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# **A G E N D A**

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## **JAMES CITY COUNTY PLANNING COMMISSION**

**June 3, 2002   -   7:00 P.M.**

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1. ROLL CALL
  2. COMMITTEE AND COMMISSION REPORTS
    - A. Development Review Committee Report / Reading File (Separate Cover)
    - B. Policy Committee
  3. PLANNING COMMISSION CONSIDERATION
    - A. Planning Commission Bylaws
  4. PUBLIC HEARINGS
    - A. Case No. SUP-22-01. JCSA Groundwater Treatment Facility, Production Wells, Concentrate Discharge Main, and Route 5 Water Main Extension
    - B. Case No. SUP-11-02. Kristiansand Sewer Extension
    - C. Case No. SUP-12-01. Mt. Gilead Baptist Church - School Expansion and Special Use Permit Amendment
    - D. Case No. SUP-10-02. VoiceStream Wireless Communications - VDOT Tower Extension
    - E. Case No. Z-2-02. Greenspring Plantation Proffer Amendment
  5. PLANNING DIRECTOR'S REPORT
  6. ADJOURN TO CLOSED SESSION
    - A. Appointment of Citizen Participation Teams (CPT) Members
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B Y L A W S  
PLANNING COMMISSION  
COUNTY OF JAMES CITY, VIRGINIA

ARTICLE I. OBJECTIVES

This Commission was established by the Board of Supervisors of James City County on April 13, 1953, to direct the development of James City County and ensure its prosperity, health, safety, and general welfare, in accordance with the provision of Chapter ~~25~~, **22**, Title ~~15~~, **15.2**, Article ~~3~~, **2**, Code of Virginia, and all amendments or changes.

ARTICLE II. MEMBERSHIP

The Planning Commission shall consist of 7 or 9 members, each appointed by the Board of Supervisors for a term of four years.

ARTICLE III. MEETINGS

1. All regular meetings of the Planning Commission of James City County shall be open to the public.
2. Regular meetings of the Commission may be called by the Chair or by two members upon written request to the Secretary. The Secretary shall mail to all members, at least five days in advance of a special meeting, a written notice fixing the time, place and the purpose of the meeting.
3. Written notice of a special meeting is not required if the time of the special meeting has been fixed at a regular meeting, or at a previous special meeting at which all members were present.
4. The Planning Commission may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the Order of Adjournment. When a regular or adjourned regular meeting is adjourned as stated in this paragraph, the resulting adjourned meeting is a regular meeting for all purposes. When an Order of Adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings. Adjourned special meetings will be considered special meetings for all purposes and all regulations concerning special meetings must apply.
5. A quorum of the Commission shall consist of a majority of the members of the Commission. No action of the Commission shall be valid unless authorized by a majority vote of those present and voting.
6. The annual meeting for the election of officers (Chair and Vice Chair) shall be held at the regular meeting in February of each year and the newly elected officers shall preside at the regular meeting in February. Prior to the February meeting, the Nominating Committee shall propose nominations for Chair and Vice Chair. Additional nominations may be made during the election



process at the February meeting. When a vacancy occurs for the Chair or Vice Chair, an election shall be held on the next regular meeting date.

7. All minutes and records of the Commission of its meetings, resolutions, transactions and votes, shall be kept by the Secretary. The Secretary shall be from the Planning Office **Division**.

#### ARTICLE IV. MATTERS PENDING BEFORE THE COMMISSION

1. All matters which require an advertised public hearing in accordance with Section ~~15.1-431~~ **15.2-2204** of the Code of Virginia, as amended, and which meet submittal requirements filed at least six weeks before the regular meeting in the Planning Division, are to be placed on the agenda for the advertised public hearing. All other matters filed at least 15 days before the regular meeting in the Planning Division are to be placed on the agenda. Any matter not placed on the agenda can be considered at the meeting by a majority vote of the Commission.
2. For each public hearing notices shall be forwarded to the Commission members 15 days prior to the public hearing.

#### ARTICLE V. HEARINGS

1. Advertised public hearings shall be scheduled during a regular meeting, except in the event of a joint public hearing between the Planning Commission and the Board of Supervisors.
2. For each public hearing item, it shall be the policy of the Commission that presentations by staff, applicants, individuals or groups be limited as follows:
  - a. Presentations by staff and applicants should be limited to 15 minutes each;
  - b. Comments by individuals should be limited to 5 minutes each; and
  - c. Comments by citizen groups should be limited to 10 minutes each; provided, however, citizen groups, staff, and applicants may speak for more than 15 minutes with approval of both the Planning Director and Chairperson of the Planning Commission at least one week in advance of the meeting.

#### ARTICLE VI. VOTING

1. No member present shall abstain from voting on a roll call vote unless a member has a conflict of interest in the matter being voted upon.
2. In reporting a vote to the Board, the Secretary shall indicate (in writing) the recorded roll call vote.

#### ARTICLE VII. DUTIES

##### A. CHAIR

The Chair shall have the following duties:

1. Preside at meetings and hearings of the Commission;
2. When authorized by the Commission, the Chair shall execute in its name all its obligations;
3. The Chair or his designee shall represent the Commission and keep them informed when not in session; ~~and~~
4. The Chair shall nominate all members of committees and subcommittees : ; **and**
5. The Chair or his appointee shall act as liaison with the Williamsburg and York County Planning Commissions.

**B. VICE CHAIR**

The Vice Chair shall perform the duties of the Chair during the absence or disability of the Chair.

**C. SECRETARY (Director of Planning)**

The Secretary shall have the following duties:

1. Keep a record of all regular, adjourned regular, special, and adjourned special meetings and public hearings and transcribe in a minute book of the Commission;
2. Make all notices of all meetings required to be sent under these Bylaws to Commission members;
3. Have charge of all official books, papers, maps, and records of the Commission and shall conduct all official correspondence relative to hearings, meetings, resolutions, decisions, and other business of the Commission.
4. Receive minutes of all committee meetings and preserve these as records of the Commission; and
5. The Secretary shall notify the Vice Chair, by telephone or in person, on the day the Chair informs him that he will not be present at a scheduled meeting. It is the duty of the Secretary to brief the Vice Chair on items to come before the Commission when he presides.

**D. MEMBERSHIP**

Members of the Planning Commission shall have the following duties:

1. Attend regular, adjourned regular, special and adjourned special meetings and public hearings;
2. Attend regular committee meetings to which the member is appointed;

3. Represent the Planning Commission at Board of Supervisors meetings in rotation; and
4. Attend ad-hoc committee meetings as agreed to by the Planning Commission.

#### ARTICLE VIII. COMMITTEES

1. The Director of Planning or his designee shall serve as an ex officio member of all standing and special committees.
2. All committee reports written or oral are considered a permanent record of the Commission.
3. The following committees and their Chair shall be appointed by the Chair within sixty days after the Chair takes office:
  - a. Development Review Committee. This Committee shall be composed of at least four members and have the following responsibilities:
    1. Review those applications for subdivisions which must receive Commission approval, receive and review staff reports on them, and make recommendations to the Commission; and
    2. Review those site plan applications which must receive Commission approval, receive and review staff reports on them, and make recommendations to the Commission.
  - b. Policy Committee. This Committee shall be composed of at least four members and shall have the following responsibilities:
    1. Address long-range planning goals and explore strategies for achieving them; and
    2. Address ways to maintain and improve working relationships between the Commission, other County organizations, as well as with surrounding jurisdictions and organizations involved in planning initiatives.
  - c. Leadership Committee. This committee shall be composed of four members, including but not limited to the Chair and Vice Chair of the Planning Commission and the Chair of the Development Review Committee and Policy Committee. The Leadership Committee shall have the following responsibilities:
    1. Review policies and procedures under which the Planning Commission operates and recommend changes to make the Commission more effective, efficient, and better recognized by the public and elected officials ; and
    2. Review concerns raised regarding the conduct of the Commission.
  - d. Nominating Committee. This Committee shall be comprised of four members headed by the Vice-Chair of the Planning Commission, and the Chair of the Development Review Committee, the Chair of the Policy Committee, and one other member elected by the full Planning Commission. The Chair of the Planning Commission shall not be eligible for

membership on the Nominating Committee.

#### ARTICLE IX. PARLIAMENTARY AUTHORITY AND ORGANIZATIONAL PROCEDURE

The rules contained in the last revised edition of Robert's Rules of Order to the extent that such rules are not in conflict with these Bylaws shall apply at all meetings of the Commission and its committees.

#### ARTICLE X. AMENDMENT

Amendments may be made to these Bylaws by a two-thirds (2/3) vote of the voting members only after a minimum 30 days' prior notice is given and only at a regular scheduled meeting.

Adopted November 28, 1978

Amended July 10, 1990

Amended May 12, 1992

Amended March 8, 1994

Amended May 4, 1998

Amended June 1, 1998

**Amended June 3, 2002**

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~~Martin A. Garrett~~, **A. Joe Poole, III** Chair  
Planning Commission

jun3.02

**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 June 3, 2002, Planning Commission Public Hearing**

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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.

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**PUBLIC HEARINGS**

Planning Commission: Building C Board Room; County Government Center  
November 5, 2001; May 6, 2002; June 3, 2002, 7:00 p.m.  
Board of Supervisors: June 11, 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); and (46-4)(1-5)

Primary Service Area: Inside

Parcel Size: ± 20.66 acres

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

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

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

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

**STAFF RECOMMENDATION:**

Staff finds the proposals, with the attached conditions, consistent with surrounding zoning and development and consistent with the Comprehensive Plan. 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 indefinitely 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 last 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 months following the initial public hearing, the application was amended to include three uses identified in the original staff report as future projects: a concentrate discharge main, production wells, and a water main extension along Route 5.

On May 6, 2002, the Planning Commission held a public hearing for this application but deferred action at the request of the applicant. The public hearing was continued to the June 3 meeting. The recommended alignment for the concentrate discharge main which was included in the staff report and in notification letters sent to adjacent property owners showed a segment of the discharge main located in VDOT right-of-way along London Company Way within the Jamestown 1607 townhouse community. When this project was initially presented to VDOT for review, the JCSA was informed that placing the discharge main under the edge of pavement along Jamestown Road would not be an option which would be permitted by VDOT. JCSA staff met with residents in Jamestown 1607 on several occasions to discuss the alignment options under consideration and to address residents questions and concerns about this proposal. Following these meetings and discussions with project engineers and consultants, the JCSA determined that the London Company Way right-of-way option presented the least amount of impacts to the Jamestown 1607 community; however, after further discussion in the field with JCSA staff, VDOT officials agreed to allow the placement of the discharge main under the existing bikelane on the north side of Jamestown Road from the JCSA pump station site adjacent to Powhatan Creek to the entrance to Jamestown 1607. The applicant subsequently requested deferral of this application due to the late revision to the recommended alignment for the proposed discharge main.

Drainage problems within Jamestown 1607 was a primary concern raised by residents during the community meetings with JCSA staff and during the public hearings for this application. In an effort to address these concerns, JCSA staff met with VDOT officials following the May 6 meeting to discuss placing this portion of discharge main under the existing bikelane on the south side of Jamestown Road. After further review, VDOT officials have notified JCSA staff that such an alignment would be permitted. The recommended alignment plan referenced in Condition 14 (Attachment 1) has been revised accordingly. Staff also removed any reference to London Company Way from conditions which addressed construction of the discharge main.

***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 plan "Brackish Groundwater Desalinization Facility, SUP Pipeline," dated 5-21-02, prepared by Buchart Horn, Inc. and Skipper Engineering Associates, PC. The final location for both the concentrate discharge main and greenway trial shall be subject to the approval of the Planning Director.
15. The applicant shall avoid removing trees, bushes and shrubs along the water main and concentrate discharge main corridors along Route 5, 4-H Club Road, and Jamestown Road. Trees, bushes, and shrubs damaged during construction shall be replaced with a tree, bush, or shrub of equal type as approved by the Planning Director.
16. 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 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, 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.

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Christopher Johnson

Attachments:

1. Brackish Groundwater Treatment Facility SUP Pipeline Plan, dated 5-2-02, prepared by Buchart Horn, Inc. and Skipper Engineering Associates, PC. (Separate cover)



## **SPECIAL USE PERMIT-11-02. Kristiansand Sewer Extension Staff Report for June 3, 2002, Planning Commission Public Hearing**

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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.

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### **PUBLIC HEARINGS**

**Planning Commission:**

Building C Board Room; County Government Center

June 3, 2002, 7:00 p.m.

**Board of Supervisors:**

June 25, 2002, 7:00p.m.

### **SUMMARY FACTS**

**Applicant:**

Danny Poe on behalf of the James City Service Authority (JCSA)

**Land Owners:**

VDOT and JCSA

**Proposed Use:**

Construction of 2,000 feet of gravity sewer mains and lateral connections.

**Location:**

Kristiansand subdivision including portions of Nina Lane, Troll's Path, Viking Road and Haradd Lane.

**Tax Map/Parcel:**

(23-2) (1-51A)---JCSA Property

**Primary Service Area:**

Inside

**Existing Zoning:**

R-2, General Residential

**Comprehensive Plan:**

Low Density Residential

**Surrounding Zoning:**

North: R-2, General Residential

East: R-2, General Residential and LB, Limited Business

South: R-2, General Residential

West: R-2, General Residential

**Staff Contact:**

Karen Drake, Planner

Phone: 253-6685

### **STAFF RECOMMENDATION**

Staff finds this proposal to extend public sewer to an existing residential development where there is already some public sewer access consistent with the Comprehensive Plan and the surrounding zoning. As there are already septic tank systems and drainfields that have failed, JCSA has requested that this application be pre-advertised for consideration at the June 25<sup>th</sup> Board of Supervisors meeting. Staff recommends the Planning Commission approve the special use permit application with conditions listed in the staff report.

## Project Background and Description

The Kristiansand neighborhood was developed in late 1960's and early 1970's. Public sewer was not available at the time, and on-site septic systems were employed. In the mid 1970's, the James City Service Authority (JCSA) constructed a pump station and gravity collection system, subsidized by a Federal Grant, to serve a portion of the Kristiansand development as well as a portion of the Route 60 corridor in Toano. In 1989 several of the septic systems began failing and the JCSA extended gravity sewer to serve approximately 24 residential units, primarily along Rondane Place. The public sewer system was designed to allow for future extension to other streets within the neighborhood, with the anticipation that additional septic systems would fail.

In 2001, there were inquiries from residents in the project area about possible extension of the public sewer system because their septic systems were failing. JCSA conducted a survey to determine how many property owners in the project area would be interested in connecting to public sewer if the system were extended. Greater than 50% of the residents responded that they would connect if public sewer were made available. JCSA proceeded to appropriate funds for design and construction to address the potential health risk created by failing drainfields in the Kristiansand neighborhood.

Thus, JCSA has applied for a special use permit that is required to extend public sewer within Kristiansand. Upon approval and construction of the public sewer, it would then be each individual homeowner's decision whether to connect to the public sewer system or not. Public water is already available within the Kristiansand subdivision.

## Surrounding Zoning and Development

The Kristiansand Subdivision is zoned R-2, General Residential. There is adjacent property zoned LB, Limited Business to north that in turn borders property zoned B-1, General Business on Richmond Road.

## Physical Features and Environmental Considerations

JCSA proposes to extend gravity sewer mains and service lateral connections totaling approximately 2,000 feet on portions of Nina Lane, Troll's Path, Viking Road and Harrodd Lane. The attached location maps illustrate the overall sewer extension locations as well as the specific locations of the sewer mains. The sewer mains would all be located within the VDOT right-of-way at the quarter point of the road (*between the centerline of the road and the edge of the pavement*), within JCSA easements or on JCSA property, thus the environmental considerations are minimal. Additionally, the Kristiansand neighborhood is relatively flat with typical landscaping found in residential subdivisions.

Staff has drafted special use permit conditions to ensure that existing vegetation is protected as well as the residential homes. Also, special use permit conditions are proposed to restrict the hours of construction between 7am and 5pm, Monday thru Friday with vehicular access being maintained at all times to mitigate any negative impacts of the construction upon the local citizens.

## Public Utilities

The proposed sewer extension is located within the Primary Service Area (PSA). The Primary Service Area defines areas presently provided with public water and sewer, and high levels of other public services, as well as areas expected to receive such services over the next 20 years. This proposal is consistent with the PSA policy of efficiently delivering public utilities within the PSA.

## Comprehensive Plan

Kristiansand is designated as low density residential on the Comprehensive Plan Land Use Map. Properties designated Low Density Residential are intended for residential development with densities generally 1-unit per acre or less located within the Primary Service Areas where public utilities and services exist or are expected to be expanded to serve the area over the next twenty years. Staff finds the proposed sewer extension consistent with the Comprehensive Plan.

## **RECOMMENDATION**

Staff finds this proposal to extend public sewer to an existing residential development where there is already some public sewer access consistent with the Comprehensive Plan and the surrounding zoning. As there are already septic tank systems and drainfields that have failed, JCSEA has requested that this application be pre-advertised for consideration at the June 25<sup>th</sup> Board of Supervisors meeting. Staff recommends the Planning Commission approve the special use permit application with the following conditions:

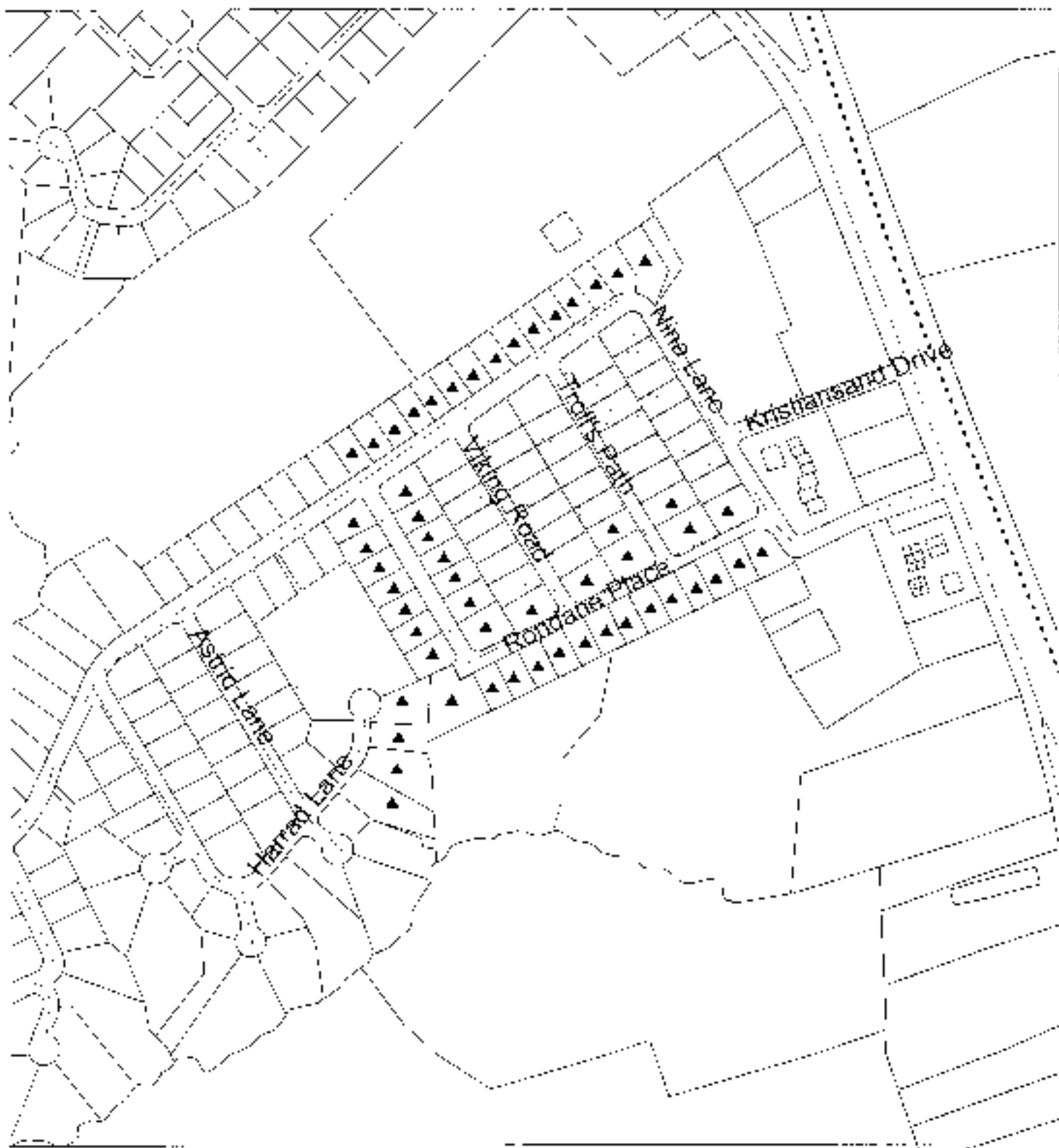
1. Construction, operation, and maintenance of the sewer extension shall comply with all local, State, and Federal requirements.
2. The project shall comply with all Virginia erosion and sediment control regulations as specified in the 1992 Virginia Erosion and Sediment Control Handbook as amended.
3. For sewer construction adjacent to existing development, adequate dust and siltation control measures shall be taken to prevent adverse effects on the adjacent property. It is intended that the present and future results of the proposed sewer extension not create adverse effects on the public health, safety, comfort, or convenience, or value of the surrounding property and uses thereon.
4. Vehicular access to all residences along the affected right-of-ways, including Nina Lane, Troll's Path, Viking Road and Haradd Lane, shall be maintained at all times.
5. All construction activity on the sewer extension should occur between 7:00 a.m. and 5:00 p.m., Monday through Friday.
6. The applicant shall avoid removing tree and bushes along the sewer extension corridor, except as shown on the approved site plan. Trees and bushes damaged during construction shall be replaced with a tree or bush of equal type as approved by the Planning Director.
7. Start of construction, as defined in the James City County Zoning Ordinance, shall have commenced within twenty-four months of this special use permit approval, or the permit shall be void.
8. This special use permit is not severable. Invalidity of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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Karen Drake  
Planner

## ATTACHMENTS:

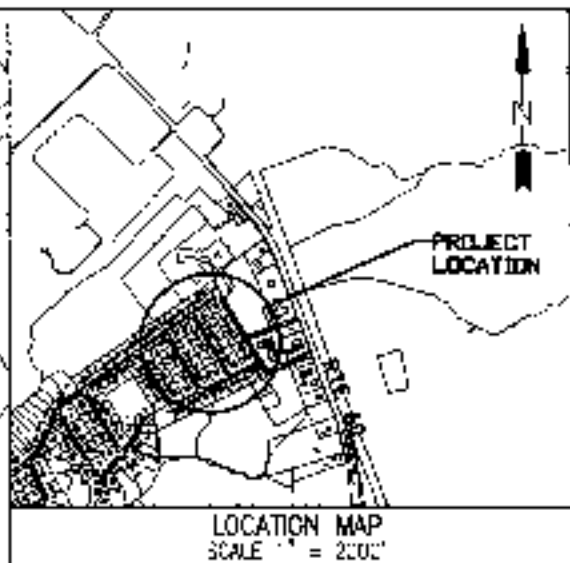
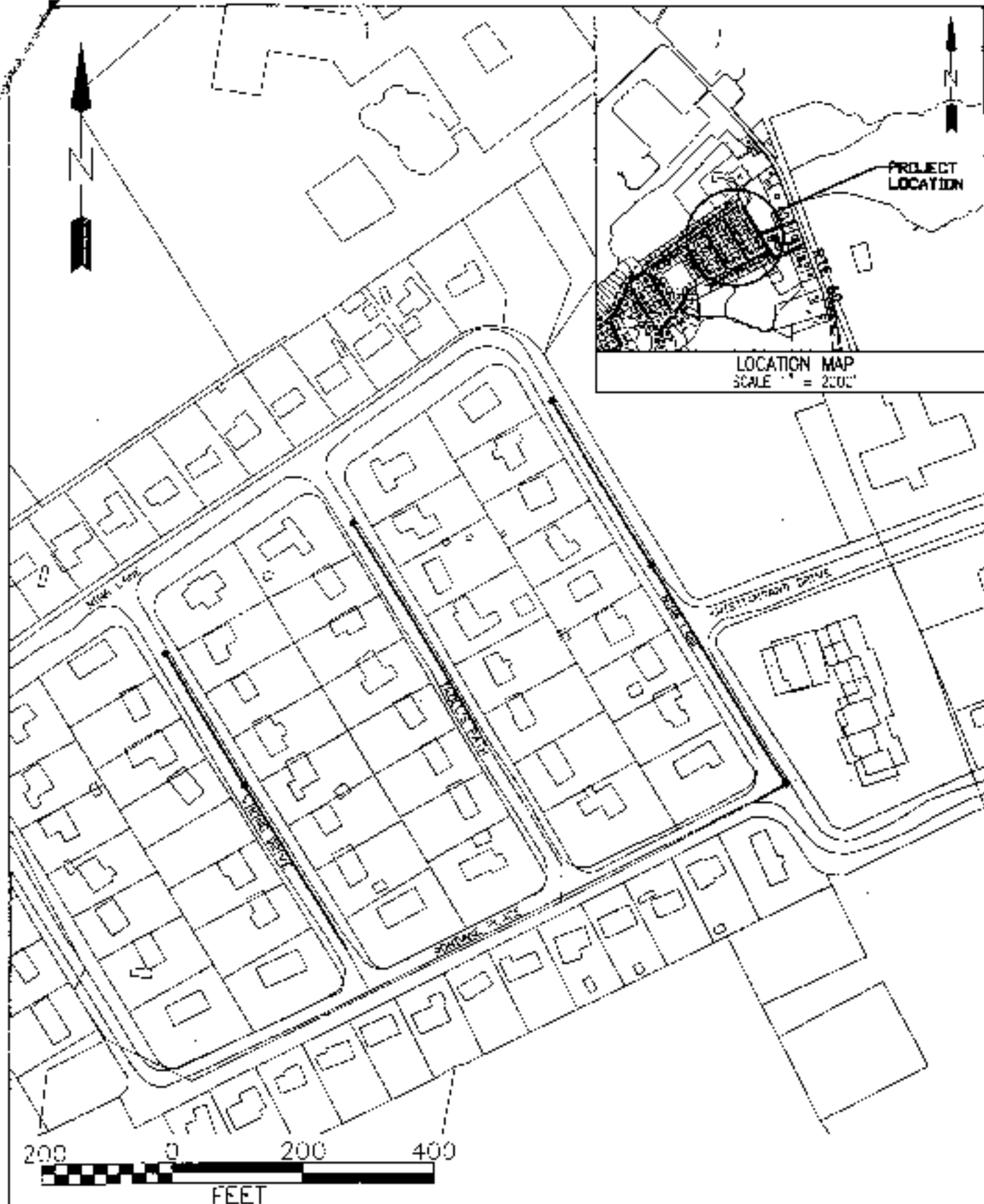
1. Site Location Map
2. Sewer Main Extension Maps



**SUP-11-02**  
**Kristiansand Sewer Extension**

- ▲ Existing Public Sewer Access  
 □ Proposed Public Sewer Access





DESIGNED BY	CE
DRAWN BY	RSP
CHECKED BY	RSP
DATE	3/15/04

**WILSON**

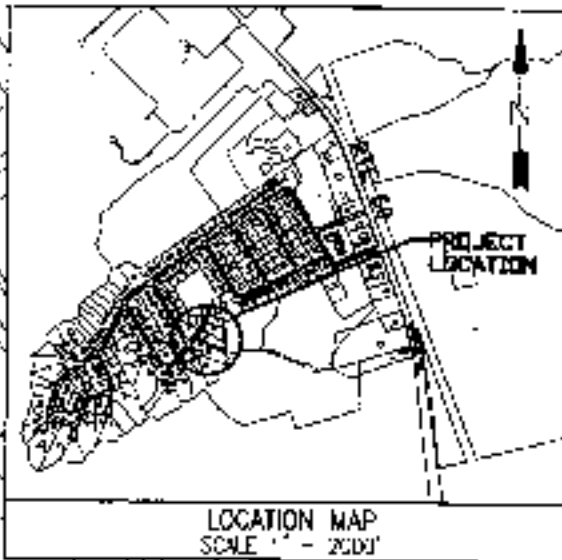
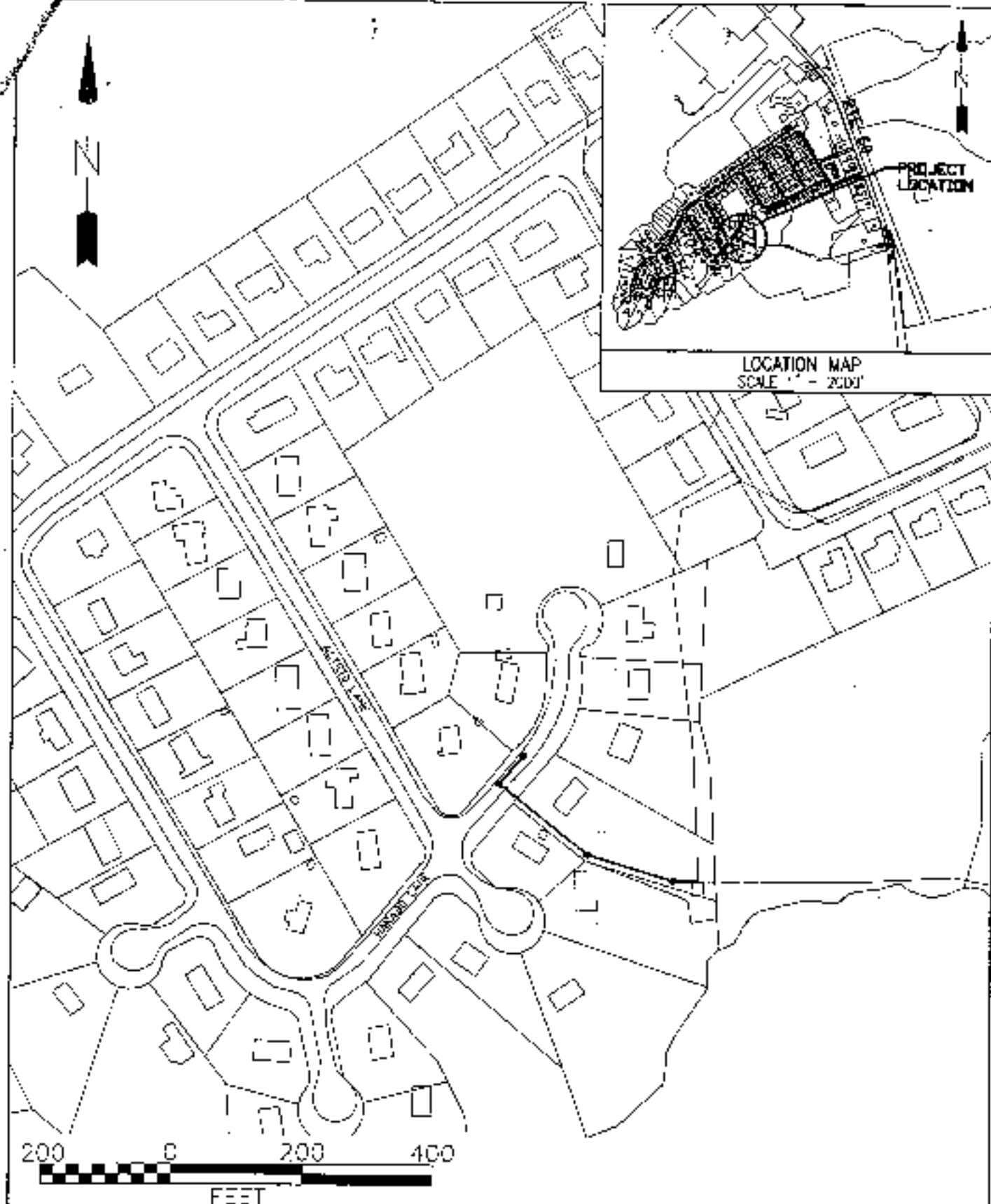
481 N. Main St., Suite 202  
 Williamsburg, VA 23185  
 Phone (757) 225-3258  
 Fax (757) 725-3321

Engineers, Architects and Planners

**JAMES CITY SERVICE AUTHORITY**  
**KRISTIANSSAND SEWER EXTENSION**

**SPECIAL USE PERMIT Attachment 2**

DRIVING TO  
**SUP-1**  
 SHEET NO.



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460 N. Lenoir St., Suite 201  
 W. Kinston, NC 28586  
 Phone (757) 229-3333  
 Fax (757) 229-3333

**STEWART**  
**ENGINEERS**  
 Engineers, Architects and Planners

JAMES CITY SERVICE AUTHORITY  
 KRISTIANSAND SEWER EXTENSION  
 SPECIAL USE PERMIT

DRAWING NO.  
 SUP-2  
 SHEET NO.

## Special Use Permit 12-02

### Mount Gilead Baptist Church - SUP Amendment and SUP for School Trailers

Staff Report for the June 3, 2002, Planning Commission Public Hearing

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*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.*

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#### PUBLIC HEARINGS

Building C Board Room; County Government Complex; 7:00 p.m.

**Planning Commission:** June 3, 2002  
**Board of Supervisors:** July 9, 2002 (Tentative)

#### SUMMARY FACTS

**Applicant:** Mr. Abram E. Frink

**Land Owners:** Mount Gilead Baptist Church / Mr. William Washington

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

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

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

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

**Primary Service Area:** Inside

**Existing Zoning:** R-2, General Residential

**Comprehensive Plan:** Low Density Residential

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

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

#### STAFF RECOMMENDATION

Staff finds that no additional traffic impact would result from the trailers. With the proposed conditions, staff finds the proposal consistent with the Comprehensive Plan and that no negative impacts to surrounding development should occur. Staff therefore recommends approval, subject to the attached conditions.

## Description of the Project

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

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

“1. This Special Use Permit shall be valid only for the operation of a daycare and a school ~~within the existing church~~, limited to the stated hours of operation, 6:00 am - 6:00 pm, Monday through Friday, and limited to an enrollment capacity of 100 children maximum.”

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

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

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

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

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

The church envisions needing the trailers for a period of five years. During this time period, the



church anticipates designing and building a new sanctuary that would both seat 1,000 people for church services and house the school. Each trailer is approximately 40 feet long by 24 feet wide.

### **Traffic**

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

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

### **Surrounding Zoning and Development**

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

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

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

### **Comprehensive Plan**

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

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

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

## Recommendation

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

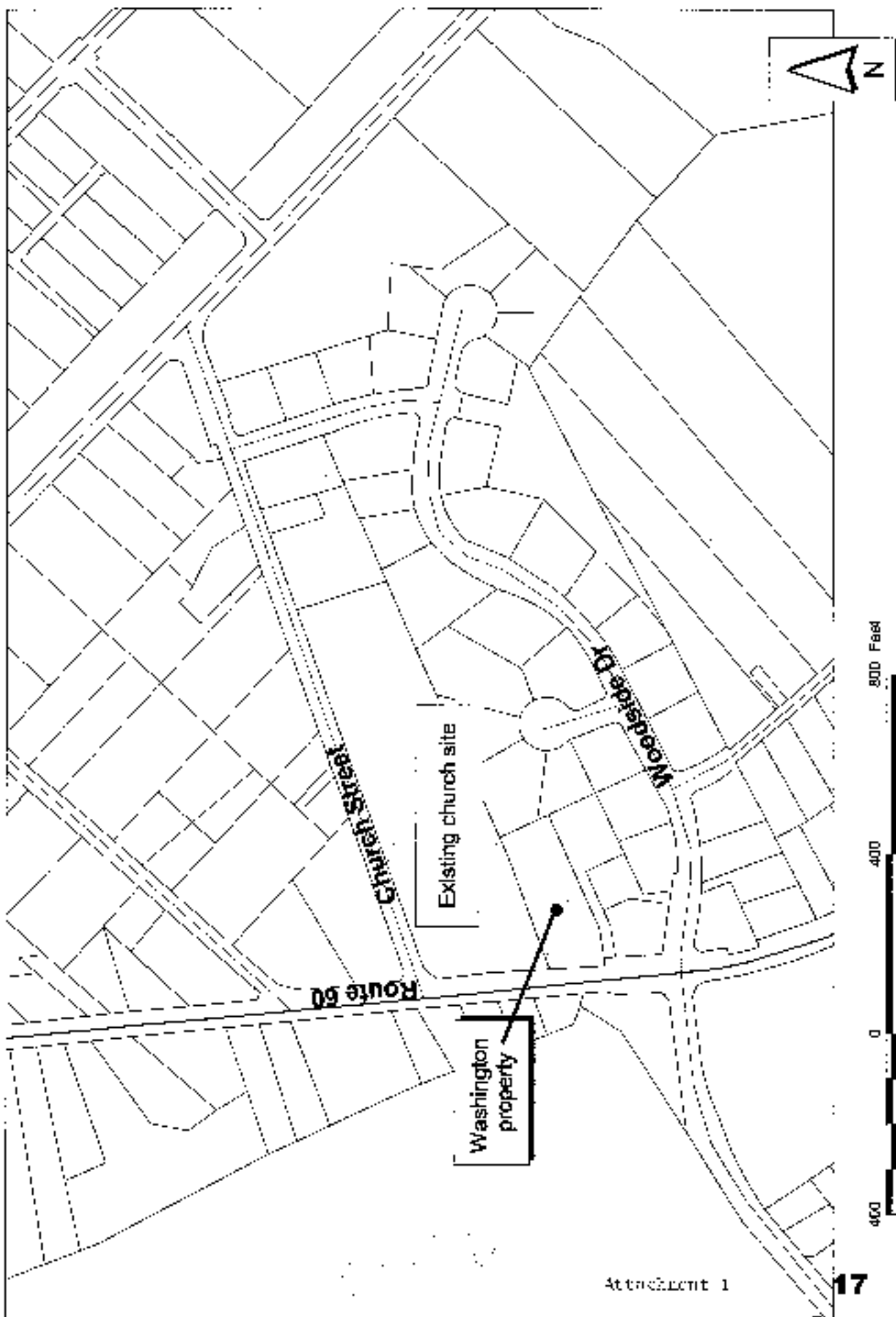
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Paul D. Holt, III

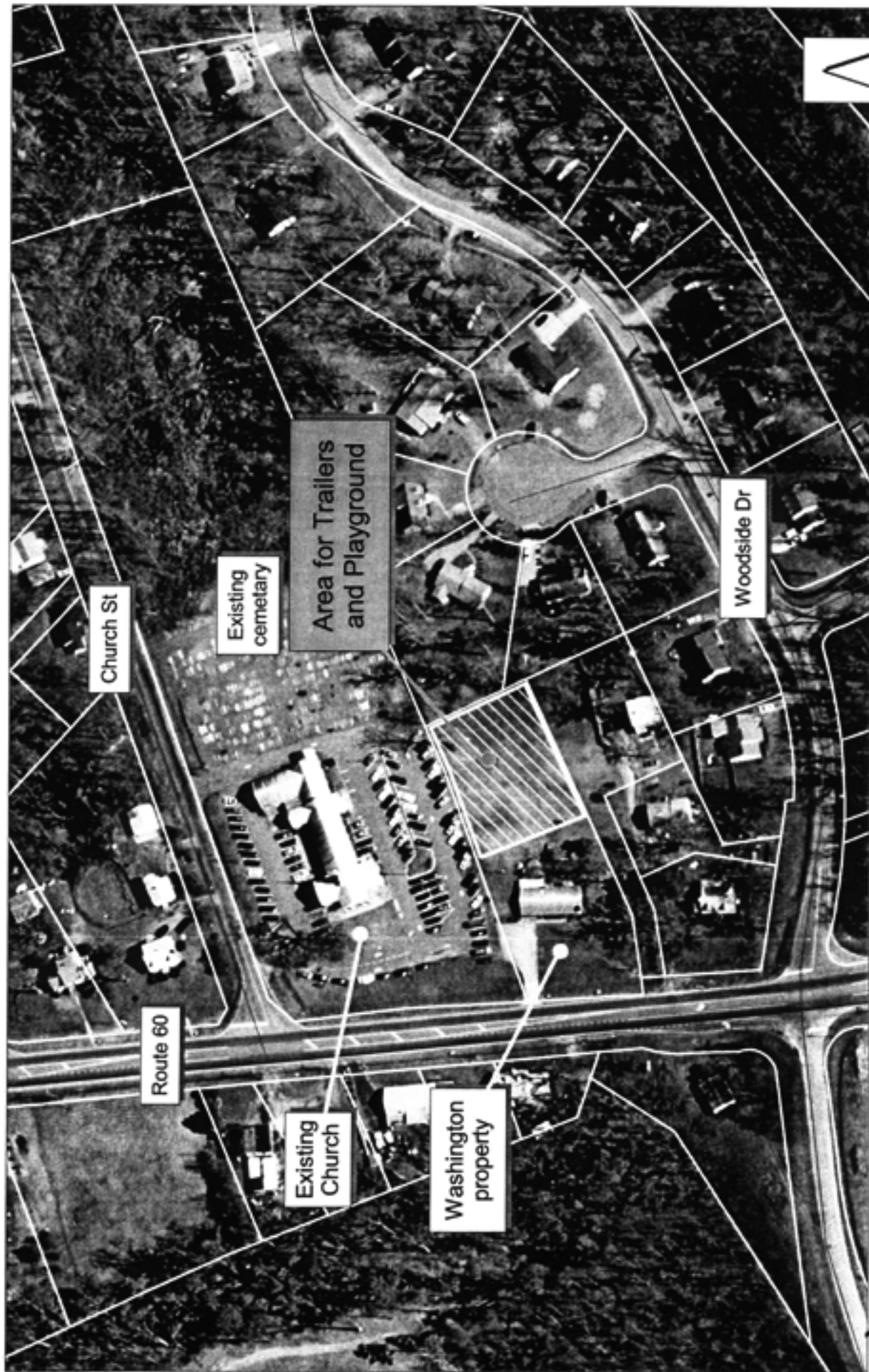
### attachments:

1. Location map
2. Aerial photograph of the property
3. Staff report and approved Resolution from Case No. SUP-9-01
4. Sales literature illustrating the types of playground equipment to be used
5. Proposed SUP conditions

# SUP-10-02. Mount Gilead



# SUP-10-02. Mount Gilead



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**SPECIAL USE PERMIT- 09-01. Mount Gilead Baptist Church - Day Care and Academy  
Staff Report for June 26, 2001, Board of Supervisors Public Hearing**

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

**PUBLIC HEARINGS**

Planning Commission:  
Board of Supervisors:

Building C Board Room; County Government Complex  
June 4, 2001 7:00 p.m.  
June 26, 2001 7:00 p.m.

**SUMMARY FACTS**

Applicant:  
Land Owner:

Mr. Abram E. Frink  
Mount Gilead Baptist Church

Proposed Use:

A day care and an Academy inside the existing church.

Location:

8660 Pocahontas Trail

Tax Map and Parcel No.:

(52-3)(2-34)

Primary Service Area:

Inside

Parcel Size:

3.327 ± acres

Existing Zoning:

R-2, General Residential

Comprehensive Plan:

Low Density Residential

Surrounding Zoning:

The parcel is completely surrounded by other R-2 zoned land

Staff Contact:

Paul D. Holt, III - Phone: (757) 253-6685

**STAFF RECOMMENDATION:**

With the proposed special use permit (SUP) conditions, staff finds the proposal compatible with surrounding uses and zoning and consistent with the Comprehensive Plan recommendations. Therefore, staff recommends approval of the application. On June 4, 2001, the Planning Commission recommended approval of this application by a vote of 6-0.

Attachment 3

## **Description of the Project**

On behalf of the Mount Gilead Baptist Church, Mr. Abram Frink has applied for a special use permit to allow for the operation of a day care and an Academy inside an existing church located at 8660 Pocahontas Trail. The property is currently zoned R-2, General Residential, and is located in Grove, at the corner of Pocahontas Trail (Route 60E) and Church Street. Both day care centers and schools are specially permitted uses on R-2 zoned property.

According to the applicant, five rooms in the church will be set aside for the day care and Academy. These five rooms total 2,132 square feet and could support up to 104 children, according to State Building Code limitations. The applicant expects the day care to operate five days a week, Monday through Friday, 6:00 a.m. to 6:00 p.m. with about 50 children. No new exterior changes or signs are proposed at this time. Student enrollment will determine staffing loads. The rear entrance of the church will serve as the designated drop-off/pick-up point. The rear of the church connects with both sides of the church where parking is available. The site currently has two access points to Church Street. With 86 parking spaces and 15 handicapped parking spaces, staff believes that parking lot is large enough to support the operation. Even if church functions were to occur at the times of the day care and school, parking needs by the day care and school would be limited to a few staff members only.

The Academy will be a private Christian School owned and operated by the Mount Gilead Baptist Church. Initially, the academy would consist of pre-K (3, 4, and 5 year olds), and Kindergarten. Depending on enrollment, first, second, and third grades may be added. Currently, the applicant expects the Academy to operate with ten to 20 students. As with the day care, student enrollment would determine staffing levels. The academy would operate five days a week, Monday through Friday, 8:30 a.m. to 3:00 p.m. Students would be picked up by the church in a van, if desired.

The church has already met with the Code Compliance Division. All required improvements and needed changes to the church have been made to accommodate a day care and school use.

## **Traffic**

For day care centers, the Institute of Transportation Engineers, *Traffic Generation* manual anticipates 0.83 average trips per student in the a.m. peak hour and 0.80 average trips per student in the p.m. peak hour. For the expected 50 children, this results in an additional 41.50 peak hour trips in the a.m. and an additional 40.00 peak hour trips in the p.m.

For a private school, an average 0.93 trips per student in the a.m. peak hour is anticipated and an average 0.61 p.m. peak hour trips per student is expected in the p.m. For the 20 students, this results in an additional 18.60 peak hour trips in the a.m. and an additional 12.20 peak hour trips in the p.m.

Combining the two uses, and allowing for the maximum number of children possible, an additional 88 trips are expected in the a.m. peak hour and an additional 70.5 trips are expected in the p.m. peak hour. As of the 2000 traffic counts, this portion of Route 60 currently handles 12,055 vehicles per day north of this site and 12,833 vehicles per day south of this site. The Route 60/Church Street intersection was recently upgraded with the addition of a left hand turn lane. This turn lane increases both turning and through movement functions. Given existing traffic levels, the low amount of additional traffic, and the presence of the turn lane, staff believes that the additional traffic will not negatively affect Pocahontas Trail.

## **Surrounding Zoning and Development**

The property is surrounded by other R-2 zoned property and single-family detached dwellings. As stated above, no new exterior construction is proposed for the operation of the day care and academy inside the church. The proposed drop off/pick up point is located at an existing entrance at the rear of the church, so children coming and going should not impact any adjoining property owners. There are three homes along Church Street between the rear of the church and Route 60. With the proposed SUP conditions, staff believes the proposed operations inside the church are compatible with surrounding uses and zoning.

## **Comprehensive Plan**


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

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

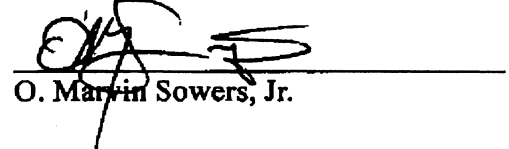
As noted above, the existing church is located on a primary road at an intersection with adequate road improvements. With the proposed SUP conditions, staff believes the application is consistent with the Comprehensive Plan recommendations.

## **RECOMMENDATION:**

With the proposed SUP conditions, staff finds the proposal compatible with surrounding uses and zoning and consistent with the Comprehensive Plan recommendations. Therefore, staff recommends approval of the application. On June 4, 2001, the Planning Commission recommended approval of this application by a vote of 6-0.

  
Paul D. Holt, III

CONCUR:

  
O. Marvin Sowers, Jr.

PDH/adw  
sup-9-01.wpd

## **Attachments:**

1. Minutes from the June 4, 2001, Planning Commission meeting
2. Location map
3. Letter of support from "The Child Caring Connection," dated May 29, 2001
4. Resolution of approval

UNAPPROVED MINUTES OF THE JUNE 4, 2001, PLANNING COMMISSION MEETING.

CASE NO. SUP-9-01. MT. GILEAD BAPTIST CHURCH.

Paul Holt presented the staff report stating the applicant requested a special use permit to allow for the operation of a day care and an Academy inside the existing church which could accommodate up to 104 children. He stated the applicant has spoken with the Code Compliance Division and that the needed changes to the church had been made to accommodate both facilities. Staff found the proposal consistent with the surrounding uses, zoning, and the Comprehensive Plan. Staff recommended the Commission recommend approval of this application with the conditions as outlined in the staff report.

Joe Poole opened the public hearing.

Abram Frink of 148 Magruder Avenue and representing the church handed out materials to the Planning Commission and then introduced Pastor Dawson.

Pastor Dawson reviewed the materials handed out stating that the Day Care and Academy would only enhance the already rich heritage of Mt. Gilead Church and the community. He explained the intent of the application and discussed the facilities existing within the church that would serve both the Day Care and Academy. He asked that the Commission approve this request for a special use permit.

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

Don Hunt felt this application should not be categorized as the two previous cases since the Day Care and Academy would be operated in a church and not in a single-family residence. He hoped that the Commission would act on this case tonight.

Peggy Wildman stated that this was an incredible proposal and complimented the applicant on what was being proposed for the children and said she would fully support this application.

Joe McCleary felt that this was an eminently wonderful use of the church and it was apparent that the entire congregation had worked together and he highly commended them for taking this action. He fully supported this application.

Joe Poole stated this application epitomized a non-residential use. He stated that this was an existing house of worship on a main arterial road so it was different than the two previous cases. He also supported this application.

Peggy Wildman made a motion, seconded by Wilford Kale, to recommend approval with the conditions as outlined in the staff report.

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



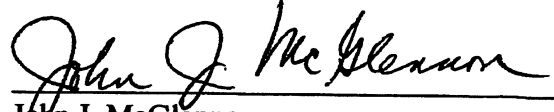
## **RESOLUTION**

### **CASE NO. SUP-09-01. MOUNT GILEAD BAPTIST CHURCH DAY CARE AND SCHOOL**

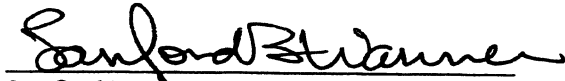
- WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and
- WHEREAS, the applicant has requested a special use permit to allow for the operation of a day care and a school inside the existing Mount Gilead Baptist Church located at 8660 Pocahontas Trail; and
- WHEREAS, the property is currently zoned R-2, General Residential, and designated Low Density Residential on the 1997 Comprehensive Plan Land Use Map; and
- WHEREAS, the property is specifically identified as Parcel No. (2-34) on the James City County Real Estate Tax Map Number (52-3); and
- WHEREAS, on June 4, 2001, the Planning Commission recommended approval of the application by a vote of 6-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-9-01 as described herein with the following conditions:

1. This special use permit shall be valid only for the operation of a day care and a school within the existing church, limited to that stated hours of operation, 6:00 a.m. - 6:00 p.m. Monday through Friday, and limited to an enrollment capacity of 104 children maximum.
2. A certificate of occupancy for the day care and school use shall be obtained within two years of SUP approval, or the SUP shall be void.
3. The drop-off and pick-up area for the day care and school shall be limited to the existing entrance located at the rear (north side) of the church.
4. Any new permanent exterior signage advertising the day care and/or school shall be combined with the existing signage for the church and shall be in accordance with Article II, Division 3 of the James City County Zoning Ordinance.
5. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

  
John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:

  
Sanford B. Wanner  
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
HARRISON	AYE
KENNEDY	AYE
NERVITT	AYE
GOODSON	AYE
MCGLENNON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of June,  
2001.

sup-09-01.res



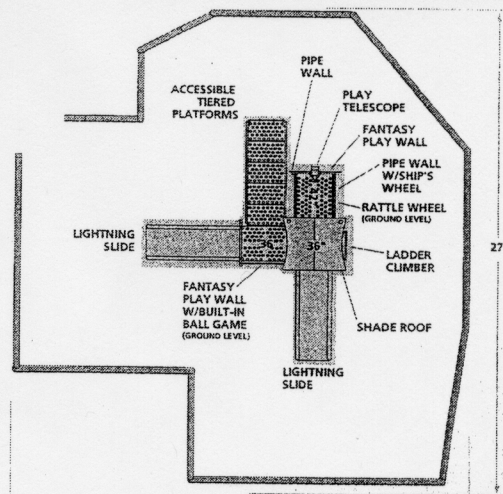
## Fun Center B

## Phase 1 Fun Center

YOUR  
SCHEME



EVEN ORDERING



As shown: 21 Border Timbers- 4-2', 2-3', 5-4', 10-6' (4-0,6m; 2-0,9m; 5-1,22m; 10-1,83m).  
Sold separately on page 37.

Capacity: up to 23 children ages 2-5yrs.  
Size: 12' x 13x9' (3,66m x 3,96m x 2,74m)  
Use Zone: 26' x 27' (7,92m x 8,22m)

### Playstructure Features

- ⊙ Two fun-filled Lightning Wide Slides
- ⊙ Fantasy play with Ship's Wheel, Play Telescope, Rattle Wheel, and Ball Game
- ⊙ Fully accessible upper-deck activities
- ⊙ Shaded deck and under-deck play spaces



This play system design meets or exceeds requirements for access under the Accessibility Guidelines for Play Areas developed by the Federal Access Board when installed over accessible surfacing.

All play equipment must be installed over an impact-absorbing surface.

Note: Optional anchor stakes and anchor bolts available. See page 10 for pricing.

Attachment 4





### **Standard Swings**

Made of high-strength materials, these swings are corrosion resistant for long life.

Top Rails and Legs are 2-3/8" O.D. galvanized-steel pipe with 2-7/8" galvanized-steel yokes.  
Units come with Slash-Proof Yellow Belt Seats with uncoated 4/0 galvanized swing chain.  
Top Rails are available in your choice of component colors.

### **Phase 1 (Standard Swing)**

**Capacity:** up 4 children

**Size:** 8' (2,4m)

**Use Zone:** 32' x 42' (9,7m x 12, 8m)

Phase 1  
Super Satellite

# Physical Fun



Capacity: up to 12 children ages 5 to 12 yrs.  
Size: (Dia. x H): 16' x 9' (4,88m x 2,74m)  
Use Zone: (Dia.): (8,53m)



## Freestanding Tic-Tac-Toe

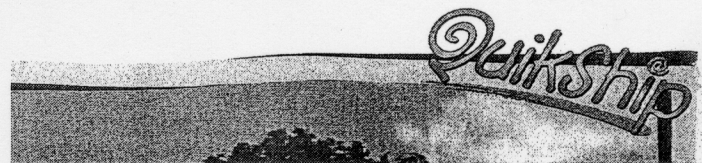
238-TTT \$649

Capacity: Up to 2 children ages 2 to 12 yrs.

Size: 3' x 1' x 5' (0,92m x 0,31m x 1,53m)

Weight: 99 lbs. (44,9kg)

A freestanding version of the classic children's game, the Tic-Tac-Toe is great fun for smaller play yards. In your choice of post and plastic colors.





# Freestanding

Thrilling freestanding slides offer variety, dur

- ⊙ Meet or exceed all CPSC and ASTM guidelines
- ⊙ Durable, Yellow vinyl-coated perforated-steel ladders and decks
- ⊙ 3-1/2" galvanized-steel posts with powder-coated finish in your choice of post colors (see page 65)
- ⊙ Top Canopy encourages proper seated position
- ⊙ Longer exits for safer deceleration
- ⊙ Child-sized full-length handrails on ladders
- ⊙ Plastic slides available in Blue, Yellow, Red, Beige, or Green

Size: 72" (1,8m)

Use Zone: 17' x 23' (5,2m x 7m)

~pictured

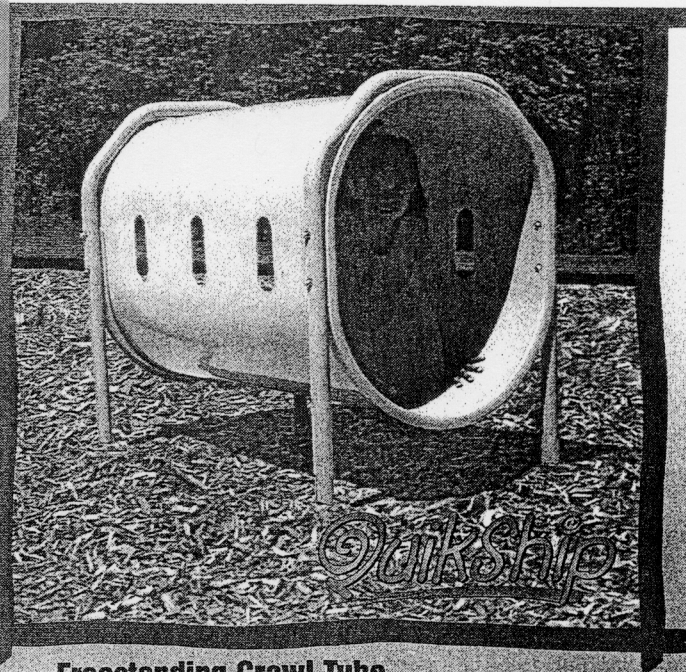
## Phase 2 Freestanding Slide



In your choice of  
Green, Red, Beige

## Phase 2

### Freestanding Crawl Tube



### Freestanding Crawl Tube

ZZUN4270 \$566

Capacity: Up to 2 children ages 2 to 12 yrs.

Size (WxL): 2' x 4' (0,6m x 1,2m)

Use Zone (WxL): 14' x 16' (4,2m x 4,8m)

Weight: 88.48 lbs. (40,13kg)

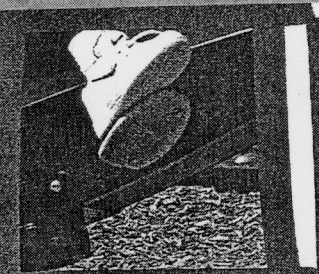
In your choice of Yellow, Green, Red, Beige, or Blue. Oval portholes allow easy supervision. Each Crawl Tube is shipped with anchoring device.

playdesigns.com

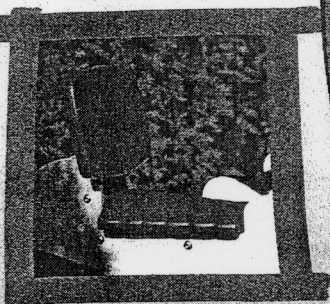




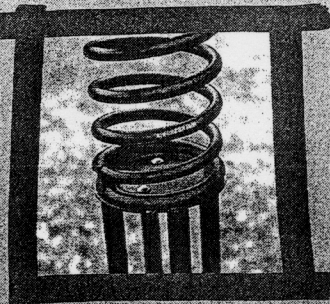
## Phase 2 Speedy Racetrack for 3



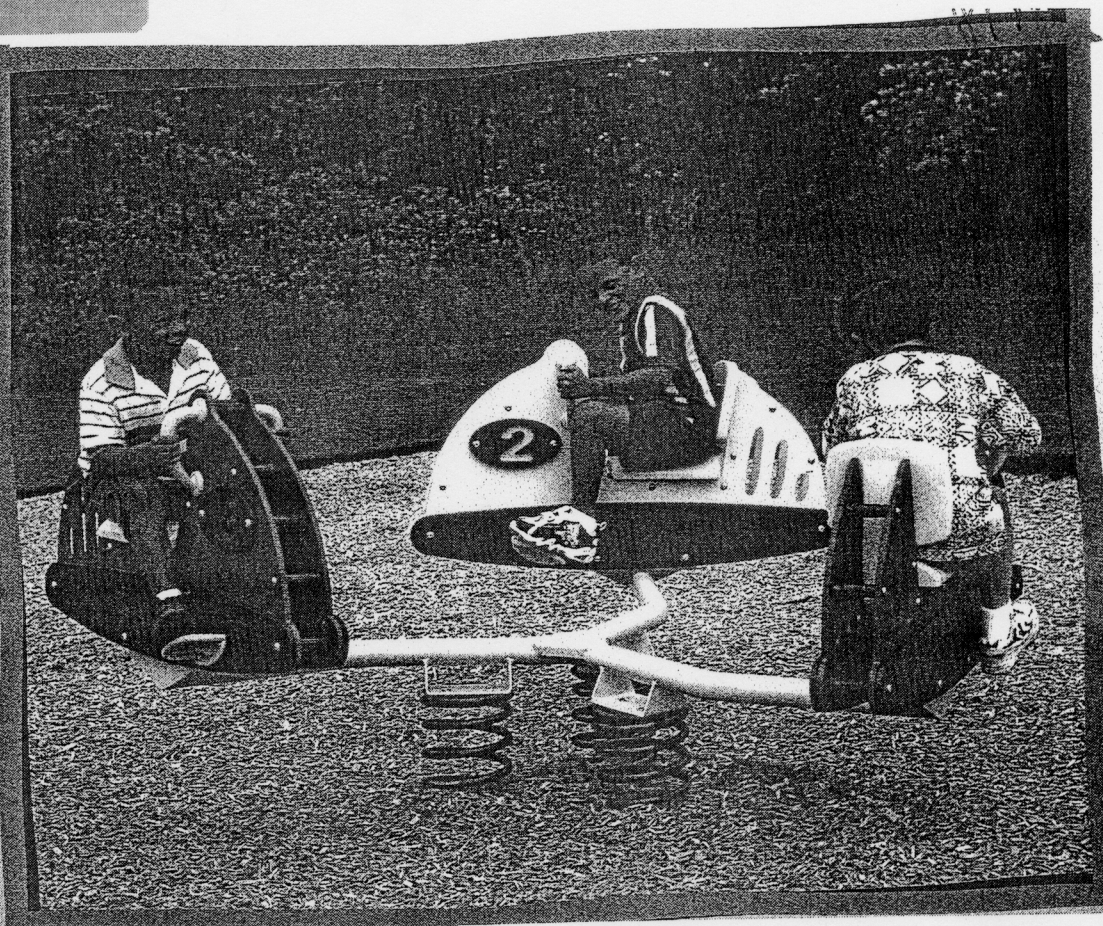
Cast Aluminum  
Footrests with  
slip-resistant treads



Rotomolded Seat  
with Back for excellent  
support and safety



Super-strong steel footer  
for easy, stable installation



Use Zone: (Dia.): 19" (5,7m)



**SUP-12-02**  
**Mount Gilead Baptist Church - SUP Amendment and SUP for School Trailers**

*The following conditions shall apply to that portion of the property that contains the existing church:*

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

*The following conditions shall apply to that portion of the property where the proposed school trailers and playground are to be located, as described in the staff report:*

3. This Special Use Permit shall be valid for a maximum of two temporary school trailers.
4. The temporary school trailers shall be permitted for a period of 5 years from the date of SUP approval.
5. A certificate of occupancy for at least one trailer shall be obtained within 18 months of SUP approval, or the SUP shall be void.
6. To better buffer and screen the trailers and playground from adjacent residentially zoned property, evergreen landscaping shall be provided along the east, west, and southern property lines that exceeds the County's Landscape Ordinance requirements by an additional 15 percent.
7. Prior to any preliminary site plan approval, the area containing the school trailers and the playground shall be subdivided from the area where the single family house currently exists, and a lot line extinguishment shall occur such that the area containing the school trailers and the playground is incorporated into the existing Mount Gilead church property.
8. No trailer or piece of playground equipment shall be located closer than 35 feet to any property line. The entrances to the classroom trailers, and walkways to the trailers shall be oriented towards the interior of the property. Furthermore, the playground shall be located generally adjacent to the existing church parking lot, in a final location as determined by the Director of Planning.

*The following conditions shall apply to all areas of the site:*

9. The day care and school operations shall be limited to the following hours of operation, 6:00 am - 6:00 pm, Monday through Friday, and shall be limited to a total enrollment capacity of 104 children maximum. This condition shall not prohibit the operation of a day care accessory to church functions on Sunday.
10. The child drop-off and pick-up location for both the day care and school shall be limited to the existing entrance located at the rear (north side) of the church.
11. Any new exterior, free standing signage advertising the day care and/or school shall be

combined with the existing free standing signage for the church and shall be in accordance with Article II, Division 3 of the James City County Zoning Ordinance.

12. No additional curb cuts shall be created on Route 60.
13. Any new exterior site lighting shall be limited to fixtures which are horizontally mounted on light poles not to exceed 15 feet in height and/or other structures and shall be recessed fixtures with no bulb, lens or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. No glare, defined as 0.1 footcandle or higher shall extend outside the property lines.
14. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

## **Special Use Permit 10-02**

### **VoiceStream Wireless - VDOT Tower Extension**

Staff Report for the June 3, 2002, Planning Commission Public Hearing

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*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.*

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#### **PUBLIC HEARINGS**

##### **Planning Commission:**

Building C Board Room; County Government Complex; 7:00 p.m.

##### **Board of Supervisors:**

June 3, 2002

July 9, 2002 (Tentative)

#### **SUMMARY FACTS**

##### **Applicant:**

Mr. Nathan Holland of VoiceStream Wireless

##### **Land Owner:**

The Virginia Department of Transportation (VDOT)

##### **Proposed Use:**

10 foot extension of an existing monopole telecommunications tower

##### **Location:**

Interstate 64/Croaker Road intersection - Exit #231

##### **Tax Map ID:**

n/a - this is VDOT right of way

##### **Primary Service Area:**

Inside

##### **Existing Zoning:**

A-1, General Agricultural

##### **Comprehensive Plan:**

Low Density Residential

##### **Surrounding Zoning & Development:**

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

##### **Staff Contact:**

Paul D. Holt, III

Phone: 253-6685

#### **STAFF RECOMMENDATION**

Staff finds the added visual impact of the antenna negligible. While the existing tower is not consistent with the Comprehensive Plan, staff finds that the proposed antenna addition would not have an additional impact on surrounding zoning and development and that the co-location would in fact prevent the need for construction of a new tower. Staff recommends approval of the special use permit, subject to the proposed conditions.

## History of the Project

In 1997, the Virginia Department of Transportation (VDOT) allowed the erection of 150-foot to 185-foot tall monopole towers at roadway interchanges along Interstate 64. At the time, Federal and State legislation encouraged state agencies to make available their lands to companies that provide wireless telecommunications services (Code of Virginia §2.1-504.4(C)). VDOT entered into contracts with private wireless telecommunications providers to construct towers at Interstate interchanges. VDOT then located cameras on the towers (typically at the 55-85 foot tall range) and took possession of the towers, with the private carriers then leasing the remaining tower space for their private enterprise equipment. The VDOT cameras were part of the first phase of a statewide Intelligent Transportation System (ITS) program whereby monitoring devices were installed along Interstate corridors. Despite heavy objection, VDOT sidestepped the normal plan review process, and constructed the towers without the review, approval or permission of James City County.

## Description of the current proposal

The towers have proven to be of great benefit to wireless telecommunications providers. Four separate users are currently located on the 185 foot tall monopole tower at the I-64/Croaker Road intersection (Exit #231). A photograph of the existing facility is attached. The applicant proposes increasing the height of the tower by 10 feet.

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

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

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

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

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

As noted above, the tower was constructed without the review, approval or permission of James City County. The tower was also constructed prior to the date of the current Performance Standards. As such, many of the current expectations regarding "minimal visual intrusion" are not met and in general, the tower is not consistent with the County's policy. However, the tower does meet the criteria which call for providing co-location alternatives to the greatest extent possible.

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

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

## Surrounding Zoning and Development

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

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

## Comprehensive Plan

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

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

## Recommendation

Staff finds the added visual impact of the antenna negligible. While the existing tower is not consistent with the Comprehensive Plan, staff finds that the proposed antenna addition would not have an additional impact on surrounding zoning and development and that the co-location would in fact prevent the need for construction of a new tower. Staff recommends approval of the special use permit, subject to the proposed conditions.

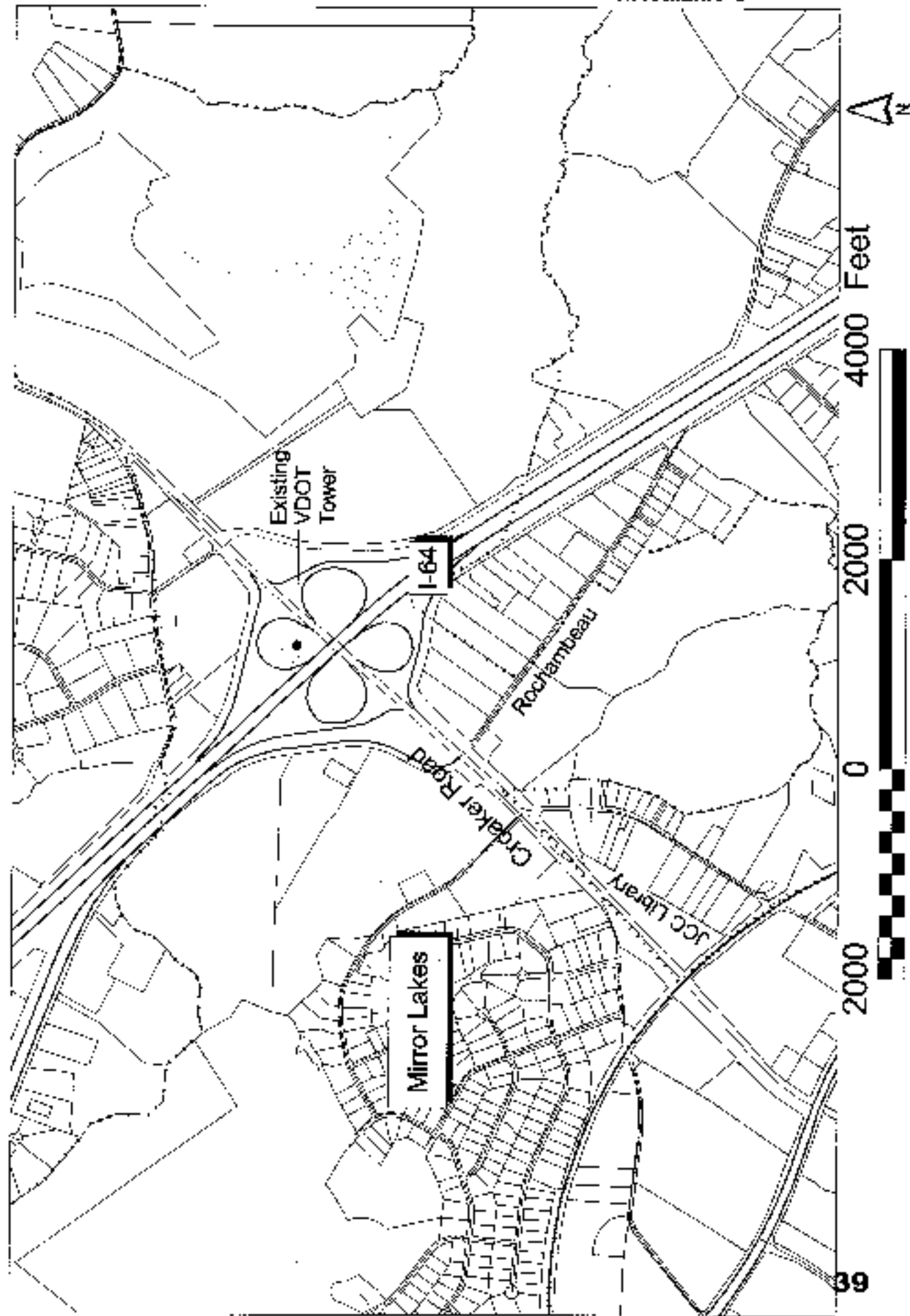
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Paul D. Holt, III

### attachments:

1. Location map
2. Performance Standards for Wireless Communications Facilities, dated May 26, 1998
3. Photograph of the existing tower configuration and prototype of an existing tower where such an antenna addition has already been made
4. Photograph simulation of the antenna addition to the existing VDOT tower
5. Proposed SUP conditions

# SUP-10-02. Voice Stream Wireless - VDOT Tower Extension



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

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

### **A. Collocation and Alternatives Analysis**

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

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

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



## B. Location and Design

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

### Proposed Location of Tower

### Impact Criteria

- |                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-----------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| a. Within a residential zone or residential designation in the Comprehensive Plan | Use a camouflaged design or have minimal intrusion on to residential areas, historic and scenic resource areas or roads in such areas, or scenic resource corridor<br><br>For areas designated rural lands in the Comprehensive Plan that are within 1500 feet from the tower, the same standards apply. For rural lands more than 1500 feet from the tower, no more than the upper 25% of the tower should be visible |
| b. Within a historic or scenic resource area or within a scenic resource corridor | Same criteria as above                                                                                                                                                                                                                                                                                                                                                                                                 |
| c. Within a rural lands designation in the Comprehensive Plan                     | Same criteria as above                                                                                                                                                                                                                                                                                                                                                                                                 |
| d. Within a commercial or in an industrial designation in the Comprehensive Plan  | Same criteria as above                                                                                                                                                                                                                                                                                                                                                                                                 |

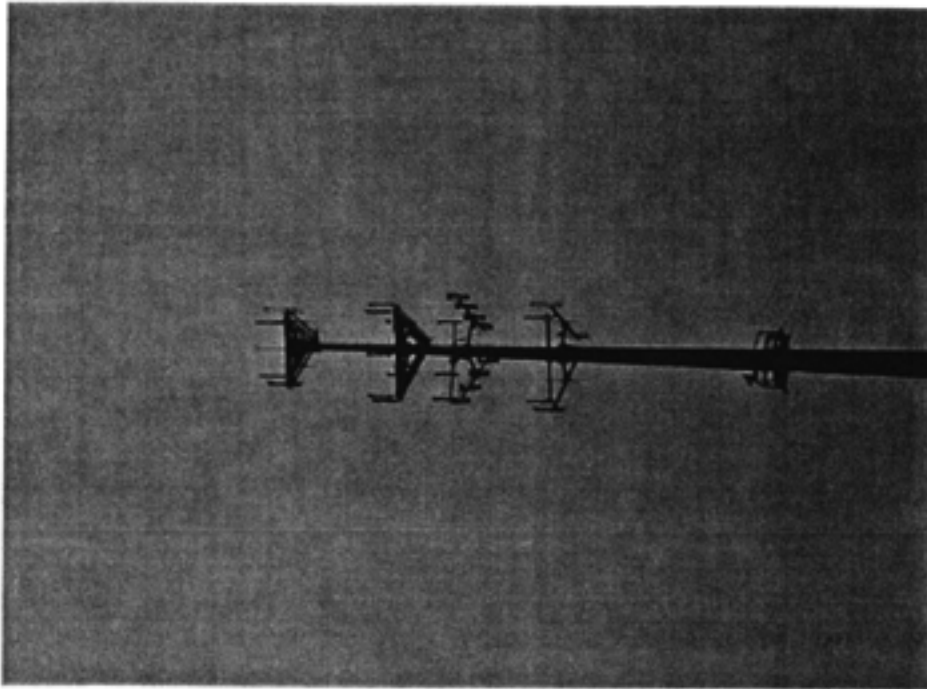
### Notes for the above table:

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

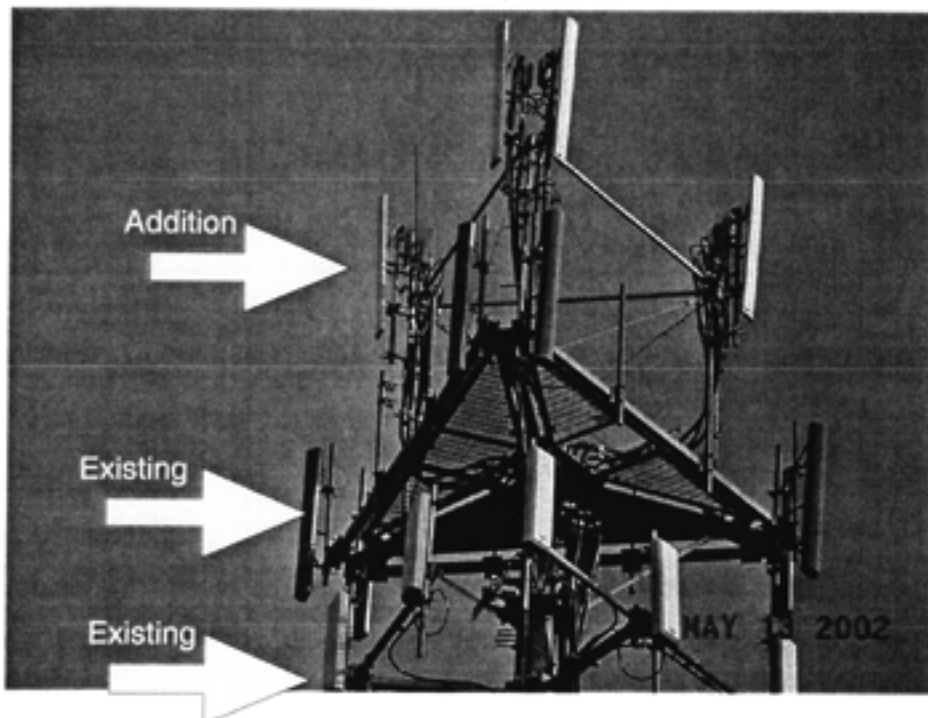
4. Towers should be less than 200 feet in height in order to avoid the need for lighting. Taller heights may be acceptable where views of the tower from residential areas and public roads are very limited. At a minimum, towers 200 feet or more in height should exceed the location standards listed above.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

C. Buffering

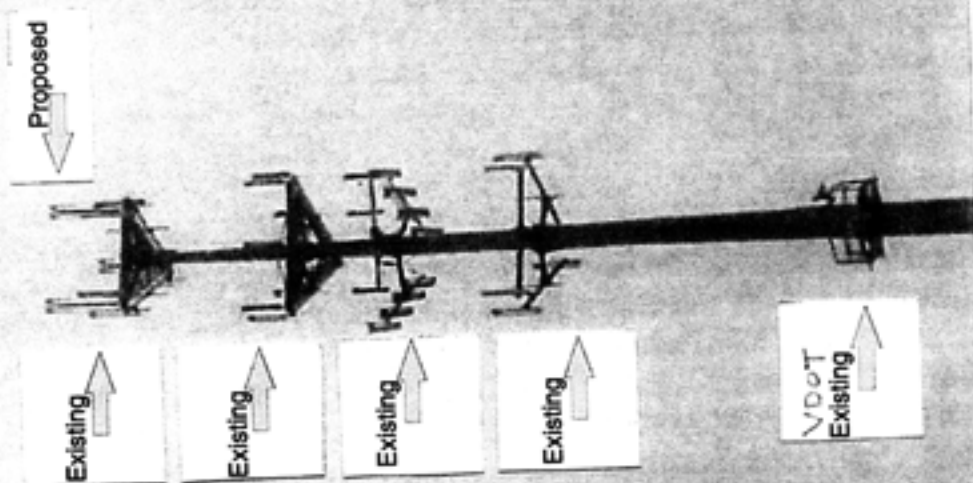
1. Towers should be placed on a site in a manner that takes maximum advantage of existing trees, vegetation and structures so as to screen as much of the entire WCF as possible from view from adjacent properties and public roads. Access drives should be designed in a manner that provides no view of the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



Existing VDOT Tower Configuration at Exit 231



Prototype of tower where antenna addition has been made to the top of the tower



Photograph simulation of antenna addition on existing VDOT tower

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

1. This special use permit shall be valid for one monopole tower not to exceed a height of 199 feet.
2. Tree clearing shall be limited to the minimum necessary to accommodate all new accessory facilities and access ways as determined by the Planning Director. Any new access drive shall be designed in a manner that provides no off-site view of the tower's base or related facilities as determined by the Planning Director.
3. A final inspection shall be obtained within one (1) year of approval of this Special Use Permit, or the permit shall become void.
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. Prior to any final building inspections, around the southern and western limits of the existing equipment compound, a double row of evergreen shrubs, planted 4 feet on center, and a double row of Loblolly pine trees, planted 8 feet on center shall be planted in a manner approved by the Director of Planning.
6. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

## **Rezoning Z-2-02. Greensprings Proffer Amendment Staff Report for June 3, 2002, Planning Commission Public Hearing**

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*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.*

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### **PUBLIC HEARINGS**

Planning Commission:

County Government Complex, Building C Board Room

Board of Supervisors:

June 3, 2002, 7:00 p.m.

July 9, 2002, 7:00 p.m. (tentative)

### **SUMMARY FACTS**

Applicants: Mr. Marc Sharp, Greensprings Office Park Associates

Land Owner: Greensprings Office Park Associates

Proposed Use: Amend the proffered height restrictions to permit 120' Monopine Wireless Communication Tower

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

Tax Map/Parcel: (46-1)(1-7)

Primary Service Area: Inside

Parcel Size: ±13.7 acres

Zoning: R-4, Residential Planned Community

Comprehensive Plan: Low Density Residential

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

Staff Contact: Karen Drake Phone: 253-6685

### **STAFF RECOMMENDATION**

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

## **Description of Project**

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

## **Existing Conditions**

SBA Network Services, Co. has submitted a site plan to the Planning Division (Case No. SP-27-02) for approval of two 120 feet monopine towers and associated equipment to be located at 3900 John Tyler Highway. At this writing, construction of only one tower is being discussed that would be used by Verizon Wireless to provide cellular communication coverage in the Greensprings Plantation area. The tower would be located approximately 500 feet from Route 5 and behind the existing buildings in the Greensprings Office Park. The 80 foot by 80 foot area where the towers are proposed would be leased from the Greensprings Office Park. Currently, the site is heavily wooded with a mixture of trees, including some pine trees. The existing tree buffer along Route 5 would not be disturbed.

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

## **Surrounding Zoning and Development**

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

## **Access**

Access to the tower site is currently proposed from a James City Service Authority (JCSA) gravel dirt road that leads to existing JCSA facilities. The proposed tower does not generate a significant amount of additional traffic, and improvements to the access road are not proposed. JCSA has reviewed the site plan and has noted that the access agreement must be finalized prior to JCSA approval.

## Comprehensive Plan

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

### Visual Analysis of the Proposal

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

#### *Balloon Test Results*

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

Photo #1 was taken on-site from the parking lot of Greensprings Office Park and the balloon was visible over the existing tree line. The monopine would clearly be out of scale with the surrounding trees. However, as the parking lot landscaping matures, staff believes the tower will blend in with the existing trees.

Photo #2, was taken from the entrance of Fairway Villas on the opposite side of Greensprings Plantation Drive and the balloon was visible. Driving from Monticello Extension on Greensprings Plantation Drive to Route 5, the balloon was only visible as one passed the entrance to Fairways Villa and was opposite the Greensprings Office Park. From this vantage point monopines would not appear to be above the surrounding tree line and would appear consistent in terms of scale, height and species.

Driving on Route 5 in either direction, the balloon was not visible nor driving from Jamestown High School towards Route 5, was the balloon visible. Photo #3 shows the existing buffer at Greensprings Office Park would not be affected by the proposed towers.

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

### Proffers

Revised proffers are attached that reflect the proposed change to item #17 that currently reads:

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



Route 5 (John Tyler Highway) shall not exceed a maximum height of 45 feet.

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

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

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

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

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

#### Recommendation

Staff finds the proposed tower consistent and compatible with existing surrounding, zoning and the Comprehensive Plan and recommends approval of the proposed proffer amendments to increase the permitted height of certain structures in this location with in the Greensprings Planned Community. Note that approval of the Greensprings proffer amendment does not mean automatic approval of the proposed monopine towers. If the rezoning is approved, staff would then process the submitted site plan to ensure that the proposed towers met the strict standards detailed in the James City County Zoning Ordinance regulating Wireless Communication Facilities such as encouraging co-location, avoiding placement of a new tower and performance standards. In consideration of these factors and the positive results of the balloon test, staff recommends approval

of the rezoning application to amend the proffers governing Greensprings.

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Karen Drake

#### Attachments:

1. Location map
2. Excerpts from the preliminary site plan
3. Photos taken at the publicly advertised balloon test
4. Tower simulation photographs
5. Proposed Proffers

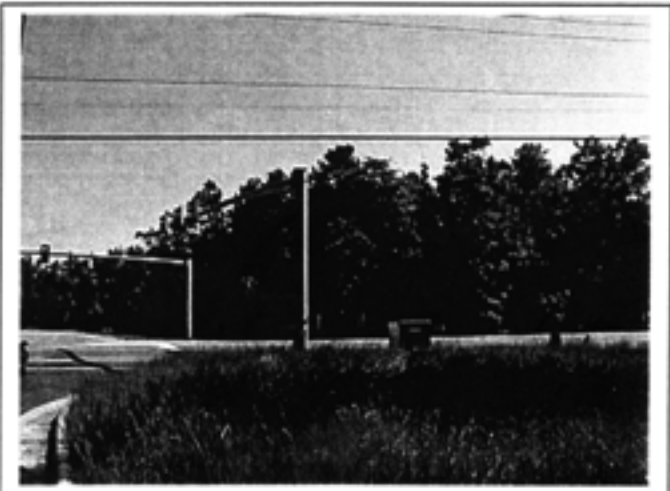
**Z-2-02. Greensprings Plantation Proffer Amendment  
Balloon Test Photographs  
Monday, May 20, 2002**

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**Photo #1. Standing in the parking lot of Greensprings Office Park, looking east towards the proposed tower location within the woods.**



**Photo #2. From the entrance of Fairways Villas looking east across Greensprings Plantation Drive.**



**Photo #3. From the entrance to Jamestown High School looking north across Route 5 at the corner of Greensprings Office Park.**

**Z-2-02. Greensprings Plantation Proffer Amendment  
Monopine Simulation Photographs**

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**Monopine Simulation Photo #1.  
From the entrance of Fairways  
Villas looking east across  
Greensprings Plantation Drive.**



**Monopine Simulation Photo #2.  
Close up of the office building  
from the same angle in Photo**

FIFTH AMENDMENT TO AMENDED AND RESTATED  
GREENSPRINGS PROFFER AGREEMENT

This Fifth Amendment to the Amended and Restated Greensprings Proffer Agreement is made this 24<sup>th</sup> day of May, 2002, by GREENSPRINGS PLANTATION, INC., a Virginia corporation ("Greensprings"), to be indexed as Grantor, and provides as follows:

RECITALS:

A. In 1989 Greensprings applied for and James City County ("County") granted a rezoning of certain real property owned by Greensprings and being described in the Original Proffer Agreement (defined below) from Limited and General Agricultural Districts, A-2 and A-1 to Residential Planned Community District, R4, with a master plan (the "Master Plan") and proffered conditions as set forth in that certain Greensprings Proffer Agreement dated February 6, 1989 and recorded in the Clerk's Office in James City County Deed Book 427, page 466 (the "Original Proffer Agreement").

B. The Original Proffer Agreement and the Master Plan for the Property were amended by the Amended and Restated Greensprings Proffer Agreement dated April 30, 1992 and recorded in the Clerk's Office in James City County Deed Book 562, page 794.

C. The Original Proffer Agreement and the Master Plan were further amended by that certain document entitled "First Amendment to Amended and Restated Greensprings Proffer Agreement" dated September 29, 1993 and recorded in the Clerk's Office in James City County Deed Book 652, page 765.

D. The Original Proffer Agreement and the Master Plan were further amended by that certain document entitled "Second Amendment to Amended and Restated Greensprings Proffer Agreement" dated July 6, 1998 and recorded in the Clerk's Office as James City County Instrument No. 980013306.

E. The Original Proffer Agreement and the Master Plan, were further amended by that certain document entitled "Third Amendment to Amended and Restated Greensprings Proffer Agreement" dated June 2, 1999 and recorded in the Clerk's Office as James City County Instrument No. 990015761.

F. The Original Proffer Agreement and the Master Plan, were further amended by that certain document entitled "Fourth Amendment to Amended and Restated Greensprings Proffer Agreement" dated October 29, 1999 and recorded in the Clerk's Office as

James City County Instrument No. 990025600.

G. The Original Proffer Agreement, as amended and restated as set forth in these Recitals, is hereinafter called the "Proffers". Greensprings now desires to amend the Proffers as set forth herein.

NOW, THEREFORE, this Fifth Amended and Restated Greensprings Proffer Agreement provides as follows:

REVISED PROVISION:

Condition 17 under the Heading "Restatement of Preexisting Proffers" in the Proffers is hereby amended by the addition of the following sentence at the end thereof:

The foregoing restrictions notwithstanding, in Land Bay M-9 stealth communications towers up to 120 feet in height as defined and governed by the James City County Zoning Ordinance shall be permitted.

RESTATEMENT:

Except as specifically amended above the Proffers shall remain unchanged and in full force and effect and are hereby restated in their entirety as if set forth in full herein.

WITNESS the following signature and seal.

GREENSPRINGS PLANTATION, INC.

By: Marc B. Sharp  
Title: PRESIDENT

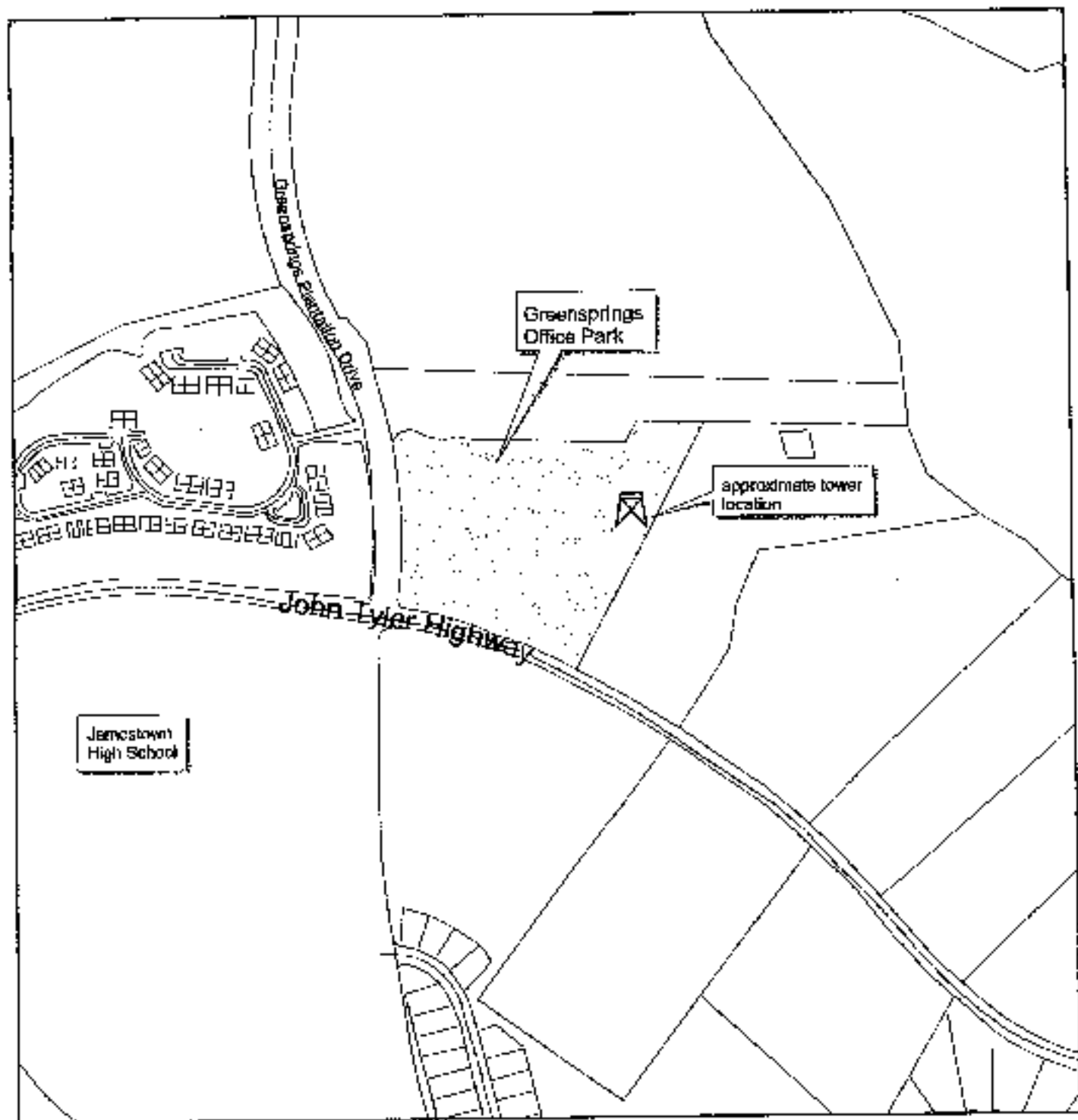
STATE OF VIRGINIA  
~~CITY~~/COUNTY OF JAMES CITY, to-wit:

The foregoing instrument was acknowledged before me this 24th day of May, 2002, by Marc B. Sharp, as President of GREENSPRINGS PLANTATION, INC.

Vern M. Geddy, Jr.  
NOTARY PUBLIC

My commission expires:

12/31/04.



Case No. Z-02-02

Greensprings Plantation Proffer Amendment and  
Proposed Cell Tower at 3900 John Tyler Highway

500 0 500 1000 1500 Feet



## PLANNING DIRECTOR'S REPORT

JUNE, 2002

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

1. Master Greenway Plan. The Greenway's Steering Committee presented the Greenway Master Plan to the Planning Commission at its May 6, 2002, meeting and it will now go forward to the Board of Supervisors on May 28th.
2. Architectural Survey. The VDHR Portsmouth field office continues to complete the remaining work on this project. A final report is due to VDHR Richmond by June 15. Staff expects to review a draft copy of the final report, including recommendations, in early June.
3. U.S. Census. The Census Bureau plans to release key data 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](http://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 and VDOT has prepared construction drawings. Staff has revised VDOT's landscape plans and sent them comments.
5. DRB Cases. The New Town DRB met on May 16th to discuss roadway and infrastructure plans within Sections 2 and 4. The most significant change the DRB approved was revisions to the typical street cross-sections and the elimination of bike lanes internal to the project. The DRB also reviewed and approved the preliminary site plan for the SunTrust building.
6. Centerville Road Proposed Closure. On May 6, 2002, the Planning Commission approved a resolution acknowledging that the National Park Service intends to develop Green Spring Plantation with Centerville Road remaining open at this time. The Commission's resolution also contained several recommendations to make Centerville Road more "park friendly." A copy of this resolution has been sent to the Board of Supervisors, and the Board will consider adopting a similar resolution on May 28, 2002.
7. Comprehensive Plan Update. The Board of Supervisors adopted a methodology for the update of the James City County Comprehensive Plan. Additionally, it appropriated \$137,000 to pay for additional consulting services related to the Plan's development. At tonight's Planning Commission meeting, the Commission will be asked to go into closed session to appoint a Community Participation Team (CPT) which will be responsible for generating and overseeing public participation in the development of the Comprehensive Plan Update.
8. Development Potential Analysis. A meeting of the DPA Committee was held on May 20, 2002, and the committee will meet with the consultant again on June 3, 2002.
9. Treyburn Drive Extension. County staff attended another meeting hosted by the City of Williamsburg on the extension of Treyburn Drive adjacent to the Chambrel Retirement Community on May 2, 2002. The meeting was held at Chambrel, and a number of residents were in attendance.

10. Route 199 Widening Phase 2. VDOT will conduct a public plan showing on June 12, 2002 from 4:00 to 7:00 PM at Berkeley Middle School on plans to widen Route 199. The project involves widening the section of Route 199 between Brookwood Drive and South Henry Street to four lanes.
11. Water Supply & Sewage Treatment Presentation. As requested by the Planning Commission, the James City Service Authority made an informational presentation at the Commission's May 6, 2002, meeting on water supply and sewage treatment capacity.
12. 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.
13. Other Board Action. At its May 14<sup>th</sup> meeting, the Board approved Case No. SUP-4-02. J. W. Crossing Shopping Center Expansion. There were no public hearing cases at the May 28<sup>th</sup> meeting of the Board of Supervisors.
14. Upcoming Cases. New cases that are tentatively scheduled for the July 1, 2002, Planning Commission meeting.

CASE NO. AFD-1-02. CARTER'S GROVE AGRICULTURAL AND FORESTAL DISTRICT - NEW. Colonial Williamsburg Foundation has applied to place approximately 320 acres of land into an Agricultural and Forestal District surrounding Carter's Grove Plantation.

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O. Marvin Sowers, Jr.