

# **A G E N D A**

## **JAMES CITY COUNTY PLANNING COMMISSION**

**August 5, 2002 - 7:00 P.M.**

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A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE SIXTH DAY OF MAY, 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  
Wilford Kale  
Joe McCleary  
Peggy Wildman

ALSO PRESENT

Greg Dohrman, Assistant County Attorney  
John Horne, Development Manager  
Marvin Sowers, Planning Director  
Paul Holt, Senior Planner  
Christopher Johnson, Senior Planner  
David Anderson, Planner  
Lee Schnappinger, Landscape Planner

2. MINUTES

Peggy Wildman requested a correction to page 6, paragraph 2, to read: “....to get citizen participation...”

John Hagee made a motion, seconded by Joe McCleary, to approve the minutes of the April 1, 2002, meeting. In a unanimous voice vote, motion passed.

3. COMMITTEE AND COMMISSION REPORTS

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

John Hagee presented the DRC report stating there were five cases before the DRC, one being heard tonight for a 51,000 sq. ft. building in the James River Commerce Center. He said the additional cases were fairly uneventful except for the Williamsburg Crossing Shopping Center, Lot 11, a 15,000 sq. ft. office and retail space. He said the applicant had requested an eight-foot rear yard setback reduction to accommodate the proposed building and noted the DRC had an issue regarding a parking bay adjacent to the main drive into the shopping center and they requested an architectural rendering of the proposed building because of its proximity to Route 199. He said this case was deferred to the next meeting. He said DRC recommended approval for an exception to the Subdivision Ordinance for property located at 257 Neck-O-Land Road that requires all new utilities be placed underground; Stonehouse, Section 5-A, Lisburn, which exceeded 50 lots and for an exception to allow a cul-de-sac greater than 1,000 feet in length; McKinley Office Building which was required by the special use permit conditions approved by the Board of Supervisors to come before the DRC for review and for the 51,000 sq. ft. building at the James River Commerce Center.

Peggy Wildman made a motion, seconded by Wilford Kale, to recommend approval.

Joe Poole abstained from the vote on the James River Commerce Center.

In a unanimous voice vote, motion for approval passed.

B. DEVELOPMENT POTENTIAL ANALYSIS COMMITTEE (DPA)

Joe McCleary updated the Planning Commission on the ongoing meetings being held by the DPA Committee. He stated they have held two meetings with an additional two meetings planned in order for the committee to define for the consultant information they need to do their counting. He said that counting the lots was only the first and easiest part of this committee's work and noted that the object of this process was to also count the potential in areas that were not already platted.

### C. POLICY COMMITTEE

Wilford Kale stated the Policy Committee did not meet since the last meeting.

Joe Poole stated that the Commission received suggested revisions to the its bylaws which will be reviewed at the June 3, 2002, meeting. He said Wilford Kale suggested that the Policy Committee meet to review the revisions before the June 3<sup>rd</sup> meeting.

### 4. PLANNING COMMISSION PRESENTATIONS

#### A. GREENWAY MASTER PLAN

Lee Schnappinger made a brief presentation on the Greenway Master Plan which was the result of 14 months of collaboration between the Divisions of Parks and Recreation, Planning staff, the Greenway Steering Committee, and members of the community. She reported that the Parks and Recreation Advisory Commission unanimously agreed to support the draft Greenway Master Plan at a public hearing on April 17, 2002, and introduced its Chair, Allen Robertson.

Allen Robertson stated his purpose was not to go into great detail but to present to the Commission the most recent edition of the Greenway Master Plan. He thanked the Parks and Recreation Advisory Commission members for their support, the citizens who served on the Greenway Steering Committee, the many citizens who came forward during the public hearings, and Paul Tubach, in particular, for all his work in pulling the plan together. He said the purpose of the Plan was to create a comprehensive system of greenway and trail connections in the community so that open space is kept to preserve the communities' character. By doing this, the County would also be protecting environmental assets, providing recreation and transportation alternatives, and safeguarding the natural scenic and historic nature of the County. He said the Greenway Master Plan was guided by the development of a ten-year action plan to be revised concurrently with the Parks and Recreation Plan. He noted that there were already six trails projects that were in various stages of design or completion that were part of this Master Plan. He concluded by stating that the Commission believed that this Greenway Master Plan will serve well the very unique character of the community and recommended that Commission support this Plan.

Joe Poole asked what critical thoughts the Greenway Steering Committee received during the Master Plan review process, and what sort of citizen comments were recurring.

Allen Robertson said that almost all the comments the Greenway Steering Committee received were positive. Citizens told the Greenway Steering Committee that they felt the final document alleviated their concerns.

Paul Tubach stated the main citizen concerns were safety, security, and privacy. He added that these concerns would be addressed in detail during the trail design process. He said there were ways to physically design the trails to minimize the potential for any incidents, such as wide buffers. He noted that although some citizens did not want trails running through their backyards, other citizens were very interested in having trails located in close proximity to their property.

Joe Poole thanked both Mr. Robertson and Mr. Tubach, and asked the Commission if there were any further questions.

John Hagee asked Mr. Tubach to briefly describe the main areas of the County where the Greenway Master Plan proposed trails.

Paul Tubach said the focus of the Plan is connections, so the Greenway Steering Committee was looking at trails which would link existing recreational trails, public facilities, and



historic sites. The main corridor would run East to West through the County, and is an existing utility corridor. There would also be a North to South corridor which would link York River State Park and Jamestown Island. There would also be two loop systems. The inner loop runs along Route 199, and the outer loop runs along Centerville Road and the Colonial Parkway. Communities would then connect to these trails whenever they desired.

Joe Poole thanked Mr. Tubach, and commended all who worked on this endeavor.

#### B. JCSA - WATER SUPPLY AND SEWAGE TREATMENT CAPACITY

Larry Foster gave a brief presentation on water-related issues such as water supply and how development has impacted the water supply. He also gave a brief presentation on sewer capacity and how sewer is handled in the County.

In his presentation, Mr. Foster said that the James City Service Authority (JCSA) is the largest utility in the state of Virginia which is entirely dependent on groundwater. The JCSA has approximately 14,000 customers, with 700 new customers every year as a result of development. Average daily demand for water is 4 million gallons of water per day, but in peak months during the summer, daily demand goes up to 5.5 million gallons per day. The 700 new customers each year add 200,000 gallons to the average daily demand. Therefore, it is projected that the average daily demand for water will be 4.2 million gallons per day at this time next year. At this rate of growth, the County will not be able to supply water to additional customers after 2005. According to the Permit to Operate issued by the Virginia Department of Health, the JCSA is currently permitted to withdraw 4.7 million gallons of water per day. However, infrastructure upgrades will result in an upgrade to the Permit to Operate, which is expected in the near future. This will allow the JCSA to withdraw 5 million gallons of water per day, and 6 million gallons per day in peak months.

Mr. Foster said that the JCSA does not do any sewer treatment. The JCSA collects sewer at the site and sends it to the Hampton Roads Sanitation District (HRSD). The HRSD treats the waste water in its Williamsburg facility, which is located near the Newport News-James City County line. This facility can handle 22 million gallons a day, but currently handles 12 million gallons a day.

Joe Poole thanked Mr. Foster and asked about the Water Smart program and other water conservation programs.

Mr. Foster mentioned that Water Smart is a volunteer program where the JCSA provides information and educational material to citizens. A Board-appointed committee provides citizen input and feedback. The JCSA is also partnering with companies which are involved with outdoor water use, such as landscaping companies. These businesses promote the Water Smart program to other businesses.

Joe Poole asked if Mr. Foster was seeing a return on this program.

Mr. Foster said he was not sure as the Water Smart program is still in its early stages.

George Billups asked about the impact on fish and wildlife, as the JCSA has only made projections to the year 2040. He also asked if the groundwater pumping affected local canals, rivers, and creeks.

Mr. Foster replied that the State of Virginia has taken a very proactive stance in limiting how much groundwater the JCSA can pump per day. Typically, wells are 250 feet or deeper. Mr. Foster stated that, in his opinion, these wells do not impact canal levels in the Tidewater area. Monitoring wells are currently being installed throughout the region to get even more accurate readings of the groundwater supply.

Joe Poole asked for the status of the King William Reservoir.

Mr. Foster replied that the County has pursued the project, and it is currently under review of the Corps of Engineers' Regional Office in New York. The comment period has closed and the JCSEA is awaiting the final decision from that office.

Joe Poole thanked Mr. Foster.

## 5. PLANNING COMMISSION CONSIDERATIONS

### A. PROPOSED CLOSURE OF CENTERVILLE ROAD

Joe McCleary said that at its March meeting, the Commission discussed the proposed closure of Centerville Road. He stated that the Commission appeared to be unanimously against the closure of the road, and so deferred the case for three months. Shortly thereafter, Planning staff, the National Park Service, and the Commission all met in order to find a mutually acceptable solution. These agencies all decided to handle the closure in an incremental fashion. Specifically, the road will remain open while the Commission would make some recommendations to the Board for actions which will improve the road to match the surrounding use. These recommendations include paving the road to give it a "country" look, reducing the speed limit, increasing speeding fines, and realigning the southern junction between Centerville Road and Greensprings Road. Mr. McCleary emphasized that none of these steps are "set in stone;" the Commission can re-evaluate the situation at any time in the future. If the park was a success and received a lot of visitors, the Commission could consider closing the road for safety purposes. He said the attached resolution contained the changes agreed to by the Commission at its April 1, 2002 meeting. He then read the resolution out loud so the public could hear it. Mr. McCleary stated it was recommended that the Commission adopt the attached resolution.

Joe Poole thanked Mr. McCleary and asked if the Commission had any questions.

George Billups said he was concerned that the resolution included the possibility of closure in the future.

Joe McCleary said the resolution only stated that the matter was being handled in an incremental fashion. The possibility of reconsidering the matter and closing the road in the future is implied in the resolution, but the resolution does not mandate it.

Joe Poole said the Commission wanted a better sense of what the applicant was going to do with the property before taking a bold step and closing the road. He felt the connectivity of the road and emergency services issues could not be overlooked, so this incremental approach would allow those issues to be resolved while giving the Commission an opportunity to see how the applicant develops the park.

Wilford Kale said he was very pleased with the resolution and wanted to commend Mr. McCleary's work on this matter.

Joe McCleary made a motion, seconded by Wilford Kale, to adopt the Resolution. In a roll call vote, motion passed (5-1). AYE: Wildman, McCleary, Hagee, Kale, Poole (5); NAY: Billups (1).

### B. CASE NO. SUP-18-01. WALTRIP CELLULAR TOWER

Paul Holt presented the staff reported stating this case was remanded back to the Commission by the Board of Supervisors since there was a significant change in the height of the proposed communication tower. He said staff found that many of the concerns noted in the

previous staff reports had been reduced by the revisions in the present proposal. Staff also found that the mono-pine structure would appear substantially out of scale with existing natural vegetation to an off-site viewer and from certain locations within the Kingspoint subdivision and Williamsburg Landing. Staff also noted that the mono-pine was not consistent with the Zoning Ordinance criteria or the Performance Standards for Wireless Communication Facilities. Staff recommended denial of this application.

Joe Poole thanked Paul Holt and asked if the Commission had any questions.

Peggy Wildman asked the approximate height of the treeline surrounding the proposed tower. She wanted to know how much lower the tower height would have to be in order to blend in to the surrounding vegetation.

Paul Holt answered that he did not know the exact height, but the average height of the tree cover in James City County is 80 to 85 feet.

Peggy Wildman asked if 80 to 85 feet is high enough for a cellular tower to be viable.

Paul Holt replied that staff believes it is high enough for a viable tower for a primary carrier, though it is not optimal for co-locating other antennas for secondary carriers. He noted that an 80 to 85 foot tower would not fill the coverage gap in the area, but neither would a tower at 165 feet. Therefore, staff feels it is a better to encourage a mono-pine structure approximately equal to the height of the surrounding treeline.

Peggy Wildman asked if multiple towers would fill the coverage gap.

Paul Holt answered that multiple towers would only fill the gap if they were placed in different locations. Multiple mono-pines at this site would only serve to accommodate different companies' antennas. He added that there are between 6 and 8 cellular phone service licensed to provide services in this area, so extra mono-pines could encourage additional companies to provide services.

Marvin Sowers pointed out that when the Wireless Communications Tower policy was adopted, it was intended to govern areas in the County where tall towers were warranted, but also to govern areas where smaller towers would be more appropriate. The policy recognizes that in areas where smaller towers would be required, multiple towers may be needed. He added that Albemarle County has a policy of using multiple mono-pines at treeline height, which has been a success.

Peggy Wildman asked about the costs of multiple smaller towers versus one large tower.

Marvin Sowers answered that he did not know, but in Albemarle County the rates for cellular phone usage were not higher than in James City County. He also said that in Albemarle County, the tree cover is a similar height, around 85 feet, and the towers there averaged 7 feet above the treeline.

John Hagee questioned the height of the balloon during the test as opposed to the height of the crane present on the site.

Paul Holt stated that the crane was from a cellular phone carrier who was testing the potential service capability of the tower and had nothing to do with the balloon test. He said that the balloon only appeared higher in the pictures due to the perspective of the photos.

John Hagee asked if the crane and balloon gave a good idea of what two smaller towers would look like.

Paul Holt replied that yes, the intent of the County policy is to maximize antenna locations at lower heights.

Joe Poole asked if there were any further questions. There being none, he asked the applicant, Mr. Vernon Geddy, if he wished to speak.

Vernon Geddy said that he represented Mr. Larry Waltrip and Ms. Jean Waltrip, who are the property owners, and Mr. C.E. Forehand of SBA Network Services, who would build and maintain the tower. He stated that the previous application was for a 165-foot monopole tower, which was planned to meet the service needs of that area of the County, but the applicants felt the proposal would not be approved due to the appearance of the tower. Thus, the applicant reduced the height of the tower to 133 feet so that no lighting would be required by the County or the FAA. The 133 foot height gives adequate coverage as well as opportunities for co-location. Additionally, the applicant changed the design of the tower to a more camouflaged monopine design, as shown in the pictures.

Mr. Geddy mentioned that these changes were ones that staff had been suggesting, and so he was disappointed that staff was still recommending denial after making the changes. He noted that all of the issues presented in the previous tower design had been mitigated, and the only outstanding issue was the visibility of the tower. However, he stated that the wireless communication coverage in the area remained poor, and there was still a no viable alternative location for a tower in the area. He said there is an undisputed need for cellular coverage in the area because people have grown to depend on their cell phones.

Then Mr. Geddy read aloud comments from Dr. Brian Claire, the head of Williamsburg Emergency Physicians, and Ms. Laura Jost, who is concerned with home security:

"We submit to you that this application strikes the right and appropriate balance between service, co-location, and aesthetics. But one issue seems to be the visibility of the facility above the treeline. Staff's interpretation is that this camouflaged tower should be denied because they believe it is out of scale with the surrounding trees. They point to Albemarle County as an example of a County that requires towers at or below the treeline."

Mr. Geddy then pointed out a significant difference between James City County and Albemarle County; namely, the topography. Albemarle is in the foothills of the mountains. It is easier there to place a tower on a hill, so that it blends into the treeline but remains high above ground level. He then suggested that the County look to Newport News as a model for cellular tower regulation. He said monopine towers are working very well in Newport News, and there have been few complaints about them.

Mr. Geddy then passed around a photo simulation of the monopine tower at the actual site. He noted that the basket hanging from the crane would be the height of the tower, not the height of the crane itself, and mentioned that the crane was situated about 300 feet west of where the actual tower would be, which accounts for some of the apparent differences in height.

Mr. Geddy said that at the current height, the tower would be briefly visible from the Westbound lane of the Route 199 bridge, Williamsburg Landing and parts of Kingspoint. He noted that Williamsburg Landing has not objected to this tower in any way. He also said that given the lower height and camouflaged design of the tower, the public traveling along Route 199 is not likely to notice it. The tower will be made to look like a tree, so it will blend into the background scenery along Route 199.

He then stated that the applicants do not see anything objectionable about a tower which looks like a large tree. He added that although the average County treeline is around 85 feet, there are certainly trees whose height extends beyond that line.

Mr. Geddy proceeded to say that the tower should not be objectionable to any neighbors. It will not be lit, produces no noise, generates no traffic, and will look like a tree. In summation, he stated that this tower proposal strikes the right balance between service, co-location, and aesthetics, and will meet an important need in the community.

Joe Poole thanked Vernon Geddy for his statement, and asked if the Commission had any questions. There being none, Joe Poole opened a public hearing.

William Schneider from the Kingspoint subdivision came forward to speak. He stated that his house would be directly opposite the cellular tower, and that he looked directly at the balloon test. He said that the treeline where the tower would be located is in the 75 to 85 foot range, whereas the tower itself is 133 feet tall, which is almost double the height of the trees. He felt that a tower which is nearly double the height of the natural vegetation is clearly out of scale. Mr. Schneider said that residents of Kingspoint are concerned with the tower, even if it was brought down to the height of the treeline. He advocates the towers at lower heights to meet the needs of the community. He also noted that during the balloon test, the balloon wire got wrapped around a tree and so was not photographed at its full height. He added that the crane had a tape measure on it, so the basket, which appeared to be higher in the photos, was in fact the correct height of the tower. He then asked the Commission to seriously consider alternatives, because multiple monopine towers at the tree height would be better for the community than a single tower which is double the height of the treeline.

Joe Poole thanked William Schneider for his comments.

Tim Murphy, president of the Kingspoint Neighborhood Association, came forward to speak. He said that the Kingspoint neighborhood feels the proposed tower would definitely be objectionable to look at and strikes no kind of balance. He also said that he does not feel that a cellular tower is an urgent need in the area. If a consumer chooses certain carriers, they can get coverage. He said that he finds anything greater than 50 feet taller than existing trees objectionable. Mr. Murphy was very concerned that the height of the tower was being driven by the commercial nature of the proposal. He said that "realistic opportunities for co-location" really meant realistic opportunities for a private citizen to get revenue and income. A taller tower would allow greater numbers of co-locations, which would mean more money. He said he was very concerned that a private citizen would take such a commercial venture to address a minor shortcoming in cell phone coverage. He then presented photographs of the balloon and the crane, which were taken the morning of the balloon test. He also showed a photograph of the balloon caught in the limbs of a tree, proving that it was not at its full height during portions of the test. To sum up, he said that this proposal would be out of place, out of scale, and not compatible with the surrounding vegetation. He felt it would be a disservice to the citizens to obliterate the view of the entrance to Williamsburg and James City County by placing a large and obtrusive structure at this site.

Joe Poole thanked Mr. Murphy for his statement and asked if any other person wished to speak. There being none, Joe Poole closed the public hearing and asked the Commission if they had any thoughts on the revised application.

John Hagee noted that the 133 foot tower would accommodate three antennas—one for the primary carrier, and two co-locations at 117 feet and 101 feet. He asked what the coverage would be for the co-locators at those heights.

C.E. Forehand, consultant to the applicant, came forward to answer the question. He said staff had been provided with propagation maps for the site showing the potential coverage for each antenna. He said that VoiceStream and Ntelos can use the co-locations at their current heights to fill gaps in coverage. He said that the antennas could actually be placed a little closer, probably at 120 feet and 110 feet, to get better coverage.

John Hagee asked if there was a third carrier interested in the tower, since there would be a total of three antennas.

Mr. Forehand replied that no, at the current time they did not have a third carrier interested in the site. Sprint was interested, but the site would not fill their coverage gap. He said that the lower the tower height, the less interest there would be in co-location.

Joe McCleary asked if multiple towers at a lower height would fill the coverage gap.

Mr. Forehand answered yes, that is a possibility, but towers 7 to 10 feet above the treeline would not be of much use to commercial carriers in the area. He said towers that low will only cover a half-mile to mile radius, which is not far enough for companies to invest in those towers. He said companies needed towers 30 to 40 feet above the treeline in order to carry a signal any distance which would make the antenna location economically feasible. He added that lower tower heights were also less desirable because they were subject to signal blockage when leaves or branches move in the wind.

John Hagee asked how far a signal could travel at the 120 foot level.

Mr. Forehand said that carriers could provide a decent amount of coverage at that height.

John Hagee asked how far the signal would travel from a tower 20 feet above the treeline.

Mr. Forehand replied that a signal from a tower at 20 feet above the treeline would carry roughly 4 or 5 miles.

John Hagee asked how far the signal would travel from a tower at 30 feet above the treeline.

Mr. Forehand replied that testing at each level would really be necessary to determine the distance a signal could travel. In this particular site, a tower 120 to 130 feet could transmit signals roughly 4 to 5 miles. He then proceeded to show the Commission propagation maps graphically showing the coverage the tower would cover.

Peggy Wildman noted that some carriers were not able to fill their coverage gap at the original proposed height of 165 feet. She asked Mr. Forehand how high a tower would have to be in order to fill all gaps or how many smaller towers would be necessary.

Mr. Forehand replied that the optimal height for most carriers is 165 feet. This height would allow for four co-locations, each with adequate coverage. He added that no single tower would address all coverage gaps in this area.

George Billups asked if this application was for one 133 foot tower or two.

Mr. Forehand replied that the County required applicants to apply for two towers at the same time to allow for future expansion, but at this time the applicant only wanted to construct one tower.

George Billups asked if multiple sites of multiple towers would be necessary to fill the gaps.

Mr. Forehand replied that at this site at 120 feet and 130 feet, Ntelos & VoiceStream would be able to match up coverage with another site on the other side of the Interstate. He said that he did not know of any company proposing any other sites in the area.

Wilford Kale asked staff if the applicant would have to appear before the Commission to build a second tower or if approval of this application would automatically grant approval for two towers.

Marvin Sowers replied that one of the conditions of this Special Use Permit would be automatic approval for a second tower, as per standard County cellular tower policies. He said that if the Commission needed more information on propagation and coverage distances, they could look at the County Wireless Communication Tower Policy, which gives detailed guidelines. He added that the Commission had not considered propagation and coverage information as part of a Special Use Permit application since the policy was adopted in 1996. He said that with all due respect to Vernon Geddy, the Route 199 corridor has significant topography and high bluffs which could be taken advantage of.

John Hagee said that he did not want to have this applicant continually returning to the Commission with revised proposals. He said he was hoping to give the applicant an idea of the type of tower the Commission would like to see. He said he was disappointed that the applicant was told to modify their proposal to a monopine structure, and after complying with that request, was told it was still unacceptable.

Marvin Sowers said that a key factor was not just the change to a monopine type of tower, but the scale of the structure. A reduction of 32 feet from the original proposal still does not blend in with the surrounding area.

John Hagee said that it seemed obvious to him that a tower would have to be above the treeline in order to carry a strong signal. He said if the Commission was to accept a monopine design, they would have to accept it above the treeline.

Joe Poole said he was pleased with the progress the applicant was making. He felt the applicant was in the right direction, although he still had concerns about the height of the tower above the treeline. He also said cellular towers don't provide a starting and ending point, like electrical transmission lines, so he had concerns over what would come next and how many towers would be needed to fill all coverage gaps. Without a sense of what is required to provide complete cellular phone coverage for the area, he recommends the Commission follow the visibility guidelines set forth in the Wireless Communications Policy. He said the current proposal does not meet these standards, although he commended the applicant for making efforts to bring the proposal into compliance. He appreciated the patience of the applicant, but felt more revisions would be necessary before he could recommend approval.

Peggy Wildman said she agreed with Joe Poole, and said she was looking for a balance between adequate coverage and height. She said she felt the best way to achieve this balance is to use larger quantities of smaller towers, which is in line with the County policy.

Joe McCleary said he did not wish to deny anyone cellular phone coverage; he said that cellular phone usage was something important, especially in the event of an accident or medical emergency. However, he concurred with Joe Poole and Peggy Wildman that larger quantities of smaller towers would be better. He said that even if it cost more to build multiple towers, the cost would be passed on the cell phone user, so the extra cost, if any, was not truly significant. He said that the County has a cellular tower standard, and has had this standard in place for several years. Towers above the treeline can be acceptable if they do not appear to be above the natural vegetation; however, this tower would clearly have a visual impact.

Joe Poole asked if any member of the Commission wished to make a motion.

John Hagee asked if towers which were at or below the treeline had to be monopines, and how high above the treeline a tower could be and still be considered a "stealth" tower.

Joe Poole said that Section 24-122 (d)(2) of the James City County Ordinance answered these questions, and read it aloud:

The structure shall be located and designed so as to appear to be a naturally occurring tree, which is not noticeably dissimilar to nearby vegetation in terms of height, scale, texture, or color.

Joe Poole said this section was very clear, and allowed for scenic variances between different sites. If stealth towers are to be used, they need to be close to the treeline and look like a tree. He said that this application, while designed to look like a tree, is out of scale with the surrounding vegetation.

John Hagee said that the Commission should have some sense as to what height and scale would be acceptable for stealth towers, and that the description from the Ordinance was rather vague.

George Billups said that if the applicant was aware of the Wireless Communications Policy and the Comprehensive Plan, they should have been able to anticipate the type of height and scale the Commission would look for. He felt staff did an excellent job in this case, and made a good recommendation to the applicant. He said he had no problems making decisions on this case since there were obvious guidelines.

John Hagee said he would welcome a monopine design which was twenty feet above the treeline. He felt this was an adequate height to get good coverage while minimizing the visual impacts of the tower.

Joe Poole asked if any member of the Commission would like to make a motion.

Joe McCleary asked the applicant if they would defer or if they wished to have a vote.

Vernon Geddy said he wanted an action on this case.

John Hagee made a motion, seconded by Peggy Wildman, to recommend denial of this application. In a roll call vote, motion passed (6-0). AYE: Wildman, McCleary, Hagee, Kale, Billups, Poole (6); NAY: (0).

## 6. PUBLIC HEARINGS

### A. CASE NO. SUP-25-01. VOICESTREAM WIRELESS COMMUNICATIONS TOWER

Paul Holt presented the staff report stating at the February 4, 2002, Planning Commission meeting the applicant requested a three-month deferral. He said since that time, the applicant had withdrawn the application and submitted a new one as an alternative. He stated the new application was currently scheduled for the June 3, 2002, Planning Commission meeting.

### B. CASE NO. Z-1-02. 7249 MERRIMAC TRAIL REZONING / BAKER FARMER'S MARKET

David Anderson presented the staff report stating Michael H. Brooks of Teamsters Local 95 applied to rezone property at 7294 Merrimac Trail from B-1 to M-1 in order to permit the use of a farmer's market that would be operated by local farmer, James Baker, to sell his farm produce and



products from mid-June until the end of September. He stated the property was currently used as an office facility for the Teamsters and it would remain as the primary use. Staff recommended approval of this application with the attached proffers.

Joe Poole thanked Mr. Anderson and asked if the Commission had any questions for staff.

Peggy Wildman asked if staff received any comments from surrounding property owners.

David Anderson replied no, staff had not heard anything from adjacent property owners, although they were all notified of this hearing. He also said that a notice sign had been posted at the property.

Joe McCleary asked if the application is for any single farmer, not just Mr. James Baker, who is explicitly named in the application.

David Anderson replied that yes, this rezoning is for any single farmer. If Mr. Baker chose to stop his market, another single farmer could come in and sell farmed goods from the property.

John Hagee asked if there were any guidelines for what the market would look like.

David Anderson replied that Mr. Baker would drive his truck into the parking lot, park adjacent to the street, and sell his goods directly from the truck. There would not be any additional buildings or structures.

Joe McCleary asked if there were revised proffers.

David Anderson replied yes, the proffers were revised to restrict hours of operation to 9am-5pm, Monday through Saturday.

Wilford Kale asked how long the proffers on the rezoning would be binding.

David Anderson replied that proffers are binding forever. They run with the property.

Joe Poole asked if there were any additional questions from the Commission, and thanked David Anderson for his presentation. He then asked if the applicant wished to speak.

David Anderson said that the applicant, Mr. Michael Brooks, was not present at the hearing, but Mr. James Baker was present to answer questions.

Joe Poole asked if the applicant accepted the revised proffers.

David Anderson answered yes, the applicant was comfortable with the revised proffers.

Greg Dohrman said that the original proffers were in improper legal form. He stated that the revised proffers were corrected to a legal form.

Joe McCleary asked Mr. Baker how large his truck is.

James Baker replied that his truck is a half ton.

Joe McCleary said that proffers go with the property forever. The current proffers simply state that goods will be sold out of a truck. If Mr. Baker ceases to have his farmer's market and another farmer takes his place, that farmer could sell goods out of an eighteen-wheeler. He subsequently suggested amending the proffers to say, "limited to one half-ton truck."

Greg Dohrman said that modifying an applicant's proffers is problematic because proffers are supposed to be voluntary.

Marvin Sowers said that, in the interest of time, if Mr. Baker approved of the amendment, the Commission could move forward with the case, and staff could speak to Mr. Brooks before the case goes before the Board of Supervisors. If any problems arose or Mr. Brooks did not agree to the modification, the case could be remanded back to the Commission.

Greg Dohrman said that this proposal is acceptable.

Joe McCleary said he felt comfortable with staff taking care of this issue.

Joe Poole said he would like to open the public hearing to see if any citizens had any comments or questions for staff or the applicant.

Nancy James of 7254 Merrimac Trail came forward to speak. She said she is usually the point of contact for the neighborhood surrounding the parcel to be rezoned, and that no neighbors have voiced disapproval of the farmer's market. However, she asked why a rezoning to an industrial use was necessary, and why a special use permit or variance would not suffice. Even though the proffers are supposed to last forever, in the future they could be changed and manufacturing uses could be permitted. She felt a rezoning was a very strong step just to allow a single farmer to sell his goods. She also said that at one point, she visited the Planning Division office to view the case file and staff recommendation, and was told she could not view them. She said she was upset by this and thought that, as a member of the community, she should be able to view information about a case which directly affected her.

Joe Poole thanked Ms. James for her comments.

David Anderson replied to Ms. James comments, stating that when Ms. James stopped by the Planning Division office, she requested to see the proffers, which at the time were not in final form. He said he was unsure if draft proffers were public information or not, and so he did not show them to her to err on the side of caution. He apologized for any misunderstanding.

Joe Poole said that staff reports were part of the public record, and could have been shown to Ms. James.

David Anderson replied that at the time, he thought Ms. James was only asking for the proffers, not the staff recommendation, and so he did not show her the staff report.

Marvin Sowers added that agendas, staff reports, and final proffers are available on the James City County website the Friday before Planning Commission meetings.

David Anderson then addressed Ms. James question about why a rezoning is necessary. He said that in the B-1, General Business Zoning District, a farmer's market is not a generally permitted use or a specially permitted use. Currently, there is no possible way to operate a farmer's market in the B-1 zone. The only way to have the farmer's market is to rezone to M-1, where a farmer's market is a generally permitted use. The proffers limit all M-1 industrial uses, so that only the farmer's market is allowed in addition to standard B-1 uses. The property will function as a B-1 property with a farmer's market. Additionally, these proffers will run with the land.

Joe Poole then stated that the County has discussed adding "farmer's market" to the list of specially permitted uses in several zoning districts. This issue will be visited during the Comprehensive Plan update in the next few months.

Wilford Kale said that this is a clear example of spot zoning. The property was first spot-zoned when it was changed to B-1, and now there is an application to further spot-zone it and decrease the property's compatibility with surrounding properties. He said he did not understand why this was not considered a retail establishment. He stressed that this was not a "farmer's market," but a "farmer market." Since there was only one farmer selling goods, he felt this should be considered a retail operation and not a market, albeit a mobile retail operation. He said the rezoning was too strong a step to allow a single farmer to sell his goods. He said he had nothing against Mr. Baker or his proposal, but felt that staff's handling of the matter was inappropriate. He said he would not approve this rezoning because as a retail operation on a business site, Mr. Baker's sales are permitted by-right. He said the idea of an industrial parcel in the middle of a neighborhood scared him, since the proffers could be amended in the future to allow industrial uses.

Joe Poole said that Wilford Kale had raised some valid points, and asked that the Commission wait until the end of the public hearing to discuss his comments further. He asked if there was any other person who wished to speak. There being none, he closed the public hearing.

Wilford Kale made a motion to deny the rezoning.

John Hagee said he wished to discuss the case further before making any motions. He said that although he agreed this was a strong step, he was unsure that any other remedy was available.

Wilford Kale asked what retail operations would be allowed on the site. He said that to him, a "farmer's market" denoted multiple farmers selling various goods for an extended period of time, which is a much larger operation than a single farmer temporarily setting up a place to sell goods. He asked why selling goods on a business site was not considered a retail operation.

Greg Dohrman said that a more specific definition will override a more general one, so that if a "farmer's market" is specifically mentioned, the act of a farmer selling goods cannot be called a "retail business," as a farmer's market is a type of retail business.

John Hagee said the proffers could essentially eliminate the worry of the property being used for industrial purposes. He suggested the Commission look at B-1 zoning and incorporate Wilford Kale's comments into that context. He said the Commission should not deny Mr. Baker his market because the specific "farmer's market" is not mentioned in the B-1 ordinance.

Wilford Kale said he was uncomfortable recommending approval for any rezoning to M-1 in the middle of a residential neighborhood, regardless of the proffers. Once the precedent is set, it cannot be revoked. He said that given the current rate of change in the County, in a few years the property could have new owners who amend and change the proffers.

Joe McCleary said in theory, he agreed with Mr. Kale. However, he acknowledged that the current ordinance is missing "farmer's market" from the list of permitted uses in B-1. He said that this was probably a mistake, as a farmer's market is not out of character for the B-1 business district. Therefore, the only way to operate such a market is to rezone the property to M-1 and proffer out all industrial uses. He added that the proffers will remain filed at the courthouse forever, so if the case is revisited 20 years from now, the same proffers will still hold. And if any future applicant wishes to amend those proffers, they will have to go before the Planning Commission and Board of Supervisors to do so. Thus, the property is protected.

Joe Poole said he realized this rezoning is not the best way to achieve the end result, but at the current time no other course of action is available. He said this rezoning was not precedent-setting, but an exception due to the omission of "farmer's market" from the list of generally permitted

uses in B-1. He said that the more intensive industrial uses in M-1 would clearly be objectionable to adjacent property owners, which is why they were all proffered out.

Wilford Kale suggested that this rezoning be rendered null and void upon the inclusion of "farmer's market" in the B-1 ordinance. He said that no matter how protected the site may seem, the future is always uncertain.

George Billups asked if there was any way for Mr. Baker to get a peddler's license.

Marvin Sowers replied that licenses do not drive rezonings, but that rezonings drive what uses and licenses are permitted.

Joe Poole said that he did not view this case as spot-zoning, but rather an effort to improve the community by adding the farmer's market. Additionally, the community will be protected by the proffers.

John Hagee made a motion, seconded by Joe McCleary, to recommend approval with the addition of the limitation on the size of the truck.

Wilford Kale asked if the Commission could condition approval in that manner.

Joe Poole replied that the limitation on the size of the truck was not a condition of approval, but rather a recommendation to the applicant for something which would strengthen their case.

Marvin Sowers said if the applicant agreed with that recommendation, they would revise the proffers before the Board of Supervisors meeting. If they did not agree, the case would be remanded back to the Planning Commission to determine whether or not approval would still be desirable. He said the limitation request was not binding on the applicant.

George Billups suggest the truck limitation be phrased as, "weighing one ton or less."

In a roll call vote, motion passed (5-1). AYE: Wildman, McCleary, Hagee, Billups, Poole (5); NAY: Kale (1).

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

Christopher Johnson presented the staff report stating that on November 5, 2001, the Planning Commission deferred action on this application due to concerns over the potential development impacts on adjacent properties and the lack of architectural elevations for the proposed water treatment facility. He said since then the applicant has provided an architectural elevation of the facility and has amended the application to include three uses identified in the original as future projects. Staff found the proposal, with the attached conditions, consistent with surrounding zoning and development and with the Comprehensive Plan and recommended the Commission recommend approval of this application.

Mr. Johnson also stated that the alignment for the concentrate discharge main has been changed since the case was first advertised. The line which was to be constructed along London Company Way in the Jamestown 1607 subdivision is now proposed to be constructed underneath the bike lane on the north side of Jamestown Road. Given this change, the applicant requested a deferral.

Joe Poole thanked Mr. Johnson and asked the Commission if they had any questions.

George Billups asked if Jamestown 1607 residents had any complaints about the proposal.

Larry Foster responded that he would address the concerns of the Jamestown 1607 residents during his presentation.

Christopher Johnson added that the proposed location for the discharge main had changed, and the new alignment should not affect the Jamestown 1607 residents as directly as the previous proposal.

Joe Poole asked if the Commission had any further questions for staff. There being none, he asked the applicant, Larry Foster of the James City Service Authority, to come forward and speak.

Larry Foster introduced the consultants for the project, and thanked Mr. Johnson for his work on the project as well. He said the project would have minimal noise, minimal traffic, and no odors or other safety hazards associated with it. Liquid chlorine would be the main chemical involved, and all chemicals will have secondary containment systems. The lighting for the site will be low and only around the building itself.

Mr. Foster said the project would help expand the Clara Byrd Baker playing field and provide walking trails as well as providing water for the community. He said this project would reduce reliance on the Chickahominy aquifer, which provides 65% of County water and is quite strained. He added that the treatment facility will reduce reliance on this aquifer and transfer it to the Potomac aquifer, which is better equipped to handle the demand.

Mr. Foster also mentioned all the community associations he has spoken to about this project, including the Chanco's Grant, St. George's Hundred, Jamestown 1607, and Powhatan Crossing neighborhood associations, as well as the Historic Route 5 Association and the Clara Byrd Baker PTA. He said the JCSA also volunteered to speak to the James River Association.

Mr. Foster said that although the project would be close to these neighborhoods, the project would be separated by at least 300 feet of mature trees as a buffer. The building housing the facility will be 12,000 square feet and will be built into a group of mature trees without disturbing the 300 foot buffer. He then showed conceptual drawings of the site to the Commission.

Joe Poole thanked Mr. Foster for his comments and asked if the Commission had any questions.

Joe McCleary asked if the JCSA intended to restore the bike path along Jamestown Road after the concentrate main is installed.

Mr. Foster said yes, the bike path would absolutely be restored.

Wilford Kale asked if Mr. Foster had any concerns about the walking trail providing easy access to the site by unwanted visitors. He also wanted to know if the JCSA was proposing any form of external security to protect the building.

Mr. Foster said that security would be built into the design of the facility, but he was unsure yet of what type since the site design was not complete.

Joe Poole opened the public hearing.

Mr. Steven Deere, President of the Jamestown 1607 Homeowner's Association, thanked Mr. Foster and the JCSA for taking his neighborhood's concerns seriously and taking the time to talk to them. He said the community was concerned that, if a pipe were to rupture, all the water would flow downhill into Jamestown 1607. He wanted to see some kind of sensor at the plant which would indicate a pipe leak or rupture as soon as possible so that water could be shut off and flooding prevented.

Mr. Deere added that at this time, the community has saved money to repave their parking lot, and the construction for the plant would overlap this repaving. He wanted to ensure that the construction would not tear up the newly paved areas.

Mr. Deere also said that, although he commended the JCSA for trying to move the concentrate line, he did not understand why it could not be placed on the southern side of Jamestown Road. He said that there was a creek on that side of the road anyway, so he did not see why the concentrate main could not be put there. In the event of a leak, the water would just flow into the creek instead of flooding houses.

Mr. Deere said that he acknowledges that fresh water is needed throughout the County, and he simply wants to make sure this project is carried out in a thorough and careful manner.

Joe Poole thanked Mr. Deere for his comments.

Ms. Maryanne Teal, Jamestown 1607 resident, said she was happy the applicant was deferring the case, but that did not change the basic fact that she was uncomfortable with a water line running in close proximity to Jamestown 1607. She said that the neighborhood was essentially in the bottom of a bowl, and that the houses were at the lowest point in the area. She said she supported the project but did not want it in her backyard. She said she was still recovering from the flooding of Hurricane Floyd, and could not deal with further flooding.

Ms. Teal said she wanted assurance that the discharge main, wherever it ended up, will have adequate drainage and containment systems for excess water. She also said that she absolutely wanted an alarm system or immediate shutoff should the pipe leak and water flow into the neighborhood. She said she wanted an on-record assurance that construction will not interfere with property values, will not pose any harm to any children, and will not allow any further flooding in Jamestown 1607.

Joe Poole thanked Ms. Teal for her comments.

Mr. Don Frou, Jamestown 1607 resident, said he wanted to know who would be responsible for water damage if the discharge main did rupture. He said he generally approved of the project, but was concerned that if the pipe leaked or ruptured due to faulty construction or maintenance oversight, the homeowners would have to pay for all the damage. He also said he was concerned that this project would impact the water quality of Jamestown Beach.

Joe Poole thanked Mr. Frou for his comments.

Ms. Mary Pugh, Chanco's Grant resident, said her lot would be directly impacted by the proposed walking trail. She was concerned that the trail going down to Powhatan Creek would affect the Powhatan Creek watershed. She said that according to the Powhatan Creek Watershed Management Plan, rezonings should not be done, and no construction should be done to impact the already endangered species in that area. She said this plan was in place to protect the neighborhood's property values and quality of life.

Ms. Pugh said she was concerned over the vague nature of the proposal. Although Mr. Foster said the project would produce minimal noise and light, she wanted to know exactly how many decibels of noise the plant would produce and how many iso-footcandles of light. She also wanted to know how much discharge would be dumped each day, and how many fish that could kill. She said that she worked for Jamestown Settlement, and they did not want the plant to ruin the natural wildlife out there, especially before the Jamestown 2007 celebration.

Ms. Pugh also asked if the plant construction would coincide with Jamestown Settlement's 2007 celebration. If so, she wanted to know if the two schedules would conflict or hinder each other. She also wanted to know what the river would smell like after all the waste concentrate is dumped.

Ms. Pugh said that by her house, there is a very large and very old tree. If construction of the walking trail tears down that tree, she wanted to know who would pay for it. She said if it came down, she could not afford to have it chopped up and cleared from her property. She wanted to make sure that if vegetation was killed, the party responsible would clean up the damage.

Joe Poole thanked Ms. Pugh for her comments and asked if anybody else wished to speak. There being none, he closed the public hearing and asked the Commission if they had any comments.

Joe Poole said that he had high expectations for this project, and felt that Mr. Foster had made a remarkable improvement over the proposal offered at the November meeting.

Joe McCleary said he agreed with Joe Poole, and asked Mr. Foster if he would have answers to the questions raised by the citizens when he returned before the Commission in June.

Mr. Foster said that he would certainly have answers.

Joe Poole asked if Mr. Foster was comfortable with all of the Special Use Permit conditions proposed by staff.

Mr. Foster answered yes, he was comfortable with all the conditions.

Joe Poole asked if there were any further comments. There being none, he said that there would be another opportunity for a public hearing in June.

## 7. PLANNING DIRECTOR'S REPORT

Marvin Sowers said that the Commission made a recommendation to the Board on a specific Comprehensive Plan Methodology, Option B, and the Board agreed with that option and directed staff to go forward. He said information should be coming to the June 3<sup>rd</sup> meeting.

George Billups asked the Assistant County Attorney to explain what governed participation on a tour to consider it a meeting and not a site visit.

Greg Dohrman stated the definition of a public meeting and the requirement that all public meetings give notice to publications. He said if there were more than two Commission members assembled for the discussion of any business related to the activity segment of this Commission then that would fall in the definition of a meeting.

Wilford Kale said that with every one of the standing Committees there has to be notification because the Virginia Code specifically reads three or more. He said every time that the DRC or Policy Committee meets there should be notification.

Marvin Sowers stated the a yearly calendar is put out for the Planning Commission and DRC meetings which covers notification but for the Policy Committee there has to be special notification.

Joe McCleary said the key, however, was discussion of public matters. He said the Commission held a going away party for Martin Garrett in which four or five members attended but since there was not business conducted, notification to the press was not required.

Joe Poole stated that if this situation were to occur again, where notification was not given to the press, staff could offer another tour for other interested members.

Peggy Wildman asked Marvin Sowers to review what the policy on e-mailing between Commission members was.

8. ADJOURNMENT

There being no further business, the May 6, 2002, meeting of the Planning Commission was adjourned approximately at 10:10 p.m.

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A. Joe Poole, III, Chairman

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Marvin Sowers, Secretary



A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE FIRST OF JULY, 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  
Peggy Wildman

ALSO PRESENT

Leo Rogers, Deputy County Attorney  
Marvin Sowers, Planning Director  
Christopher Johnson, Senior Planner

2. MINUTES

Wilford Kale made a motion, seconded by John Hagee, to approve the minutes of the June 3, 2002, meeting. In a unanimous voice vote, motion passed.

3. COMMITTEE AND COMMISSION REPORTS

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

John Hagee presented the DRC report stating there were three cases at the Wednesday meeting, two of which were very simple. He said the DRC recommended approval for an underground utility exception at 2150 John Tyler Highway and a request for approval for a 8' x 28' foot concrete pad at 6560 Richmond Road. He said the final case was for approval for the clearing of property in Powhatan Secondary, a planned community, to allow for a multi-purpose playing field which will temporarily be used as a parking facility for a function occurring in September.

Peggy Wildman made a motion, seconded by Wilfred Kale, to recommend approval. In a unanimous voice vote, motion passed.

4. PUBLIC HEARINGS

A. CASE NO. Z-5-01. FORD'S COLONY PROFFER AMENDMENT.

Christopher Johnson presented the staff report stating staff needed sufficient time to review and evaluate forthcoming VDOT comments on the proposed development plans and the findings of a professional traffic engineering and transportation planning firm which currently was evaluating the proposed roadway alignment. Staff recommended deferral until the next regularly scheduled Planning Commission meeting. He stated the applicant supported this deferral request.

Joe Poole opened the public hearing.

There being no speakers the public hearing remained open.

5. PLANNING COMMISSION CONSIDERATION

A. INITIATION OF CONSIDERATION OF AMENDMENTS TO THE ZONING ORDINANCE.

Marvin Sowers stated this was the standard resolution that staff brings forward whenever there was an ordinance amendment. He stated that the ordinance was to add the use "adult day care centers" as a permitted use by right or with a special use permit in several

zoning districts. He said staff recommend that the Commission approve this resolution to allow staff to bring the amendment to the August 5<sup>th</sup> meeting.

Joe Poole asked if there were any questions of the Commission regarding this agenda item.

George Billups asked if this had any impact on the existing day care centers.

Marvin Sowers stated it had no impact on the existing day cares and stated that a few people had approached the County about putting in adult care centers in districts where child day care centers are now permitted.

Joe Poole requested that Commission members thoroughly review this request and contact staff if they had any concerns regarding the matter of adult day care centers.

Wilford Kale made a motion, seconded by Don Hunt, to approve the resolution of initiation. In a unanimous voice vote, motion passed.

#### 6. PLANNING DIRECTOR'S REPORT

Marvin Sowers stated the Citizen Participation element of the Comprehensive Plan would be getting underway tomorrow with the Citizen Participation Team's first meeting at 4 p.m. in the Building E Conference Room. He stated the CPT would be responsible for generating and overseeing public participation in the development of the Comprehensive Plan.

Marvin Sowers also noted the possible completion of the Development Potential Analysis at the end of this month. He said the next meeting of the DPA would be held on July 17<sup>th</sup>.

Marvin Sowers said the Planning Division was currently discussing several open space acquisitions items and noted a Board work session would be scheduled in July.

#### 7. ADJOURNMENT

There being no further business, the July 1, 2002, meeting of the Planning Commission was adjourned approximately at 7:15 p.m.

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A. Joe Poole, III, Chairman

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Marvin Sowers, Secretary

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 22, Title 15.2, Article 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 Division.

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

1. All matters which require an advertised public hearing in accordance with Section 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 the Chairperson of the Planning Commission at least one week in advance of the meeting; and
  - d. At a meeting, the above time limits (a, b & c) may be extended by approval of at least two-thirds of the commission members present.

#### 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;
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

Amended August 5, 2002

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A. Joe Poole, III, Chair  
Planning Commission

aug5.02

**REZONING 5-01. Ford's Colony Proffer Amendment**  
**Staff Report for the August 5, 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  
October 1, 2001 (deferred); November 5, 2001 (deferred)  
July 1, 2002 (deferred); August 5, 2002 - 7:00 p.m.  
Board of Supervisors: October 8, 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

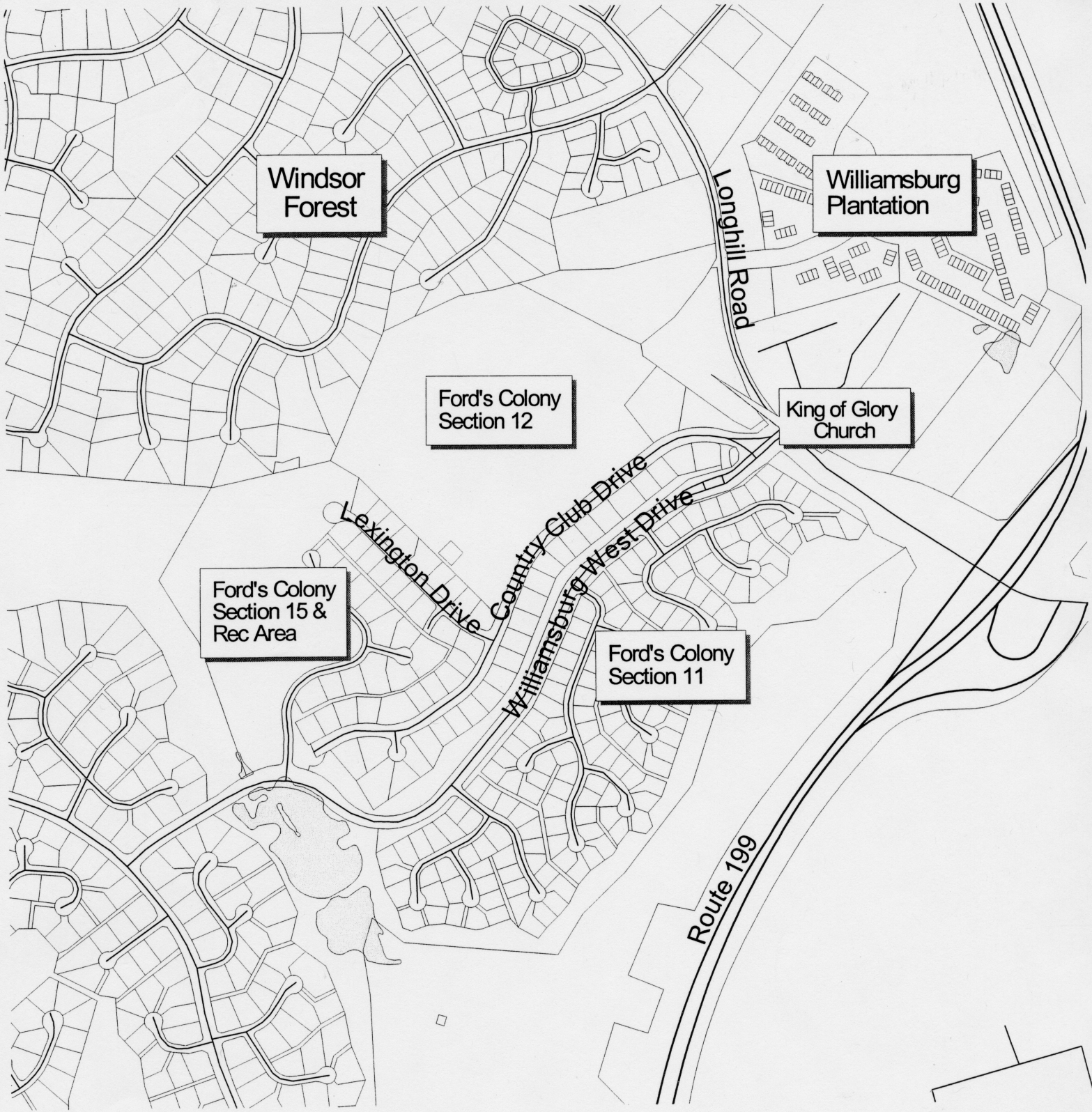
**STAFF RECOMMENDATION:**

The applicant has requested that this case be deferred until the next regularly scheduled Planning Commission meeting on September 9, 2002. A deferral will allow the applicant the opportunity to work on a redesign of the intersection shown on the Ford's Colony, Section 12 development plans in light of VDOT review comments and the consultant's report. Staff concurs with the applicant's request.



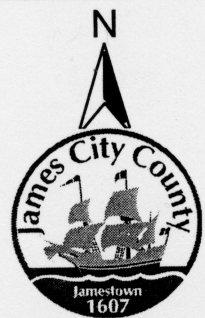
Attachments:

1. Location Map
2. Deferral Request letter dated July 29, 2002.
3. VDOT comments dated June 27, 2002.
4. Kimley-Horn Design Evaluation Report dated July 22, 2002.
5. Preliminary Intersection Design, Overall Road Plan, "Ford's Colony at Williamsburg, Section XII" dated May 22, 2002, prepared by AES Consulting Engineers
6. Kimley-Horn recommended intersection design



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

1000 0 1000 2000 Feet



Attachment 1

**GEDDY, HARRIS, FRANCK & HICKMAN, L.L.P.**

ATTORNEYS AT LAW

516 SOUTH HENRY STREET

POST OFFICE BOX 379

WILLIAMSBURG, VIRGINIA 23187-0379

TELEPHONE: (757) 220-6500

FAX: (757) 229-5342

e-mail: vgeddy@widomaker.com

VERNON M. GEDDY, JR.  
STEPHEN D. HARRIS  
SHELDON M. FRANCK  
VERNON M. GEDDY, III  
SUSANNA B. HICKMAN

July 29, 2002

Mr. Chris Johnson  
Senior Planner  
James City County  
101-E Mounts Bay Road  
Williamsburg, Virginia 23185

Realtec Incorporated/Z-5-01

Dear Chris:

I am writing on behalf of Realtec to request that the Planning Commission defer consideration of this case until its September meeting. As we discussed, Realtec would have liked to proceed with the proffer amendment without having an agreed upon intersection design, recognizing that the intersection design ultimately would have to be acceptable to VDOT and the County. You indicated that Staff is not comfortable with that approach and would like to have a preliminary intersection design acceptable to VDOT in hand before proceeding with your recommendation. The deferral will give Realtec the opportunity to work on a redesign of the intersection in light of the VDOT comments and Kimley-Horn report. Thanks and let me know if you need anything further.

Sincerely,



Vernon M. Geddy III

VMG:s

cc: Mr. Drew Mulhare



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF TRANSPORTATION

4451 IRONBOUND ROAD  
WILLIAMSBURG, VA 23188

PHILIP SHUCET  
COMMISSIONER

June 27, 2002



J. W. BREWER  
INTERIM RESIDENT ENGINEER  
TEL (757) 253-4832  
FAX (757) 253-5148

Christopher Johnson  
James City County Planning  
P.O. Box 8784  
Williamsburg, VA 23187

Ref: Ford's Colony, Section 12  
S-51-02  
Route 612, James City County

Dear Mr. Johnson:

We have completed our review of referenced plan and offer the following comments:

1. The intersection of Road "A" and Country Club Drive (Route 1501) should be at 90 degrees with Road "A" being under stop control. **The free flow movement of traffic should remain on the state route.**
2. The plans shall be designed in accordance with VDOT Road Design Manual, Road and Bridge Standards and Road and Bridge Specifications.
3. Proposed street connections shall be designed in accordance with VDOT Road Design Manual.
4. Any pavement markings used should be shown on plans with accompanying typical. These plans should contain a typical sheet showing all proposed pavement markings and sign installations. All typical should be taken from the 02/01/2001 VDOT Road and Bridge Standards Books.
5. Plans should show full view of Route 612 (Longhill Road) at site boundaries. This view should contain number and layout of existing lanes, all opposing and adjacent driveways and entrances, existing shoulder/curb and gutter situation, sight distances in both approaches, all geometrics should be labeled and include all traffic control items that may affect this entrance.
6. Longhill Road has existing 150' x 150' right turn lane into site; however, existing left turn lane into site is also 150' x 150'. Left turn lane should be VDOT Standard 200' x 200'

7. Plans should have a 1"= 2,000' vicinity map on cover sheet, as exact site location is not clearly shown.
8. All curb and gutter and handicap access should be correctly shown with appropriate typical.
9. Stop sign and bar should be installed on Road "A" at Country Club Drive intersection, with accompanying typical.
10. Provide a legend with key and symbols on title sheet in accordance with VA Uniform Coding System for E&S and VDOT Road Design Manual.
11. Provide a pavement detail for all new road construction work in VDOT's right of way.
12. Provide sight distance information for the entrance onto Country Club Drive in accordance with VDOT standards.
13. Provide the attached VDOT General Notes on the site plans.
14. It is our understanding that the roads within this subdivision will be private and are not to be taken into the Secondary System at a later date. We do not anticipate any negative impact on existing drainage facilities in VDOT R/W. The proposed temporary culvert cross draining Road "A" at Country Club Drive, Route 1501, is adequate.
15. To ensure that the previous requirements are met the VDOT subdivision and site plan inventory checklist should be used during plan development. For a guideline for this information, see Chapter 3 of the 12/95 VDOT Land Development Book, Volume I.

When the above comments have been addressed, please submit two sets of revised plans to this office for further review. Also, attach a letter noting what action was taken to correct the above comments and any revisions that may impact the right of way.

Should you have any questions please contact me at 253-5146.

Sincerely,

J. W. Brewer  
Interim Resident Engineer



By: John W. Barr  
Assistant Resident Engineer

JWB/jwb  
Attachment

cf: Eric Stringfield



Kimley-Horn  
and Associates, Inc.

July 22, 2002

■  
Suite 300  
501 Independence Parkway  
Chesapeake, Virginia  
23320

James City County Planning Division  
101 E Mounts Bay Road  
Williamsburg, VA 23187  
Attn: Mr. Don Davis

Re: Ford's Colony Proposed Roadway Design Evaluation

Dear Mr. Davis:

Kimley-Horn and Associates, Inc. (KHA) is pleased to submit this evaluation for the subject property to James City County Planning Division. This report outlines Kimley-Horn's project understanding, the research obtained in order to evaluate the project, and recommendation resulting from our findings.

### **Project Understanding**

Kimley-Horn and Associates has been asked to evaluate the proposed roadway design associated with the expansion of the Ford's Colony residential subdivision development. It is our understanding that there are uncertainties regarding the proposed roadway design and alignment through the existing residential community (i.e., Country Club Drive) and its eventual connection with Longhill Road (i.e., State Route 612). It is our understanding that the proposed roadway alignment has been submitted to VDOT for approval. It is also understood that James City County Planning Staff are concerned about the proposed roadway alignment and design speed of the proposed facility and its impacts on the continuity of the existing internal residential roadway network. Safety concerns are of top priority and stem from the curvilinear nature of the proposed roadway and multiple turning movements, as well as the location of proposed median openings, and access locations.

Attachment 4

■  
TEL 757 548 7300  
FAX 757 548 7301



Kimley-Horn's role in this process/analysis is to evaluate the proposed roadway design and verify its compliance with VDOT road design standards. We have evaluated and identified potential safety and design concerns based on the proposed design and alignment. Kimley-Horn's primary objective is to identify where safety and design issues may or may not exist, offer suggested means for addressing those issues/concerns prior to roadway construction and recommend preferred alternatives, if necessary.

### **Concept Review**

The findings of this report are based on information obtained from the following sources:

- Ford's Colony at Williamsburg, Realtec Incorporated Section XII (Lots 1-71) Plans dated 5/22/02, provided by James City County Planning Division
- Ford's Colony at Williamsburg, Realtec Incorporated Williamsburg West and Country Club Drive Improvements Plans dated 5/22/02 and printed 6/27/02, provided by AES Consulting Engineers
- Ford's Colony at Williamsburg Section XII, Conceptual Entrance Configuration Plan dated 1/30/02 provided by AES Consulting Engineers
- Newspaper Article from the Virginia Gazette, dated 5/25/2002
- Miscellaneous Correspondence sent to/from AES Consulting Engineers provided by AES Consulting Engineers
- Phone conversations with James City County Planning Division staff and AES Consulting Engineers at the permission of James City County Planning Division staff
- Standard Engineering Resources:
  - ❑ ITE Trip Generation Manual, 6<sup>th</sup> Edition , 1997
  - ❑ Virginia Department of Transportation Subdivision Street Requirement (Regulation 24 VAC 30-90-10 et seq.), 1996
  - ❑ Virginia Department of Transportation Road Design Manual, Vol. 1, 1998
  - ❑ AASHTO – Geometric Design of Highways and Streets, 2001

### **Items Reviewed**

- Anticipated Traffic Volumes
- Horizontal Alignments
- Vertical Alignments
- Intersection Geometry
- Typical Section
- Cross Sections/Grading



## **Findings**

- **Anticipated Traffic Volumes** - The concept design assumes volumes of 710 VPD for Section XII and 520 VPD for Country Club Drive. Using the standard rate of 9.5-10 trips per day per residence generated by Single Family Detached Housing, Section XII (71 lots) equates to 675-710 VPD and Country Club Drive (52 lots) equates to 494-520 VPD validating the traffic assumed. However, Section XII has been quoted as “Ford’s Colony’s answer to assisted living” in the Virginia Gazette on May 25, 2002 . Assisted living sometimes implies that the residents within Section XII may be elderly and/or retired. If so, the standard trips per day per residence drop from 9.5-10 to 2.5-3 trips per day. Therefore, the volumes expected on Road A may be as low as 178-213 VPD. For the purposes of this study, it is assumed that each roadway falls within the 401-1000 ADT in 24 vac 30-90-380 Table 1 (attached). Thus, each roadway is designated as a 25 MPH facility. While privately owned subdivisions aren’t strictly held to these standards, roadways falling outside these standards may not be eligible for further state maintenance funding.
- **Horizontal Alignments** Ref. 24 vac 30-90-380 Table 1 (attached) - The minimum desirable radius for 25 MPH is 180 feet. The entrance currently has a radius of 200 feet which meets the standard. The internal street network has radii less 180 feet. However, at the locations where the radii are smaller than 180 feet the volume of traffic has dropped such that a 125 foot radius is likely sufficient. Therefore, the curve radii shown meet design standards.
- **Vertical Alignments** – The minimum desirable grade in rolling terrain for this facility as shown in 24 vac 30-90-380 Table 1 (attached) is 10%. The maximum grades within the plans are 9% and are within standard. The minimum desirable K values for the vertical curves range from 3 (15MPH) to 12 (25MPH) in a crest condition and 10 (15MPH) to 26 (25MPH) in a sag condition. The intersection of Road A and Country Club Drive more than meets these criteria. The internal street network in some locations does not. This could provide for limited vertical sight distance within these locations. Where the profile grade is greater than 4% the drainage along the subdivision streets should be evaluated for erosion concerns.
- **Intersection Geometry** – The intersection geometry as proposed in the concept plan is, in Kimley-Horn’s opinion, less than desirable. Although the curves, as designed, meet the standards criteria, the intersection could be improved to provide a safer operating condition. It is Kimley-Horn’s understanding that the through movement has been provided to Section XII due to higher traffic volumes. If the volumes are indeed higher, the additional 190 VPD (worst case) is not a substantial enough difference in traffic volume to justify designing a stop condition into the middle of a reverse curve. Additionally, it is Kimley-Horn’s understanding that the traffic serving Section XII is intended to stop upon entering and exiting the





subdivision. It seems that the logical stop condition would coincide with this gated community requirement.

Conversely, the alignment of Country Club Drive is straight and therefore the geometrically preferable through (not stop controlled) movement. If the concept design, as proposed, is constructed sight distance issues for those residents entering the Williamsburg West subdivision could easily be compromised by the vegetation, streetscaping and other monument type elements that are typically positioned at the entrance of gated communities.

- Typical Section – The typical sections provided within the plans do not account for a 100' right-of-way section. This is unclear. The 50' right-of-way typical sections within the plans provided call for 11' lanes, roll back curb and gutter, 1/4" per foot cross slope, a 4' to 6' buffer from the face of curb and 3:1 side slopes. The pitch of the graded buffer in some cases drains away from the street. Although unconventional, this is not a problem as long as the drainage is adequately accounted for. The plans for Williamsburg West and Country Club Drive Improvements call for standard VDOT CG-2 and CG-6 barrier curb. It is assumed that a transition to the roll back curb will occur somewhere within the intersection. Although a ditch is shown within the drainage plans no ditch is shown within the typical section.
- Cross Sections/Grading – No grading or cross sections were provided within the plans. Therefore, no evaluation of these elements could be conducted.

### **Conclusion**

In Kimley-Horn's opinion, the horizontal and vertical design elements reflected within these plans meet the standards as set for by VDOT subdivision road requirements. To achieve more desirable safety conditions and optimized traffic flow, Kimley-Horn recommends that a more orthogonal intersection, similar to the graphic attached, be incorporated into the design of this project as opposed the skewed entrance currently shown. The following list itemizes the reasons for Kimley-Horn's recommendation.

An orthogonal intersection provides:

- Tangent alignments for better vehicle operations
- Increased intersection sight distance
- Traffic control which is more consistent with driver expectations
- Reduced opportunities for driver error
- Lesser change to existing traffic patterns
- Ease of construction



Kimley-Horn  
and Associates, Inc.

07/22/02  
James City County

Once again, we appreciate the opportunity to provide these services to you. Please contact us if you have any questions.

Very truly yours,

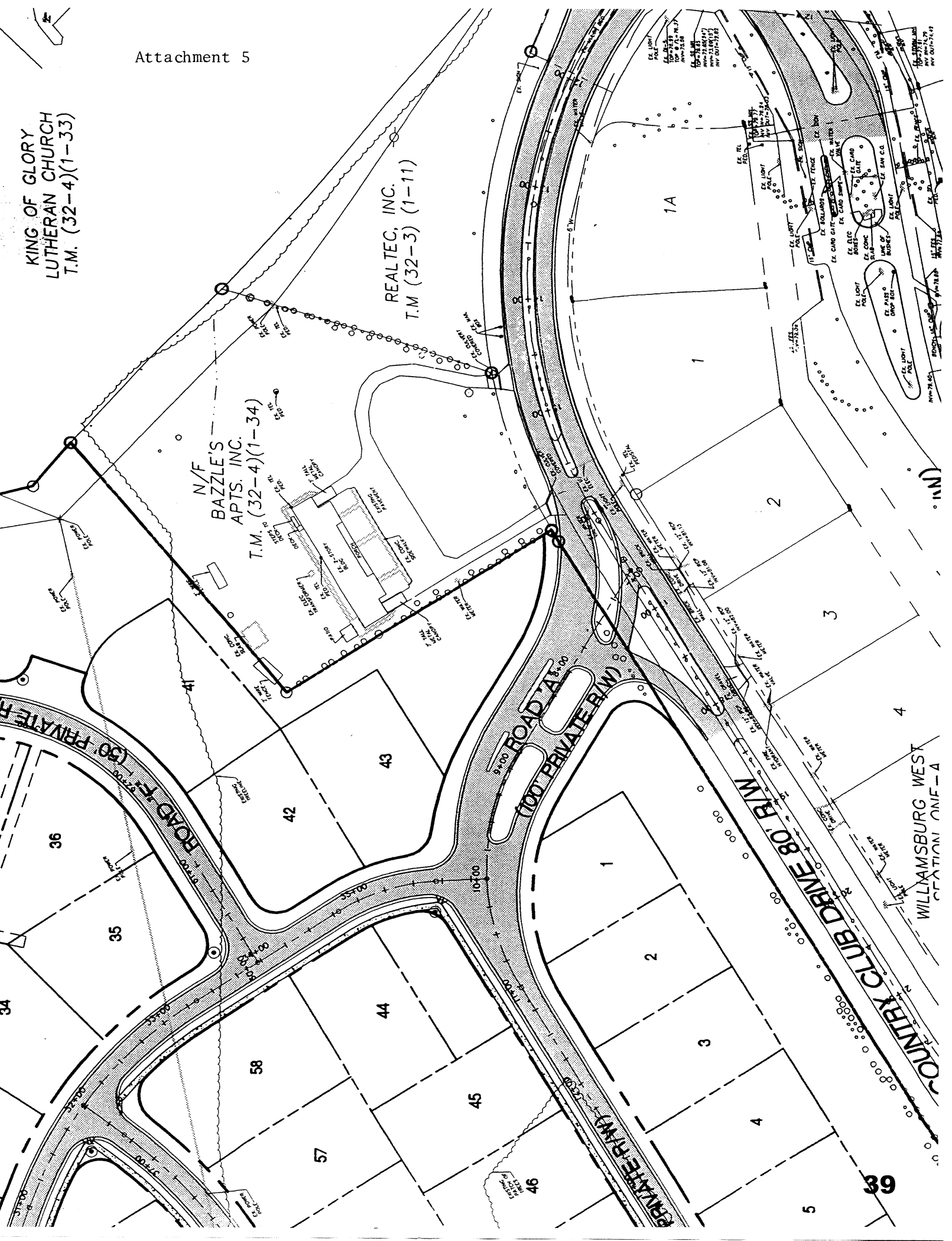
**KIMLEY-HORN AND ASSOCIATES, INC.**

William F. Mackey, Jr., P.E.  
Associate

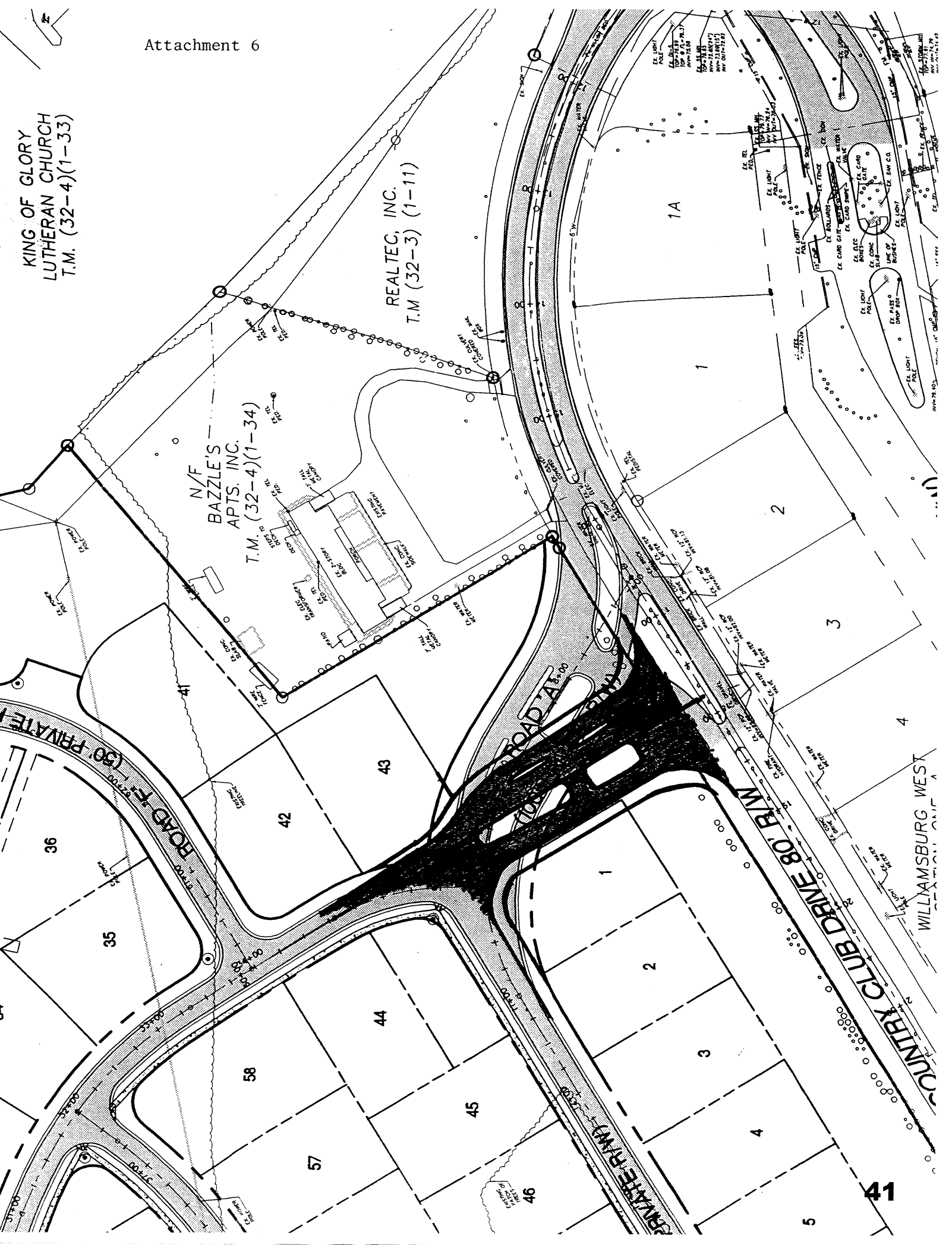
KING OF GLORY  
LUTHERAN CHURCH  
T.M. (32-4)(1-33)

REALTEC, INC.  
T.M. (32-3) (1-11)

N/F  
BAZZLE'S  
APTS. INC.  
T.M. (32-4)(1-34)



KING OF GLORY  
LUTHERAN CHURCH  
T.M. (32-4)(1-33)



**Special Use Permit-15-02. Jamestown 4-H Center Preschool  
Staff Report for August 5, 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: August 5, 2002 - 7:00 p.m. Building C Board Room  
Board of Supervisors: September 10, 2002 - 7:00 p.m. Building C Board Room (tentative)

**SUMMARY FACTS**

Applicant: Charles Burr

Land Owner: Jamestown 4-H

Proposed Use: This project involves leasing one of fifteen existing buildings at the Jamestown 4-H Education Center to the Williamsburg School. The Williamsburg School will use one building, the Chesterfield Lodge, for the operation of a Preschool/Kindergarden.

Location: 3751 4-H Club Road off of Greensprings Road, Jamestown District

Tax Map/Parcel No.: (46-3)(1-3)

Primary Service Area: Inside

Parcel Size: 15.96 acres

Existing Zoning: R-8, Rural Residential

Comprehensive Plan: Low Density Residential

Surrounding Zoning: South B-1, General Business  
North, East & West R-8, Rural Residential

Staff Contact: David Anderson Phone: 253-6685

**RECOMMENDATION:**

Staff finds the proposal to be consistent with the surrounding residential zoning and development and consistent with the Low Density Residential designation of the Comprehensive Plan, and recommends approval of the special use permit with the attached conditions.

**Project Description**

Mr. Charles H. Burr of the Williamsburg Initiative has applied on behalf of Jamestown 4-H for a Special Use Permit for the Jamestown 4H Center, located at 3751 4-H Club Road. The proposal involves leasing an existing building, the Chesterfield Lodge, to the Williamsburg School, Inc., a not-for-profit Virginia Corporation, for the operation of a Preschool/Kindergarten. The school is proposed to be open for half a day weekdays during the normal academic year, September through June, and normal school population not to exceed 20 students and two teachers.

No additional construction is required other than the erection of a removable fence (between four and 6 feet in height) to enclose a play area of approximately 1,500 square feet as stipulated by Social Service licensure requirements for preschools. A limited number of postholes would be sunk to a level of no more than two feet and stabilized with dirt and gravel. The play area will be located adjacent to the fenced in swimming pool, where the land underwent disturbance when the pool and fence were constructed many years ago.

Adjacent land uses include a commercial campground fronting on Jamestown Road on one side and a large open field used for agriculture on the other. The Chesterfield Lodge is not visible from public roads or adjacent properties. This use is consistent with the 4-H Educational Center's overall educational mission and will have minimal, if any impact on surrounding landowners or their respective uses.

## **TRAFFIC**

Trip Generation, 6<sup>th</sup> Edition, by the Institute of Transportation Engineers (ITE), does not provide a land use completely comparable to the Williamsburg School. There are two ITE land use codes that should partly relate to trip generation for Williamsburg School:

1. ITE Land Use Code 521, private school K-12, because Williamsburg School is private and will include kindergarten.
2. ITE Land Use Code 565, daycare center, because Williamsburg School will care for children although with a scholastic initiative.

Using the highest values in the trip generation tables provided for the above referenced land use codes, the Williamsburg School will generate 25 peak hour trips (ITE Land Use Code 565, daycare center). With the very small amount of traffic generated by the Williamsburg School, a full-scale traffic study was not necessary for this project.

Traffic impact is further minimized due to the fact that the school will operate when the Center is at its lowest utilization, when the camping season has concluded and most off-season conferences and meetings will take place on the weekends.

The Virginia Department of Transportation has requested the construction of a new entrance to the Jamestown 4-H Center, as the current entrance is not up to VDOT standards. The current entrance is comprised of a private gravel drive, and VDOT has requested that the entrance to 4-H Club Road be paved from the intersection of 4-H Club Road and Greensprings for 25 feet down 4-H Club Road. Staff feels this improvement is not necessary because of the minimal impact the school will have on traffic generation. The projected 25 peak hour trips projected for the school should not necessitate this type of improvement, especially considering the additional traffic will occur at a time when the camp will be operating at its lowest utilization. Staff does not recommend that a new entrance be constructed in conjunction with this special use permit application.

## **PARKING**

There are 3 parking spaces adjacent to the Chesterfield Lodge; one of them designated as handicapped. Additional parking is available in the Center's main parking area close by. Normally, only two cars will park

at the School for any length of time (the teacher and teacher assistant). Most other traffic will involve dropping off and picking up students.

## **WATER & SEWER**

The Chesterfield Lodge is equipped with a kitchen area and two bathrooms. At any one time, water and sewer use is not expected to exceed 500 gallons a day and most often considerably less.

## **COMPREHENSIVE PLAN DESIGNATION**

The site is designated Low Density Residential in the James City County Comprehensive Plan. Low Density Residential areas are located in the PSA and where natural characteristics such as terrain and soils are suitable for residential development. Low Density Residential areas are located where public services and utilities exist or are expected to be expanded over the next 20 years. Examples of acceptable land uses within this designation include single-family homes, duplexes, cluster housing, recreation areas, **schools**, churches, community oriented public facilities, and very limited commercial establishments. Staff believes this proposal is consistent with the comprehensive plan.

## **RECOMMENDATION:**

Staff finds the proposal to be consistent with the surrounding residential zoning and development and consistent with the Low Density Residential designation of the Comprehensive Plan, and recommends approval of the special use permit with the following conditions.

1. The school's operating hours shall be limited to half a day, Monday through Friday, during the normal academic year, September through June.
2. School population shall not exceed 20 students and two teachers.
3. Construction on this project shall commence within 36 months from the date of approval of this special use permit or this special use permit shall be void. Construction shall be defined as the obtaining of permits for the construction of foundations and/or footings.
4. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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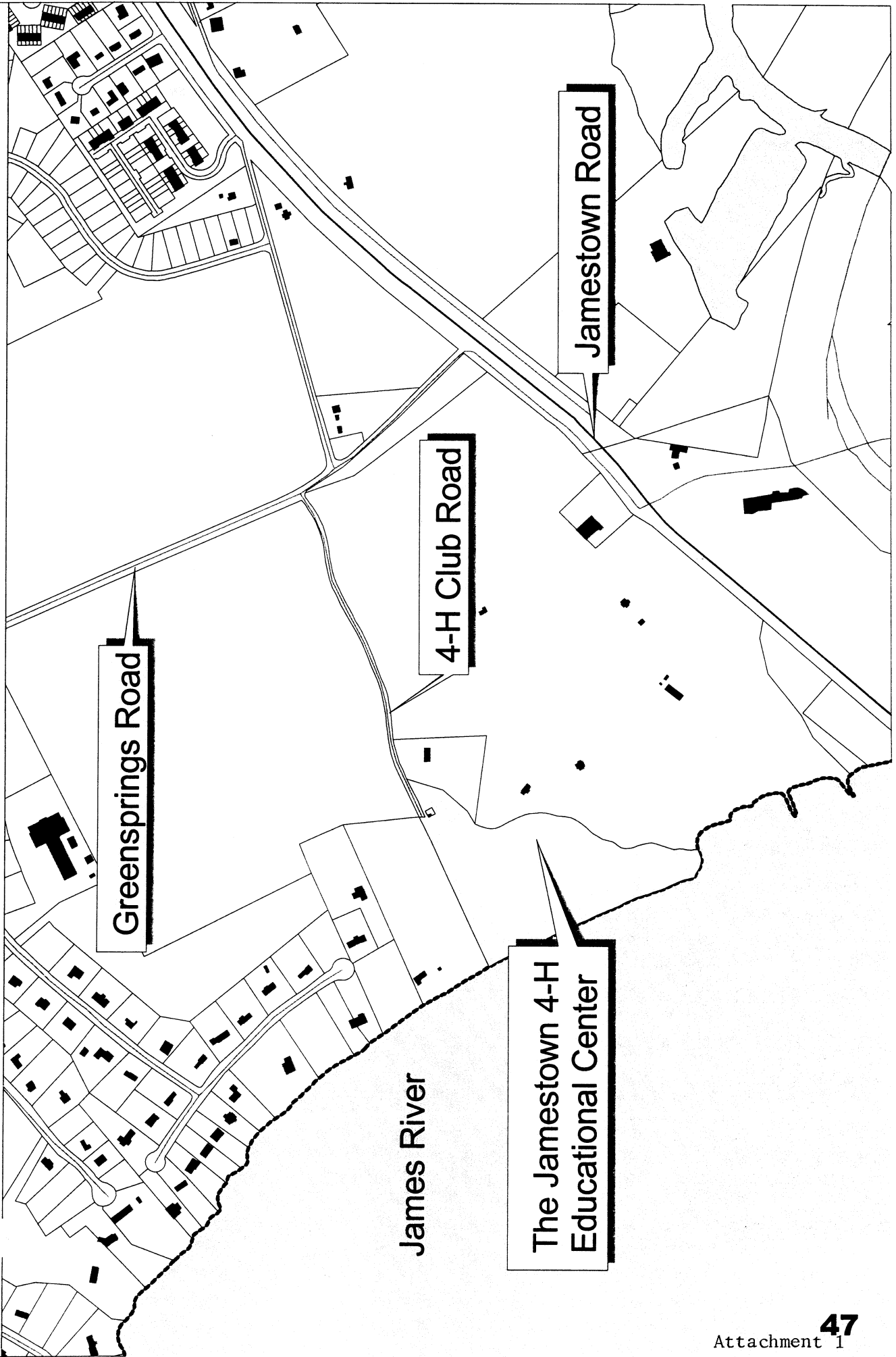
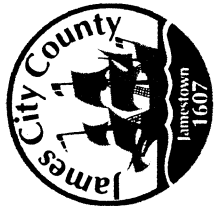
Dave Anderson

Attachments:

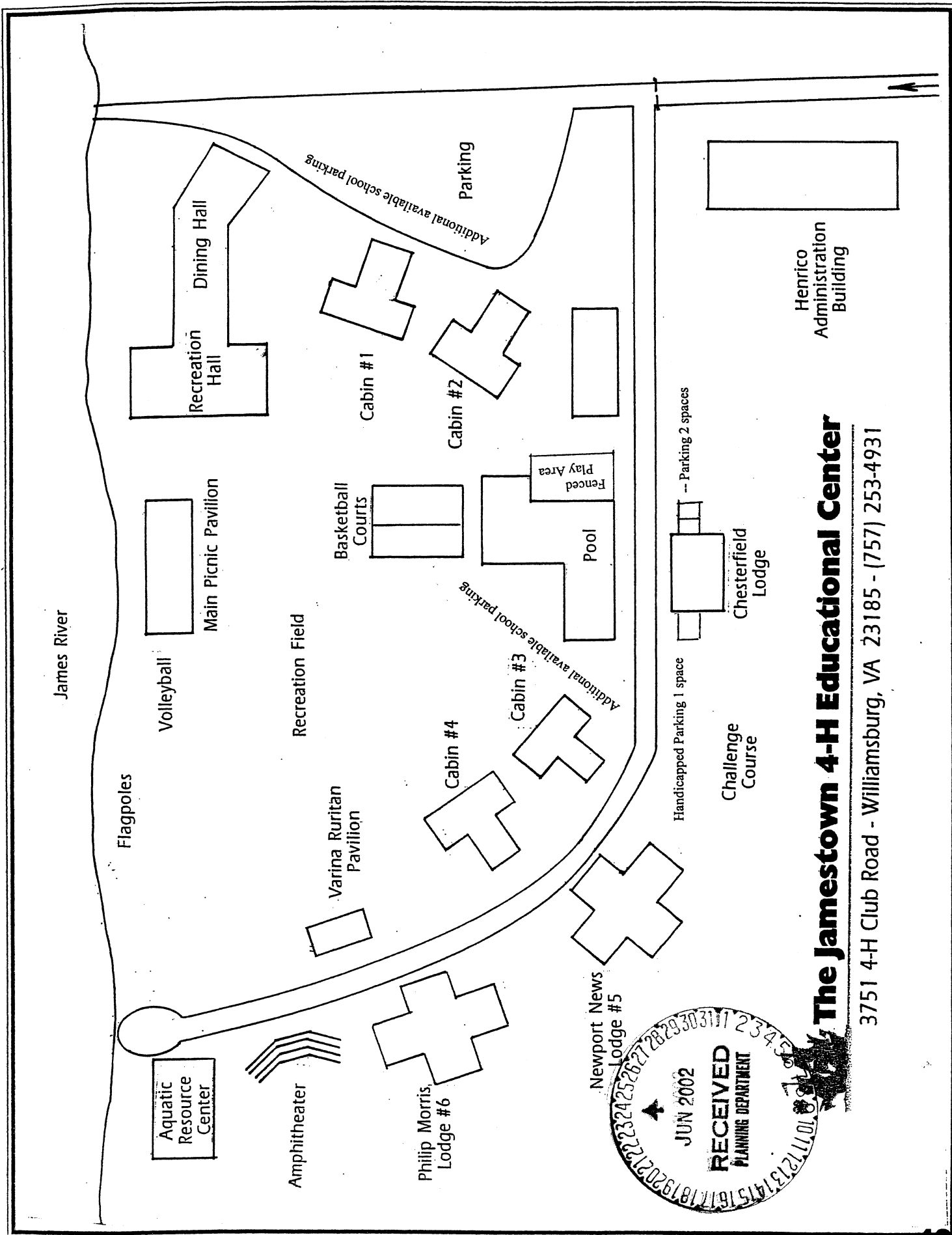
1. Location Maps

SUP-15-02:

# Jamestown 4-H Center Preschool







# The Jamestown 4-H Educational Center

3751 4-H Club Road - Williamsburg, VA 23185 - (757) 253-4931



## MEMORANDUM

**Date:** August 5, 2002  
**To:** The Planning Commission  
**From:** Jill E. Schmidle, Senior Planner  
**Subject:** Case No. ZO-1-02. Adult Day Care Center

---

Staff is processing an amendment to add the use "adult day care center" to several additional zoning districts where it currently is not a permitted or specially permitted use. The zoning ordinance defines adult day care center as "a facility that provides care to adults during part of the day only and which includes personal supervision of the adults and promotes social, physical and emotional well-being through companionship, self-education and leisure time activities."

The request was brought to staff's attention by officials from Wellspring United Methodist Church, located on Longhill Road, who want to open an adult day care center. However, the property is zoned R-2, General Residential, which does not permit the use. Adult day care centers currently are permitted in business districts (LB, Limited Business; B-1, General Business; and PUD, Planned Unit Development) only. Staff does not support rezoning to a business district for Wellspring United Methodist Church since the church is surrounded by residentially zoned property and there is no other business zoning nearby.

In addition, while researching the zoning districts that permit adult day care centers, staff discovered inconsistencies where *child day care centers* are permitted (either by-right or with a special use permit) but adult day care centers are not permitted.

Below is a chart showing the districts where adult day care centers and child day care centers currently are permitted.

### Existing Zoning Ordinance

	Child day care center	Adult day care center
A-1, General Agricultural	SUP	
R-1, Limited Residential	SUP	
R-2, General Residential	SUP	
R-5, Multi-Family Residential	By-right	
R-6, Low-Density Residential	SUP	
R-8, Rural Residential	SUP	
LB, Limited Business	By-right	By-right
B-1, General Business	By-right	By-right
M-1, Limited Business/Industrial	By-right	
PUD, Planned Unit Development	By-right	By-right

Staff finds that impacts generated by adult day care centers will be similar, if not fewer, than the impacts generated by child day care centers (such as traffic and noise). Staff also finds that with the growing retired and elderly population in the area, the demand for adult day care centers will increase. For these reasons, staff proposes the following ordinance amendments which would make the use adult day care center consistent with the zoning of child day care centers. In chart form, staff proposes the use adult day care center be permitted, either by-right or with a special use permit, in the following districts.

Proposed Ordinance Amendments

	<b>Child day care center</b>	<b>Adult day care center</b>
A-1, General Agricultural	SUP	<b><u>SUP</u></b>
R-1, Limited Residential	SUP	<b><u>SUP</u></b>
R-2, General Residential	SUP	<b><u>SUP</u></b>
R-5, Multi-Family Residential	By-right	<b><u>By-right</u></b>
R-6, Low-Density Residential	SUP	<b><u>SUP</u></b>
R-8, Rural Residential	SUP	<b><u>SUP</u></b>
LB, Limited Business	By-right	By-right
B-1, General Business	By-right	By-right
M-1, Limited Business/Industrial	By-right	<b><u>By-right</u></b>
PUD, Planned Unit Development	By-right	By-right

**RECOMMENDATION:**

Staff finds the addition of the use adult day care center to the A-1, R-1, R-2, R-5, R-6, R-8, and M-1 zoning districts will serve a growing community need and allow the zoning ordinance to be more consistent with allowed uses.

---

Jill E. Schmidle

Attachments:

1. Revised Ordinance

## ORDINANCE NO.

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.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained 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.

Chapter 24. Zoning  
Article V. Districts  
Division 2. General Agricultural District, A-1

**Sec. 24-213. Uses permitted by special use permit only.**

In the General Agricultural District, A-1, buildings to be erected or land to be used for the following uses shall be permitted only after the issuance of a special use permit approved by the board of supervisors in accordance with the procedures, guides and standards of sections 24-9 and 24-10 and such other guides and standards as may be contained in this chapter.

*Adult day care centers*

Division 3. Limited Residential District, R-1

**Sec. 24-233. Uses permitted by special use permit only.**

In the Limited Residential District, R-1, buildings, to be erected or land to be used for the following or similar uses shall be permitted only after the issuance of a special use permit by the board of supervisors:

*Adult day care centers.*

Division 4. General Residential District, R-2

**Sec. 24-253. Uses permitted by special use permit only.**

In the General Residential District, R-2, buildings to be erected or land to be used for the following or similar uses shall be permitted only after issuance of a special use permit by the board of supervisors:

*Adult day care centers.*

Division 6. Multifamily Residential District, R-5

**Sec. 24-305. Permitted uses.**

In the Multifamily Residential District, R-5, structures to be erected or land to be used shall be for the following uses held for rent, for sale by individual unit or for sale in condominium:

*Adult day care centers.*

Division 7. Low-density Residential District, R-6

**Sec. 24-329. Uses permitted by special use permit only.**

In the Low-Density Residential, R-6, buildings to be erected or land to be used for the following or similar uses shall be permitted only after the issuance of a special use permit by the board of supervisors:

*Adult day care centers.*

Division 8. Rural Residential District, R-8

**Sec. 24-349. Uses permitted by special use permit only.**

In the Rural Residential District, R-8, structures to be erected or land to be used for the following uses shall be permitted only after the issuance of a special use permit approved by the board of supervisors in accordance with the procedures, guides and standards of sections 24-9 and 24-10 and such other guides and standards as may be contained in this chapter:

*Adult day care centers.*

Division 11. Limited Business/Industrial District, M-1

**Sec. 24-411. Permitted uses.**

In the Limited Business/Industrial District, M-1, buildings to be erected or land to be used shall be for one or more of the following or similar uses:

*Adult day care centers.*

## MEMORANDUM

DATE: August 5, 2002  
TO: The Planning Commission  
FROM: Paul D. Holt, III, Senior Planner  
SUBJECT: 2002 Agricultural and Forestal District (AFD) Renewals

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### Agricultural and Forestal Districts

In 1977, the Virginia General Assembly created a process to “provide a means for a *mutual* undertaking by landowners and local governments to protect and enhance agricultural and forestal land as a viable segment of the Commonwealth’s economy and an economic and environmental resource of major importance.” The process also provides land owners an opportunity to try to protect their land from the pressure to develop. This process is known as the Agricultural and Forestal Districts (AFD) Act. The act gives local governments authority, upon landowners’ voluntary application, to establish agricultural districts, forestal districts, and agricultural and forestal districts.

Land within a district is directly affected in three ways:

- 1.) District land qualifies for the benefits of use-value taxation, subject to local regulations; and
- 2.) Restraints are imposed on government, as it may affect a property. More specifically, local governments may not restrict farming or forestry practices, except to protect public health or safety. Local comprehensive plans and zoning/subdivision ordinances apply to district land only to the extent that they do not conflict with either the conditions of the district or the purposes of the AFD Act. Local plans, ordinances, and decisions affecting land adjacent to a district must take into account both the district and the AFD Act. State agencies must modify regulations and procedures to encourage farming and forestry within Districts. Land acquisition by agencies, political subdivisions, or public service corporations (including acquisition by eminent domain) must be reviewed by the board of supervisors if the land in question exceeds 10 acres from the district or one acre from any one district farm or forestry operation. Finally, no special purpose assessments or taxes may be imposed on the basis of frontage, acreage, or value of land used for agricultural or forestal production within a district; and
- 3.) A property owner wishing to keep his land in farming or forestry is protected from adjacent incompatible uses when his neighbors join with him in an AFD.

### Current AFD statistics and facts

As shown in the following spreadsheet, there are currently 18,151± acres of land within the AFD program. This acreage represents approximately 20% of the total land area of the County. The AFD program began in James City County in 1986 and there have been three previous major review periods of AFD districts (1990, 1994, and 1998).

Of the 16 districts, 11 are set to expire in September and one is set to expire in October. The districts set to expire are highlighted in bold print below.

Agricultural and Forestal Districts  
(As of April 2002)

District	Name and Term of District in Years ( )	Acres	Exp. Date
<b>AFD 1-94</b>	<b>Wright's Island (8)</b>	<b>1,544.41</b>	<b>10/19/2002</b>
<b>AFD 2-86</b>	<b>Croaker (4)</b>	<b>1,081.82</b>	<b>9/22/2002</b>
<b>AFD 3-86</b>	<b>Hill Pleasant Farm (4)</b>	<b>573.62</b>	<b>9/22/2002</b>
AFD 4-86	Pates Neck (6)	624.30	11/17/2006
<b>AFD 5-86</b>	<b>Barnes Swamp (4)</b>	<b>1,943.48</b>	<b>9/22/2002</b>
<b>AFD 6-86</b>	<b>Cranston's Pond (4)</b>	<b>1,073.58</b>	<b>9/22/2002</b>
<b>AFD 7-86</b>	<b>Mill Creek (4)</b>	<b>3,126.04</b>	<b>9/22/2002</b>
<b>AFD 8-86</b>	<b>Casey (4)</b>	<b>197.05</b>	<b>9/22/2002</b>
<b>AFD 9-86</b>	<b>Gordon Creek (4)</b>	<b>3,352.60</b>	<b>9/22/2002</b>
<b>AFD 10-86</b>	<b>Christenson's Corner (4)</b>	<b>562.16</b>	<b>9/22/2002</b>
<b>AFD 11-86</b>	<b>Yarmouth Island (4)</b>	<b>2,082.17</b>	<b>9/22/2002</b>
<b>AFD 12-86</b>	<b>Gospel Spreading Church (4)</b>	<b>971.94</b>	<b>9/22/2002</b>
<b>AFD 13-86</b>	<b>Gilley (4)</b>	<b>202.89</b>	<b>9/22/2002</b>
AFD 1-89	Armistead (4)	311.83	1/27/2006
AFD 1-93	Williamsburg Farms (4)	294.30	1/27/2006
AFD-1-98	Barrett's Ferry (4)	210.49	4/28/2006

	Acres	Sq. Miles
AFD Total	18,151.84	28.36
Total County Area: Land	92,224.00	144.1
Total County Area: Water	20,224.00	31.6
Total County Area: Land & Water	112,448.00	175.7

AFD % of Total County Area 16.14%  
AFD % of Total Land Area 19.68%

Length of terms for individual districts

Of the 16 AFD's in existence today, 14 have four-year terms, one has a six-year term, and one has an eight-year term. The State Code governing AFD's allows the establishment of a District for a minimum of four years and to a maximum of ten years. The Code also provides the Board discretion to establish districts for any term it deems appropriate, which may be from four-year to ten-year terms. In the past, the length of the term has been left up to the property owner.

When an AFD comes up for renewal

The review process is similar to other land use cases that come before the Board with several exceptions. The review of Districts begins at least 90 days before the expiration date of the district or districts. If there are any proposed changes to the AFD policy or to the conditions of any of the districts, the County must convey those proposed changes to the affected property owners. During this review period the County sends notice of the renewal to all affected property owners. During this time, the County must give all AFD property owners the opportunity to withdraw any or all of their property from the AFD. Owners do not need Board approval to withdraw at this time. If the Board chooses to renew or "continue" the particular district, the Board simply renews the district without the acreage that has been voluntarily withdrawn.

Owners who choose to add more land to an AFD, either during the review period or during the term

of the district, must file a written application to do so. The AFD Advisory Committee, the Planning Commission and the Board of Supervisors review these requests. Other agencies involved in the review process include the Virginia Department of Forestry and the Soil and Water Conservation Service. The AFD Advisory Committee and the Planning Commission review each new district, and any addition to, or withdrawal from, any existing district. The County notifies adjacent property owners, posts signs, and places public hearing ads in the local newspapers for renewals and additions as required by State Code. While the District renewals require public hearings, voluntary withdrawals of individual properties *during the review period* do not require Board approval or public hearing.

#### Withdrawal of property from an AFD

Before a proposed district is created, and during the review of an existing district, landowners may withdraw their land simply by filing a written request. Also, when a landowner dies, the heirs may withdraw the land from a district at any time within two years of the date of death. Land withdrawn from a district by these two methods neither terminates a district nor causes a rollback tax to become due. The district continues at least until the time of its expiration date. The rollback tax (five years worth), becomes due only if the use of the withdrawn land is changed to a non-qualifying use (i.e., non-agricultural or non-forestal) during the six succeeding tax-years. At other times, withdrawals must be approved by the Board, which has established withdrawal policies.

#### Conditions of approval on the districts up for renewal

When AFD's 2-86, 3-86, 5-86, 6-86, 7-86, 8-86, 9-86, 10-86, 11-86, 12-86, and 13-86 were last renewed in 1998, the following conditions were placed on the districts:

1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to 5 acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment, provided, a). The subdivision does not result in the total acreage of the district to drop below 200 acres; and b). The subdivision does not result in a remnant parcel of less than 25 acres.
2. No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the district. Land inside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be withdrawn from the district in accordance with the Board of Supervisors' policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996.
3. No special use permit shall be issued except for agricultural, forestal or other activities and uses consistent with the State Code Section 15.2-4301 et. seq. which are not in conflict with the policies of this district. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

Also, generally any land within the district that is within 25 feet of an adjoining public road is excluded from the district. This exclusion allows for possible future road and/or drainage



improvements. Conditions of approval for AFD-1-94 are unique and are discussed separately in the attached staff report.

Summary of changes to districts during this renewal period and staff recommendations

**AFD 2-86 Croaker**

- No changes are currently proposed.
- Staff recommends continuation of the district.
- On July 22, 2002, the AFD Advisory Committee recommended continuation by a vote of 8-0.

**AFD 3-86 Hill Pleasant Farm**

- No changes are currently proposed.
- Staff recommends continuation of the district.
- On July 22, 2002, the AFD Advisory Committee recommended continuation by a vote of 6-0, with two abstentions.

**AFD 5-86 Barnes Swamp**

- The estate of Richard Mountcastle has requested the withdrawal of 58.60 acres - Tax Map ID (2-4)(1-61).
- Staff recommends continuation of the district.
- On July 22, 2002, the AFD Advisory Committee recommended continuation by a vote of 8-0.
- After the withdrawal, the size of this district will be 1,884.876 acres.

**AFD 6-86 Cranston's Pond**

- No changes are currently proposed.
- Staff recommends continuation of the district.
- On July 22, 2002, the AFD Advisory Committee recommended continuation by a vote of 8-0.

**AFD 7-86 Mill Creek**

- The estate of William A. Thompson has requested the withdrawal of 24.681 acres - Tax Map ID (19-2)(1-5).
- Staff recommends continuation of the district.
- On July 22, 2002, the AFD Advisory Committee recommended continuation by a vote of 8-0.
- After the withdrawal, the size of the district will be 3,101.359 acres.

**AFD 8-86 Casey**

- This district no longer meets the minimum size requirements for an AFD (200 ac.).
- There are two properties within the Casey AFD. Parcel (37-3)(1-4) which is 165 acres can be transferred into the Gordon Creek AFD. Because of distance restrictions, the other parcel (47-2)(1-1) which is 31 acres cannot be located within another AFD. This parcel will not be eligible to continue in the AFD program.
- Staff recommends this AFD be terminated.
- On July 22, 2002, the AFD Advisory Committee recommended termination by a vote of 8-0.

**AFD 9-86 Gordon Creek**

- William Kane has requested the withdrawal of (29-4)(1-3); (30-3)(1-7); (35-2)(1-7);

- (36-1)(1-1) and (36-1)(1-2), which total 164.33 acres.
- The Gordon Creek Corporation has requested a withdrawal of all of its land within the AFD. This consists of parcels (36-2)(1-1); (36-2)(1-1B); (36-2)(1-2); and (36-2)(1-3) which all total 242.427 acres.
- Parcel (37-3)(1-4) which is 165 acres will be added from the Casey AFD.
- Staff recommends continuation of the district.
- On July 22, 2002, the AFD Advisory Committee recommended continuation by a vote of 8-0.
- After the withdrawals and with the addition, the size of the district will be 3,110.843 acres.

**AFD 10-86 Christenson's Corner**

- No changes are currently proposed.
- Staff recommends continuation of the district.
- On July 22, 2002, the AFD Advisory Committee recommended continuation by a vote of 8-0.

**AFD 11-86 Yarmouth Island**

- No changes are currently proposed.
- Staff recommends continuation of the district.
- On July 22, 2002, the AFD Advisory Committee recommended continuation by a vote of 8-0.

**AFD 12-86 Gospel Spreading Church**

- No changes are currently proposed.
- Staff recommends continuation of the district.
- On July 22, 2002, the AFD Advisory Committee recommended continuation by a vote of 8-0.

**AFD 13-86 Gilley**

- No changes are currently proposed.
- Staff recommends continuation of the district.
- On July 22, 2002, the AFD Advisory Committee recommended continuation by a vote of 7-0, with one abstention.

**AFD 1-94 Wright's Island**

- Staff recommends changes to the conditions of approval.
- Staff recommends continuation of the district.
- On July 22, 2002, the AFD Advisory Committee recommended continuation by a vote of 8-0.

Attached to this report are memorandums containing the detailed reports for each district that is up for renewal. In total, approximately 521 acres of land will be removed from the James City County AFD program during this renewal period, leaving approximately 17,630 acres remaining in AFD.

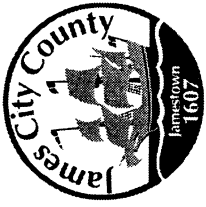
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Paul D. Holt, III

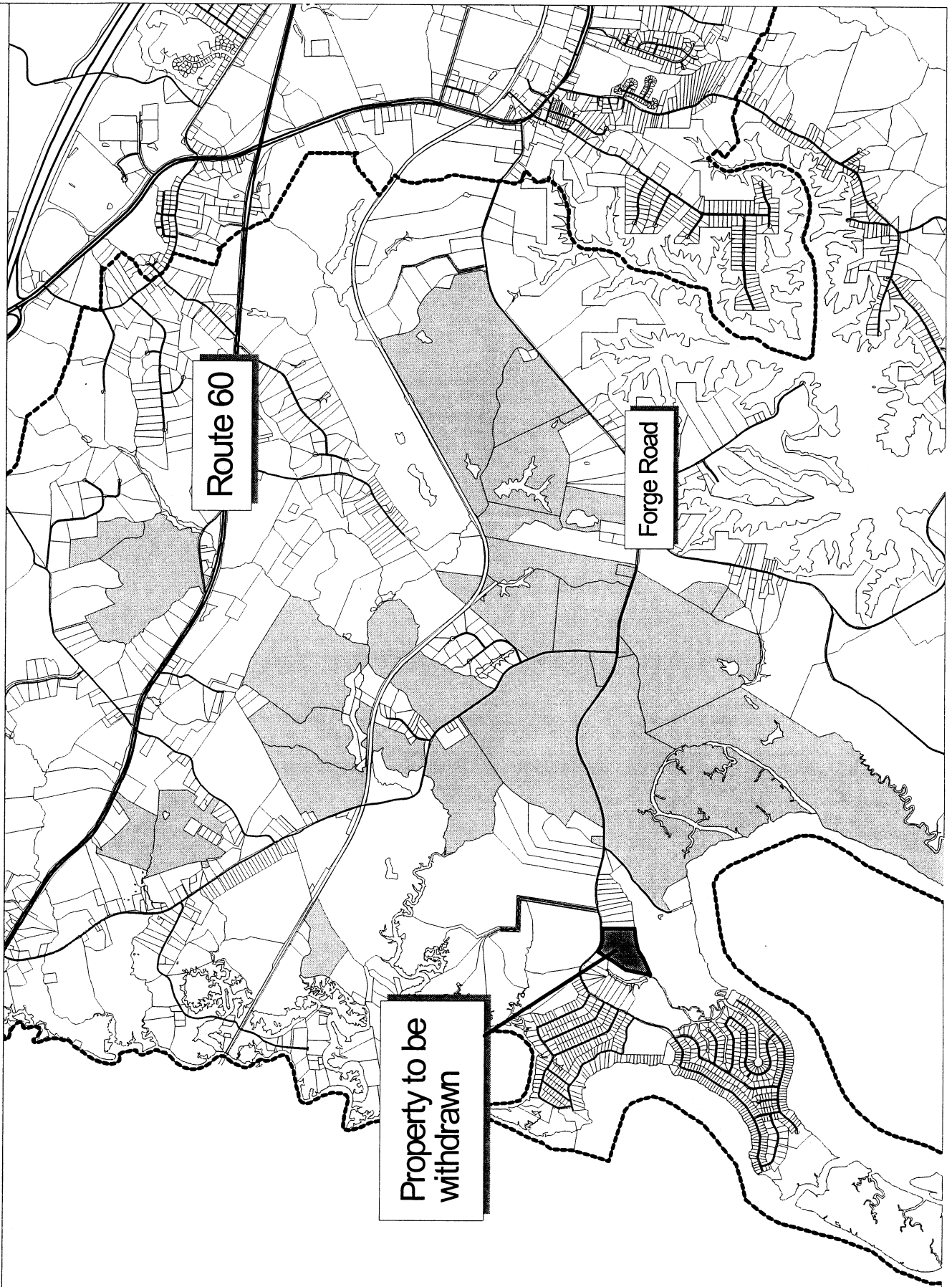
Attachments:

1. Map showing Mill Creek Withdrawals
2. Map showing Casey Withdrawals
3. Map showing Gordon Creek Withdrawals
4. Map showing Barnes Swamp Withdrawals

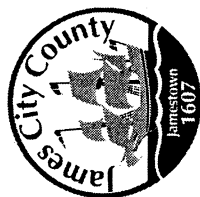
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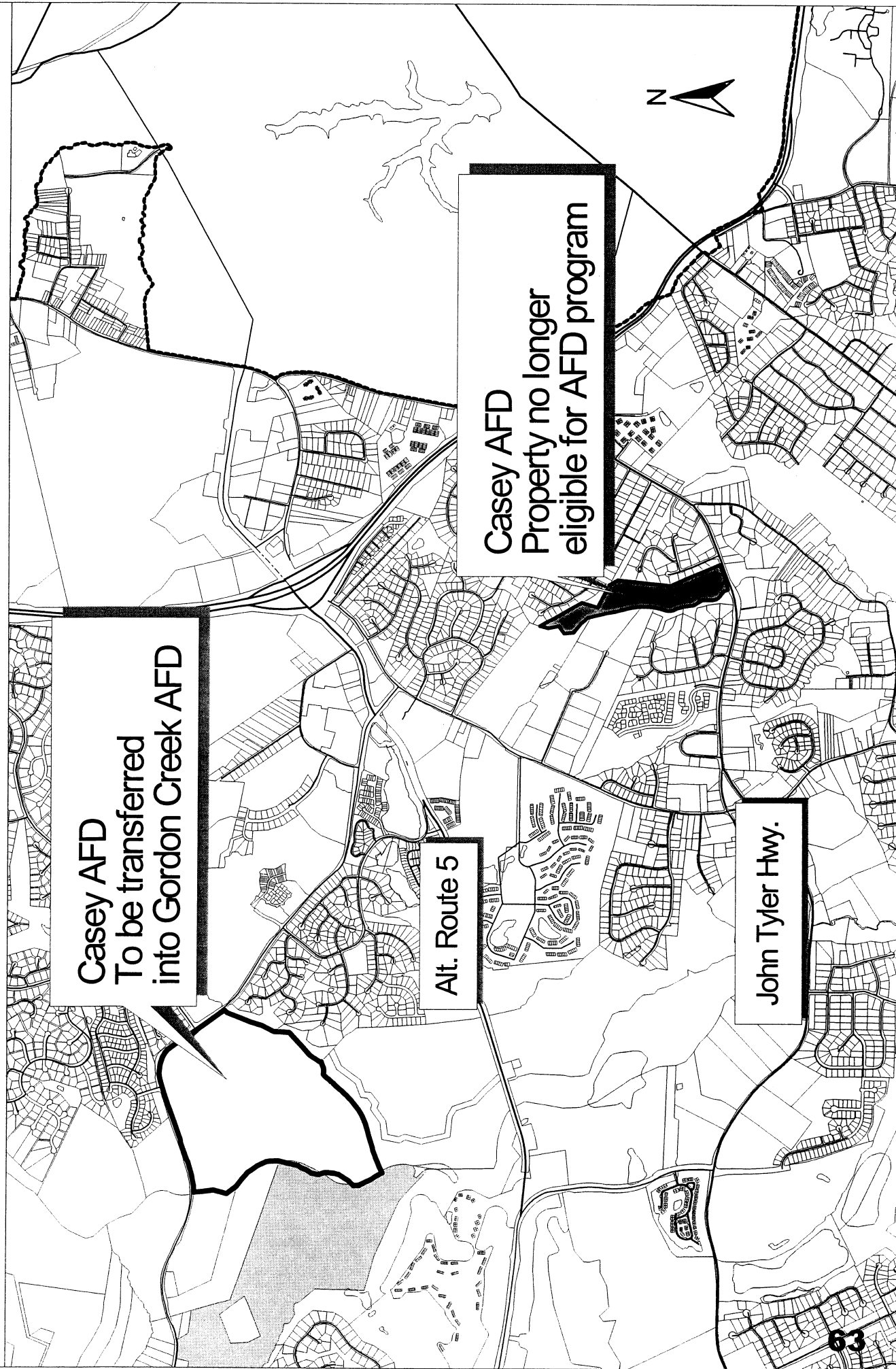
□ Mill Creek AFD



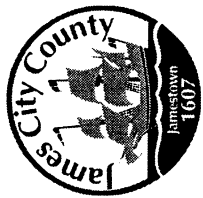
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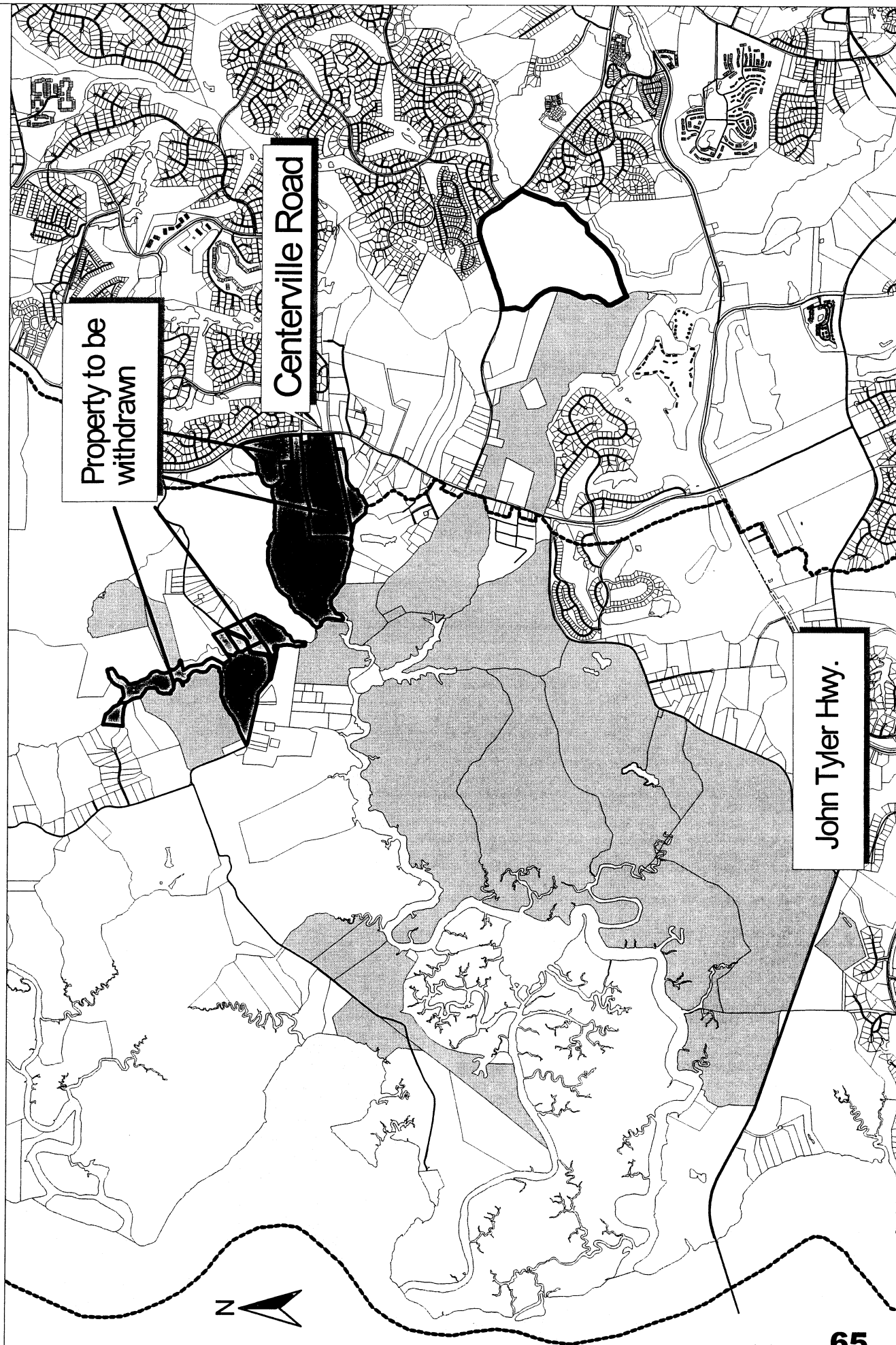
■ Gordon Creek AFD



# Withdrawals Gordon Creek AFD



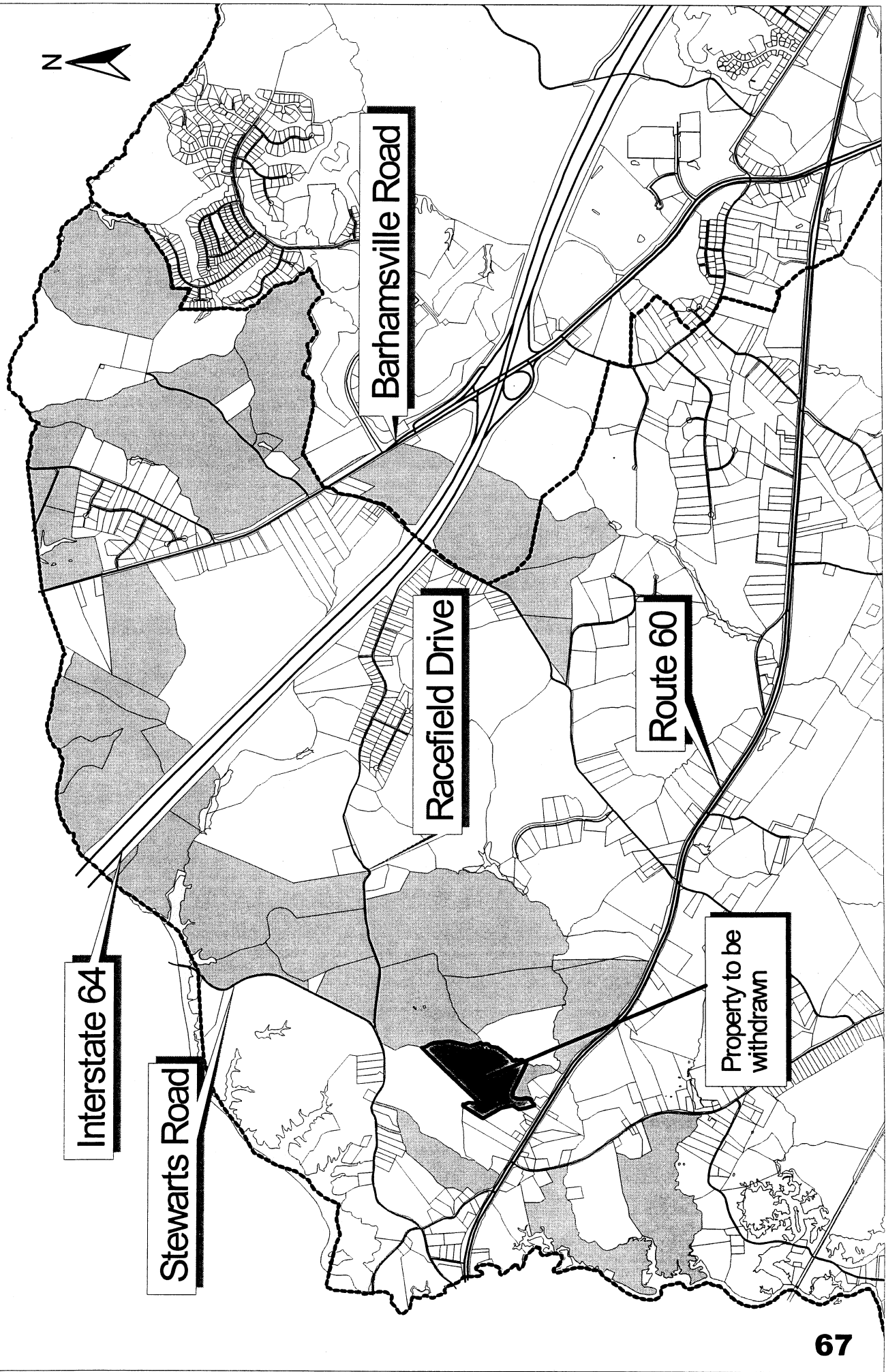
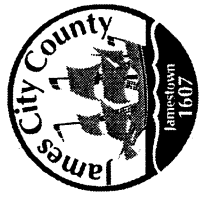
■ Gordon Creek AFD



# Withdrawals

## Barnes Swamp AFD

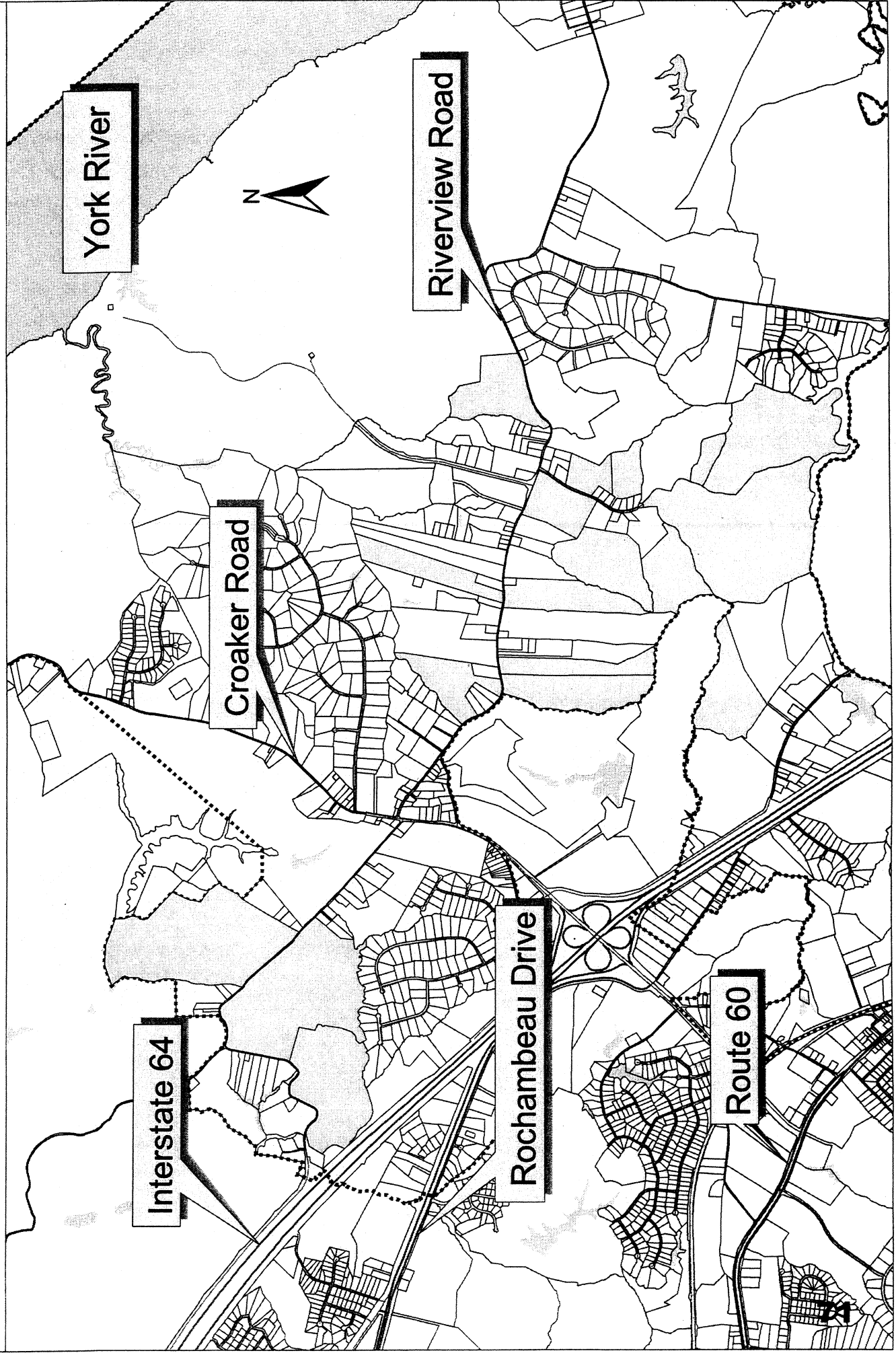
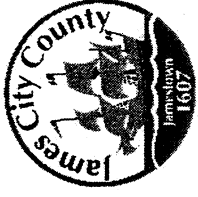
■ Barnes Swamp AFD





# AFD-2-86 (2002 Renewal)

## Croaker





## MEMORANDUM

DATE: August 5, 2002  
TO: The Planning Commission  
FROM: Dave Anderson, Planner  
SUBJECT: Renewal of AFD-2-86, Croaker

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As required by State Code, the County must review all established Agricultural and Forestal Districts (AFD's) prior to their expiration. During this review, districts must either be continued, modified, or terminated. This report will review AFD-2-86, Croaker which is scheduled to expire in September.

The Croaker AFD consists of approximately 1,082 acres located in and around the Croaker area. Properties within this AFD front on Riverview Road, Fenton Mill Road, Ware Creek Road, Saddletown Road, and Mount Laurel Road. Specifically, the AFD is currently comprised of the following:

Owner	Parcel No.	Acres
Hankins Land Trust	(15-3)(1-44)	119.000
William Apperson	(14-4)(1-15)	51.450
V.D. McManus Estate	(15-3)(1-43)	119.850
V.D. McManus Estate	(15-3)(1-42)	10.100
V.D. McManus Estate	(15-3)(1-36)	40.400
Debra Hicks	(15-3)(1-2)	39.760
Clarence D. Richardson, Jr.	(15-3)(1-34)	34.000
Judith R. Pieper	(14-4)(1-10)	40.000
Robert I. Solomon	(14-4)(1-9)	49.079
Wenger Land Trust	(13-2)(1-18)	95.300
Wenger Land Trust	(14-1)(1-1)	150.000
Wenger Land Trust	(14-1)(1-14)	143.500
Thomas B. Ballard	(15-3)(1-35) 3 parts	57.000
Lasata LLC	(15-3)(1-18)	16.051
Lasata LLC	(15-3)(1-19)	16.397
Lasata LLC	(15-3)(1-29)	30.937
William Ferguson, III	(14-4)(1-3)	29.000
Milly Wallis c/o Doris Lockley	(15-4)(1-4)	40.000

### *History*

The district was originally approved on November 17, 1986 for a term of 4 years and at a size of 1,341.683 acres. In July 1989, the Board of Supervisors approved the withdrawal of 421.773 acres associated with the Old French Winery property. At the time of the 1994 renewal, the Board approved a district consisting of 1,042.61 acres. Twenty-nine acres were added to the district on January 14, 1997, and 40 acres were added on January 13, 1998, bringing the total acreage to 1,081.824 acres. The district was last renewed by the Board in September 1998 with no additions

or withdrawals. At this time, no property owners have requested any additions or withdrawals to the district. Therefore, the total acreage to be renewed in 2002 remains 1,081.824 acres.

This includes all the land on the above-referenced properties with the exception of all land within 25 feet of the road rights-of-way of 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 and/or drainage improvements.

### *Analysis*

The bulk of the district appears to consist of soils well suited for agriculture and is located a considerable distance from the I-64/Croaker Road interchange. Most of the district is forested and remains rural in nature. All of the land within this district is zoned A-1, General Agriculture, and a major portion of the surrounding property is presently zoned A-1. The Old French Winery/Kiskiack development, zoned R-5, Multi-Family Residential, and M-1, Limited Business/Industrial, abuts two of the AFD tracts found on Tax Map No. (14-4). The entire district is outside the Primary Service Area and is designated Rural Lands by the Comprehensive Plan.

### Recommendation:

Staff believes this AFD is consistent with the Comprehensive Plan and recommends renewing the district for a period of four years with no change in the conditions of approval. A four year approval would be consistent with prior action and would allow for the re-evaluation of the district for consistency with possible policy changes and Comprehensive Plan revisions. On July 22, 2002, the AFD Advisory Committee recommended continuation by a vote of 8-0.

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Dave Anderson

### Attachment:

1. Location map

## MEMORANDUM

DATE: August 5, 2002

TO: The Planning Commission

FROM: Karen Drake, Senior Planner

SUBJECT: Renewal of AFD-3-86, Hill Pleasant Farm

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As required by State Code, the County must review all established Agricultural and Forestal Districts (AFD's) prior to their expiration. During this review, districts must either be continued, modified, or terminated. This report will review AFD-3-86, Hill Pleasant Farm which is scheduled to expire in September.

The Hill Pleasant Farm AFD consists of approximately 574 acres located southwest of Norge in between the CSX Railway and Interstate 64. Specifically, the AFD is currently comprised of the following:

Owner	Parcel No.	Acres
C.E. Stevens	(24-1)(1-4)	105.04
Hill Pleasant Farm, Inc.	(24-1)(1-5)	397.30
Wayne Moyer	(24-1)(1-15D)	32.28
Williamsburg Pottery, Inc.	(24-3)(1-17)	27.00
Williamsburg Pottery, Inc.	(24-3)(1-31B)	12.00

### *History*

The Hill Pleasant Farm AFD was created on November 17, 1986, for a term of 4 years and renewed again on October 1, 1990 for a period of four years. The Board of Supervisors approved the withdrawal of 2.2 acres was withdrawn from the property prior to the 1994 renewal. This withdrawal was for the purpose of installing an HRSD trunk main. The 1994 renewal, approved by the Board of Supervisors on October 19, 1994, consisted of 502.34 acres. Subsequently, 27 acres were added to the district on October 23, 1996, and 12 acres were added on November 12, 1997, for a current total of 573.620 acres. The district was renewed on September 22, 1998 for a term of 4 years with the conditions listed at the beginning of this report. No property owners have requested property to be withdrawn from the district for the proposed 2002 renewal. 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 Rochambeau Drive (Route 755) as that property has been excluded from the district to allow for possible road and/or drainage improvements.

### *Analysis*

The bulk of this district has remained essentially the same since the time it was put in the district. Except for a few residences, all acreage in this district is in agriculture or forestal uses. The properties have been managed in the past for food and fiber production and have the potential to support significant agriculture and commercial timber operations. The majority of land within the district is zoned A-1, General Agricultural and is located outside the PSA. The one exception is

the twelve acre parcel owned by the Williamsburg Pottery which is located inside the PSA and is zoned M-1, Limited Business/Industrial. The PSA is the area of the County that has been designated for growth. The continuation of AFD property within the PSA is consistent with the Comprehensive Plan as this would serve the public purpose of holding key tracts of land temporarily while development plans can be created, maximizing the beneficial use of the property. The district is designated rural lands on the Comprehensive Plan Land Use Map except for the one twelve acre parcel located inside the PSA. This parcel is designated Mixed Use.

Most of the surrounding land to the north of the district zoned A-1. The property to the west of the district is a mixture of businesses, residences and developed property within the PSA zoned B-1, General Business and R-2, General Residential. The property to the south of the district is mostly zoned M-1, Limited Business/Industrial. Although it is located in the vicinity of existing commercial development along Richmond Road, the district is separated from Richmond Road by the CSX Railway. The district borders York County to the east.

Recommendation:

Staff believes this AFD is consistent with the Comprehensive Plan and recommends renewing the district for a period of four years with no change in the conditions of approval. A four year approval would be consistent with prior action and would allow for the re-evaluation of the district for consistency with possible policy changes and Comprehensive Plan revisions. On July 22, 2002, the AFD Advisory Committee recommended continuation by a vote of 6-0, with two abstentions.

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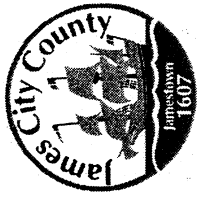
Karen Drake

Attachment:

1. Location map

# AFD-3-86 (2002 Renewal)

## Hill Pleasant Farm



## MEMORANDUM

DATE: August 5, 2002

TO: The Planning Commission

FROM: Dave Anderson, Planner

SUBJECT: Renewal of AFD-5-86, Barnes Swamp

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As required by State Code, the County must review all established Agricultural and Forestal Districts (AFD's) prior to their expiration. During this review, districts must either be continued, modified, or terminated. This report will review AFD-5-86, Barnes Swamp which is scheduled to expire in September.

The Barnes Swamp AFD consists of approximately 1,943 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 in this district front on 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. Specifically, the AFD is currently comprised of the following:

Owner	Parcel No.	Acres
Dennis Leonituk and Anna Hollins	(3-1)(1-1)	128.700
Eunice P. Stewart	(3-1)(1-2)	64.000
Katherine L. Hockaday	(3-1)(1-3)	62.560
Alvin Beahm	(3-3)(1-3)	70.000
Alvin Beahm	(3-3)(1-4)	70.000
Arlene H. Bowmer	(3-3)(1-6)	96.750
Arlene H. Bowmer	(2-4)(1-12)	62.200
Estate of John G. Warburton	(10-1)(1-1)	78.000
Harwood, Cary & Charles	(3-2)(1-1)	43.530
Estate of Mick Zuzma	(3-2)(1-2)	32.030
Henry B. & Myrtle Johnson	(3-2)(1-3)	19.080
Henry B., Myrtle & John B. Johnson	(3-2)(1-3A)	93.990
Robert M. Dzula	(3-2)(1-4)	28.080
John A. Richardson	(4-1)(1-5)	42.000
John A. Richardson	(4-1)(1-6)	10.000
Cowles Family LP	(4-1)(1-8)	79.120
H.P. & Mary Hazelwood	(4-2)(1-8)	249.880
Edith Bell Hazelwood	(4-2)(1-14)	99.400
Florence S. Carter	(4-3)(1-15)	22.000
W.A. Stater, c/o Florence Carter	(4-3)(1-16)	52.000
Hazelwood Farms LLC	(4-3)(1-17)	184.296
J.W. Jr. and Isab Woodward	(9-2)(1-1)	114.000
Alex Lamar Penland	(2-4)(1-29)	55.900
Donald A. Hazelwood	(4-2)(1-20)	117.000
Donald A. Hazelwood	(4-2)(1-18)	3.460

Donald A. Hazelwood	(4-4)(1-1)	6.900
R.E. & Mary Mountcastle	(2-4)(1-61)	58.600

### *History*

The district was approved on December 1, 1986 for a term of 4 years. It was renewed for a period of four years by the Board in October 1990. One addition to the district of 60.7 acres was approved by the Board in February 1991. The AFD was renewed again on October 19, 1994 with a total of 1,803.46 acres. The Board of Supervisors approved an addition of 127.36 acres on July 8, 1997, bringing the total to 1,943.476 acres. It was last renewed for a period of four years by the Board in September 1998, with the acreage dropping to 1,884.876 with the withdrawal of the 58.6 acre parcel (2-4)(1-61) owned by R.E. and Mary Mountcastle. On January 26, 1999 the Board approved the addition of the 58.6 acre parcel (2-4)(1-61) owned by R.E. and Mary Mountcastle to bring the total acreage of the Barnes Swamp AFD to its current total of 1,943.476 acres.

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.

### *Analysis*

This district has remained essentially the same since the time it was put in the district. The district consists mainly of forested land. Records indicate that approximately 80% of the district is used for forestry purposes and the balance of the district is used for agriculture. Most of the land within the district is zoned A-1, General Agricultural with the exception of part of Parcel No. (1-17) on Tax Map (4-3) which is zoned B-1, General Business. Most of the surrounding land is agricultural in nature, although two parcels located on Fire Tower Road are adjacent to the Stonehouse PUD-R Development. The vast majority of the district is located outside the PSA and designated Rural Lands and Conservation by the Comprehensive Plan. A small portion near the Route 30/Interstate 64 interchange is within the PSA and is designated Mixed Use on the Comprehensive Plan Land Use Map; however, the utilities necessary for the commercial development of the property are not currently available to the site. The PSA is the area of the County that has been designated for growth. The continuation of AFD property within the PSA is consistent with the Comprehensive Plan as this would serve the public purpose of holding key tracts of land temporarily while development plans can be created, maximizing the beneficial use of the property.

### *Withdrawals*

The estate of Richard Mountcastle has requested the withdrawal of 58.60 acres - Tax Map ID (2-4)(1-61).

### Recommendation:

Staff believes this AFD is consistent with the Comprehensive Plan and recommends renewing the district for a period of four years with no change in the conditions of approval. A four year approval would be consistent with prior action and would allow for the re-evaluation of the district for consistency with possible policy changes and Comprehensive Plan revisions.

After the withdrawal, the size of this district will be 1,884.876 acres. On July 22, 2002, the AFD Advisory Committee recommended continuation by a vote of 8-0.

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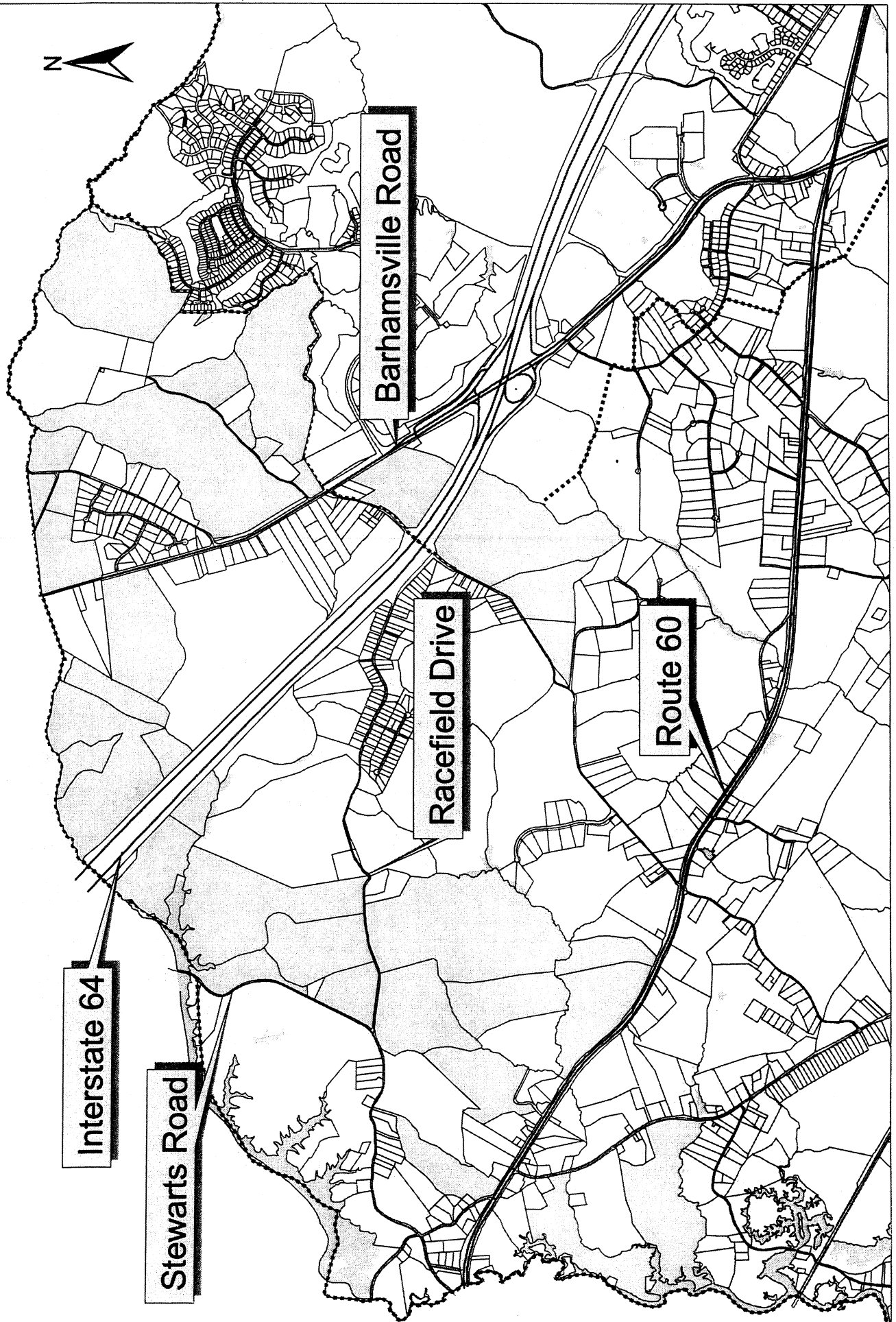
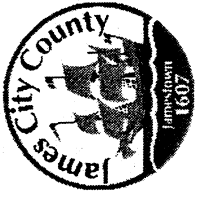
Dave Anderson

Attachment:

1. Location map
2. Withdrawal request letter



# AFD-5-86 (2002 Renewal) Barne's Swamp



WITHDRAWAL OF PROPERTY FROM AN  
AGRICULTURAL AND FORESTAL DISTRICT (AFD)  
(During the renewal period)

I hereby request that the following property be withdrawn from the Agricultural and Forestal District (AFD) of which I am now a member.

Your name: Sallie M. Powers <sup>Daughter + executor of</sup>  
Estate of Richard Edloe  
Mountcastle Jr

Home address: 11801 Whitehouse Rd.  
New Kent, Va. 23124

Tax Map and Parcel Number  
of the property you want to withdraw: (2-4) (1-61)

Name of the AFD: Barnes Swamp

Amount of acres you want to withdraw: all - 58.6 acres  
(Indicate "all" if you want the entire property withdrawn)

If you want a portion of the property  
withdrawn, please submit a map  
showing the location of the portion  
of the property to be withdrawn)

Phone: 804-932-9601

Signature (X): Mary Ann Thaddeus, exec; Richard M. Mountcastle (Exec)  
Sallie M. Powers, Exec.

**Please return this form by July 18, 2002 to:**

James City County Planning Division  
101-E Mounts Bay Road  
Williamsburg, Virginia 23185



If you need help or have questions on how to fill out this form, please call the James City County Planning Division at (757) 253-6685

## MEMORANDUM

DATE: August 5, 2002

TO: The Planning Commission

FROM: Jill E. Schmidle, Senior Planner

SUBJECT: Renewal of AFD-6-86, Cranston's Pond

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As required by State Code, the County must review all established Agricultural and Forestal Districts (AFD's) prior to their expiration. During this review, districts must be either continued, modified, or terminated. This report will review AFD-6-86, Cranston's Pond which is scheduled to expire in September.

The Cranston's Pond AFD consists of 1,073.579 acres and is located southeast of Chickahominy Road and Little Creek Dam Road. The bulk of the properties straddle the Virginia Power easement. Specifically, the AFD is currently comprised of the following:

Owner	Parcel No.	Acres
Hidden Acres Farm, c/o Wayne Nunn	(23-3)(1-1)	416.500
Bert Geddy	(22-3)(1-26)	167.500
Michael A. and Margaret Constanzo	(22-3)(1-33)	19.410
Edward K. English	(22-4)(1-1A)	101.670
Harcum Trust	(22-2)(1-87)	62.559
George A. Marston, Jr.	(22-2)(1-90)	40.000
Otto C. and Thelma Ripley	(31-2)(1-3)	22.830
Michael A. and Margaret Constanzo	(21-4)(1-39)	6.500
Douglas L. Hornsby Trust	(21-4)(1-46)	205.000
George A. Marston, Jr.	(22-2)(1-33)	12.000
George A. and Dorothy A. Marston, Jr.	(22-2)(1-35)	1.000
George A. and Dorothy A. Marston, Jr.	(22-2)(1-36)	2.110
George A. and Dorothy A. Marston, Jr.	(22-2)(1-37)	16.500

### *History*

The district was approved on December 1, 1986, for a term of four years and has been renewed for additional four year terms by the Board of Supervisors in October 1990, November 1994 and September 1998. This district has remained essentially the same since the AFD was created, although approximately 30 acres were added to the district in 1994 and approximately 130 acres were removed since 1998. 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). That property has been excluded from the district to allow for possible road and/or drainage improvements.

### *Analysis*

The district consists mainly of forested land, about 75 percent. The remainder of the district is in marsh land. A majority of the land (over 920 acres) within the district is zoned A-1, General Agricultural. However, parcel (22-3)(1-33) and part of parcel (22-2)(1-87) are zoned R-8, Rural Residential, and all five Marston properties are zoned R-1, Limited Residential. Most of the district, 1022 acres, is located outside of the Primary Service Area (PSA) and is designated Rural Lands by the Comprehensive Plan. The Ripley parcel and two of the Marston parcels, (22-2)(1-33) and (22-2)(1-37) are located inside the PSA and are designated Low Density Residential. The PSA is the area of the County that has been designated for growth. The continuation of AFD property within the PSA is consistent with the Comprehensive Plan as this would serve the public purpose of holding key tracts of land temporarily while development plans can be created, maximizing the beneficial use of the property. The Comprehensive Plan also designates Cranston's Pond and its tributaries as Conservation areas. All land within 50 feet of the road rights-of-way of Chickahominy Road (Route 631) and Centerville Road (Route 614) has been excluded from the district to allow for possible road and/or drainage improvements.

Recommendation:

Staff believes this AFD is consistent with the Comprehensive Plan and recommends renewing the district for a period of four years with no change in the conditions of approval. A four year approval would be consistent with prior action and would allow for the re-evaluation of the district for consistency with possible policy changes and Comprehensive Plan revisions. On July 22, 2002, the AFD Advisory Committee recommended continuation by a vote of 8-0.

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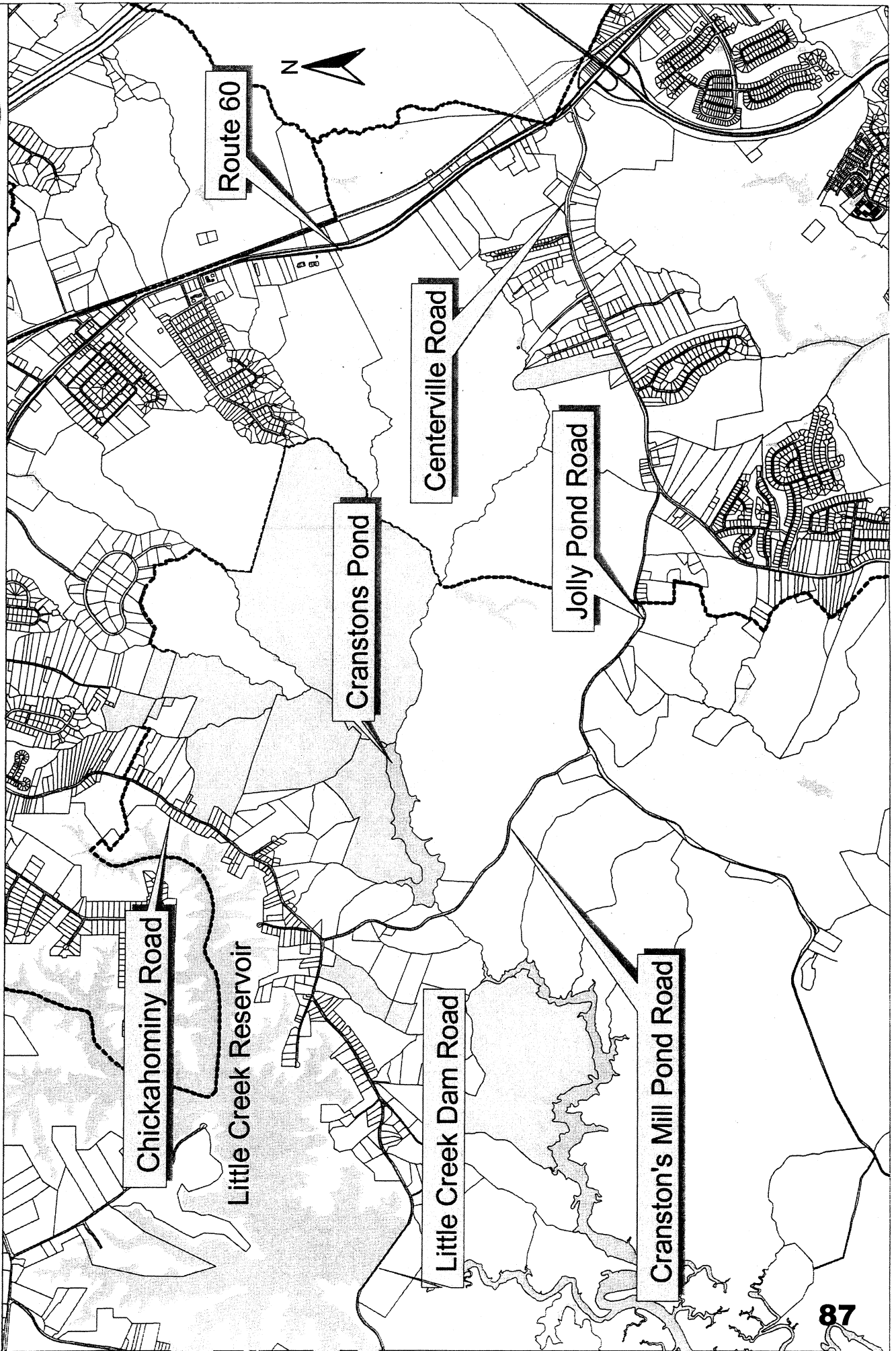
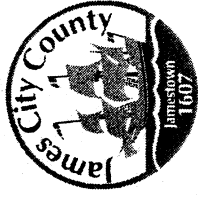
Jill E. Schmidle

Attachment:

1. Location map

# AFD-6-86 (2002 Renewal)

## Cranston's Pond



## MEMORANDUM

DATE: August 5, 2002

TO: The Planning Commission

FROM: Paul D. Holt, III, Senior Planner

SUBJECT: Renewal of AFD-7-86, Mill Creek

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As required by State Code, the County must review all established Agricultural and Forestal Districts (AFD's) prior to their expiration. During this review, districts must be either continued, modified, or terminated. This report will review AFD-7-86, Mill Creek which is scheduled to expire in September.

The Mill Creek AFD consists of approximately 3,126 acres located from Richmond Road in the north to below Uncle's Creek in the south. The bulk of the land lies between Forge Road and the CSX railroad tracks. Specifically, the AFD is currently comprised of the following:

Owner	Parcel No.	Acres
William A. Thompson	(19-2)(1-5)	24.681
Linda B. Cowles Estate, c/o Carter C.,	(20-2)(1-6)	385.963
Melinda Cowles Barbour, et.al.	(20-2)(1-3)	102.669
Melinda Cowles Barbour, et.al.	(20-2)(1-1)	8.759
Mayes and Cheryl Matthews	(21-1)(1-5)	46.010
Cowles Family Limited Partnership	(20-1)(1-1)	400.000
Steve L. & Pamela C. Massie	(11-3)(1-28)	99.457
Steve L. & Pamela C. Massie	(11-3)(1-28A)	32.610
Steve W. & Margaret J. Kraph	(11-4)(1-6)	4.730
Nancy Cottrell, c/o M. Anderson Bradshaw	(11-4)(1-2)	297.288
Linda B. Cowles Estate, c/o Carter C. Cowles III	(10-4)(1-5)	249.885
Linda B. Cowles Estate, c/o Carter C. Cowles III	(10-4)(1-6)	124.768
C.C. Cowles Sr. Estate, c/o Carter C. Cowles III	(10-4)(1-3) 2 pts.	103.260
R.T. Armistead	(10-1)(1-38)	50.000
Cowles Family Limited Partnership	(10-3)(1-19)	97.590
W.A. Slater, c/o Florence Carter	(10-2)(1-17)	244.500
Albert T. & Joan Lloyd Slater	(10-1)(1-28)	69.690
McRae O. Selph	(10-1)(1-7)	50.000
Walter Nelson Marshall	(11-4)(1-5)	79.947
Martha Ware	(20-2)(1-2)	57.411
John Lee Darst	(9-2)(1-36)	41.225
W.A. Slater, c/o Florence Carter	(10-3)(1-3)	42.000
Caroline W. Dozier	(20-2)(1-5)	186.170
Caroline W. Dozier	(20-2)(1-7)	16.500
Caroline W. Dozier	(20-2)(1-8)	12.000
Dennis P. and Christine A. Weygand	(10-3)(1-13)	34.030
John M.L. Barnes Est., c/o James F. Cowles III	(10-2)(1-4)	215.768
John M.L. Barnes Est., c/o James F. Cowles III	(11-1)(1-1)	29.000

Linda B. Cowles Est., c/o Carter C. Cowles III	(20-1)(1-2)	2.000
C.C. Cowles, Sr., Est., c/o Carter C. Cowles III	(10-4)(1-5A)	17.000

### *History*

The district was originally approved in December 1986 for a period of four years. In March 1989, the Board of Supervisors approved the withdrawal of 41.124 acres. In November 1990, the Board approved the continuation of the district for another four years. In January 1992, the Board approved the withdrawal of three acres and in April 1992, the Board approved the addition of 33.62 acres. In 1994, before the district's renewal, 77 acres were removed. In 1995, the Board approved a 303.97 acre addition and the district was renewed for four years in 1998. During the 1998 renewals, approximately 25 acres was withdrawn. Following the 1998 renewal, 19.0 acres were added into the district.

At present, the district contains approximately 3,126 acres and includes all land on the above-referenced 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.

### *Analysis*

The bulk of the district contains many agricultural and forestry uses. All of the land within this district is zoned A-1, General Agricultural and a major portion of the surrounding property is presently zoned A-1 and is forested. This district is located outside of the Primary Service Area (PSA) and remains relatively rural in nature. The district is designated Rural Lands on the Comprehensive Plan Land Use Map.

### *Withdrawals*

As part of this renewal, the Estate of William A. Thompson would like to remove parcel (19-2)(1-5). This parcel is 24.681 acres and would bring the size of the district to approximately 3,101 acres.

### Recommendation:

Staff believes this AFD is consistent with the Comprehensive Plan and recommends renewing the district for a period of four years with no change in the conditions of approval. A four year approval would be consistent with prior action and would allow for the re-evaluation of the district for consistency with possible policy changes and Comprehensive Plan revisions. On July 22, 2002, the AFD Advisory Committee recommended continuation by a vote of 8-0.

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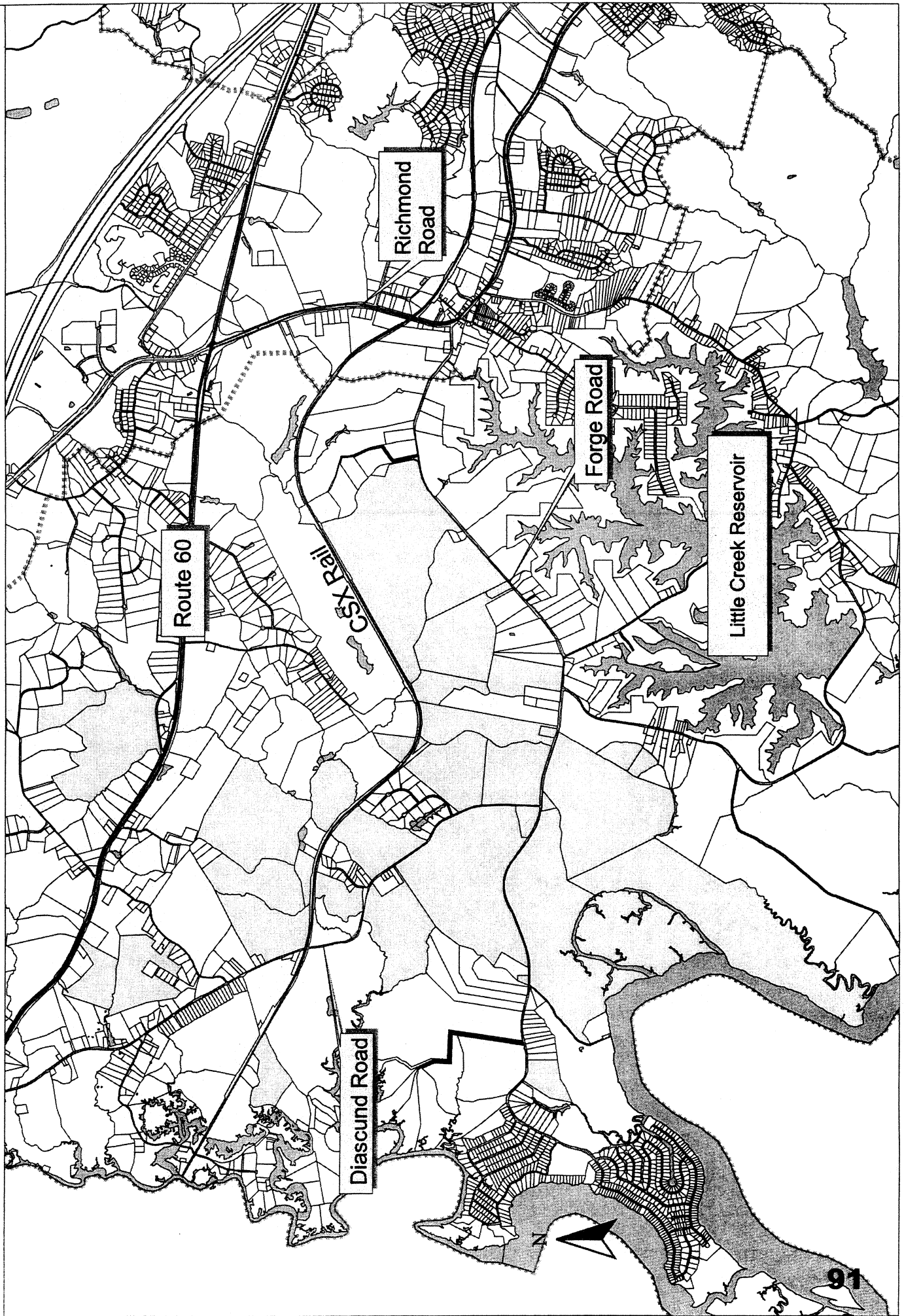
Paul D. Holt, III

### Attachments:

1. Location map
2. Letter from the Estate of William Thompson requesting the withdrawal of (19-2)(1-5)

# AFD-7-86 (2002 Renewal)

## Mill Creek





WITHDRAWAL OF PROPERTY FROM AN  
AGRICULTURAL AND FORESTAL DISTRICT (AFD)  
(During the renewal period)



I hereby request that the following property be withdrawn from the Agricultural and Forestal District (AFD) of which I am now a member.

Your name: JEAN T. FELTS, EXECUTOR THE ESTATE OF WILLIAM A. THOMPSON

Home address: 31136 MILLFIELD ROAD  
WAKEFIELD, VIRGINIA 23888

Tax Map and Parcel Number  
of the property you want to withdraw: (19-2)(1-5) Mill Creek

Name of the AFD: AFD-7-86 MILL CREEK

Amount of acres you want to withdraw: ALL 24.681 acres  
(Indicate "all" if you want the entire property withdrawn)

If you want a portion of the property  
withdrawn, please submit a map  
showing the location of the portion  
of the property to be withdrawn)

Phone: 757-859-6707

Signature (X): 

JEAN T. FELTS, EXECUTOR

***Please return this form by July 18, 2002 to:***

James City County Planning Division

101-E Mounts Bay Road

Williamsburg, Virginia 23185

*If you need help or have questions on how to fill out this form, please call the James City County Planning Division at (757) 253-6685*

## MEMORANDUM

DATE: August 5, 2002  
TO: The Planning Commission  
FROM: Karen Drake, Senior Planner  
SUBJECT: Renewal of AFD-8-86, Casey

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As required by State Code, the County must review all established Agricultural and Forestal Districts (AFD's) prior to their expiration. During this review, districts must either be continued, modified, or terminated. This report will review AFD-8-86, Casey which is scheduled to expire in September.

The Casey AFD currently consists of two parcels totaling 197 acres located on John Tyler Highway and News Road. Specifically, the AFD is currently comprised of the following:

Owner	Parcel No.	Acres
J.G. Warburton Estate	(37-3)(1-4)	165.58
J.G. Warburton Estate	(47-2)(1-1)	31.47

The district includes all the land on the above properties with the exception of within 25 feet of the road right-of-way of News Road (Route 613) and John Tyler Highway (Route 5) as that property has been excluded from the district to allow for possible road and/or drainage improvements.

### *History*

The district was created on December 1, 1986, for a term of 4 years. In September of 1988, the Board of Supervisors approved the withdrawal of 7 acres from the district. In 1994, the Board renewed the District for a period of four years. In 1995, the Board of Supervisors approved a 10 acre withdrawal to accommodate the then proposed location of the James City County/Williamsburg courthouse. The site for the courthouse subsequently shifted to a parcel to the south of Monticello Avenue. The Board of Supervisors in September 1996 adopted a policy and withdrawal criteria for AFD parcels within the PSA. In December 1997, the Board of Supervisors approved the withdrawal of 87.25 acres to accommodate the development of the new James City County/Williamsburg Courthouse (11.5 acres) and a portion of the New Town development (75.75 acres).

In September of 1998, approximately 240 acres were withdrawn when the district was reviewed for renewal and the district now containing 620 acres, was renewed for a period of 4 years with the conditions listed at the beginning of this report. In December of 2000, approximately 46 acres of land was withdrawn for the construction of the new St. Bede Catholic Church. In June of 2001, the Board of Supervisors again approved the withdrawal of 378 acres for the development of New Town. This last withdrawal left the district currently containing 197 acres.

### *Analysis*

The district is primarily used for forestry. Land located on News Road is zoned R-8, Rural Residential and the land located on John Tyler Highway is zoned R-1, Limited Residential. Both parcels are designated Low Density Residential on the 1997 Comprehensive Plan Land Use Map.

The district is located within the PSA and residential development has taken place surrounding both parcels.

However in accordance with the State Code, the core minimum size requirement of an AFD is 200 acres. Thus the Casey AFD is three acres short of the minimum size requirement. For the Casey AFD to continue at it currently exists, qualified land must be added to the district. To date, the Warburton Estate has not contacted staff about adding land to the district nor withdrawing land from the district. One option is to transfer the 165 acre parcel located on News Road from the Casey AFD to the adjacent Gordon Creek AFD. The 31 acre parcel on John Tyler Highway is not located close enough to another district and cannot be transferred to another district in accordance with the State Code.

Recommendation:

Due to the minimum core district requirements not being met, Staff recommends that the Casey AFD be terminated after the 165 acre parcel located on News Road is transferred to the adjacent Gordon Creek AFD. On July 22, 2002, the AFD Advisory Committee recommended termination by a vote of 8-0.

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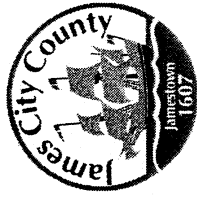
Karen Drake

Attachment:

1. Location map

# AFD-8-86 (2002 Renewal)

## Casey



## MEMORANDUM

DATE: August 5, 2002

TO: The Planning Commission

FROM: Dave Anderson, Planner

SUBJECT: Renewal of AFD-9-86, Gordon Creek

---

As required by State Code, the County must review all established Agricultural and Forestal Districts (AFD's) prior to their expiration. During this review, districts must either be continued, modified, or terminated. This report will review AFD-9-86, Gordon Creek which is scheduled to expire in September.

The Gordon Creek AFD consists of approximately 3,352 acres located in and around the Centerville Road/News Road area. The AFD contains parcels which front on the following roads: News Road, John Tyler Highway, Centerville Road, Bush Neck Road, Jolly Pond Road and Brick Bat Road. Specifically, the AFD is currently comprised of the following:

Owner	Parcel No.	Acres
Sarah Armistead	(35-2)(1-16)	369.000
Sarah Armistead	(36-3)(1-1)	163.880
Rosa Armistead Est.	(30-3)(1-4)	23.000
Warburton, J. G. Est., c/o M. McMurran	(35-4)(1-1)	394.500
Edward D. Warburton	(35-2)(1-1)	86.643
Olson, Selby, Nicodemus	(34-2)(1-2)	186.600
Warburton, J. G. Est., c/o M. McMurran	(36-3)(1-3)	264.000
Thomas L. Hitchens	(36-1)(1-6)	35.000
W.A. Thompson & Charles Flemming	(36-2)(1-40)	143.032
Gordon Creek Corp.	(36-2)(1-1)	142.147
Gordon Creek Corp.	(36-2)(1-1B)	24.784
Gordon Creek Corp.	(36-2)(1-2)	50.296
Gordon Creek Corp.	(36-2)(1-3)	25.200
Claybank Landing, LLC	(43-2)(1-1)	124.100
Richardson Holding LP	(36-4)(1-7)	116.935
Richardson Holding LP	(36-4)(1-8)	38.000
Richardson Holding LP	(30-3)(1-3)	33.000
Jane T. Carsewell	(36-1)(1-3)	44.000
Warburton, J. G. Est., c/o M. McMurran	(36-1)(1-4)	37.620
Powhatan Assoc.	(44-1)(1-1)	387.420
Powhatan Hunt Club, c/o J. Kenneth Timmons	(35-3)(1-1)	241.680
Mary Abbott	(36-2)(1-18)	95.530
John C. Jamison	(35-4)(1-9)	57.600
Linda Henderson Gordon	(34-2)(1-1)	35.300
Williamsburg Pottery Inc.	(44-1)(1-2)	26.000
Naysey Bay Land Co.	(35-1)(1-3)	32.000
Naysey Bay Land Co.	(35-1)(1-6)	11.000

William Kane	(29-4)(1-3)	4.000
William Kane	(30-3)(1-7)	8.000
William Kane	(35-2)(1-7)	131.000
William Kane	(36-1)(1-1)	8.330
William Kane	(36-1)(1-2)	13.000

### *History*

The district was approved on December 1, 1986 for a term of 4 years. There have been several additions to the Gordon Creek AFD since 1994. The Kane addition consisting of 5 parcels totaling 164.3 acres was approved by the Board of Supervisors in February 1995. The Nayses Bay Land Company addition consisting of 3 parcels totaling 42.5 acres was approved by the Board of Supervisors in December, 1995.

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, Centerville Road, and John Tyler Highway, Bush Neck Road, Jolly Pond Road, and Brick Bat Road as that property has been excluded from the district to allow for possible road and/or drainage improvements. In November 1990, October 1994 and September 1998, the Board approved the continuation of the district for a period of four years for each renewal.

### *Analysis*

The bulk of the district contains woodland. All of the land within this district is zoned A-1, General Agriculture and a major portion of the surrounding property is presently zoned A-1 and is forested. Most of the district is designated Rural Lands by the Comprehensive Plan. The Nayses Bay area is designated a Conservation Area by the Comprehensive Plan. The bulk of the district is located outside of the Primary Service Area (PSA) and the area remains relatively rural in nature. A small portion (250 acres) is located inside the PSA, however; infrastructure is currently lacking to support major development on these parcels. The PSA is the area of the County that has been designated for growth. The continuation of AFD property within the PSA is consistent with the Comprehensive Plan as this would serve the public purpose of holding key tracts of land temporarily while development plans can be created, maximizing the beneficial use of the property.

### *Withdrawals*

William C. Kane has requested to withdrawal parcels (29-4)(1-3), (30-3)(1-7), (35-2)(1-7), (36-1)(1-1) and (36-1)(1-2) totaling 164.33 acres. The Gordon Creek corporation has also requested a withdrawal of all of its land within the AFD. This consists of parcels (36-2)(1-1); (36-2)(1-1B); (36-2)(1-2); and (36-2)(1-3) which all total 242.427 acres.

### Recommendation:

Staff believes this AFD is consistent with the Comprehensive Plan and recommends renewing the district for a period of four years with no change in the conditions of approval. A four year approval would be consistent with prior action and would allow for the re-evaluation of the district for consistency with possible policy changes and Comprehensive Plan revisions.

Staff also recommends that the 165.58 acre parcel (37-3)(1-4), which is currently in AFD-8-86

(Casey), be added to this district. After the withdrawals, and the addition, the district will total approximately 3,111 acres. On July 22, 2002, the AFD Advisory Committee recommended continuation by a vote of 8-0.

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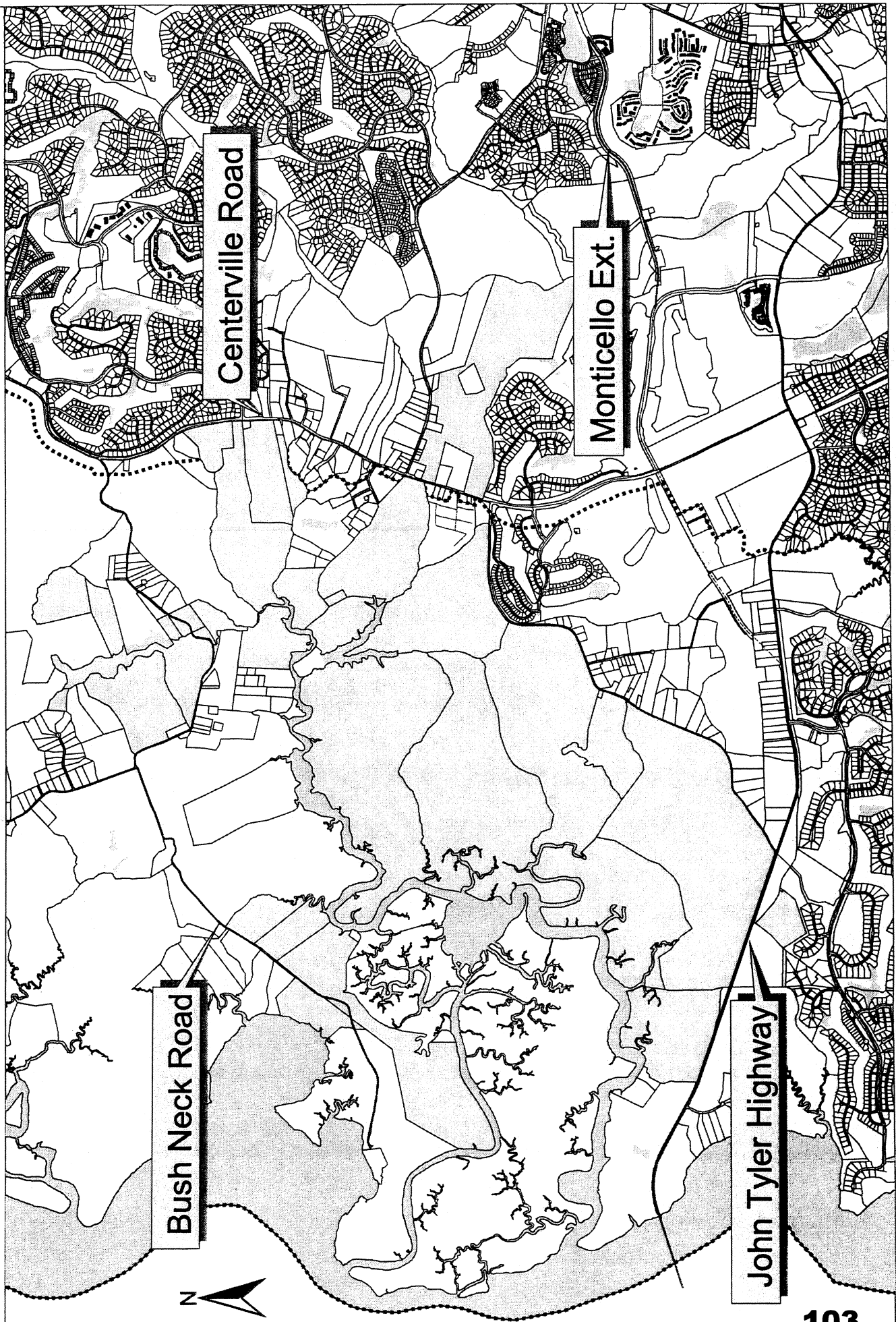
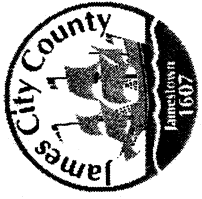
Dave Anderson

Attachments:

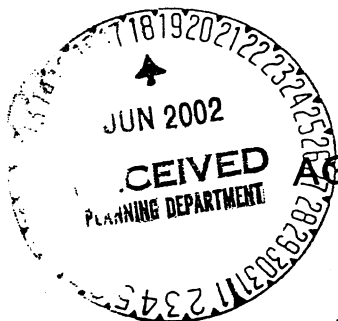
1. Location map
2. Withdraw request letter from William C. Kane
3. Withdraw request letter from Gordon Creek

# AFD-9-86 (2002 Renewal)

## Gordon Creek







WITHDRAWAL OF PROPERTY FROM AN  
AGRICULTURAL AND FORESTAL DISTRICT (AFD)  
(During the renewal period)

I hereby request that the following property be withdrawn from the Agricultural and Forestal District (AFD) of which I am now a member.

Your name: William C. Kane

Home address: 4012 Grove Ave.  
Richmond, VA 23221

Tax Map and Parcel Number  
of the property you want to withdraw:

(30-3) (01-0-0007-) 8. acres  
(35-2) (01-0-0007-) ~~131. acres~~ 131. acres  
(29-4) (01-0-0009-) 4. acres  
(36-1) (01-0-0001-) 8.33 acres  
(36-1) (01-0-0002-) 13. acres

Name of the AFD: Gordon Creek

Amount of acres you want to withdraw: "all"  
(Indicate "all" if you want the entire property withdrawn)

If you want a portion of the property  
withdrawn, please submit a map  
showing the location of the portion  
of the property to be withdrawn)

Phone: 804 353-0229

Signature (X): William C. Kane

**Please return this form by July 18, 2002 to:**

James City County Planning Division

101-E Mounts Bay Road

Williamsburg, Virginia 23185

If you need help or have questions on how to fill out this form, please call the James City County Planning Division at (757) 253-6685

**GEDDY, HARRIS, FRANCK & HICKMAN, L.L.P.**

ATTORNEYS AT LAW

516 SOUTH HENRY STREET

POST OFFICE BOX 379

WILLIAMSBURG, VIRGINIA 23187-0379

TELEPHONE: (757) 220-6500

FAX: (757) 229-5342

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VERNON M. GEDDY, JR.  
STEPHEN D. HARRIS  
SHELDON M. FRANCK  
VERNON M. GEDDY, III  
SUSANNA B. HICKMAN

July 9, 2002

Mr. Paul Holt  
James City County Planning Department  
101-E Mounts Bay Road  
Williamsburg, Virginia 23185



Re: Gordon Creek Corporation/Gordon Creek AFD 9-86

Dear Paul:

I am writing on behalf of our client, Gordon Creek Corporation, to confirm our prior conversation in which I indicated that Gordon Creek Corporation does not wish to continue to have its property in an AFD and hereby requests that its property be withdrawn in the upcoming review cycle. Please let me know if you need anything further. Thanks.

Sincerely,

A handwritten signature in cursive script that reads "Vernon".

Vernon M. Geddy III

VMG:s

cc: Mr. Drew Mulhare

## MEMORANDUM

DATE: August 5, 2002  
TO: The Planning Commission  
FROM: Jill E. Schmidle, Senior Planner  
SUBJECT: Renewal of AFD-10-86, Christenson's Corner

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As required by State Code, the County must review all established Agricultural and Forestal Districts (AFD's) prior to their expiration. During this review, districts must be either continued, modified, or terminated. This report will review AFD-10-86, Christenson's Corner which is scheduled to expire in September.

The Christenson's Corner AFD consists of 562.16 acres located south of Riverview Road between Newman Road and Riverview Plantation. Specifically, the AFD is currently comprised of the following:

Owner	Parcel No.	Acres
Wallace Steiffen, <i>et al</i>	(16-4)(1-3)	402.90
C.M. Chandler	(16-3)(1-1)	8.01
C.M. Chandler	(15-4)(1-11)	151.25

### *History*

The district was approved on December 1, 1986 for a term of four years, and the Board of Supervisors approved four-year renewals in 1990, 1994 and 1998. 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). That property has been excluded from the district to allow for possible road improvements.

### *Analysis*

The bulk of the district contains woodland. The remainder of the property in the district is in open land and swamp or low lying land. All of the land within this district is zoned A-1, General Agricultural, and a major portion of the surrounding property is zoned A-1 and is forested. Most of the district is designated Rural Lands by the Comprehensive Plan. A very small portion of the district is designated Conservation Area by the Comprehensive Plan.

The entire district is located outside of the Primary Service Area (PSA) and the area remains relatively rural in nature. All land within 25-feet of the road rights-of-way of Newman Road (Route 646) and Riverview Road (Route 606) shall be excluded from the district.

Recommendation:

Staff believes this AFD is consistent with the Comprehensive Plan and recommends renewing the district for a period of four years with no change in the conditions of approval. A four year approval would be consistent with prior action and would allow for the re-evaluation of the district for consistency with possible policy changes and Comprehensive Plan revisions. On July 22, 2002, the AFD Advisory Committee recommended continuation by a vote of 8-0.

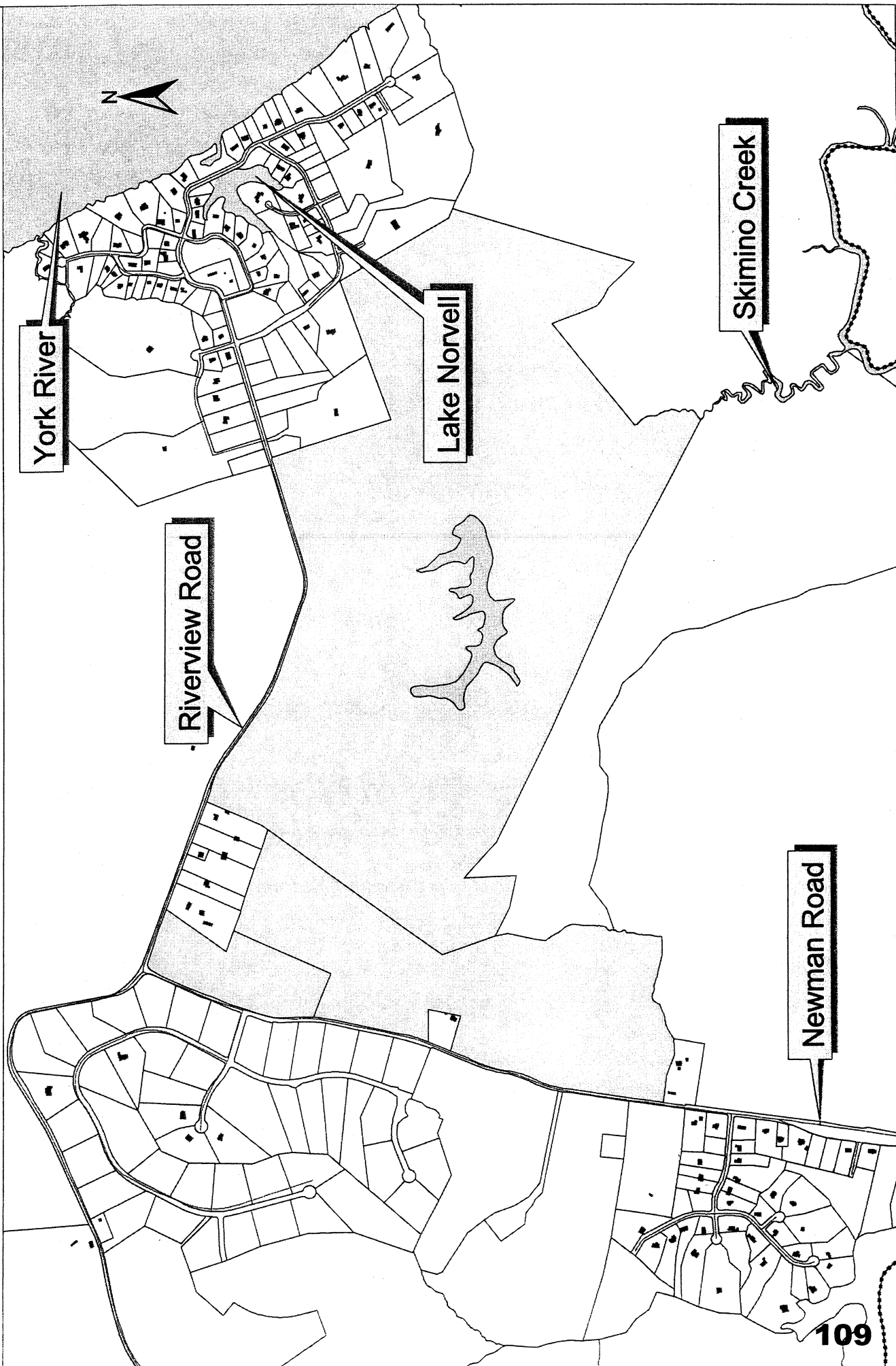
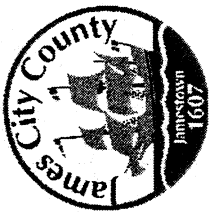
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Jill E. Schmidle

Attachment:

1. Location map

# AFD-10-86 (2002 Renewal) Christensen's Corner



## MEMORANDUM

DATE: August 5, 2002

TO: The Planning Commission

FROM: Paul D. Holt, III, Senior Planner

SUBJECT: Renewal of AFD-11-86, Yarmouth Island

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As required by State Code, the County must review all established Agricultural and Forestal Districts (AFD's) prior to their expiration. During this review, districts must be either continued, modified, or terminated. This report will review AFD-11-86, Yarmouth Island which is scheduled to expire in September.

The Yarmouth Island AFD consists of approximately 2,082 acres and is generally located west of Jolly Pond Road near Yarmouth Creek. Specifically, the AFD is currently comprised of the following:

Owner	Parcel No.	Acres
Richardson Holdings Limited Partnership	(29-3)(1-5)	172.840
Richardson Holdings Limited Partnership	(29-3)(1-2)	68.500
Richardson Holdings Limited Partnership	(28-4)(1-5)	940.000
Richardson Holdings Limited Partnership	(29-1)(1-1)	28.500
John C. & Lorraine Richardson	(29-2)(1-1)	123.000
J. G. Warburton, Est., c/o M. McMurran	(29-4)(1-1)	37.750
David W. Ware Trust, c/o Wallace Sink	(30-1)(1-7)	26.000
David W. Ware Trust, c/o Wallace Sink	(30-3)(1-1)	26.000
Margaret Walubuka	(29-4)(1-2)	34.655
Shield's Point LLC	(28-4)(1-8)	625.200

### *History*

The district was approved on December 1, 1986 for a term of 4 years. It was subsequently renewed for four year periods in October 1990, October 1994, and September 1998. In 1999, approximately 625 acres was added into the district.

At present, the district contains approximately 2,082 acres and includes all land on the above-referenced 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 and/or drainage improvements.

### *Analysis*

The majority of the district contains woodland. The remainder of the property in the district is in open, swamp, and low lying land. All of the property within this district is zoned A-1, General Agriculture and a major portion of the surrounding property is zoned A-1 and is forested. The district is designated Rural Lands by the Comprehensive Plan, is located outside of the Primary Service Area (PSA), and remains relatively rural in nature.

Recommendation:

Staff believes this AFD is consistent with the Comprehensive Plan and recommends renewing the district for a period of four years with no change in the conditions of approval. A four year approval would be consistent with prior action and would allow for the re-evaluation of the district for consistency with possible policy changes and Comprehensive Plan revisions. On July 22, 2002, the AFD Advisory Committee recommended continuation by a vote of 8-0.

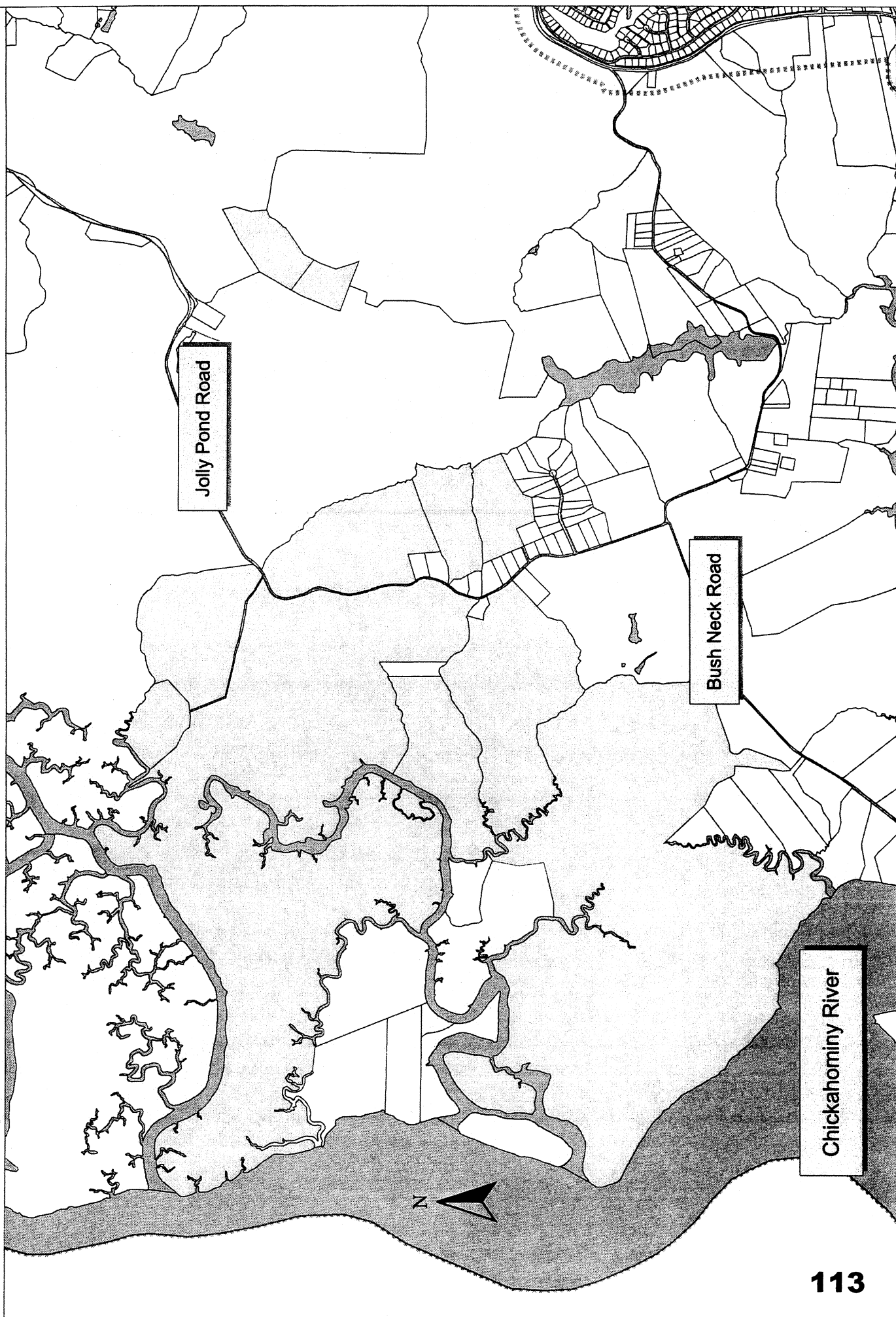
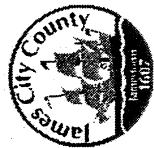
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Paul D. Holt, III

Attachment:

1. Location map

# AFD-11-86 (2002 Renewal) Yarmouth Island





## MEMORANDUM

DATE: August 5, 2002  
TO: The Planning Commission  
FROM: Jill E. Schmidle, Senior Planner  
SUBJECT: Renewal of AFD-12-86, Gospel Spreading Church Farm

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As required by State Code, the County must review all established Agricultural and Forestal Districts (AFD's) prior to their expiration. During this review, districts must be either continued, modified, or terminated. This report will review AFD-12-86, Gospel Spreading Church Farm which is scheduled to expire in September.

The Gospel Spreading Church Farm AFD 12-86 consists of 971.94 acres located from College Creek extending west to Neck-O-Land Road. Specifically, the AFD is currently comprised of the following:

Owner	Parcel No.	Acres
JCC Bible and Agricultural Training School	(48-3)(1-35)	403.56
JCC Bible and Agricultural Training School	(56-2)(1-1)	457.00
Floyd P. Carmines	(47-4)(1-37)	27.92
Lyman Hall	(47-4)(1-11)	17.89
Lyman Hall	(47-4)(1-13)	39.11
Colley Avenue Associates LLC	(47-4)(1-33)	26.46

### *History*

This district was approved on December 1, 1986 for a term of four years, and the Board of Supervisors approved four-year renewals in 1990, 1994 and 1998. 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 (Routes 617 and 618), Neck-O-Land Road (Route 682) and Jamestown Road (Route 31) as that property has been excluded from the district to allow for possible road improvements.

### *Analysis*

The bulk of the district consists primarily of woodland. The remainder of the property in the district is in open land and swamp or low lying land. Property within this district is zoned R-8, Rural Residential, and R-2 Limited Residential, and is not developed. Surrounding property for the most part has developed residentially. The bulk of the district (860 acres) is designated Rural Lands by the Comprehensive Plan, with the Carmines, Hall and Colley Avenue Associates parcels designated Low-Density Residential. Most of the AFD is located along Lake Powell Road and Treasure Island Road. A majority of the land within this district (860 acres) is located outside of the Primary Service Area (PSA). The remaining parcels, totaling 111 acres lie within the PSA. The PSA is the area of the County that has been designated for growth. The continuation of AFD property within the PSA is consistent with the Comprehensive Plan as this would serve the public

purpose of holding key tracts of land temporarily while development plans can be created, maximizing the beneficial use of the property. All land within 25-feet of the road rights-of-way of Treasure Island Road (Route 617), Lake Powell Road (Routes 617 and 618), Neck-O-Land Road (Route 682) and Jamestown Road (Route 31) shall be excluded from the district.

Recommendation:

Staff believes this AFD is consistent with the Comprehensive Plan and recommends renewing the district for a period of four years with no change in the conditions of approval. A four year approval would be consistent with prior action and would allow for the re-evaluation of the district for consistency with possible policy changes and Comprehensive Plan revisions. On July 22, 2002, the AFD Advisory Committee recommended continuation by a vote of 8-0.

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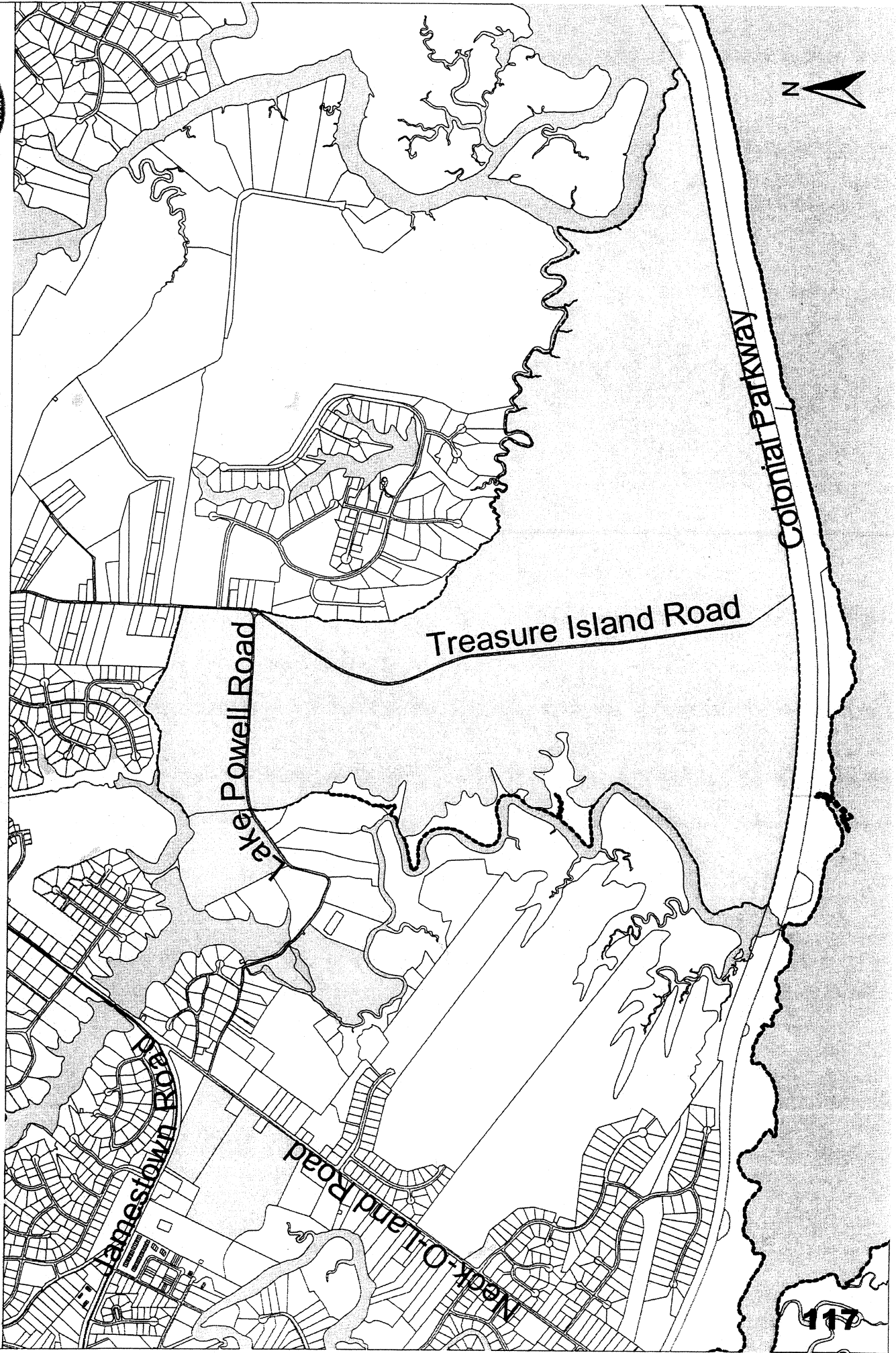
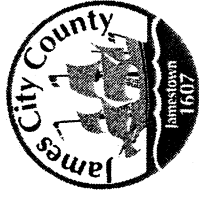
Jill E. Schmidle

Attachment:

1. Location map

# AFD-12-86 (2002 Renewal)

## Gospel Spreading Church



## MEMORANDUM

DATE: August 5, 2002

TO: The Planning Commission

FROM: Paul D. Holt, III, Senior Planner

SUBJECT: Renewal of AFD-13-86, Gospel Spreading Church (Gilley)

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As required by State Code, the County must review all established Agricultural and Forestal Districts (AFD's) prior to their expiration. During this review, districts must be either continued, modified, or terminated. This report will review AFD-13-86, Gospel Spreading Church (Gilley) which is scheduled to expire in September.

The Gilley AFD consists of approximately 203 acres located off Neck-O-Land Road near the Colonial Parkway. Specifically, the AFD is currently comprised of the following:

Owner	Parcel No.	Acres
R.E. Gilley	(47-4)(1-42C)	2.890
R.E. Gilley	(47-4)(1-42D)	3.750
R.E. Gilley	(47-4)(1-42E)	16.300
REGJAG LLC	(47-4)(1-40)	44.579
REGJAG LLC	(47-4)(1-41)	108.545
Helen J. Rees	(47-3)(25-2)	26.830

### *History*

AFD-12-86 (Gospel Spreading Church) was approved on December 1, 1986 for a term of 4 years. The Gilley addition (AFD-13-86) was added to the district on March 2, 1987. Approximately 65 acres was added to AFD 13-86 in January 1991. The district was renewed for four years in 1990, 1994, and 1998. In 2000, approximately 81 acres was removed from the district.

Presently, the district contains approximately 203 acres and includes all land on the above-referenced properties with the exception of all land within 25 feet of the road rights-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 and/or drainage improvements.

### *Analysis*

The bulk of the district consists primarily of woodland. The remainder of the property is in open, swamp or low lying land. Property within this district is zoned R-8, Rural Residential and R-1, Limited Residential and is not developed. The district is designated Low Density Residential by the Comprehensive Plan and is located inside of the Primary Service Area (PSA). The PSA is the area of the County that has been designated for growth. The continuation of AFD property within the PSA is consistent with the Comprehensive Plan as this would serve the public purpose of holding key tracts of land temporarily while development plans can be created, maximizing the beneficial use of the property. Surrounding property has developed into residential uses in accordance with

the Comprehensive Plan.

Recommendation:

Staff believes this AFD is consistent with the Comprehensive Plan and recommends renewing the district for a period of four years with no change in the conditions of approval. A four year approval would be consistent with prior action and would allow for the re-evaluation of the district for consistency with possible policy changes and Comprehensive Plan revisions. On July 22, 2002, the AFD Advisory Committee recommended continuation by a vote of 7-0, with one abstention.

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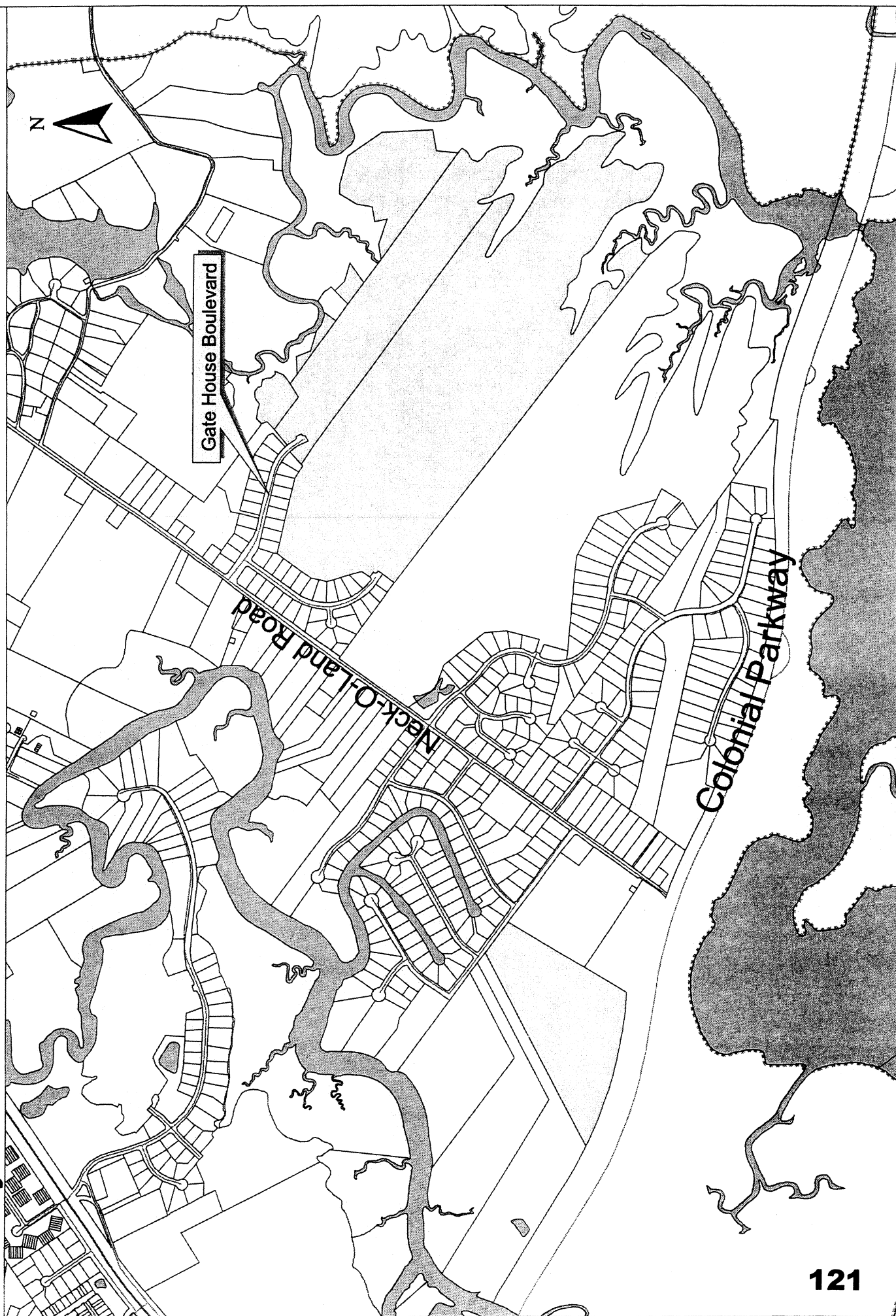
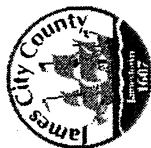
Paul D. Holt, III

Attachment:

1. Location map

# AFD-13-86 (2002 Renewal)

## Gilley



## MEMORANDUM

DATE: August 5, 2002

TO: The Planning Commission

FROM: Christopher M. Johnson, Senior Planner

SUBJECT: Renewal of AFD-1-94, Wright's Island (formerly AFD-1-86)

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As required by State Code, the County must review all established Agricultural and Forestal Districts (AFD's) prior to their expiration. During this review, districts must be either continued, modified, or terminated. This report will review AFD-1-94, Wright's Island which is scheduled to expire in October.

When last renewed in 1994, the following conditions were placed on this district:

1. The subdivision of land is to be limited to parcels of 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family.
2. No land within the Agricultural and Forestal District may be rezoned to any residential, business, or industrial zone.
3. No special use permit shall be issued except for agricultural, forestal or other activities and uses consistent with State Code Section 15.1-1506 et seq. Which are not in conflict with the policies of this district.

In 1998, the Board of Supervisors approved revisions to the conditions of a series of AFD renewal applications to reflect recent changes to the Virginia State Code. In order to make the conditions for the district consistent with the other districts, the following conditions are recommended:

1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment provided: a.) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b.) the subdivision does not result in a remnant parcel of less than 25 acres.
2. No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996.

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

Conditions # 1 and # 3 were revised to include provisions to accommodate the citing of communications towers on land included in an AFD. Condition # 2 has been revised to reflect the Board's withdrawal policy. Other than these revisions, the conditions are the same as those which were adopted when the district was renewed in 1994.

The Wright's Island AFD consists of approximately 1,544 acres located along Little Creek Dam Road and Menzels Road extending west toward the Chickahominy River (see attached location map). Part of the district is adjacent to the Little Creek Reservoir. Specifically, the AFD is currently comprised of the following:

Owner	Parcel No.	Acres
Wright's Island Game Association	(20-3)(1-1)	1,320.480
Menzel, Llene B. Et. Als	(20-3)(1-2)	90.000
Amos, Heather, Alicia	(20-3)(1-3)	4.900
Menzel, Gary Est.	(20-3)(1-4)	4.900
Menzel, Llene B. Et. Als	(20-2)(1-28)	74.752
Queijo, Manuel J. & Isabell Queijo Rev. Living Trust; G. Baxter Stanton & Francesca Stanton	(20-2)(1-27)	49.373

The district does not currently exclude any land along Little Creek Dam Road or Menzels Road. In order to make the district consistent with the other districts, VDOT has recommended that the following language be included as part of the renewal of the district:

"All land within 25-feet of the road right-of-way of Little Creek Dam Road (Route 631) and Menzels Road (Route 659) is excluded from the district to allow for possible road improvements."

### *History*

The Wright's Island AFD was adopted by the Board of Supervisors in October 1986. The district originally consisted of five parcels comprising approximately 1,495 acres and was established for a term of eight years. The originally adopted district (AFD-1-86) expired in September 1994 and a new district (AFD-1-94) was subsequently created in October 1994. The new district was established for a term of eight years. In November 1999, the Board of Supervisors approved the addition of 49.373 acres to the district.

### *Analysis*

The bulk of the district consists primarily of woodlands. All of the land is zoned A-1, General Agricultural, and is located entirely outside the Primary Service Area (PSA). The majority of the land in the district is designated Rural Lands on the Comprehensive Plan Land Use Map. The remaining areas included in the district are designated as Conservation Area and Park, Public, or



Semi-Public Open Space.

Recommendation:

Staff believes this AFD is consistent with the Comprehensive Plan and recommends renewing the district for a period of eight years with the changes in conditions noted above. An eight year approval would be consistent with prior action and would allow for the re-evaluation of the district for consistency with possible policy changes and Comprehensive Plan revisions. On July 22, 2002, the AFD Advisory Committee recommended continuation by a vote of 8-0.

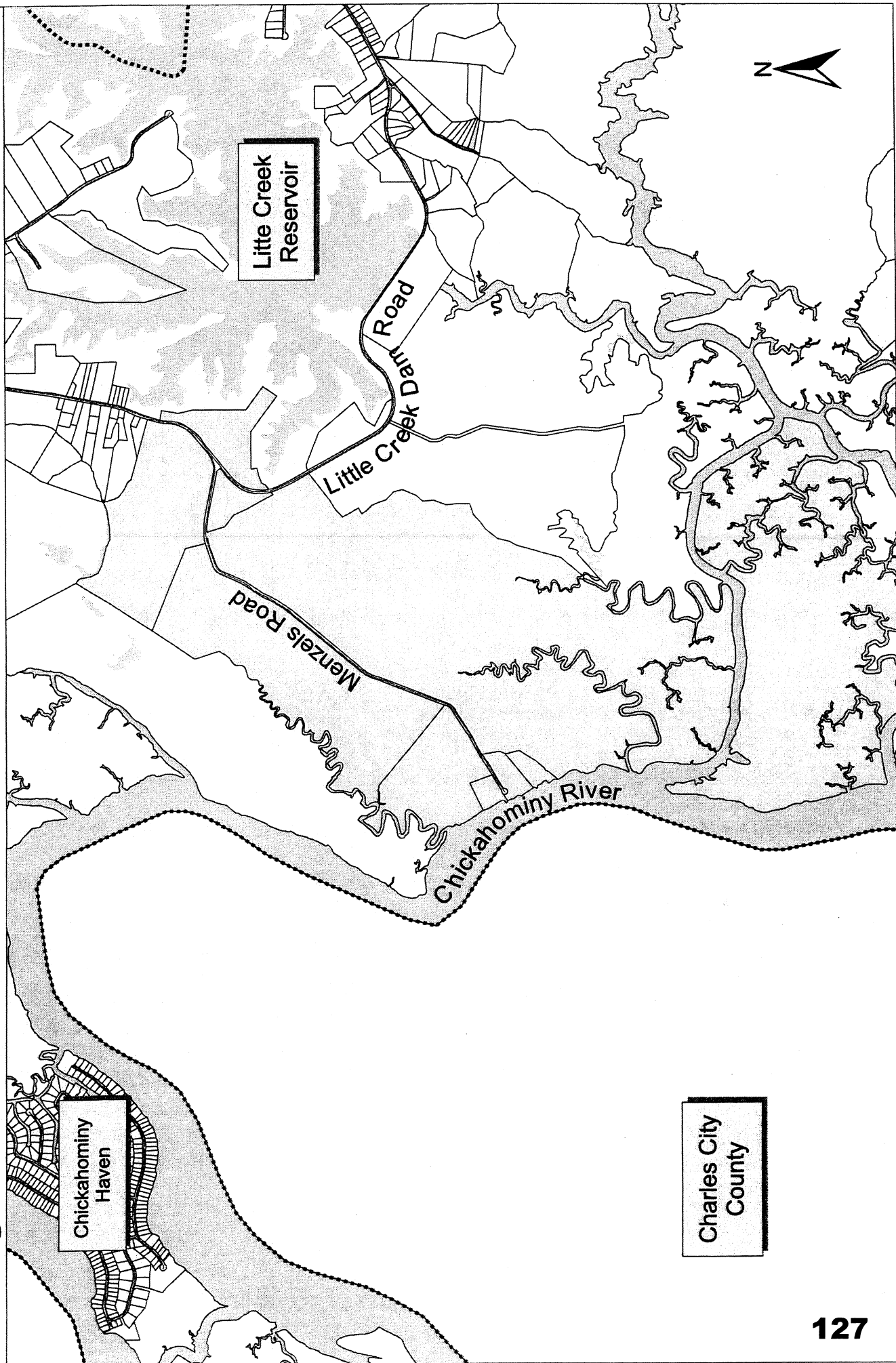
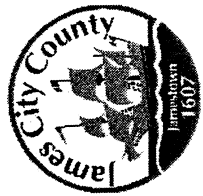
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Christopher M. Johnson

Attachment:

1. Location map

# AFD-1-94 (2002 Renewal) Wright's Island



## PLANNING DIRECTOR'S REPORT

AUGUST, 2002

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

1. 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 15th. Staff expects to receive a copy of the final report, including recommendations, in August.
2. U.S. Census. The Census Bureau plans to release key data this Fall 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).
3. Jamestown Subarea Study. Staff continues to work with the affected landowners and their consultants to reach an agreement on the location and design of Route 359. Tentative agreement on landscaping has been reached and VDOT has prepared construction drawings. Staff has reviewed VDOT's landscape plans and sent them comments. Staff has also reviewed the National Park Service Environmental Assessment and Impact Report of the realignment connection to the Colonial Parkway.
4. New Town DRB Cases. The New Town DRB reviewed and approved the layout for WindsorMeade Way. The DRB also discussed colors for the New Town Office building adjacent to the JCSA Water Tower, and will decide on the colors at a future meeting. The DRB also discussed the topic of town signage. This subject also will be revisited at a future meeting.
5. Comprehensive Plan Update. The Community Participation Team (CPT), the citizen group responsible for generating and overseeing public participation in the development of the Comprehensive Plan Update, began meeting on July 2<sup>nd</sup>. Since then, they have been meeting weekly, chosen the theme "Vision for Our Future," and adopted a communications plan. Jeff Barra was elected chair of the committee.
6. Development Potential Analysis. A meeting of the DPA Committee was held on July 17<sup>th</sup> when the draft report was reviewed. A consensus was not reached and work continues with another meeting to be scheduled in August.
7. 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.
8. 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.
9. 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.

10. Other Board Action. At its July 9<sup>th</sup> meeting, the Board approved Case No. SUP-10-02. VoiceStream Wireless - VDOT Tower Extension, Case No. SUP-12-02. Mt. Gilead Baptist Church - School Expansion and SUP Amendment, and Case No. Z-2-02. Greensprings Plantation Proffer Amendment. There were no public hearing cases at the July 23<sup>rd</sup> meeting.
11. Upcoming Cases. New cases that are tentatively scheduled for the September 9, 2002, Planning Commission meeting.

CASE NO. AFD-1-02. CARTER'S GROVE AGRICULTURAL AND FORESTAL DISTRICT - NEW. Colonial Williamsburg Foundation has proposed to create a 320 acre Agricultural and Forestal District surrounding Carter's Grove Plantation. On July 22<sup>nd</sup>, the AFD Committee voted unanimously to approve the creation of the district.

CASE NO. Z0-2-02. ZONING ORDINANCE AMENDMENT - MANUFACTURED HOME. On April 8, 2002, the Virginia General Assembly amended Section 15.2-2307, Vested rights not impaired; nonconforming uses of the Code of Virginia. This amendment permits the replacement of a valid nonconforming manufactured home with a comparable one that meets HUD standards. A special use permit will not be required for replacement of nonconforming manufactured homes.

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O. Marvin Sowers, Jr.