUP-10-02. VoiceStream Wireless. VoiceStream Wireless has applied to extend the existing VDOT tower at the I-64/Croaker Road intersection with an additional 15 feet.

Case No. SUP-11-02. Kristiansand Sewer Extension. Mr. Danny Poe has applied on behalf of the James City Service Authority to extend public sewer to existing residential development in Kristiansand where several residential septic systems are beginning to fail. The proposed sewer extension would be located within VDOT right of way, JCSA easements or on JCSA property that can further be identified as Parcel No. (1-51A) on the JCC Real Estate Tax Map No. (23-2). All adjacent property to the proposed sewer extension is zoned R-2, General Residential or LB, Limited Business.

Case No. Z-02-02. Greenspring Plantation Proffer Amendment. Mr. Marc Sharp has applied on behalf of Greenspring Office Park Associates to amend the proffers in Land Bay M-9 at Greenspring Plantation to allow structures over 35 feet and 45 respectively within 600 or 900 feet of the centerline of Route 5 to allow for the construction of 120' monopole communication structure at 3900 John Tyler Highway. The property is zoned R-4, Residential Planned Community and can further be identified as Parcel No. (1-7) on the JCC Real Estate Tax Map No. (46-1).

Case No. SUP-12-02. Mt. Gilead Playground and Trailers. Mr. Abram Frink has applied on behalf of the Mt. Gilead Baptist Church for an amendment to an existing special use permit to allow for an expansion of the existing private school into two trailers. The church is located at 8660 Pocahontas Trail.

O. Marvin Sowers, Jr.