

A G E N D A

JAMES CITY COUNTY PLANNING COMMISSION

July 1, 2002 - 7:00 P.M.

1. ROLL CALL
2. MINUTES
 - A. June 3, 2002 meeting 1
3. COMMITTEE AND COMMISSION REPORTS
 - A. Development Review Committee Report 29
 - B. Other
4. PUBLIC HEARINGS
 - A. Case No. Z-5-01. Ford's Colony Proffer Amendment 11
5. PLANNING COMMISSION CONSIDERATION
 - A. Initiation of Consideration of Amendments to the Zoning Ordinance 23
6. PLANNING DIRECTOR'S REPORT
24
7. ADJOURNMENT

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

1. ROLL CALL

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

ALSO PRESENT

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

2. COMMITTEE AND COMMISSION REPORTS

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

John Hagee presented the DRC report stating there were five cases before the DRC. He said the DRC recommended approval for an underground utility waiver at 301 Racefield Drive and a request for a waiver to the Subdivision Ordinance to allow the installation of a Puraflow type septic system on three lots to be created at 2264 Lake Powell Road. The DRC also recommended a waiver be granted to allow an 8-foot rear setback reduction for an office building in the Williamsburg Crossing Shopping Center. The final two cases recommended for approval, New Town Office Building and SunTrust Building, were before the DRC because they exceeded 30,000 sq. ft.

Peggy Wildman made a motion, seconded by Joe McCleary, to recommend approval.

In a unanimous voice vote, motion passed.

B. POLICY COMMITTEE

a. Recommendation for Approval of the Planning Commission Bylaws

Wilford Kale stated the changes to the bylaws which appeared in red were brought before the Policy Committee by staff as part of a recodification of the Code of Virginia and also for changes of clarification. He noted there were no substantive changes proposed. He said the Policy Committee met tonight and reviewed these changes and recommended approval of the amended bylaws.

Wilford Kale made a recommendation, seconded by Joe McCleary, to recommend approval. In a unanimous voice vote, motion passed.

b. Suggested Changes to Planning Commission Bylaws

Wilford Kale stated that the Policy Committee proposed the following additional changes to its bylaws: Article V. HEARINGS, 2 c.: delete "both the Planning Director and" and replace with "the." He stated the reason for the change was to keep the operation of the Commission within the Commissions, Membership, and Leadership and it would eliminate the involvement of staff in determining how they conduct their meetings before the public.

Wilford Kale stated, with the help of counsel, the Policy Committee proposed adding item 2 d. to Article V. HEARINGS which would read: "At the meeting, the above time limits (a, b, & c) may be extended by approval of at least two-thirds of the Commission members present."

Wilford Kale moved the Committee's recommendation that these two changes be made to the bylaws and would be open to discussion by the Commission.

Joe Poole stated staff had received these changes and asked if they could work through them in advance of the August meeting.

Marvin Sowers stated staff had no objection to preparing the changes.

Wilford Kale thanked Joe Poole for giving the Policy Committee the opportunity to review the bylaws and bring the changes forward.

4. PUBLIC HEARINGS

A. CASE NO. SUP-22-01. JCSA GROUNDWATER TREATMENT FACILITY, CONCENTRATE DISCHARGE MAIN, PRODUCTION WELLS, AND ROUTE 5 WATER MAIN EXTENSION

Christopher Johnson presented the staff report stating that the applicant had met with property owners from Jamestown 1607 on several occasions to discuss the alignment options under consideration and to address residents questions and concerns about the proposal. He stated drainage problems within Jamestown 1607 was a primary concern raised by the residents and in an effort to address that concern, JCSA met with VDOT officials to discuss placing a portion of the discharge main under the existing bikelane on the south side of Jamestown Road. Staff found that the proposal was consistent with the surrounding zoning and development and the Comprehensive Plan. Staff recommended the Planning Commission recommend approval of this application as outlined in the staff report.

Joe Poole opened the public hearing.

Larry Foster, General Manager of the James City Service Authority (JCSA), exhibited a container of water concentrate from the Newport News Groundwater Treatment Facility which is an exact treatment process that would be used in the JCSA facility. He said that the public had expressed some concern about the impact on the James River as a result of the discharge and wanted to show what the discharge looked like. He said the only concern of the Department of Environmental Quality (DEQ) was the ammonia levels and stated that test results indicated that the concentrate of ammonia would be less than the permitted levels. He felt that all neighborhood concerns had been addressed, especially with the homeowners of Jamestown 1607, and was also very pleased with the efforts staff made in helping to make this a good project. He said he would answer any questions of the Commission.

Joe McCleary asked Larry Foster where Newport News discharged its concentrate.

Larry Foster stated in the vicinity of Fort Eustis into the James River.

Joe Poole asked if there were any temperature changes between the discharge and existing water in the river that could cause problems.

Larry Foster stated the temperature of the discharge would be in the upper 40's-lower 50's and he expected the James River would be somewhere in that range. He said their modeling indicated that within just a few feet of the river, one could not tell the difference from the discharge water and the natural river water. He said that the DEQ sets the parameters that needed to be met and JCSA would monitor the water quality discharge.

Joe Poole stated he received a call from the president of the Jamestown 1607 Homeowners' Association indicating its support of this proposal.

There being no speakers the public hearing was closed.

George Billups asked if staff met with Parks and Recreation with respect to the this project to make sure the greenway trails and environmental areas are protected.

Christopher Johnson said there has been an ongoing discussion with members of Parks and Recreation with respect to the addition of the greenway trails between the treatment facility and the canoe access on Powhatan Creek.

Peggy Wildman asked if the concerns of a homeowner from Chanco's Grant, regarding a tree and the location of the trail, had been resolved.

Christopher Johnson stated that Mrs. Pew did not have any communication with staff since meeting with Mike Vergakis of JCSA. He stated that Mike Vergakis indicated to staff that she supported the general location shown on the plan.

Marvin Sowers stated there would be additional opportunity for public participation as the trail development goes forward.

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

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

Karen Drake presented the staff report stating that the James City Service Authority had applied for a special use permit to extend public sewer within the Kristiansand Subdivision which was developed in the late 1960's and early 70's when public sewer was not available and an on-site septic system was employed. She stated that in 1989 several of the septic systems began failing and JCSA extended gravity sewer to serve approximately 24 residential units. She stated the public sewer system was designed to allow for future extension to other residential units within the subdivision. She said that upon approval and construction of the public sewer system, it would be left up to the individual homeowner whether to connect to it. Staff found the proposal to be consistent with the Comprehensive Plan and the surrounding zoning. Staff recommended that the Planning Commission recommend approval of this application with the conditions outlined in the staff report.

Joe Poole opened the public hearing.

Larry Foster said that this was a good example of JCSA working with a neighborhood to address public health conditions associated with the Community. He stated there were several meetings with the Homeowners' Association and felt this was be a good solution to a problem in a public health risk area.

Wilford Kale asked if there was the possibility of future failures for the remainder of the back section of the subdivision.

Larry Foster said they were working with a couple who were not originally in the project scope and as JCSA went through the process design, their property was added to the current project. He said they were planning for the expansion of the project, but at this time, was unaware of any failed drain fields in the newer sections of Kristiansand.

Paul Porter of 206 Haradd Lane said that JCSA cooperated with him and said he was happy to be included in the project proposed.

Bill West of 102 Astrid Court and a property owner of 201 Haradd Lane said he was in favor of this application.

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

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

C. CASE NO. SUP-12-02. MT. GILEAD BAPTIST CHURCH

Paul Holt presented the staff report stating that Abram Frink had applied on behalf of Mt. Gilead Church to amend the conditions of SUP-9-01 which was approved by the Board of Supervisors on June 26, 2001. He said Abram Frink had also applied on behalf of William Washington for a special use permit to locate two temporary school trailers and an accessory playground on a portion of his property at 8672 Pocahontas Trail which is adjacent to the church parcel. He stated the church had no remaining feasible location on-site to place the trailers and playground equipment. He noted that William Washington was a member of the church and agreed to donate a portion of his lot to the church. Staff found this proposal consistent with the Comprehensive Plan and felt that no negative impacts to the surrounding development should occur. Staff recommended that the Commission recommend approval as outline in the staff report.

Joe Poole opened the public hearing.

Abram Frink of 148 Magruder Avenue stated he was Chairman of the Trustee Board of the church and said they had a short presentation to make. He introduced Reverend Dawson.

Reverend Dawson, Pastor of Mt. Gilead Baptist Church, made a presentation stating he was happy to be back before the Commission tonight and was thankful for the things that have been fulfilled under the previous special use permit. He reviewed the equipment they planned to use for the playground area and showed an elevation to give the Commission a visual of where the trailers would be placed. He concluded his presentation stating he would answer any questions of the Commission.

Joe McCleary asked if the applicant had any problems with the conditions presented by staff.

Reverend Dawson said there was one question regarding the condition that required a minimum of 35 feet from the adjacent properties in which he spoke to Paul Holt and had since been resolved.

Leo Rogers said in reviewing that condition, it needed to be modified since it referred to any property line being 35 feet. If it were to be limited to just one property line, a revision to the current condition would have to be made.

Marvin Sowers stated that staff had prepared a modification to the condition and copies were distributed to the Commission members.

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

Peggy Wildman complemented Reverend Dawson and the church for what they have accomplished over the year with it's school and made a motion to recommend approval of this application to expand.

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

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

Paul Holt presented the staff report stating that applicant had originally submitted an application to construct a new 250 foot tall tower at 4392 Rochambeau Road which had been subsequently withdrawn. He stated 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 modifications, VoiceStream's antenna could be located on the existing tower. Staff stated that while the existing tower was not consistent with the Comprehensive Plan, they found that the proposed antenna addition would not have an additional impact on surrounding zoning and development and co-location would prevent the construction of a new tower. Staff recommended the Commission recommend approval of this application as outlined in the staff report.

Joe Poole stated the County had conditions placed on towers in the County and asked if wireless communication towers became obsolete, was there a provision where this tower could come down, since it was on VDOT property.

Paul Holt said he did not believe the County had a surety on the VDOT tower since it was constructed prior to the ordinance requirements. He said he believed it would be a challenge to acquire one under this condition as VoiceStream would be leasing space rather than being the owner of the underlying tower.

Joe Poole opened the public hearing.

Nathan Holland, representing VoiceStream Wireless, stated that VoiceStream was currently putting up approximately 266 sites within areas in Virginia and North Carolina. He said they were requesting to extend the existing VDOT tower ten feet to allow coverage on the interstate. He felt this would be a plus for the County since it would eliminate the need for a new tower.

Joe McCleary commented that this was an excellent initiative on the part of VoiceStream to co-locate rather than construct a new tower.

Nate Holland asked about condition #5 which involved landscaping. He said they did not have a problem with the landscaping but stated that VDOT had its own right-of-way landscaping manager who would review the plans and noted that VDOT usually indicates specific species of tree. He asked if "from VDOT approval" could be added to the condition.

Paul Holt stated that in the past, the County has attempted to overcome VDOT limitations by adding the simple language "subject to final VDOT approval."

George Billups asked if this condition might be an imposition on VoiceStream since the site was controlled by VDOT.

Wilford Kale asked how the County could have control of the ground when VoiceStream was only adding to the existing VDOT tower.

Paul Holt stated that the condition could be placed because the underlying property owner, VDOT, was the actual applicant who signed the special use permit application.

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

Wilford Kale asked if the landowner (VDOT) was being required to do something that was in a condition of the special use permit and if they were informed of the condition.

Paul Holt stated they had not been informed by staff. He said the conditions, along with the staff report, were faxed to VoiceStream. He also stated that VoiceStream had a contractual agreement with VDOT that would permit these activities, including the placement of the conditions.

Nathan Holland stated that VoiceStream has worked with VDOT on other towers and he said it was not uncommon for them to receive approval on VDOT's behalf.

Joe McCleary made a motion to recommend approval with the addition of "subject to VDOT's approval" in condition #5.

Peggy Wildman asked Leo Rogers if he found the additional wording legally acceptable.

Leo Rogers felt they did not have to change the condition. He said it was an unusual circumstance in which the Commission would adopt a condition and then say that it was subject to the approval of the property owner. He said the way the condition now reads if VDOT objected to the landscaping, then the special use permit would not be in place and the tower could not be extended.

Joe McCleary withdrew his motion.

John Hagee made a motion, seconded by Don Hunt, to recommend approval as outlined in the staff report. In a roll call vote, motion passed (6-1). AYE: Wildman, McCleary, Hagee, Hunt, Billups, Poole (6); NAY: Kale (1).

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

Karen Drake presented the staff report stating Marc Sharp had applied on behalf of Greensprings Office Park to amend the existing proffers for Greensprings Plantation to permit a monopine communication tower of up to 120 feet in height. She stated that this amendment would apply only to a monopine type structure and would replace the current proffers that placed 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. She noted that the Greensprings Master Plan was not being modified with this application. Staff found the proposed tower to be consistent with the existing surrounding zoning and the Comprehensive Plan and recommend the Commission recommend approval of this application.

George Billups asked how this would impact on other possibilities of applicants coming for approval of similar type of conditions. He asked if this would be setting a standard for others to modify a rezoning proffer and asked if the County was holding to the requirements that were already in existence. He noted the previous case where the a ten-foot addition had been added to an existing tower.

Marvin Sowers said the motion to amend a previous special use permit or rezoning proffer was something that had been done from time to time. He said as cases get older and things change, there has been a need to come back and request an amendment. He said that this particular application, based on the balloon test results, sets a very positive precedent in meeting County standards.

Wilford Kale said the application was for a tower but the staff report indicated towers and asked how many towers were being proposed.

Karen Drake stated the site plan submitted showed two proposed towers. However, with recent conversations, the applicant was looking to construct only one tower at this time. She said if this rezoning were to be approved, a revised site plan would be submitted for placement of one tower. She said the rezoning before them tonight was for a revision of the proffers to permit additional towers up to 120 feet as defined by the Zoning Ordinance.

Wilford Kale stated he would like to see the Commission take a look at every tower that comes in. He said the staff report on page 51 stated the proposed use was a tower and he would like the Commission to approve only one tower.

Karen stated that the proffer would only permit a tower in land bay M-9.

Wilford Kale then asked if staff could approve another tower closer to Route 5 within the confines of the property.

Marvin Sowers stated that when the ordinance was amended in 1997 very tight administrative criteria were adopted that adequately protect the corridor. He said there was also an appeal route back to the Development Review Committee if the property owner felt that staff made an error in judgement.

Joe Poole asked if it would be problematic or cumbersome to insert a Development Review Committee final review of what staff administratively processed in regard to this type of tower.

Marvin Sowers stated this was a rezoning proffer amendment so a condition to that effect could not be required by the Planning Commission. He said it would have to be an informal agreement between staff and the Commission.

Peggy Wildman asked if, according to the staff report, that one of the towers could be go into the Fairway Villas section.

Karen Drake said that with the rezoning a tower could possibly be constructed near Fairway Villas but it would have to meet all zoning requirements.

Marvin Sowers noted that adjacent property owners would be notified, therefore, there would be an opportunity for public intervention and if someone had a concern, it would go before the DRC.

Joe Poole opened the public hearing.

Vernon Geddy said he was pleased to be representing the applicant, particularly in a monopine case that has been so well received. He noted that Marc Sharp the landowner for Greensprings Plantation and C. E. Forehand with SPA Network Services were here and said anyone of them would be happy to answer any questions of the Commission.

George Billups stated the proposed proffers would replace the current proffers and asked if there was a reason for that.

Vernon Geddy stated the amended proffer would replace one proffer and simply restate verbatim the existing proffers that now govern the balance of Greensprings Plantation.

George Billups commented that the proffer was to compensate for the distances from the road's center line and the height of any towers.

Vernon Geddy stated the controls George Billups referred to would remain in place in land bay M-10 and M-9 for everything except for stealth communications towers. He said the sole amendment to the proffer was to allow stealth communications towers as defined and governed by the zoning ordinance.

There being no speakers, the public hearing was closed.

Joe McCleary said that he and Peggy Wildman attended the balloon test and the only place that the balloon could be seen was in the parking lot of the office park and a very narrow wedge into Fairway Villas. He said that the way the balloon appeared so close to the existing tree line that this would be an excellent example where a pine tree disguise would actually be a real disguise and would not be seen.

Joe Poole complimented the applicant on this case and felt this came closer to what the Commission had been looking for. He said he continued to have a little bit of caution with the wireless industry considering the potential number of towers and he supported wholeheartedly the Performance Standards. He also suggested, unless it was a problem, that the DRC have some type of involvement in the administrative site plan process.

Leo Rogers stated that Joe Poole's request would require an amendment to the Zoning Ordinance. He said that the ordinance now permits the Planning Director to make that decision and if they would like it to go to the DRC, it could be done.

Joe Poole did not want to get involved in an ordinance change and withdrew his suggestion.

Marvin Sowers stated there was an adjoining property owner who had expressed opposition and the Planning Commission received his letter and said a similar letter was all that would be needed for it to come before the DRC.

Peggy Wildman made a motion, seconded by Joe McCleary, to recommend approval of Case Z-2-02. In a roll call vote, motion passed (7-0). AYE: Wildman, McCleary, Hagee, Hunt, Kale, Billups, Poole (7); NAY: (0).

5. PLANNING DIRECTOR'S REPORT

Marvin Sowers stated that VDOT would be holding a public meeting on the widening of Route 199, Phase II, Brookwood Drive to South Henry Street on June 12, 2002, at the Berkeley Middle School from 4:00 p.m. to 7:00 p.m.

6. APPOINTMENT TO COMPREHENSIVE PLAN CITIZEN PARTICIPATION TEAM (CLOSED SESSION)

Marvin Sowers stated the Commission needed to recess to closed session in order to consider the appointment of members to the Citizen Participation Team (CPT) for the Comprehensive Plan. Marvin Sowers requested there be a motion by the Commission to go into a closed session.

Joe McCleary made a motion, seconded by Peggy Wildman, to go into closed session. In a unanimous voice vote, motion passed and the Planning Commission convened a closed meeting. After coming out of the closed session, the Commission adopted the Resolution of Certification of Closed Meeting which is attached to these minutes.

The Planning Commission then unanimously appointed the following citizens to the CPT: Jeff Barra, Mary Higgins, William Miller, Dr. Lisa Curry, Ron Rosenberg. He stated that he, Don Hunt, and Wilford Kale would also be on the committee.

7. ADJOURNMENT

Upon return from closed session and there being no further business, the June 3, 2002, meeting of the Planning Commission was adjourned approximately at 9:20 p.m.

A. Joe Poole, III, Chairman

Marvin Sowers, Secretary

REZONING 5-01. Ford's Colony Proffer Amendment
Staff Report for the July 1, 2002, Planning Commission Public Hearing

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

PUBLIC HEARINGS

Building C Board Room; County Government Center

Planning Commission: October 1, 2001 (deferred); November 5, 2001 (deferred)
July 1, 2002 - 7:00 p.m.

Board of Supervisors: August 13, 2002 - 7:00 p.m. (Tentative)

SUMMARY FACTS

Applicant/Landowner: Vernon M. Geddy, III, on behalf of Realtec, Incorporated

Proposed Use: Amend Proffer No. 4 of the Amended and Restated Ford's Colony Proffers dated September 29, 1995 made by Realtec Inc. Proffer No. 4 states, "No Access. Owner shall not provide access from Ford's Colony onto Lexington Drive or Country Club Drive."

Location: Beginning at the intersection of Longhill Road and Williamsburg West Drive and following the extent of Country Club Drive and the adjoining Lexington Drive; Powhatan District

Tax Map and Parcel No.: (32-3)(1-11)

Primary Service Area: Inside

Existing Zoning: R-4, Residential Planned Community, with proffers

Proposed Zoning: R-4, Residential Planned Community, with amended proffers

Comprehensive Plan: Low Density Residential

Surrounding Zoning: North: R-2: Williamsburg Plantation; R-5: Regency at Longhill
South: R-8: Casey / New Town
East: R-2: Eastern State Hospital
West: R-2: Windsor Forest

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

STAFF RECOMMENDATION:

Staff recommends that this case be deferred until the next regularly scheduled Planning Commission meeting on August 5, 2002. Staff will need sufficient time to review and evaluate forthcoming Virginia Department of Transportation comments on the proposed development plans for Ford's Colony, Section XII and the findings of a professional traffic engineering and transportation planning firm that is currently evaluating the proposed roadway alignment, entrance design and turning movements.

Description of Project

Mr. Vernon M. Geddy, III has applied on behalf of Realtec, Inc. to rezone property from R-4, Residential Planned Community, with proffers, to R-4, Residential Planned Community, with amended proffers. The request seeks to amend Proffer # 4 of the Amended and Restated Ford's Colony Proffers dated September 29, 1995 made by Realtec Inc. which currently prohibits access from Ford's Colony onto Lexington Drive or Country Club Drive. When this case was presented to the Planning Commission in October 2001, the application sought to delete Proffer # 4. At the request of the applicant, the Planning Commission indefinitely deferred this case to allow Realtec, Inc. time to engage in discussions with representatives of the Williamsburg West Civic Association and adjacent property owners concerning the proffers and the access design proposals for Ford's Colony Section XII. The applicant reactivated this case in May 2002 and submitted Amended and Restated Proffers to the County for review on June 10, 2002. The amended Proffer # 4 states: "Owner shall not provide access from Ford's Colony onto Lexington Drive or Country Club Drive, except as shown on the Subdivision Plans entitled "Ford's Colony at Williamsburg, Section Xii, made by AES Consulting Engineers and dated May 22, 2002, heretofore submitted to James City County." Ford's Colony is generally located east of Centerville Road and south of Longhill Road. The affected property is identified as Parcel (1-11) on James City County Real Estate Tax Map No (32-3).

History

The proffer in question was made in connection with a Master Plan Amendment (MP-3-93) approved by the Board of Supervisors in 1995. That Master Plan amendment relocated a recreation area within Ford's Colony to its present location near the Williamsburg West subdivision. There was considerable discussion and negotiation regarding the proffers during the review of that case to insure that the relocation would not adversely impact residents in Williamsburg West. As approved, Proffer # 4 reads: "No Access. Owner shall not provide access from Ford's Colony onto Lexington Drive or Country Club Drive." Staff reports presented to the Planning Commission and Board of Supervisors made no reference to the proposed project area or access to and from Section XII. The Master Plan Amendment also led to the subdivision of Section XV in Ford's Colony. This development acts as a buffer between the recreation area and Williamsburg West and precludes access from the recreation area to Lexington and Country Club Drives. The applicant has stated that the intent of the proffer was to preclude access from the new recreation area to Lexington Drive and Country Club Drive, not to limit access to and from Section XII to Country Club Drive.

Development Plan Analysis

The Development Plans for Ford's Colony Section XII referenced in the amended proffers submitted for this case were submitted to the Planning Division on May 22, 2002. There is no change in density or use of the property from what is currently identified on the Ford's Colony Master Plan. The proposed development calls for 70 lots on 45 acres with access provided to the development from Country Club Drive. Without Board of Supervisors approval of an amendment to the existing proffers to allow access to the development from Country Club Drive, the proposed subdivision cannot be approved.

Given the conflicting opinions expressed by Realtec, Inc. and Williamsburg West residents over the proposed entrance design and roadway alignment, staff felt that an independent review of the proposal by a traffic engineering and transportation planning firm was warranted. A consultant will examine the proposed entrance design, turning movements, roadway realignment and safety concerns and recommend options which not only meets VDOT standards but offers the community the best possible design. Staff will evaluate the consultant's findings and VDOT review comments before making a recommendation to the Planning Commission and Board of Supervisors. At the

time of this writing, staff has not received comments from the Virginia Department of Transportation (VDOT) on the proposal.

Staff Recommendation

Staff recommends that this case be deferred until the next regularly scheduled Planning Commission meeting on August 5, 2002. Staff will need sufficient time to review and evaluate forthcoming Virginia Department of Transportation comments on the proposed development plans for Ford's Colony, Section XII and the findings of a professional traffic engineering and transportation planning firm that is currently evaluating the proposed roadway alignment, entrance design and turning movements. The applicant has expressed their support for the deferral request.

Christopher Johnson

Attachments:

1. Location Map
2. Portion of Overall Road Plan, "Ford's Colony at Williamsburg, Section XII" dated May 22, 2002, prepared by AES Consulting Engineers
3. Amended and Restated Ford's Colony Proffers, dated June 10, 2002.
4. Letter from William Maruca and James Graham with co-signors dated June 17, 2002
5. Letter from James and Anna Garrett with co-signors dated June 20, 2002

AMENDED AND RESTATED FORD'S
COLONY PROFFERS

These AMENDED and RESTATED FORD'S COLONY PROFFERS are made this 10th day of June, 2002 by REALTEC INCORPORATED, a North Carolina corporation ("Owner").

RECITALS

A. Realtec is the owner and developer of the Ford's Colony at Williamsburg development which is zoned R-4, Residential Planned Community, with proffers, and subject to a Master Plan heretofore approved by James City County.

B. In connection with a prior Master Plan amendment, Realtec has entered into and James City County has accepted Amended and Restated Ford's Colony Proffers dated as of January __, 1999 and recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City as Instrument No. _____ (together, the "Existing Proffers"). The Existing Proffers restate, among others, Amended and Restated Ford's Colony Proffers dated September 29, 1995 recorded in the aforesaid Clerk's Office in Deed Book 757 at page 526 containing Condition 4 reading as follows:

"Owner shall not provide access from Ford's Colony onto Lexington or Country Club Drive."

C. Realtec desires to amend and restate the Existing Proffers as set forth below. If the requested proffer amendment is not approved by James City County, these Amended and Restated

Ford's Colony Proffers shall be void and the Existing Proffers shall remain unchanged, in full force and effect.

RESTATEMENT AND AMENDMENTS

1. Amendment. Condition 4 of the Existing Proffers set forth above is hereby amended to read as follows:

"Owner shall not provide access from Ford's Colony onto Lexington or Country Club Drive, except as shown on the Subdivision Plans entitled "Ford's Colony at Williamsburg, Section XII, made by AES Consulting Engineers and dated May 22, 2002 heretofore submitted to James City County."

2. Restatement. Except as specifically amended in Section 1, the Existing Proffers are hereby restated and incorporated herein by reference and remain in full force and effect.

WITNESS the following signatures.

REALTEC INCORPORATED

By: [Signature]
Title: VICE PRESIDENT

STATE OF VIRGINIA

CITY/COUNTY OF Williamsburg

The foregoing instrument was acknowledged before me this 10th day of June, 2002, by Drew R. Mulhane as Vice President of Realtec Incorporated.

[Signature]
NOTARY PUBLIC

My commission expires: 02-28-03

THE WILLIAMSBURG WEST CIVIC ASSOCIATION

Williamsburg, Virginia 23185



June 17, 2002

Christopher M. Johnson
James City County
101-E Mounts Bay Road, P.O. Box 8784
Williamsburg, VA 23187-8784

John Barr
Virginia Department of Transportation
4451 Ironbound Road, P.O. Box HD
Williamsburg, VA 23188-2621

RE: AMENDED AND RESTATED FORD'S COLONY PROFFERS (June 10, 2002)

The subject seeks to change the proffers of September 29, 1995 as detailed in the attached exhibit. A request in 2001 to delete the 1995 proffers was deferred when administrative errors were noted by the Williamsburg West Civic Association.

This request is not merely seeking a change in the 1995 proffers to allow access to Country Club Drive from Section 12. It is accompanied by a plan for the reconfiguration of Country Club Drive, which is State Route 1501.

The significant changes to Country Club drive, as shown in the plan dated May 22, 2002, are not necessary for ingress/egress to Section 12. There are several other possibilities.

The existing median needs to only have an additional break to allow egress from Section 12, at the location shown on the plans. No islands which interrupt traffic flow on Country Club Drive are necessary.

An existing median break can be used for egress from Section 12 with no changes on Country Club Drive.

Ingress/egress of Section 12 can be made using "Old" Longhill Road.

An earlier plan for a traffic circle can be submitted to VDOT for their review. This plan is favored by the majority of individuals who have viewed it, and would correct a deficiency in the existing Longhill Road/Williamsburg West Drive/Country Club Drive intersection.

It is unconscionable to consider altering a **state road** to yield unimpeded ingress/egress via a private right-of-way while changing the historic right of ingress/egress on this state road for residents of Williamsburg West.

Approval of this request would constitute a loss of identity and disruption of continuity to the Williamsburg West Community. A similar scenario existed in 1991 which resulted in a VDOT determination that preserved community identity and continuity. (Copy of the 1991 VDOT resolution previously provided.) The reconfiguration of Country Club Drive as shown on the subject plan further isolates the Williamsburg West Community, and has significant negative impact on those homes on lots 2, 3, and 4.

Approval of this request without the concurrence of the residents of Williamsburg West would deny them the protection the county sought in 1995 that resulted in the existing proffers. It would further give other individuals and groups a concern that existing proffers may not provide long lasting assurances.

It is requested, by those whose signature follows, that no change be made to the 1995 proffers until such time that a plan is submitted that is acceptable to the residents of Williamsburg West.

Sincerely,

William T. Maruca

William T. Maruca

James Graham

James Graham

Additional signatures will be submitted after Williamsburg West Civic Association meeting on June 20, 2002.

enclosure: Amended and Restated Ford's Colony Proffers

cc: Mr. Philip Shucet, Transportation Commissioner
Virginia Department of Transportation
1401 East Broad Street,
Richmond, VA 23219

Ms. Jane W. Wimbush, District Commissioner
Virginia Department of Transportation
1700 North Main Street
Suffolk, VA 23434

3242526272021
JUN 2002

RECEIVED
PLANNING DEPARTMENT

Anna L. Gamett
Thomas Bradley
John C. Edm

CARRIE GAN
Mary K. Moore
Brenda K. Bradley

Jammy Berryhill
Lillian Bazzle
D. Mertley

Bela Keleni

Debra Heck

Mildred L. Ward

Luella S. Rosche

Elmore C. Ward Jr

Thomas R. Rosche

Conn M. Muehly

Del Ciffert

Barbara Garamba

Terese M. Lyons

Ralph J. Moore

Paul H

Ronald Gpalinski

Margaret J. Kutz

R. D. Dixon

Metko - Seipen

Jay C. Bullington
and Patricia M. Care

Brian G. Maruca

106 COUNTRY CLUB DR WMSBG VA 23188

106 Country Club Dr Wmsbg, VA 23188

106 Country Club Dr. Wmsbg VA 23188

134 Country Club Drive

134 Country Club Drive

116 Country Club Drive

106 COUNTRY CLUB DR

137 Country Club Drive

103 Country Club Dr. Apt #1

136 Country Club Dr.

115 LEXINGTON DR.

108 Country Club Drive, WBG, VA 23188

120 Country Club Dr. Wmsburg, Va.

128 Country Club Dr. Wmsbg VA 23188

120 Country Club Dr. Wmsbg VA

128 Country Club Dr. Wmsbg VA 23188

136 Country Club Drive Wmsburg VA. 23188

#24 Country Club Drive

117 Lexington Drive

154 Country Club Drive

116 Country Club Dr

102 Lexington Dr.

104 LEXINGTON DRIVE

109 Lexington Drive

108 Lexington Drive

108 Lexington Drive

110 LEXINGTON DRIVE

101 Lexington Drive

100 Lexington Drive

Mr. Christopher M. Johnson
James City County
P.O. Box 8784
Williamsburg, VA. 23187-8784



June 20, 2002

RE: Case No. Z-5-01, Ford's Colony Proffer Amendment

106 Country Club Drive
Williamsburg, VA 23188

The proposed plan submitted by Ford's Colony for the restructuring of Country Club Drive to obtain access to the projected new development shows a total disregard for the identity of Williamsburg West Subdivision. This plan makes sense only from the developer's point of view, by tying in the new road with the existing Williamsburg West Drive and creating a uniform appearance for prospective Ford's Colony residents. What constitutes a uniform appearance is very much a personal choice, and in this instance the residents of Williamsburg West chose an open approach in harmony with nature, rather than brick walls and manicured landscaping. Country Club Drive, from Bazzle's Apts. onward, is currently a straight, divided road with trees and shrubs planted in the median.

Our specific objections are as follows:

1. The construction of a large intersection in the middle of Country Club Drive would destroy the unity of Williamsburg West by isolating Bazzle's Apts. and Lots 2 & 3 from their own community. The remainder of Williamsburg West would be relegated to an appendix, a few houses you can reach solely by driving through Ford's Colony.
2. The plan shows curb and guttering ending at Lot 3 (108 Country Club Drive), which further divides the community. This visual division of Williamsburg West would look totally absurd.
3. The resale value of Lot 2 – and to a lesser extent, Lot 3 – would be negatively affected. This advice from a real estate professional is based on the intersection itself, the walled entrance and the security lights which would encompass almost the entire view from the front of Lot 2.
4. Access by emergency vehicles and school buses to the lower part of Country Club Drive would be greatly impeded. This may not be considered an important issue, however it has yet another negative impact on our neighborhood.

For the reasons stated above, we are opposed to any amendment of the above-mentioned Ford's Colony proffer.

In closing, we would like to ask the County Supervisors to preserve the identity of the long-established and respected subdivision of Williamsburg West, and to urge upon the developer an alternative route that would be acceptable to all.

Thank you,


James and Anna Garrett and cosigners

Attachment 5

Johnny Berryline 137 Country Club Drive

Julian M. Bazzle - 103 Country Club Dr.

J. Mentley 136 Country Club Dr.

Heather Carned-Eck 108 Country Club Dr., WBG, VA 23188

Mildred S. Ward 120 Country Club Dr. Wmsburg, Va.

Bela Kaban 115 LEXINGTON DR.

Loretta G. Rosche 128 Country Club Dr. Wmsburg Va 23188

Elmore C. Ward Jr 120 Country Club Dr.

Thomas R. Rosche 128 Country Club Dr. Wmsburg VA 23188

Conrad M. Muller 136 Country Club Drive Wmsburg VA 23188

Dale Luff A # 24 Country Club

Barbara Q. Zaremba 117 Lexington Dr.

Ernest Szegh 103 Country Club Dr Apt #1

Lucy R. Moore 116 Country Club Drive

Ralph J. Moore 116 Country Club Dr

Clavin W. Rappaport 130 Country Club Dr

RUBIN A Rappaport 11 11 1

John E. A 102 Lexington Dr.

Ronald Opalinski 104 LEXINGTON DRIVE

Margaret S. Kuf 109 Lexington Drive

Ronald E. Difon 108 Lexington Drive

Marko Difon 108 Lexington Drive

Joy A. Bullington & Patricia M. Carr 110 Lexington Drive

John C. Maruca 101 Lexington Drive

Conita S. Laine & David Laine 103 Country Club Drive

Lena Reese 100 Country Club Dr.

RESOLUTION

INITIATION OF CONSIDERATION OF AMENDMENTS TO THE ZONING ORDINANCE

WHEREAS, the Planning Commission of James City County, Virginia, is charged by Virginia Code § 15.2-2223 to prepare and recommend to the Board of Supervisors various land development plans and ordinances, specifically including a zoning ordinance and necessary revisions thereto as seem to the Commission to be prudent; and

WHEREAS, on January 28, 1997, the Board of Supervisors adopted the 1997 Comprehensive Plan; and

WHEREAS, in order to make the Zoning Ordinance more consistent with the Comprehensive Plan, public review and comment of draft amendments is required, pursuant to Virginia Code § 15.2-2285; and

WHEREAS, the Planning Commission is of the opinion that the public necessity, convenience, general welfare, or good zoning practice warrant the consideration of amendments.

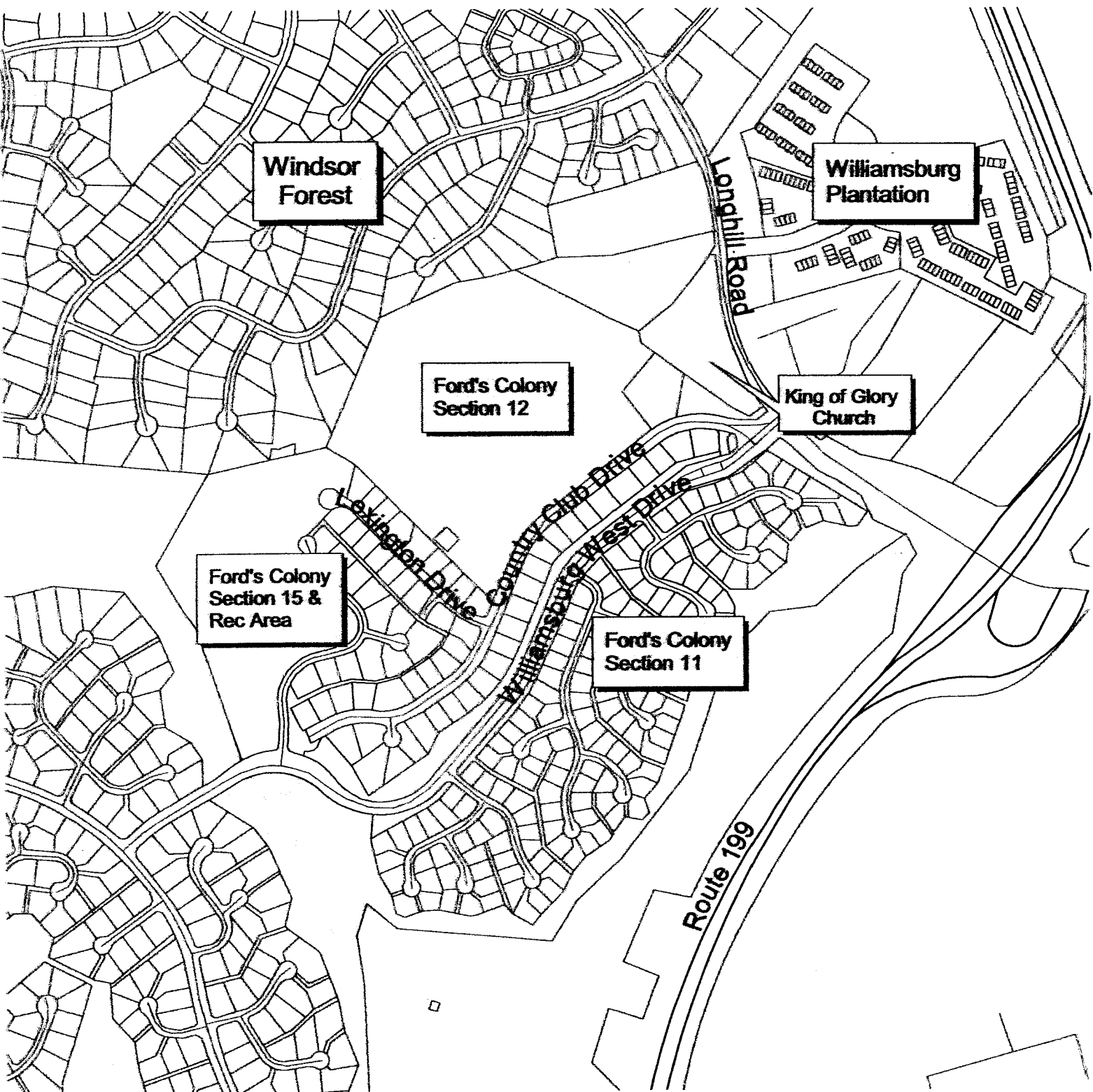
NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia does hereby request staff to initiate review of Sections 24-213, 24-233, 24-253, 24-329, 24-349 (Uses permitted by special use permit only) and Sections 24-305 and 24-411 (Permitted uses) of the Zoning Ordinance to add the use "adult day care center" to the following districts: A-1, General Agricultural; R-1, Limited Residential; R-2, General Residential; R-6, Low-Density Residential; R-8, Rural Residential; R-5, Multi-Family Residential; and M-1, Limited Business/Industrial District. The Planning Commission shall hold at least one public hearing on the consideration of amendments of said Ordinance and shall forward its recommendation thereon to the Board of Supervisors in accordance with law.

A. Joe Poole, III
Chair, Planning Commission

ATTEST:

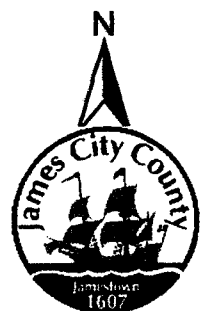
O. Marvin Sowers, Jr.
Secretary

Adopted by the Planning Commission of James City County, Virginia, this 1st day of July, 2002.



Case No. Z-5-01
Ford's Colony Proffer Amendment

1000 0 1000 2000 Feet

A horizontal scale bar with alternating black and white segments, corresponding to the 1000, 0, 1000, and 2000 feet markings.

PLANNING DIRECTOR'S REPORT

JULY, 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 June 25th.
2. Architectural Survey. The VDHR Portsmouth field office continues to complete the remaining work on this project. A final report was submitted to VDHR Richmond on June 15. Staff expects to receive a copy of the final report, including recommendations, in early July.
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.
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. Staff has also reviewed the National Park Service Environmental Assessment and Impact Report for the connection realignment to the Colonial Parkway.
5. New Town DRB Cases. The New Town DRB met on June 20 and approved final building plan elevations and materials for the New Town office building. The DRB also gave preliminary approval to the site layout for Old Point National Bank which is proposed to be located at the intersection of Ironbound Road and Monticello Avenue.
6. Comprehensive Plan Update. On June 6, 2002, the Planning Commission went into closed session and appointed members to serve on the Community Participation Team (CPT) which will be responsible for generating and overseeing public participation in the development of the Comprehensive Plan Update. The CPT will have its initial meeting on July 2, 2002, at 4 p.m. in Conference Room E.
7. Development Potential Analysis. A meeting of the DPA Committee was held on June 3, 2002, with the consultant and the draft report is due in early July. The next committee meeting is scheduled for July 17th.
8. Route 199 Widening Phase 2. VDOT conducted a public review meeting 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. Staff received revised plans to review and comment by June 28, 2002. Holly Hills was the only neighborhood determined to meet VDOT criteria for sound walls.
9. Open Space Acquisition. Staff is preparing for a briefing on the open Space Acquisition Program to the Planning Commission Open Space Committee and the Board of Supervisors. The briefings are anticipated to occur in July.

10. Purchase of Development Rights. The County received 14 applications representing approximately 1188 acres from property owners interested in participating in the PDR program. This is the first application period for the program. The PDR Committee met on June 26 to consider the applications.
11. Timber Buffer Acquisition. Staff continues to negotiate with several property owners to acquire scenic easements to prevent a significant lose of the greenbelt along certain community character corridors due to timbering. Over 1.5 miles of road frontage are involved in the negotiations.
12. Other Board Action. At its June 11th meeting, the Board approved Case No. SUP-22-02. JCSA - Desalinization Plant and Case No. Z-1-02. Baker Farmer's Market. At its June 25th meeting, the Board approved Case No. SUP-11-02 Kristiansand Sewer Extension.
13. Upcoming Cases. New cases that are tentatively scheduled for the August 5, 2002, Planning Commission meeting.

CASE NO. AFD-7-86. MILL CREEK AGRICULTURAL AND FORESTAL - 2002 RENEWAL. Consideration of the continuation of an Agricultural and Forestal District (AFD), on approximately 3126.043 acres of land which lies between Forge Road and the CSX Railway. The properties are identified on James City County Real Estate Tax Maps (19-2)(1-5), (20-2)(1-6), (20-2)(1-3), (20-2)(1-1), (21-1)(1-5), (20-1)(1-1), (11-3)(1-28), (11-3)(1-28A), (11-4)(1-6), (11-4)(1-2), (10-4)(1-5), (10-4)(1-6), (10-4)(1-3), (10-1)(1-38), (10-3)(1-19), (10-2)(1-17), (10-1)(1-28), (10-1)(1-7), (11-4)(1-5), (20-2)(1-2), (9-2)(1-36), (10-3)(1-3), (20-2)(1-5), (20-2)(1-7), (20-2)(1-8), (10-2)(1-4), (11-1)(1-1), (10-3)(1-13), (20-1)(1-2), and (10-4)(1-5A). The district includes all the land on the above properties with the exception of all land within 25 feet of the road rights-of-way of Forge Road (Route 610), Little Creek Dam Road (Route 631), Menzel's Road (Route 659), North Riverside Drive (Route 715), Diascund Road (Route 603) and Richmond Road (Route 60) as that property has been excluded from the district to allow for possible road and/or drainage improvements.

CASE NO. AFD-11-86. YARMOUTH ISLAND AGRICULTURAL AND FORESTAL - 2002 RENEWAL. Consideration of the continuation of an Agriculture and Forestal District (AFD) on approximately 2207.170 acres located along the east side of Jolly Pond Road extending to the Chickahominy River. The properties are identified on James City County Real Estate Tax Maps (29-3)(1-5), (29-3)(1-2), (28-4)(1-5), (29-2)(1-1), (29-4)(1-1), (30-1)(1-7), (30-3)(1-1), (29-4)(1-2), (28-4)(1-8), and (29-1)(1-1). The district includes all the land on the above properties with the exception of all land within 25 feet of the road right-of-way of Jolly Pond Road (Route 611) as that property has been excluded from the district to allow for possible road improvements.

CASE NO. AFD-13-86. AFD-7-86. GILLEY AGRICULTURAL AND FORESTAL - 2002 RENEWAL. Consideration of Agriculture and Forestal District (AFD) property on approximately 199.125 acres located from College Creek extending west to Neck-O-Land Road. Properties contained in the districts are: (47-4)(1-42C), (47-4)(1-42D), (47-4)(1-42E), (47-4)(1-40), (47-4)(1-41), and (47-3)(25-2). The district includes all the land on the above properties with the exception of all land within 25 feet of the road right-of-way of Treasure Island Road (Route 617), Lake Powell Road (Roue 618), Jamestown Road (Route 31), and Neck-O-Land Road (Route 682) as that property has been excluded from the district to allow for possible road improvements. If continued, these properties will be added to AFD-12-86 (Gospel Spreading).

CASE NO. AFD-2-86. CROAKER AGRICULTURAL AND FORESTAL - 2002 RENEWAL. Consideration of the continuation of an Agricultural and Forestal District (AFD), on 1081.824 acres in and around the Croaker area. Property within this AFD fronts Croaker Road, Riverview Road, Fenton Mill Road, Moss Side Lane, Ware Creek Road and Mount Laurel Road. The properties are identified on James City County Real Estate Tax Maps as parcels (15-3)(1-44), (14-4)(1-15), (15-3)(1-43), (15-3)(1-42), (15-3)(1-36), (15-3)(1-34), (15-3)(1-2), (14-4)(1-10), (14-4)(1-9), (13-2)(1-18), (14-1)(1-1), (14-1)(1-14), (15-3)(1-35), (15-3)(1-18), (15-3)(1-19), (14-4)(1-3), (15-4)(1-4) and (15-3)(1-29). The district includes all the land on the above properties with the exception of all land within 25 feet of the road rights-of-way of Croaker Road (Route 607), Riverview Road (Route 606), Fenton Mill Road (Route 602), and Moss Side Lane (Route 609) as that property has been excluded from the district to allow for possible road improvements.

CASE NO. AFD-5-86. BARNE'S SWAMP AGRICULTURAL AND FORESTAL - 2002 RENEWAL. Consideration of the continuation of an Agricultural and Forestal District (AFD), on 1943.476 acres and adjoins the New Kent County border, extending from a point approximately 5,000 feet east of Holly Forks Road, west to Diascund Reservoir, and south to Richmond Road. The properties are identified on James City County Real Estate Tax Maps as parcels (3-1)(1-1), (3-1)(1-2), (3-1)(1-3), (3-3)(1-3), (3-3)(1-4), (3-3)(1-6), (2-4)(1-12), (10-1)(1-1), (3-2)(1-1), (3-2)(1-2), (3-2)(1-3), (3-2)(1-3A), (3-2)(1-4), (4-1)(1-5), (4-1)(1-6), (4-1)(1-8), (4-2)(1-8), (4-2)(1-14), (4-3)(1-15), (4-3)(1-16), (4-3)(1-17), (9-2)(1-1), (2-4)(1-29), (4-2)(1-20), (4-2)(1-18), (4-4)(1-1), and (2-4)(1-61). The district includes all the land on the above properties with the exception of all land within 25 feet of the road rights-of-way of Racefield Drive (Route 622), Stewarts Road (Route 621), Richmond Road (Route 60), Old Stage Road (Route 30), Richardson Road (Route 705), Holly Forks Road (Route 601), Fire Tower Road (Route 634), and Interstate 64 as that property has been excluded from the district to allow for possible road and/or drainage improvements.

CASE NO. AFD-9-86. GORDON CREEK AGRICULTURAL AND FORESTAL - 2002 RENEWAL. Consideration of the continuation of an Agriculture and Forestal District (AFD) on 3,352.597 acres located in and around the Centerville Road/News Road area. The properties are identified on James City County Real Estate Tax Maps (35-2)(1-16), (36-3)(1-1), (30-3)(1-4), (35-4)(1-1), (35-2)(1-1), (34-2)(1-2), (36-3)(1-3), (36-1)(1-3), (36-1)(1-6), (36-2)(1-40), (36-2)(1-1), (36-2)(1-1B), (36-2)(1-2), (36-2)(1-3), (43-2)(1-1), (36-4)(1-7), (36-4)(1-8), (30-3)(1-3), (36-1)(1-4), (44-1)(1-1), (35-3)(1-1), (36-2)(1-18), (35-4)(1-9), (34-2)(1-1), (44-1)(1-2), (35-1)(1-3), (35-1)(1-6), (29-4)(1-3), (30-3)(1-7), (35-2)(1-7), (36-1)(1-1), and (36-1)(1-2). The district includes all the land on the above properties with the exception of all land within 25 feet of the road rights-of-way of News Road (Route 613), Centerville Road (Route 614), and John Tyler Highway (Route 5) as that property has been excluded from the district to allow for possible road improvements.

CASE NO. AFD-6-86. CRANSTON'S POND AGRICULTURAL AND FORESTAL - 2002 RENEWAL. Consideration of the continuation of an Agricultural and Forestal District (AFD), on 1073.5 acres of land generally located southeast of Chickahominy Road and Little Creek Dam Road, and north of Jolly Pond Road. The properties are identified on James City County Real Estate Tax Maps as parcels (23-3)(1-1), (22-3)(1-26), (22-3)(1-33), (22-4)(1-1A), (22-2)(1-87), (22-2)(1-90), (31-2)(1-3), (21-4)(1-39), (21-4)(1-46), (22-2)(1-33), (22-2)(1-35), (22-2)(1-36), and (22-2)(1-37). The district includes all the land on the above properties with the exception of all land within 50 feet of the road rights-of-way of Chickahominy Road (Route 631) and Centerville Road (Route 614) as that property has been excluded from the district to allow for possible road and/or drainage improvements.

CASE NO. AFD-10-86. CHRISTENSON'S CORNER AGRICULTURAL AND FORESTAL - 2002 RENEWAL. Consideration of the continuation of an Agricultural and Forestal District (AFD) on 562.160 acres located south of Riverview Road between Newman Road and Riverview Plantation. The properties are identified on James City County Real Estate Tax Maps as parcels (16-4)(1-3), (16-3)(1-1), and (15-4)(1-11). The district includes all the land on the above properties with the exception of all land within 25 feet of the road rights-of-way of Newman Road (Route 646) and Riverview Road (Route 606) as that property has been excluded from the district to allow for possible road improvements.

CASE NO. AFD-12-86. GOSPEL SPREADING CHURCH AGRICULTURAL AND FORESTAL - 2002 RENEWAL. Consideration of the continuation of an Agricultural and Forestal Districts (AFD) on 971.940 acres located from College Creek extending west to Neck-O-Land Road. The properties are identified on James City County Real Estate Tax Maps as parcels (48-3)(1-35), (56-2)(1-1), (47-4)(1-33), (47-4)(1-37), (47-4)(1-11), and (47-4)(1-13). The district includes all the land on the above properties with the exception of all land within 25 feet of the road right-of-way of Treasure Island Road (Route 617), Lake Powell Road (Route 618), Jamestown Road (Route 31), and Neck-O-Land Road (Route 682) as that property has been excluded from the district to allow for possible road improvements.

CASE NO. AFD-3-86. HILL PLEASANT FARM AGRICULTURAL AND FORESTAL - 2002 RENEWAL. The Hill Pleasant Farm AFD contains approximately 573 acres and is located in Lightfoot with property owned by Hill Pleasant Farm and the Williamsburg Pottery. The Hill Pleasant Farm AFD expires in September, 2002 and is proposed to be renewed for a period of 4 years.

CASE NO. AFD-8-86. CASEY AGRICULTURAL AND FORESTAL - 2002 RENEWAL. The Casey AFD expires in September, 2002 and no longer contains the minimum 200 acre core requirement after the New Town withdrawal in 2001. Staff has contacted the property owner about possibly transferring a portion of the Casey AFD to the adjacent Gordon Creek AFD.

CASE NO. AFD-1-94. WRIGHT'S ISLAND AGRICULTURAL AND FORESTAL - 2002 RENEWAL. Consideration of the continuation of an Agricultural and Forestal District (AFD), on approximately 1,544.405 acres located along Little Creek Dam Road and Menzels Road extending west to the Chickahominy River. The properties are identified on James City County Real Estate Tax Maps as parcels (20-3)(1-1), (20-3)(1-2), (20-3)(1-3), (20-3)(1-4), (20-4)(1-27), and (20-4)(1-28).

CASE NO. ZO-1-02. ADULT DAY CARE CENTERS. An ordinance to amend and reordain Chapter 24, Zoning, of the Code of the County of James City, Virginia, by amending Article V, Districts, Division 2, General Agricultural District, A-1, Section 24-213, Uses permitted by special use permit only; Division 3, Limited Residential District, R-1, Section 24-233, Uses permitted by special use permit only; Division 4, General Residential District, R-2, Section 24-253, Uses permitted by special use permit only; Division 6, Multi-family Residential District, R-5, Section 24-305, Permitted uses; Division 7, Low-Density Residential District, R-6, Section 24-329, Uses permitted by special use permit only; Division 8, Rural Residential District, R-8, Section 24-349, Uses permitted by special use permit only; Division 11, Limited Business/Industrial District, M-1, Section 24-411, Permitted uses, to allow the addition of the use "adult day care centers."

CASE NO. SUP-15-02. JAMESTOWN 4-H EDUCATIONAL CENTER PRESCHOOL/KINDERGARTEN. Mr. Charles Burr has applied for a special use permit

on behalf of Jamestown 4-H Educational Center to allow the operation of The Williamburg School preschool/kindergarten in the Chesterfield Lodge building. The property is located at 3751 4-H Club Road.

O. Marvin Sowers, Jr.