

A G E N D A
JAMES CITY COUNTY PLANNING COMMISSION
APRIL 5, 2004 - 7:00 p.m.

1. ROLL CALL

2. Minutes
 - A. March 1, 2004 Regular Meeting 3

3. COMMITTEE AND COMMISSION REPORTS
 - A. Development Review Committee (DRC) Report 15
 - B. Other Reports

5. PUBLIC HEARINGS
 - A. Z-1-04 & MP-2-04 - New Town Section 5 19
 - B. Z-11-03 & MP-11-03 - Stonehouse Modifications 21
 - C. SUP-9-04 Chesapeake Bank SUP Amendment 23
 - D. SUP-24-03 - Communications Tower - 3135 Forge Road 33

6. PLANNING DIRECTOR'S REPORT 43

7. ADJOURNMENT

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

1. ROLL CALL

A. Joe Poole, III
Peggy Wildman
John Hagee
Donald Hunt
Joseph McCleary
Wilford Kale
George Billlups

ALSO PRESENT

Leo Rogers, Deputy County Attorney
O. Marvin Sowers, Jr., Planning Director
Patrick Foltz, Development Management Assistant
Tammy Rosario, Senior Planner
Christopher Johnson, Senior Planner
David Anderson, Senior Planner
Lee Schnappinger, Senior Landscape Planner
Matthew Arcieri, Planner

2. MINUTES

The Commission approved the minutes for the closed session on February 2, 2004 with a unanimous voice vote.

Mr. Joe McCleary suggested an addition to page eight of the minutes of the regular meeting of February 2, 2004. He suggested adding the phrase “which reduced the number of permitted lots to two additional lots.”

Mr. Joe Poole suggested a further addition “new appointments will be made at the March meeting following the requested input of Planning Commission members.”

Mrs. Peggy Wildman moved to page 11 and requested that her name be added to the roll call vote to reflect her action at the February meeting.

Mr. McCleary moved to approve the minutes of the February 2004 Planning Commission as amended.

Mr. Wilford Kale seconded the motion. The amended minutes were approved by a unanimous voice vote.

3. COMMITTEE AND COMMISSION REPORT

A. Development Review Committee (DRC) & Policy Committee Appointments

Mr. Poole addressed committee assignments and delivered a short description of the duties of each committee. He then made the new appointments. Mr. George Billlups, Mr. McCleary, and Mr. Poole were appointed to the Policy Committee with Mr. Kale as the chairman. Mr. Jack Fraley, Mrs. Wildman, and Mr. Donald Hunt were appointed to the DRC with Mr. McCleary as the chairman.

B. DRC Report

Mr. McCleary, chairman of the DRC, presented the DRC report. The DRC heard ten cases at its February 25th meeting. Two were consent items. The first, a conceptual plan for three new emergency communications towers, the DRC found consistent with the comprehensive plan. For the second, case S-006-04/SP-009-04 for Colonial Heritage Sections 3 and 3A, the DRC recommended that the Planning Commission grant preliminary approval subject to agency comments.

On the regular agenda the DRC recommended the Planning Commission grant approval to the following cases: SP-129-03, Busch Gardens Oktoberfest Expansion; SP-003-04, WindsorMeade Villas; SP-004-04, WindsorMeade - Windsor Hall; SP-139-03, New Town Block 8, Phase 1A; and SP-140-03, Pocahontas Square. For S-002-04, The Settlement at Monticello Phase 1, the DRC ruled it consistent with the master plan for that area and recommended preliminary approval subject to agency comments. The DRC also approved an extension for a temporary sales sign at the entrance of Brandon Woods and off-site, shared parking, and reduced parking requirement for New Town in accordance with the New Town Design Guidelines.

In a unanimous voice vote the Planning Commission approved the DRC report.

C. Policy Committee Report - Streetscape Guidelines Policy Revision

Mr. Poole recognized Mr. Kale, chairman of the policy committee. Mr. Kale asked Ms. Lee Schnappinger to summarize the findings of the committee.

Ms. Schnappinger outlined the revisions proposed by the policy committee. The recommendations include clarifying the distinction between landscape easements and utility easements, providing a recommended plant list and dates for planting, and requiring that planting be bonded.

Mr. Poole solicited any further questions, and Ms. Schnappinger recognized Mr. Basic and Mr. Peters of AES, who consulted on this issue.

Mr. Kale informed the commission that VDOT was changing its policies to allow more urban areas to place underground utilities and more rural areas to place utilities above ground. Mr. Kale cited this policy shift as a threat to the appearance of James City County's roadways and suggested that the Commission and staff enter into more serious discussions on these issues. He asked Ms. Schnappinger to explain the unique landscaping problem posed by easements.

Ms. Schnappinger responded that VDOT recently revised its policy concerning utility placement and no longer permits underground utilities to be placed underneath road rights-of-way; instead, separate utility easements must be placed in the streetscape area adjacent to the highway, a change that conflicts with current streetscape guidelines.

Mr. Poole requested more information into the specifics of the issue.

Mr. Kale clarified the policy changes and their potential implications, and further offered to re-introduce this issue at the Planning Commission's April meeting.

Mr. McCleary suggested that the Builders by the Bay roundtable, as it deals with similar issues, would be good forum to discuss this concern.

Mr. Kale reiterated the importance of pursuing the initiative directly.

Mr. Fraley solicited the opinion of staff members and of different agencies.

Mr. Sowers responded that the initiative to include utilities in the road right-of-way originated in the 1997 Comp Plan and that staff would like to see this initiative continued.

Mr. Poole agreed with Mr. Sowers and asked if Mr. Kale would consider moving on the issue through Builders for the Bay roundtable.

Mr. Kale moved for the approval of the revised streetscape guidelines. The motion was seconded by Mr. McCleary.

In a unanimous voice vote the motion was adopted.

Mr. Kale moved that the Commission go on record with its concern about the change to VDOT regulations on placement of utilities in new roads and rights-of-way.

Mr. Fraley seconded. The motion was adopted unanimously by voice vote.

D. Other Committee Reports

Mr. Poole solicited any other committee reports. Hearing none, Mr. Poole opened the public hearings.

IV. PUBLIC HEARINGS

A. Z-11-03 & MP-11-03 - Stonehouse Modifications

Mr. Poole briefly explained the new speaker time limit system for applicant and citizen comment.

Mr. Matt Arcieri stated that Mr. Alvin Anderson, on behalf of Stonehouse LLC, had requested deferral of the case to the April meeting of the Planning Commission in order to resolve issues between the proposal and the Stonehouse master plan and proffers. Staff recommended deferral.

Mr. Greg Davis, representing Stonehouse LLC, summarized the proposal as housekeeping changes limited to the appearance and overall aesthetic of the Stonehouse Development. Mr. Davis stressed the size of the proposed areas to be modified, noting their small size in relation to the overall Stonehouse Development Plan. The plan proposes a rezoning in Land Bay Three from commercial to residential, a combined fifty-acre school site, a ten-acre desalinization plant site, an expanded homeowner's association, and proffers requiring shared maintenance agreements. Additional changes include a realignment of Fieldstone Parkway, a phasing plan, a water conservation plan, enhanced access and bikeways, and a density tracking mechanism.

Mr. Kale asked Mr. Davis where the Stonehouse Presbyterian Church property was relative to Land Bay Three.

Mr. Ken McDermott, of Stonehouse LLC, responded that it was further up the road.

Mr. Kale asked if the precise area of the proposed changes, totaling 209 affected acres, had been conveyed in the applicant's presentation.

Mr. Davis responded that the land bay diagrams showed the approximate areas rather than precise surveys.

Mr. Kale asked how rezoning seventy commercial acres to residential would affect overall housing unit and density numbers.

Mr. Davis answered that only a forty-acre portion would be designated for residential use but, since residential unit count and density figures are capped in the Stonehouse Master Plan, that this change would neither add new units nor increase overall density.

Mr. Poole opened the public hearing.

Hearing no other requests to speak, Mr. Poole deferred the case until the April 5th meeting.

Mr. Sowers thanked Mr. Davis for his presentation and continued cooperation with staff to resolve outstanding issues.

Mr. Poole commended the County and the applicant on the cooperative spirit demonstrated with the application.

CASE NO. SUP-24-03 - Communications Tower - 3135 Forge Road

Mr. Arcieri stated that Mr. Richard Miller, on behalf of James City County Fire Department, requested deferral of this special use permit until the April 5 meeting of the Planning Commission in order to allow more time to work with adjacent property owners. Staff concurred with the request.

Mr. McCleary commented on the usefulness of the recent public meetings concerning this case and credited Mr. Miller and his staff for their hard work.

Mr. Poole opened the public hearing.

Hearing no other requests to speak, Mr. Poole deferred the case until the April 5th meeting.

CASE NO. Z-1-04 & MP-2-04 - New Town Section 5

Mr. Chris Johnson stated that the applicant, Mr. Alvin Anderson, of Kaufman and Canoles, requested deferral to April meeting of the Planning Commission in order to resolve outstanding issues concerning the New Town master plan and proffers. Staff concurred with the request.

Mr. Poole opened the public hearing.

Hearing no other requests to speak, Mr. Poole deferred the case until the April 5th meeting.

Capital Improvements Program (CIP)

Mr. Kale briefly recounted the meetings of the Policy Committee and thanked Mr. McCleary and Mr. Poole for their efforts during the process.

Mrs. Tammy Rosario presented the recommendations of the Policy Committee for the fiscal years 2005-2009.

The Policy Committee ranked five of the eighteen projects that requested funding as “high” priorities: the Purchase of Development Rights program, the Lightfoot/Warhill BMP, the Toano Convenience Center relocation project, ambulance replacement, and the replacement of the Lafayette High School hot water boiler.

The Committee ranked eight projects as “medium” priorities: the grounds equipment storage building, greenways and trails, the James City/Williamsburg Community Center parking and expansion project, the Warhill Sports Complex Sports Facility, the Berkeley Middle School restrooms, the Lafayette High School athletic field drainage system, the Matthew Whaley Elementary School entrance, and the Norge Elementary School refurbishment project.

The Committee ranked four projects as “low” priorities: the Shared Animal Shelter, the Jamestown High School catwalks and communications replacement, the WJC Multi-Purpose Building, and the Stonehouse Elementary School bus canopy.

The Committee did not rank one project, the third high school, citing unresolved issues of mission, design, requirements, and public approval. Mrs. Rosario summarized the Policy Committee’s other major recommendations regarding the WJC Schools communications systems replacements and the Riverview Plantation Transmission water lines.

The Policy Committee and staff recommended that the Planning Commission recommend approval of the CIP.

Mr. Poole asked if staff had contacted the school system with regard to future communications upgrades.

Ms. Rosario related her conversation with Mr. Michael Thornton, Assistant Superintendent of Schools, who affirmed that a plan for a new communications system was under development.

Mr. Kale stated that the School Board should design its communications plan much in the same way that the County coordinated its emergency radio system plan.

With regard to the two CIP projects requested for Lafayette High School, Mr. Kale explained that the Committee had created separate line items in order to potentially expedite the replacement of the current hot water boiler, which constitutes the more pressing concern of the two projects. Mr. Kale stressed that the repair should be completed and should not come back as a continuing high priority.

Mr. Poole opened the public hearing.

Hearing no requests to speak, Mr. Poole closed the public hearing.

Mr. McCleary asked the Commission if the priority status assigned to the Animal Shelter in the CIP rankings had recently changed.

Mr. Sowers responded that, to his knowledge, it had not.

Mr. Poole brought up the conditions of the water lines in the Riverview community and emphasized that a future upgrade of these lines would not constitute a precedent for extending public utilities outside of the Public Service Area.

Mr. Sowers stated that upgrading the water lines would require a Special Use Permit and that the Planning Commission would have the opportunity to re-examine this issue and place conditions on the project.

Mrs. Wildman commended the Committee and staff for their hard work on this project.

Mrs. Wildman recommended approval of the rankings, seconded by Mr. McCleary.

In a unanimous roll call vote the motioned passed 7:0. AYE: Poole, McCleary, Wildman, Fraley, Hunt, Kale, Billups (7). NAY: (0).

E. CASE NO. SUP-01-03 STAT Services, Inc.

Mr. Johnson delivered the staff report. Mr. Robert Oliver applied on behalf of property owner Powhatan Springs, LLC for a special use permit to allow the construction of a 12,000 square foot Contractor's office at **133 Powhatan Springs Road**. The application is to renew a previous special use permit, SUP-29-01, heard by the Planning Commission in January of 2002. A previous non-conforming use, a storage facility, will remain in effect if the application is approved but only in the area identified for storage on the master plan. Staff found the proposed office building and equipment storage area generally inconsistent with the residential character of the surrounding area. With the attached conditions staff believes the proposal will be a significant improvement over previous uses of this site and an improvement to the surrounding area. Staff recommended approval of this application with the attached conditions.

Mr. Poole opened the public hearing.

Mr. Bob Oliver of Jamestown Management Company, the applicant representing Powhatan Springs, LLC, stated that the current application was identical to the previous special use permit.

Mr. Poole asked if any adjacent property owners had contacted the applicant.

Mr. Oliver indicated that no one had related any objections to him.

Mr. Poole asked if the applicant was comfortable with conditions set down in the staff report.

Mr. Oliver responded that he was.

Mr. Hunt asked if the new timeframe was satisfactory.

Mr. Oliver responded that it was.

Seeing no other speakers, Mr. Poole closed the public hearing.

Mrs. Wildman moved to recommend approval the application and identified it as a first step towards improving the area. Mr. McCleary seconded the motion.

In a unanimous roll call vote the motioned passed 7:0. AYE: Poole, McCleary, Wildman, Fraley, Hunt, Kale, Billups (7). NAY: (0).

F. AFD-7-86 Mill Creek Gulden Addition

Mr. Arcieri delivered the staff report. Mr. Randolph Gulden has applied to add 87.201 acres located at **126 Camp Road** to the existing Mill Creek Agricultural and Forestal District (AFD-7-86). The proposed addition meets the minimum area and proximity requirements for inclusion into an AFD. Further, it is consistent with surrounding zoning, development, and the 2003 Comprehensive Plan. On February 18, 2003, the AFD Advisory Committee recommended approval of this application by a vote of 6-0. Staff recommended that the Planning Commission recommend approval of the Gulden addition to the Mill Creek AFD subject to the conditions of the existing district.

Mr. Kale requested clarification in identifying the parcel to be added.

Mr. Poole opened the public hearing.

Seeing no speakers, Mr. Poole closed the public hearing.

Mr. Kale motioned to recommend approval the addition.

Mr. McCleary seconded the motion. In a unanimous roll call vote the motion passed 7:0. AYE: Poole, McCleary, Fraley, Wildman, Hunt, Kale, Billups (7). NAY: (0).

G. SO-01-04 - Zoning Ordinance Amendment - Individual Sewers

Mr. Dave Anderson delivered the staff report. At the request of the Planning Commission, staff forwarded an amendment to permit the use of alternate septic drainfield systems without Planning Commission review and approval. The Subdivision Ordinance currently requires the Planning Commission to grant waivers for alternate septic systems. The amendment would permit by-right use of these septic systems provided that they are approved by the Health Department. Staff, recognizing the technological advancements and environmental advancements of these new systems, recommended approval.

Mr. McCleary added that the proposal originated from the DRC, which was regularly reviewing and approving septic permit waivers.

Mr. Poole confirmed Mr. McCleary's assessment, stating that shifting this responsibility from the DRC would save time both for the committee and the applicant.

Mr. Dave Jordan of the Health Department concurred with the content of the staff report and reiterated the positive environmental benefits of newer septic treatment systems.

Mr. Billups requested more information as to the size of houses and lots that would be serviced.

Mr. Jordan responded that advanced systems require only half the footprint of a conventional system.

Mr. Kale inquired about the separation distances between these advanced systems and wells.

Mr. Jordan responded that this distance has been taken into account as part of Health Department reviews of these systems.

Mr. Billups inquired as to the price of these systems.

Mr. Jordan responded that conventional septic systems cost between \$3,500-4,000, and that more advanced systems retail for \$10,000-15,000.

Mr. Poole opened the public hearing.

Seeing no speakers, Mr. Poole closed the public hearing.

Mr. Hunt made a motion for approval. The motion was seconded by Mr. McCleary.

Mr. McCleary added that, if this ordinance change passed, the DRC would continue to review certain septic waiver requests, citing the example of septic systems that require remote drainfields.

In a unanimous roll call vote the motion passed 7:0. AYE: Poole, McCleary, Fraley, Wildman, Hunt, Kale, Billups (7). NAY: (0).

H. Z-15-03 & MP-13-03 - Stonehouse Station at Norge

Mr. Arcieri delivered the staff report. Ms. Lou Rowland applied on behalf of Stonehouse Station L.P. to rezone approximately 10.167 acres from B-1 General Business to R-5, Multifamily Residential, with proffers. The site is generally located at **7721 Croaker Road**. This case was deferred at the Planning Commission's February 2004 meeting in order to provide additional info on pedestrian safety and the impact on the school system. Up to 104 apartments are proposed for construction, yielding an overall density of approximately 10.23 units an acre. The site is designated for Moderate Density Residential development on the James City County Comprehensive Plan Land Use Map. The application also requests a Height Limitation Waiver from the Board of Supervisors to allow for the construction of structures which exceed 35 feet in height. Mr. Arcieri summarized the additional info and stated that staff continued to recommend approval contingent upon the agreement between adjacent property owners and the developer as to the proposed shared driveway.

Mr. Poole opened the public hearing.

Mr. Vernon Geddy, representing the applicant, concurred with the staff report, citing that the primary issues raised previously, specifically safety, crime, and the potential impact to the school system, had been addressed and did not outweigh the benefits of the application, especially in light of the need for affordable housing identified in the Comprehensive Plan. Further, given the slow commercial growth in the Croaker Road area, Mr. Geddy stated that the proposed apartments constituted the most appropriate use of this property.

Mr. Poole opened the public hearing.

Mr. Jack Fitzpatrick, of PO Box 295 Norge, speaking for Stonehouse Homeowner's Association, spoke to the nuisance crimes and trespassing that would be brought by the proposal. He continued to address the problem of Mirror Lakes youth on CSX right of way, focusing on safety concerns, pedestrian safety, and the increased burden on the school system.

Mr. Jeff Nelson, of 94 Meadowcrest, spoke about the danger presented by the railroad tracks to playing children and to questions of upkeep to the apartments.

Mr. George Lee, 3146 Saturn House Road, spoke of the additional burden placed on the schools by this proposal and urged the Planning Commission to recommend to the Board of Supervisors that the Adequate Schools test be adhered to..

Mr. Michael Edwards, 4204 Rose Lane, expressed his concerns as to the effects on property values, safety, and on the burden placed on the school system.

Mr. Tony Dion, 102 Fairmount Drive, expressed his concerns as to public safety, the impact on schools, and the possible burden to taxpayers.

Mr. Jim Brown, 4 Long Leaf Circle, concurred with the previous citizen speakers, stating that this proposal might negatively affect the economy.

Mr. Jim Stam, 104 Woodmont Place, spoke to the economic viability of the proposed location and urged denial of the request.

Mr. Dick Jones, 110 Wilderness Lane, questioned whether the James City County Comprehensive Plan supports the application. He further re-iterated the previous concerns regarding public safety and urged the Planning Commission to recommend denial.

Mr. McCleary clarified the distinction between the Land Use Designation of the site, Moderate Density Residential, and the zoning, General Business.

Mr. Fraley pointed out that the Land Use change on the parcel was from the 1991 update and that subsequent updates have not addressed those changes.

Mr. Kale referred to another recent case where the zoning of a property did not match the current land use designation.

Mr. McCleary pointed out that the zoning designation is the current law while the Comprehensive Plan addresses future uses.

Mr. Sowers provided background information on the 1991 land use plan change and subsequent plan updates, and stated the change for this area was one of several deliberate policy decisions which made the plan inconsistent with the zoning.

Mr. Ray Bruit, 9800 Hit Nest Road, expressed his concern over the increase in proposed housing units in Stonehouse and urged the Planning Commission to further consider the burden on schools and the tax base.

Mr. Poole, seeing no additional speakers, closed the public hearing.

Mr. Kale opened the floor for any response from the applicant.

Mr. Geddy spoke to the expectation that the project pay for itself and pointed out that this housing fits a need outside of that expectation.

Mr. Poole expressed his support of such projects which are also redevelopment plans but stressed his concern that no revenue stream exists to support this application. He voiced his opposition to the case on the basis of fiscal concerns, the additional burden to the schools, the underlying B-1 zoning, and the location.

Mr. Kale expressed his concerns over public safety, specifically regarding the situation of Croaker Road and the proximity of the CSX rail line. He stated he felt the location was wrong for this project at this time; that low-income persons need to be able to walk to other areas, and Croaker Road and the rail line posed hazards. Mr. Kale stated that road and pedestrian facilities need to be provided before this area is developed for residential use. He also seconded Mr. Poole's concerns regarding the additional students that would be added to the school system. After briefly touching on pedestrian safety concerns, Mr. Kale stated that he could not support the application.

Mr. Fraley complimented the applicant and citizens for their dialogue but spoke to the danger posed by Croaker Road to pedestrians and concern for the pace of development. Mr. Fraley cited that the County must respect the Adequate Facilities test and voiced his opposition to the proposal.

Mrs. Wildman agreed with Mr. Fraley's concerns regarding the schools and, though complimenting the applicant on the proposal, could not support the location of moderate density along such high-traffic corridors at this time. Mrs. Wildman credited the quality of the application but cited the problem as being the location of the proposal.

Mr. McCleary pointed out the distinction between affordable and low-cost housing and stressed that the intent of the Comprehensive Plan and the citizen survey data collected strongly supported diversifying and increasing affordable housing opportunities. And while this proposal does not provide an ownership option, it does offer another needed housing option. Mr. McCleary further stated his doubt that the property would be developed as a B-1 use and cautioned against using the Adequate Public Facilities test as a litmus test for development. Citing a need for clarification of the policy, however, Mr. McCleary stated his intent to vote to recommend denial.

Mr. Hunt stated that James City County needs affordable housing but, since the project fails the Adequate Facilities Test, the policy requires further thought.

Mr. Billups reiterated the distinction between low-income housing and affordable housing and stressed that these efforts were targeting entry-level workers and young professionals. He questioned the location of the proposal, though, as potentially unsafe and undesirable to the population that would be served. Mr. Billups questioned how the project would address the problem in the larger context of the County and stressed that this need would be better served by a home-buyer instead of a renter proposal.

Mr. Fraley motioned to recommend denial of the application. Mrs. Wildman seconded the motion.

Mr. Sowers took roll. In a roll call vote the motioned passed 6:1. AYE: Poole, McCleary, Wildman, Fraley, Kale, Billups (6). NAY: Hunt, (1).

6. PLANNING DIRECTOR'S REPORT

Mr. Marvin Sowers presented the report. Mr. Sowers announced the next meeting of the Better Site Design Roundtable sponsored by the Builders for the Bay on March 12, 2004. He also updated the Planning Commission on VDOT's progress on installing a series of pedestrian improvements.

7. ADJOURNMENT

There being no further business, the March 1, 2004, meeting of the Planning Commission was recessed at approximately 10:12 p.m.

A. Joe Poole, III, Chairman

O. Marvin Sowers, Jr., Secretary

**JAMES CITY COUNTY
DEVELOPMENT REVIEW COMMITTEE REPORT**

FROM: 3/1/2004 THROUGH: 3/31/2004

I. SITE PLANS

A. PENDING PRELIMINARY APPROVAL

SP-087-01 The Vineyards, Ph. 3
SP-089-01 Ewell Station Storm Water Management Fac. Mod.
SP-116-01 Powhatan Secondary - Ph. 7, Sanitary Sewer Ext.
SP-112-02 Ford's Colony Recreation Park
SP-045-03 Noah's Ark Vet Hospital SP Amendment
SP-052-03 Kingsmill Access Ramp for Pool Access Bldg.
SP-063-03 District Park Sports Complex Parking Lot Expansion
SP-079-03 Tequila Rose Walk-in Cooler
SP-082-03 Williamsburg Winery-Gabriel Archer Tavern
SP-086-03 Colonial Heritage Golf Course
SP-087-03 Busch Gardens Maintenance Storage Building
SP-095-03 KTR Stonemart
SP-131-03 Colonial Heritage Ph. 2, Sec. 1
SP-132-03 Windy Hill Market Gas Pumps & Canopy SP Amendment
SP-145-03 Williamsburg National 13 Course Expansion
SP-001-04 Strawberry Plains Center
SP-006-04 Williamsburg Christian Retreat Center Amendment
SP-014-04 Action Park of Williamsburg Ride
SP-015-04 New Town - Sec. 4, Ph. 2 Infrastructure
SP-016-04 Richardson Office and Warehouse
SP-017-04 Settlement at Monticello - Community Club
SP-018-04 New Town - Block 8, Ph. 1B
SP-019-04 Colonial Heritage, Massie Farm Pond SP Amendment
SP-023-04 Williamsburg Landing SP Amendment
SP-024-04 Marketplace Shoppes Ph. 4 SP Amendment
SP-025-04 Carter's Cove Campground
SP-026-04 New Town - Block 2, Parcel E, Office Building
SP-027-04 Greensprings Condominiums SP Amendment
SP-028-04 Shiloh Baptist of Croaker
SP-029-04 HRSD Wmbg. Plant Electrical Shop Addition
SP-030-04 JCC Communications Tower - Regional Jail
SP-031-04 JCC Communications Tower - JCC Landfill
SP-032-04 JCC Communications Tower - Hankins
SP-033-04 Jamestown High School Trailer Addition
SP-034-04 Lafayette High School Trailer Addition
SP-035-04 Clara Byrd Baker Trailer Addition
SP-036-04 D.J. Montague ES Trailer Addition

Wednesday, March 31, 2004

Page 1 of 4

SP-037-04 Stonehouse ES Trailer Addition

B. PENDING FINAL APPROVAL

EXPIRE DATE

SP-061-02	Powhatan Plantation Recreation Bldg Amd	6/18/2004
SP-005-03	Hankins Farm Water and Sewer Extension	5/27/2004
SP-009-03	Energy Services Group Metal Fabrication Shop	11/14/2004
SP-035-03	Prime Outlets, Ph. 5-A & 5-B - SP Amendment	4/30/2004
SP-049-03	James River Commerce Center Columbia Drive	5/19/2004
SP-050-03	Wmbg-Jamestown Airport T-Hanger & Parking Exp.	7/29/2004
SP-056-03	Shell Building - James River Commerce Center	3/ 4/2005
SP-091-03	Colonial Heritage Ph. 1, Sec. 5	8/ 4/2004
SP-092-03	Ford's Colony - Westbury Park, Recreation Area #2	9/ 8/2004
SP-108-03	Fieldstone Parkway Extension	2/26/2005
SP-114-03	Thayer-Smith Self Storage	10/ 2/2004
SP-116-03	Kingsmill - Armistead Point	11/19/2004
SP-127-03	New Town - Old Point National Bank	3/26/2005
SP-130-03	Wythe-Will Distributing Company, LLC	11/12/2004
SP-134-03	Ironbound Center 4	12/15/2004
SP-136-03	GreenMount Industrial Park Road Extension	3/15/2005
SP-138-03	New Town - Prudential-McCardle Office Building	12/29/2004
SP-139-03	New Town - Block 8, Ph. 1	2/25/2005
SP-140-03	Pocahontas Square	3/ 1/2005
SP-141-03	Colonial Heritage - Ph. 2, Sec. 3	1/12/2005
SP-143-03	New Town - United Methodist Church	1/12/2005
SP-144-03	Building Specialities Warehouse Expansion	1/16/2005
SP-147-03	J.H. Fisher Offices and Warehouse	1/22/2005
SP-150-03	WindsorMeade Marketplace	2/ 3/2005
SP-002-04	Ironbound Village Ph. 2	2/17/2005
SP-003-04	WindsorMeade Villas	3/ 1/2005
SP-004-04	WindsorMeade - Windsor Hall	3/ 1/2005
SP-005-04	WindsorMeade - Villa Entrance and Sewer Const.	3/ 3/2005
SP-009-04	Colonial Heritage Ph. 1, Sec. 3 & 3A	3/ 1/2005
SP-013-04	Gabriel Archer - Williamsburg Winery - Amendment	3/22/2005
SP-020-04	JCSA Improvements to Lake Powell Pipe Bridge	3/23/2005
SP-021-04	New Town - Block 2, Parcel F Office Building	3/25/2005

C. FINAL APPROVAL

DATE

SP-053-03	George Nice & Sons Fill Project	3/ 8/2004
SP-129-03	Busch Gardens Oktoberfest Expansion	3/16/2004
SP-012-04	Tequila Rose Restaurant 2	3/ 4/2004
SP-022-04	Busch Gardens - Squires Cooler Addition	3/11/2004

II. SUBDIVISION PLANS

A. PENDING PRELIMINARY APPROVAL

S-104-98 Skiffes Creek Indus. Park, VA Trusses, Lots 1,2,4
S-013-99 JCSA Mission Bank ROW Acquisition
S-074-99 Longhill Station, Sec. 2B
S-110-99 George White & City of Newport News BLA
S-091-00 Greensprings West, Plat of Subdv Parcel A&B
S-032-01 Subdivision and BLE Plat of New Town AssociatesLLC
S-008-02 James F. & Celia Ann Cowles Subdivision
S-086-02 The Vineyards, Ph. 3, Lots 1, 5-9, 52 BLA
S-058-03 Ford's Colony - Sec. 10, 171-172
S-062-03 Hicks Island - Hazelwood Subdivision
S-063-03 102 Lands End BLA + BLE
S-066-03 Stonehouse, BLA & BLE Parcel B1 and Lot 1, Sec. 1A
S-067-03 Ford's Colony Sec. 33, Lots 1-49
S-083-03 Columbia Drive Subdivision
S-094-03 Brandon Woods Parkway ROW
S-098-03 Stonehouse Glen, Sec. 1
S-100-03 Colonial Heritage Ph. 2, Sec. 1
S-101-03 Ford's Colony - Sec. 35
S-107-03 Stonehouse Conservation Easement Extinguishment
S-108-03 Leighton-Herrmann Family Subdivision
S-115-03 Eagle Tree Farm Lot 12
S-116-03 Stonehouse Glen, Sec. 2
S-003-04 Monticello Avenue ROW plat for VDOT
S-004-04 Monticello Woods, Lot 40A
S-008-04 Lake Powell Forest Ph. 6
S-021-04 Varble Subdivision
S-022-04 ROW Conveyence for Rt. 5000 & Rt. 776 Abandonment
S-023-04 New Town - Block 5, Parcel F; Block 8, Parcels ABC
S-024-04 161 Old Stage Road Subdivision
S-027-04 Lake Powell Forest Ph. 7
S-028-04 JCSA Lift Station BLA
S-029-04 BLA Lots 1A and 1B Longhill Gate
S-030-04 Villages at Powhatan, Ph. 6

B. PENDING FINAL APPROVAL

	EXPIRE DATE
S-037-02 The Vineyards, Ph. 3	5/ 5/2004
S-039-02 Powhatan Secondary, Ph. 6-C	5/ 8/2004
S-052-02 The Retreat--Fence Amendment	6/18/2004
S-076-02 Marion Taylor Subdivision	10/ 3/2004
S-094-02 Powhatan Secondary Ph. 7-C	12/30/2004
S-108-02 Scott's Pond, Sec. 3	1/13/2005
S-021-03 Stonehouse Sec. 2-C Easements	5/ 2/2004

Wednesday, March 31, 2004

Page 3 of 4

S-033-03	Fenwick Hills, Sec. 2	10/31/2004
S-044-03	Fenwick Hills, Sec. 3	6/25/2004
S-049-03	Peleg's Point, Sec. 5	7/ 3/2004
S-055-03	Colonial Heritage Ph. 1, Sec. 5	8/ 4/2004
S-056-03	Colonial Heritage Ph. 1, Sec. 4	9/23/2004
S-057-03	Ford's Colony - Sec. 34	8/19/2004
S-073-03	Colonial Heritage Ph. 2, Sec. 2	10/ 6/2004
S-076-03	Wellington, Sec. 4	11/ 3/2004
S-078-03	Monticello Woods - Ph. 2	11/ 3/2004
S-091-03	The Vineyards, Village Housing, Ph. 3, Lot 36- 37	10/20/2004
S-099-03	Wellington, Sec. 5	2/ 3/2005
S-106-03	Colonial Heritage Ph. 2, Sec. 3	1/12/2005
S-001-04	Ironbound Village Ph. 2, Parcel 2	2/17/2005
S-002-04	The Settlement at Monticello (Hiden)	3/ 1/2005
S-006-04	Colonial Heritage - Ph. 1, Sec. 3 & 3A	3/ 1/2005
S-007-04	Druid Hills, Sec. D Resubdivision	3/12/2005
S-009-04	Colonial Heritage Public Use Site B	3/18/2005
S-012-04	New Town - Block 2, Parcel E	3/17/2005
S-013-04	Wexford Hills Ph. 2	3/17/2005
S-014-04	Aberdeen BLE	3/17/2005
S-015-04	170 Racefield Drive Subdivision	3/11/2005
S-016-04	Building Specialities BLE	2/25/2005
S-017-04	Green Mount Lot 1A	3/26/2005
S-018-04	New Town - Center Street and New Town Avenue	3/26/2005
S-019-04	New Town - Block 5, Parcels D & E	3/29/2005

C. FINAL APPROVAL

DATE

S-112-02	Kensington Woods	3/23/2004
S-077-03	James Terrace, Sec. 10, Lots 4 & 6	3/ 9/2004
S-084-03	Liberty Property Limited Partnership	3/10/2004
S-109-03	Eagle Tree Farms Lot 13 Resubdivision	3/29/2004
S-113-03	7260 Osprey Drive Subdivision	3/17/2004
S-011-04	The Vineyards, Ph. 3, Lot 1	3/29/2004
S-025-04	Greenmount - Lot 3D	3/30/2004
S-026-04	Richard Burbydge BLA (Sims)	3/11/2004

D. EXPIRED

EXPIRE DATE

DEVELOPMENT REVIEW COMMITTEE ACTION REPORT
Meeting of March 31, 2004

Case No. S-098-03

Stonehouse Glen, Section 1

Mr. Ronnie Orsborne of LandMark Design Group, on behalf of Stonehouse, submitted a subdivision plan proposing the creation of 80 single family lots in Section I of Stonehouse. The property is located at 9186 Six Mount Zion Road and is further identified as parcel (1-1) on James City County Tax Map (6-4). DRC review is necessary for the following reasons: First, the development proposes more than 50 lots; second, the site is in a land bay that is designated for attached structures containing two to four dwelling units on the Stonehouse Master plan; and third, the approved proffers call for a two acre park, which is divided on the proposal into a 1.2 acre park and a 0.8 acre park. This case was deferred at the DRC's February 25th meeting.

DRC Action: The DRC unanimously granted preliminary approval subject to agency comments and the memo from Ronnie Orsborne to Scott Thomas dated March 19, 2004. In addition, the DRC found the proposal consistent with the Stonehouse master plan.

Case No. S-13-04

Wexford Hills Phase II – Lot # 48

Mr. James Franklin, on behalf of Richard and Howard Wilkinson, submitted a subdivision plan proposing the creation of a new lot, lot #48, on Natures Way in Wexford Hills. The parcel is further identified as parcel (1-13) on James City County Tax Map (15-4). The application includes a request for an exception to Section 19-60 of the Subdivision Ordinance to permit the use of an alternative septic system. DRC review is necessary to grant the exception.

DRC Action: The DRC approved the waiver.

Case No. C-036-04

1131 Jolly Pond Road, Overhead Utility Line Request

Mr. Dwight Smith applied for an overhead utility waiver for 1131 Jolly Pond Road in the Powhatan district. The parcel is further identified as parcel (1-8) on James City County Tax Map (30-1). The application requests an exception to Section 19-33 of the Subdivision Ordinance and requires DRC review.

DRC Action: The DRC unanimously recommended that the Planning Commission grant an exception to Section 19-33 of the Subdivision Ordinance to allow the placement of utility poles and an overhead line to serve the subject property.

Case No. SP-14-04

Action Park of Williamsburg Ride Addition

Mr. Bob Miller of Action Park of Williamsburg submitted a site plan proposing a new ride in Action Park. The ride encompasses 2700 sq. ft. and rises to thirty-two feet above grade at its maximum height. The parcel is located at 6870 Richmond Road and is further identified as parcel (1-18) on James City County Tax Map (24-3). The conditions of SUP-34-94 require the DRC to review any changes to the site or landscaping plan.

DRC Action: The DRC unanimously voted to defer case SP-14-04, Action Park of Williamsburg Ride Addition.

Case No. SP-16-04

Richardson Office and Warehouse

Mr. Richard Smith of AES Consulting Engineers, on behalf of Mr. Phillip Richardson, submitted a site plan for a warehouse, office, and rental center to be located at 5301 Mooretown Road. The parcel is further identified as parcel (1-31) on James City County Tax Map (33-3). DRC review is necessary because the area of proposed development exceeds 30,000 sq. ft. Additionally, the plan proposes two entrances to the development from the same road.

DRC Action: The DRC unanimously recommended preliminary approval subject to agency comments and subject to the resolution of all ownership, zoning and site issues with York County.

Case No. SP-18-04

New Town Block 8, Phase IB Residential

Mr. Bob Cosby of AES Consulting Engineers, on behalf of Mr. Bob Ripley of GCR, submitted a site plan proposing sixty-six townhomes and four single family homes in Phase IB of New Town. The property is located at 5216 Monticello Avenue adjacent to Center Street and Casey Boulevard and is further identified as parcel (1-50) on James City County Tax Map (38-4). DRC review is necessary because the site plan propose more than fifty residential units.

DRC Action: The DRC unanimously deferred action on this case.

Case No. SP-021-04

New Town – Block 2, Parcel F Office Building

Mr. Ken Jenkins of Land Tech Resources, on behalf of AHLM LLC, submitted a site plan proposing a 9,368 sq. ft. office building. The building would be located on Courthouse Street in New Town and is further identified as parcel (24-5) on James City County Tax Map (38-4). DRC review is necessary as the application proposes a modification to the setback requirements specified in Section 24-527 of the Zoning Ordinance.

DRC Action: The DRC unanimously granted the setback waiver.

New Town – Setback Modifications Block 2, 5, and 8

Section 24-527(a) of the zoning ordinance states that structures shall be located fifty feet or more from any existing or planned public road right-of-way which is fifty feet or greater in width. The design of New Town requires each building to encroach on this setback. While this encroachment requires the DRC to grant a reduction for each case, the reduced setbacks are in accordance with the New Town design Guidelines and are important in achieving the desired streetscapes in New Town. To date, the DRC has approved waivers for reduced setbacks on a case-by-case basis. Rather than continue this, staff recommends the DRC grant a waiver to section 24-527(a) for New Town Blocks 2, 5, and 8 provided the proposals are in accordance with the New Town Design Review Guidelines.

DRC Action: The DRC unanimously granted the setback waiver.

**REZONING -1-04 / MASTER PLAN -2-04. New Town Section 5
Staff Report for the April 5, 2004, Planning Commission Public Hearing**

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

PUBLIC HEARINGS 7:00 p.m.; Building F Board Room; County Government Complex
Planning Commission: March 1, 2004 (deferred)
April 5, 2004
Board of Supervisors: May 11, 2004 (tentative)

SUMMARY FACTS

Applicant: Greg Davis
Land Owner: New Town Associates
Proposed Use: A maximum of 63,358 square feet of limited business/industrial space
Location: 152 and 155 Tewing Road, Berkeley District
Tax Map/Parcel (38-2)(1-3) and (38-2)(1-4)
Parcel Size 8.87 acres
Proposed Zoning: M-1, Limited Business/Industrial with proffers
Existing Zoning: R-8, Rural Residential and M-1 Limited Business/Industrial with proffer
Comprehensive Plan: Mixed Use
Primary Service Area: Inside

STAFF RECOMMENDATION

The applicant has requested a deferral of this case to allow more time to resolve outstanding issues. Staff concurs with the applicant's request and recommends deferral of the case until the next Planning Commission meeting on May 3, 2004.

Staff Contact: Sarah Weisiger, Planner Phone: 253-6685

Sarah Weisiger

Attachment:
Applicant deferral letter

KAUFMAN & CANOLES

— | A Professional Corporation | —

Attorneys and Counselors at Law

Gregory R. Davis
757 / 259-3800
grdavis@kaufcan.com

757 / 259-3800
fax: 757 / 259-3838

Mailing Address:
P.O. Box 6000
Williamsburg, VA 23188

4801 Courthouse Street
Suite 300
Williamsburg, VA 23188

March 25, 2004

James City County Planning Division
Attention: Sarah Weisiger
101-E Mounts Bay Road
Williamsburg, VA 23185

VIA TELECOPIER (757) 253-6850



Re: New Town Associates, LLC
Applicable for Rezoning and Master Plan Amendment
of a Portion of Section 5 of New Town
James City County Case Nos. Z-1-04 and MP-2-04


Dear Sarah:

This letter confirms my telephone conversation with you of March 24, 2004; my client New Town Associates, LLC requests a deferral of the above case from the April Planning Commission meeting to the May meeting.

My client and I appreciate the diligence of Staff in advancing this application. The New Town DRB has acted to support this application, but issues remain which involve buffers under discussion by the Environmental Division and the applicant's engineer. Because the landscape/visual buffer between Section 5 and the remainder of New Town will be tied to this wetlands buffer, two important issues remain unresolved at this time.

Please do not hesitate to contact me with questions or comments in this regard.

Very truly yours,



Gregory R. Davis

GRD:fmy

cc: Alvin P. Anderson, Esq.
James City County Development Mgmt., Attn: John Horne
New Town Associates, LLC, Attn: John McCann
Timothy O. Trant II, Esq.

#6053770 v1

**Z-11-03 & MP-11-03. Stonehouse Planned Community Amendment
Staff Report for the April 5, 2004 Planning Commission Public Hearing**

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

PUBLIC HEARINGS

County Government Complex
Planning Commission: December 8, 2003, 5:30 p.m. Building C Board Room (Deferred)
January 12, 2004, 5:30p.m. Building F Board Room (Deferred)
February 2, 2004, 7:00p.m. Building F Board Room (Deferred)
March 1, 2004, 7:00 p.m. Building F Board Room (Deferred)
April 5, 2004, 7:00 p.m. Building F Board Room
Board of Supervisors: May 11, 2004, 7:00p.m. Building F Board Room (Tentative)

SUMMARY FACTS

Applicant: Mr. Greg Davis, Kaufman & Canoles
Land Owner: Ken McDermott, Stonehouse at Williamsburg, LLC
Proposed Use: To amend the master plan and proffers for the Stonehouse Planned Community by realigning Fieldstone Parkway, shifting residential densities and rezoning some landbays to residential. There is no proposed increase to the total number of approved residential units within the Stonehouse Planned Community.
Location: 9235 Fieldstone Parkway & 9186 Mount Zion Road
Stonehouse District
Tax Map/Parcel: (4-4)(1-29) and a portion of (6-4)(1-1)
Primary Service Area: Inside
Parcel Size: 209 acres out of 2,182 acres
Existing & Proposed Zoning: Planned Unit Development Residential & Commercial with Proffers
Comprehensive Plan: Low Density Residential & Mixed Use
Surrounding Zoning: North & East: New Kent County—Agricultural Zoning
James City County rural lands zoned A-1
PUD-R: Stonehouse
South: PUD-R: Stonehouse
West: Interstate 64 and
PUD-C: Stonehouse Commerce Park
Staff Contact: Karen Drake - Phone: 253-6685

STAFF RECOMMENDATION

The applicant has requested the Planning Commission defer this case until the May 11, 2004 Planning Commission Meeting to allow more time to resolve outstanding issues regarding the Stonehouse master plan and proffers. Staff concurs with the request.

**SPECIAL USE PERMIT 9-04. Chesapeake Bank SUP Amendment
Staff Report for the April 5, 2004 Planning Commission Public Hearing**

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

PUBLIC HEARINGS

Planning Commission: Building F Board Room; County Government Complex
April 5, 2004, 7:00 p.m.

Board of Supervisors: May 11, 2004, 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. Jim Bennett, AES Consulting Engineers

**Land Owner, Tax Map ID,
Area and Existing Zoning:**

Chesapeake Bank; (12-1)(1-3A); 1.9 acres; B-1, with proffers

Proposal:

To extend the expiration date of the previously approved special use permit (SUP-28-00) to coincide with the expiration date of the approved site plan (SP-98-01).

Location:

8909 Barhamsville Road

Proposed Zoning:

B-1, General Business, with proffers

Comprehensive Plan:

Mixed Use

Primary Service Area:

Inside

STAFF RECOMMENDATION

Staff finds the proposal generally consistent with surrounding zoning and development and the 2003 Comprehensive Plan. Staff recommends the Planning Commission recommend approval of the special use permit extension request with the attached conditions.

Staff Contact:

David Anderson

Phone: 253-6685

Project Description

Jim Bennett of AES Consulting Engineers has applied on behalf of Marshall N. Warner of Chesapeake Bank for a special use permit to extend the expiration date of SUP-28-00, approved July 10, 2001 and scheduled to expire July 10, 2004. The original special use permit approved a 3,200 square foot bank building at 8909 Barhamsville Road. This application requests an extension of the expiration date of the approved special use permit to coincide with the expiration date of the approved site plan (SP-98-01), approved April 19, 2002 and scheduled to expire on April 19, 2007. The property is further identified as parcel no. (1-3A) on James City County Tax Map (12-1), zoned B-1, General Business, and designated Mixed Use on the 2003 Comprehensive Plan Land Use Map.

As a matter of clarification, the original special use permit was processed in conjunction with a rezoning of 1.9 acres out of the 9.898 acre parcel, (12-1)(1-3A), from A-1 to B-1, with proffers. The only use that was planned in the rezoning application was the proposed Chesapeake Bank building. The proffered conditions of this rezoning are attached hereto for your reference.

The special use permit application does not propose any changes other than extension of the expiration date. The extension is being requested for the following reasons, as outlined in a letter from Jim Bennett dated February 23, 2004:

1. The forecast of the necessary support market has not materialized.
2. The residential development at Stonehouse is below prediction.
3. Stonehouse Commerce Park has lost two major users in the last two years with few new tenants.

The applicant stated that the extension will allow Chesapeake Bank to monitor the market and see if it is returning to the levels necessary to support their future branch bank. He further stated that it would not be desirable for either Chesapeake Bank or James City County to construct a building that could possibly be vacant in the near future just to meet the current special use permit expiration date.

Public Impacts

1. Traffic

A traffic study was performed for the site in February, 2001. Since traffic conditions have not changed much since 2001 and there is greater vacancy in the Stonehouse Industrial Park than there was at the time of the 2001 counts, VDOT has concluded that there is not a sufficient need for an update of the 2001 traffic study in conjunction with this special use permit extension request. Staff concurs with VDOT's determination.

2. Pedestrian Access

With the recent approval of Michelle Point to the west of the Chesapeake Bank site, Staff recognizes a need for an additional pedestrian connection extending from the bank site to serve the residents of Michelle Point. To address this need, Staff has added an additional condition (Condition #1) requiring an amendment to the approved site plan to include this connection.

Comprehensive Plan

The James City County Comprehensive Plan Land Use Map designates this property as Mixed Use.

Staff Comments: According to the Plan, for lands within the Barhamsville Interchange, "commercial development shall be oriented towards support services that employees and residents in the Stonehouse Area can utilize". The proposed bank is such a support service. The Plan also states that uses shall be "connected with pedestrian access where possible". With the attached additional condition (Condition #1) outlined above, the proposal adheres to this language.

The proposal is generally consistent with the Comprehensive Plan.

STAFF RECOMMENDATION

Staff finds the proposal generally consistent with surrounding zoning and development and the 2003 Comprehensive Plan. Staff recommends the Planning Commission recommend approval of the special use permit extension request with the following conditions:

1. A pedestrian connection, extending from the proposed bank site to the hard surface trail shown on the Michelle Point master plan, shall be constructed concurrent with development of the bank. As determined by the Planning Director, this pedestrian connection shall be consistent in design and material to the hard surface trail extending from Michelle Point. A site plan amendment, identifying the design, material, and location of the pedestrian connection, shall be submitted and approved prior to construction of the proposed bank.

2. Free standing signage shall be limited to one monument style sign. For purposes of this condition, a “monument” style sign shall be defined as a free standing sign with a completely enclosed base not to exceed 32 square feet in size and not to exceed 8 feet in height from grade.
3. A sidewalk, 5 feet in width, shall be provided from the back parcel to Highfield Drive. This pedestrian connection shall be shown on any site plan for development of Parcel 1 and its design and location subject to the review and approval of the Planning Director.
4. If construction has not commenced on the project by April 19, 2007, the permit shall become void. Construction shall be defined as obtaining permits for building construction and installation of footings and/or foundations.
5. All exterior lights on the property shall be recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side.
6. The building architecture shall be consistent, as determined by the Director of Planning, with the building rendition prepared by Guernsey-Tingle Architects and dated June 4, 2001.
7. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

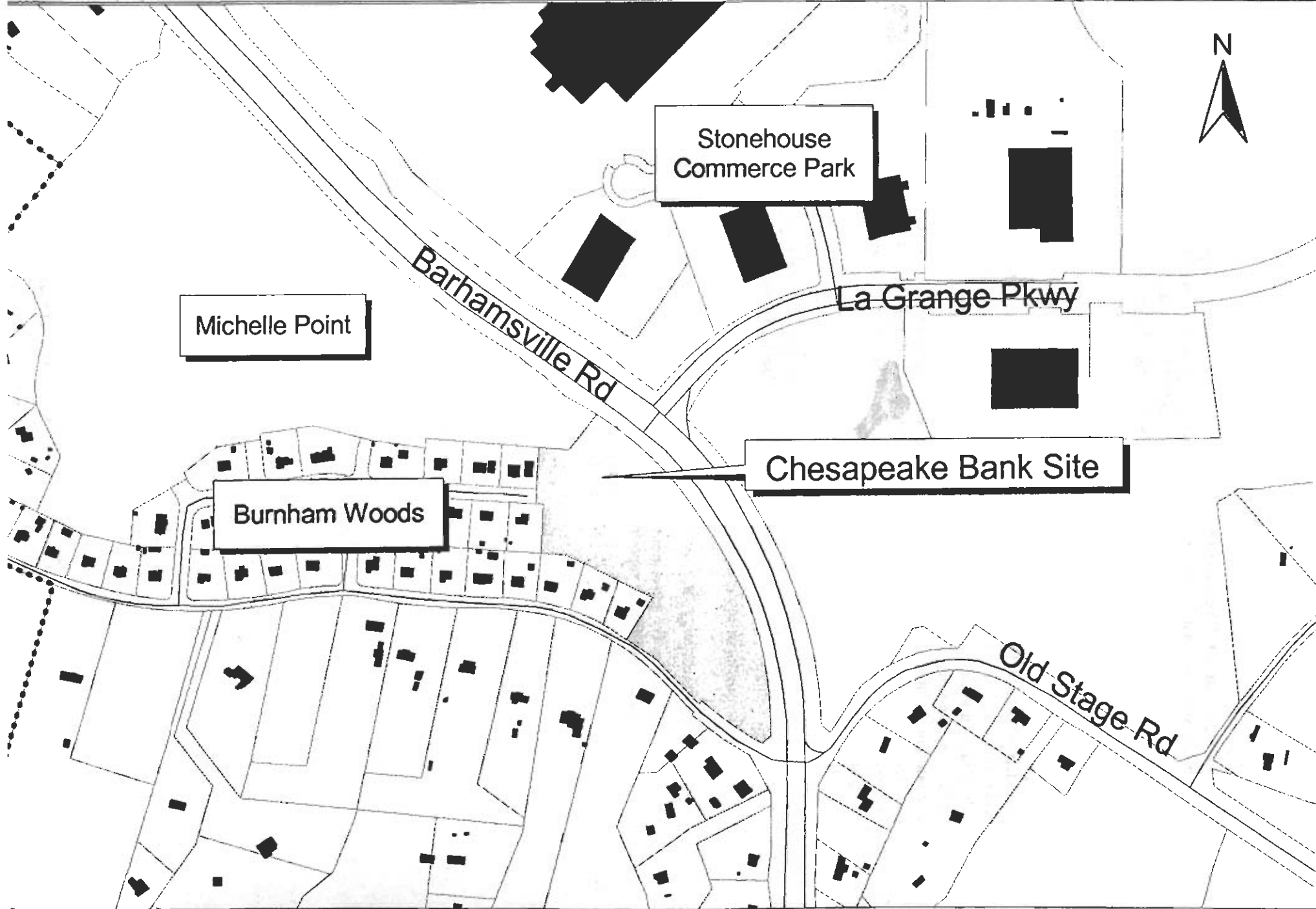
David Anderson

Attachments:

1. Location Map
2. Original Approved Proffer Agreement
3. Conceptual Master Plan (under separate cover)

SUP-9-04. Chesapeake Bank SUP Amendment

Photo Copyright 2002 State of Virginia



PROFFERS

THESE PROFFERS are made this 29th day of June, 2001 by LOULYNN ACRES ASSOCIATES (together with its successors and assigns, the "Owner").

RECITALS

A. Owner is the owner of a tract or parcel of land located in James City County, Virginia containing approximately 9.898 acres and being Tax Parcel (12-1)(3-A). The parcel is now zoned A-1 and is designated Mixed Use on the County Comprehensive Plan Land Use Map.

B. Owner has applied to rezone a portion of the parcel (the "Property") described on Exhibit A hereto attached from A-1 to B-1 General Business District, with proffers.

C. Owner has submitted to the County a master plan entitled "Chesapeake Park" prepared by AES Consulting Engineers and dated May 14, 2001 (the "Master Plan") for the Property.

D. Owner desires to offer to the County certain conditions on the development of the Property not generally applicable to land zoned A-1.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2297 of the Code of Virginia, 1950, as amended, and the County Zoning Ordinance, Owner agrees that it shall meet and comply with all of the following conditions in developing the Property. If the

requested rezoning is not granted by the County, these Proffers shall be null and void.

CONDITIONS

1. Buffers. Prior to the issuance of a temporary certificate of occupancy, Owner shall have constructed the berms shown on the Master Plan and installed the landscaping thereon. The landscaping installed shall be Transitional Screening as required by the Zoning Ordinance and shall contain either 133% of the evergreen trees required by the Zoning Ordinance or 125% of the general planting required by the Zoning Ordinance as determined by the Director of Planning. The County shall not be obligated to grant final site plan approval for any buildings on the Property until such berms and landscaping have been installed or their installation commenced and completion guaranteed by surety in a form approved by the County Attorney and posted with the County. All berms on the Property shall have at least a six inch layer of topsoil and any fill material used in the construction of the berms shall be subject to the approval of the Director of Planning or his designee.

2. Entrance. There shall be only one entrance into the Property from Route 30 and it shall be located generally as shown on the Master Plan. Owner shall provide an easement for

vehicular traffic to and from the entrance into the Property to and from the balance of Tax Parcel (12-1)(3-A) as it exist on the date of approval of the rezoning. There shall not be any vehicular connection to Highfield Drive.

3. **Turn Lanes.** Concurrently with the construction of the entrance into the Property directly across from La Grange Parkway and prior to the issuance of a certificate of occupancy for the building on the Property, a right turn lane and a left turn lane from Route 30 into the entrance to the Property as shown on the Master Plan shall have been constructed or construction commenced and completion bonds or other surety acceptable to the County Attorney posted to assure completion of the turn lanes. All turn lanes shall be constructed in accordance with Virginia Department of Transportation ("VDOT") standards and guidelines and shall be designed to incorporate shoulder bike lanes. Owner shall convey, free of charge, to the County or VDOT the right of way for the cul-de-sac at the end of Highfield Drive as noted and shown on the Master Plan.

4. **Archaeology.** (a) Prior to any land disturbing activities on the Property, Owner shall submit an archaeological study of the Property in accordance with the Board of Supervisors adopted Archaeological Policy in effect at the time of approval of the rezoning to the Director of Planning for review and approval.

5. Route 30 Buffer. Enhanced landscaping (as defined below) shall be provided within the 50' landscape and building setback along Route 30 as shown on the Master Plan. The enhanced landscaping shall be shown on the site plan for development of the Property and shall be subject to the approval of the Development Review Committee. As used herein "enhanced landscaping" means landscaping that (i) exceeds the numerical requirements of the Landscaping Ordinance by at least 25% or (ii) is otherwise approved by the Director of Planning.

6. Lighting. Street light poles within 100 feet of the boundary of the Property along Route 30 shall not exceed 20 feet in height. All other street light poles on the Property shall not exceed 15 feet in height. All building mounted external lights along the back of the building on the Property shall be recessed fixtures with no globe, bulb or lens extending below the casing or otherwise unshielded by the case so that the light source is visible from the side of the fixture. These lights shall be shown on a lighting plan to be submitted to and approved by the Director of Planning and shall indicate that no glare is cast off the Property onto adjacent properties.

WITNESS the following signature.

LOULYNN ACRES ASSOCIATES

By: *Charles David Craigher*
General Partner

STATE OF VIRGINIA AT LARGE

CITY/COUNTY OF James City, to-wit:

The foregoing instrument was acknowledged this 29
day of June, 2001, by Charles David Crawford As General
Partner of Loulynn Acres Associates, a Virginia general
partnership.

Susan C. Kohlman
NOTARY PUBLIC

My commission expires: 6/30/2004.


May 18, 2001

**PROPERTY DESCRIPTION OF
1.903 ACRES
BEING A PORTION OF THE PROPERTY
OWNED BY LOULYNN ACRES ASSOCIATES**

All of that certain parcel of land situated on Highfield Drive of Burnham Woods Subdivision – Section “3” and located within James City County, Virginia containing 1.903 acres more or less and more fully described as: Commencing at a point on the northern right of way of Highfield Drive, being a corner to Lot 44 of Burnham Woods Subdivision – Section “3” and being 27.29’ more or less from the eastern right of way of Overton Trail; thence S86°48’30”E, 567.70’ to a point, being the point of beginning for this parcel and the southeast corner of Lot 41 of Burnham Woods Subdivision Section “3”; thence leaving the right of way of Highfield Drive and along Lot 41 N03°11’30”E, 150.00’ to a point, being a corner to this parcel, Lot 41 and a parcel of land now or formerly standing in the name of Delmarva Properties, Inc.; thence leaving Lot 41 and along the line of Delmarva Properties Inc. S86°48’30”E, 100.79’ to a point; thence N38°48’30”E, 162.85’ to a point on the southerly right of way of Barhamsville Road (Rt. 168 and Rt. 30); thence leaving Delmarva Properties, Inc. and along the right of way of Barhamsville Road on a curve to the right having a radius of 1382.40’, a length of 268.96’ and a chord of S52°53’32”E, 268.54’ to a point, being a corner to this parcel and the remaining lands of Loulynn Acres Associates; thence leaving the right of way of Barhamsville Road along the line of Loulynn Acres Associates S42°40’54”W, 292.90’ to a point; thence N48°05’22”W, 109.51’ to a point on the right of way of a proposed cul-de-sac; thence along a curve to the left having a radius of 50.00’, a length of 114.68’ and a chord of N62°30’47”W, 91.14’ to a point; thence along a curve to the right having a radius of 50.00’, a length of 36.14’ and a chord of S72°29’13”W, 35.36’ to a point; thence N86°48’30”W, 30.62’ to the said point of beginning, said parcel being a portion of the property known as the “La Grange” Tract as shown in Plat Book 45, Page 28 and is subject to a 25’ ingress/egress easement as shown on the above referenced plat.

Respectfully submitted,

AES Consulting Engineers



G. T. Wilson, Jr.
License No: 1183

**SPECIAL USE PERMIT 24-03 JCC Communications Tower
Staff Report for April 5, 2004 Planning Commission Meeting**

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

PUBLIC HEARINGS

Building F Board Room; County Government Center

Planning Commission: January 13, 2004 (deferred) 7:00 p.m.
February 2, 2004 (deferred) 7:00 p.m.
March 1, 2004 (deferred) 7:00 p.m.
April 5, 2004 7:00 p.m.
Board of Supervisors: April 13, 2004 (tentative) 7:00 p.m.

SUMMARY FACTS

Applicant: Richard Miller, James City County Fire Chief
Land Owner: James City County
Proposed Use: 140 foot communication tower serving as part of the JCC 800-MHz trunked radio system.
Location: 3135 Forge Road
Tax Map/Parcel: (12-3)(1-27)
Zoning: B-1, General Business
Comprehensive Plan: Federal, State & County Land
Primary Service Area: Yes

STAFF RECOMMENDATION

Staff finds the proposal generally consistent with the County's Performance Standards for Wireless Communications Facilities and generally consistent with the 2003 Comprehensive Plan. In such cases where the proposal does not satisfy the criteria, exceptions have been made in order to design a communication system to serve the larger public safety need. Staff recommends the Planning Commission recommend approval of the special use permit application with the attached conditions

Staff Contact: Matthew Arcieri Phone: 253-6685

PROJECT DESCRIPTION AND PROPOSED OPERATION

In FY 1996, James City County identified the need to replace the multiple radio systems used by various County agencies into one system. A Needs Assessment Study recommended the County seek licensing for a seven-channel trunked radio system in the 800-MHz. band. James City County has partnered with York County on this project in order to share costs and implement a regional system. On August 12, 2003 the Board of Supervisors authorized the County Administrator to enter into a contract with Motorola and York County for the design and implementation of the 800-MHz. trunked radio system.

The new system will require nine communication sites in James City County, York County, Williamsburg and Poquoson linked together by a looped microwave network. Four of these sites will be located in James City County:

- ◆ A 140 foot self supporting tower replacing the existing 190 foot self supporting tower at the County Emergency Operations Center on Forge Road;
- ◆ A 280 foot self supporting tower located adjacent to an existing 185 foot tower at the Virginia Peninsula Regional Jail on Merrimac Trail;
- ◆ A 380 foot guyed tower at the James City County Landfill on Jolly Pond Road; and
- ◆ A 380 foot self supporting tower located adjacent to an existing 280 foot tower in the Hankins Industrial Park on Industrial Boulevard.

All four towers require special use permits. On February 10, 2004 the Board of Supervisors approved the towers at the Virginia Peninsula Regional Jail, James City County Landfill and Hankins Industrial Park. Over the past three months the applicant has been working on the overall site layout of the EOC and was unable to finalize the tower location resulting in their request to defer action on that tower. Although the EOC tower is close to the Hankins tower, note that the EOC tower is unique from the three approved towers as it links the EOC into the looped microwave network located on the other towers. The approved towers transmit to units and personnel in the field. The remainder of this report will only discuss the tower at the Emergency Operations Center (EOC).

PUBLIC IMPACTS

Visual Impacts

- ◆ Based on visual observations of the existing 190 foot tall tower, portions of the new tower will be visible from surrounding residences as well as from Richmond Road and Forge Road.
- ◆ The new tower will be relocated adjacent to a new central dispatch facility. It will be approximately 170 feet from the side property line and 60 feet from the rear property line which places it closer to the rear of the property. The new tower will be 50 feet shorter than the existing tower. The new tower is 14 feet wide at its base, the same as the existing tower. The new tower will be mounted with two six foot wide microwave dishes.

TOWER POLICY

On May 26, 1998 the James City County Board of Supervisors adopted performance criteria for Wireless Communications Facilities (a copy of these standards are attached). In accordance with the Zoning Ordinance, it is recommended that all facilities substantially meet the provisions of the performance standards.

A. Co-location and Alternatives Analysis

Standards A1 and A2 call for the applicant to investigate and provide verifiable evidence of all possible alternatives for locating prior to making a request to construct new facilities. Working with Motorola and the Planning Division, the applicant worked to identify the potential for replacing existing towers or to co-locate on existing towers. The EOC tower will replace the existing tower and satisfies this standard.

Standards A3 and A4 call for a new tower to be sited to allow for the construction of a second tower and that all towers be designed to accommodate as many co-locations as possible. The tower at the Emergency Operations Center will replace the existing tower serving the central dispatch facility and therefore is not designed for co-location. Staff also finds that, due to the size of the property, locating a second tower on this site is not feasible and would create additional negative visual impacts.

B. Location and Design

Standard B1 states that towers and tower sites should be consistent with existing and future surrounding development and the Comprehensive Plan. Towers should be compatible with the use, scale, height, size, design and character of surrounding existing and future uses while protecting the character of the County's scenic resource corridors and their view sheds. Although there will be impacts on the County's scenic resource corridors and their view the EOC tower's reduced height decreases these impacts and is generally consistent given that this tower will be replacing an existing tower.

Standard B2 states that new towers should have minimal intrusion on residential areas and on scenic resource corridors. The tower should only be visible off-site when viewed through surrounding trees that have shed their leaves. For areas designated rural lands in the Comprehensive Plan within 1,500 feet of the tower these same standards apply. For areas more than 1,500 feet from the towers no more than the upper 25% of the tower should be visible.

Based on visual observations of the existing tower, the new tower will be visible from surrounding residences as well as from Richmond Road and Forge Road. Despite the fact that this tower is replacing an existing tower and reduces the impact staff finds that this tower does not satisfy standard B2.

Standard B3 and B4 state that the tower should be less than 200 feet to avoid lighting. Taller heights may be acceptable where views of the towers from residential areas and public roads are very limited. The tower will be 140 feet tall and replaces a 190 foot tower. The EOC tower meets this standard.

Standard B5 states that towers should be freestanding and not supported with guy wires. The EOC tower meets this standard.

C. Buffering

Standard C1 and C2 state that towers should be placed in a manner that maximizes buffering from existing trees, including maintaining a recommended 100 foot wide buffer around the site, and that access roads should be designed in a manner that provides no off-site view of the tower base and facilities.

The EOC tower will be located adjacent a new central dispatch building to be built in conjunction with development of the 800 Mhz. Radio System. Ordinance requirements call for a 50 foot building setback and a 35 foot landscaped area between the EOC site and adjacent properties. While the location of the EOC tower does not satisfy the 100 foot wooded buffer standard, given the existing tower and the landscaping requirements of the Zoning Ordinance, there will be minimal new negative visual impacts.

COMPREHENSIVE PLAN

- ◆ The site is designated State, Federal and County Land.
Staff Comments: The proposed tower is consistent with this designation.
- ◆ By developing a regional system with York County, the proposal also satisfies goal four of the Public

Facilities element, “Emphasize efficient facilities and service delivery systems and develop public facilities as components of regional systems where feasible.”

CONCLUSIONS & CONDITIONS

Staff finds the proposal generally consistent with the County’s Performance Standards for Wireless Communications Facilities and generally consistent with the 2003 Comprehensive Plan. In such cases where the proposal does not satisfy the criteria, exceptions have been made in order to design a communication system to serve the larger public safety need. Staff recommends the Planning Commission recommend approval of the special use permit application with the following conditions:

1. This Special Use Permit shall be valid for a total of one (1) tower. The maximum height of the tower shall not be greater than 140 feet. The tower site shall be developed generally in accordance with the site layout titled “Special Use Permit Plan for 140’ Cellular Tower on the James City County Property” dated December 1, 2003, with minor changes approved by the Director of Planning.
2. Final building design, location, orientation and construction materials for any supporting structures, such as equipment sheds and huts, shall be approved by the Director of Planning prior to final site plan approval.
3. A final Certificate of Occupancy from the James City County Codes Compliance Division shall be obtained within 24 months of approval of this special use permit, or the permit shall become void.
4. Within 30 days of the issuance of a final Certificate of Occupancy by the James City County Codes Compliance Division, certification by the manufacturer, or an engineering report by a Virginia-registered structural engineer, shall be filed by the applicant indicating the tower height, design, structure, installation and total anticipated capacity of the structure, including number and type of antennas which could be accommodated, demonstrating to the satisfaction of the building official that all structural requirements and other safety considerations set forth in the 2000 International Building Code, or any amendment thereof, have been met.
5. The tower shall have a finish that is grey in color as approved by the Director of Planning. No additional lighting beyond the minimum required by the FAA or FCC shall be allowed on the tower.
6. No advertising material or signs shall be placed on the tower.
7. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Matthew D. Arcieri

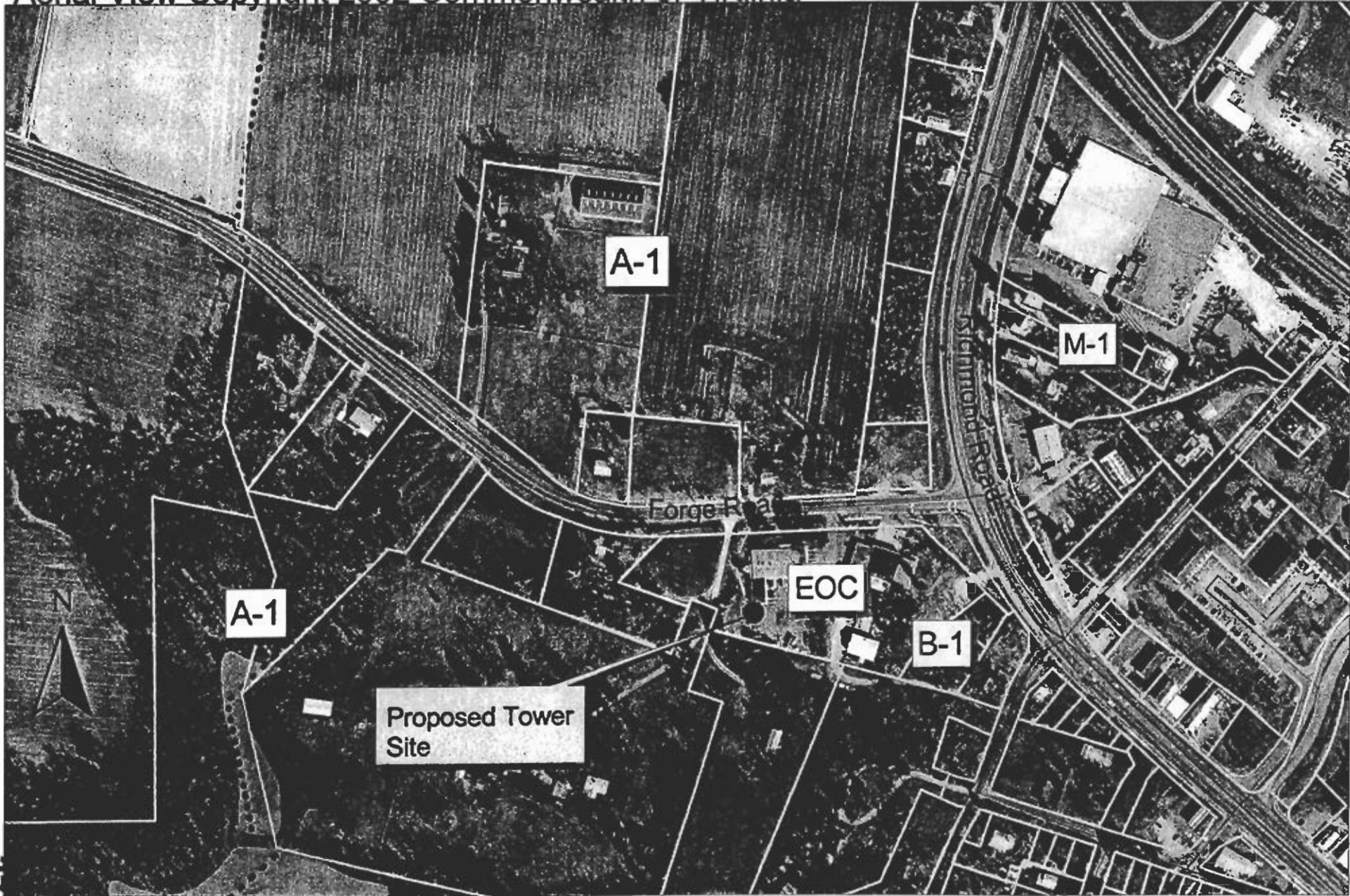
ATTACHMENTS:

1. Location Map
2. Pictures of Existing Tower
3. County Performance Standards for Wireless Communications Facilities.
4. Site Layout (Under Separate Cover)

SUP-24-03, JCC Communication Tower JCC Emergency Operations Center (Forge Road)



Aerial View Copyright 2002 Commonwealth of Virginia



Existing EOC Tower



From Entrance to Burnt Ordinary



Facing EOC across Richmond Road

Existing EOC Tower



From entrance to Hankins Industrial Park



From Forge Road

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

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

A. Collocation and Alternatives Analysis

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

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

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

B. Location and Design

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

Proposed Location of Tower

Impact Criteria

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

Notes for the above table:

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

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

C. Buffering

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

PLANNING DIRECTOR'S REPORT

April 2004

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

1. Resolution of Appreciation for John Hagee. The Board of Supervisors recognized John Hagee for his service on the Planning Commission at its March 23rd meeting. Mr. Hagee was presented with a resolution of appreciation.
2. Green Spring Trail. The County continues to work with VDOT and adjoining property owners on the proposed trail which would connect Jamestown High School to Jamestown. On March 23rd the Board of Supervisor's approved a request from VDOT to assist in project funding.
3. New Town Project Status. The DRB considered the following cases on March 18th.

Approved revised elevations, materials and a gable change for New Town United Methodist Church

Approved rezoning and buffering for New Town Section 5

Discussed landscape and lighting for New Town, Section 4, Phase II – Block 8, Phase 1B
4. Historic Triangle Bicycle Advisory Committee. The Committee will hold its quarterly meeting on April 19th at 6:00 PM in the City of Williamsburg Third Floor Conference Room.
5. Route 199/Jamestown Road Intersection Enhancements. County staff continued to meet with City of Williamsburg staff, VDOT, project contractors and the Williamsburg Land Conservancy to discuss beautification options. A draft list of enhancements is being prepared for submittal to VDOT and the localities.
6. Five Forks Study. County staff met with its consultant in March to review proposed land use scenarios and their projected traffic impacts for the Five Forks area. Following further refinement of this information, staff will meet with the consultant to determine next steps.
7. Williamsburg Comprehensive Plan Update. County staff and Commissioner Joe McCleary met March 17th with City staff and two of its Planning Commissioners to discuss the City's update of their Plan.
8. Site Planning Roundtable. This study of the County's ordinances continued with a meeting of the Roundtable on March 12th. Commissioner McCleary as well as several County staff attended.
9. Corridor Enhancement Committee. This committee met March 9th to further discuss enhancement efforts for Jamestown Road.
10. High Speed Internet Access Proffer Policy. Staff received a draft report from its consultant in March. The report is currently under review.
11. Upcoming Cases. New cases that are tentatively scheduled for the April 5th Planning Commission meeting include:

Case No. SUP-14-04 4315 John Tyler Monopole Tower. Mr. Nathan Holland has applied on behalf of T Mobile for a special use permit to add a 38-foot extension to an existing 112-foot tall communications tower. The site is at **4311 John Tyler Highway**, and can be further identified as Parcel (1-20) on James City Real Estate Tax Map (46-2). The property is designated as Rural Residential District on the Comprehensive Land Use Map. The tower will be 150 feet tall.

Case No. SUP-13-04 Williamsburg Farms Country Inn. Mr. Patrick Duffeler has applied for a special use permit to construct and operate a 36 room inn. The site is at **5800 Wessex Hundred Road**, and can be further identified as Parcel (1-10) on James City Real Estate Tax Map (48-4). The property is zoned R-8, Rural Residential and is designated Low Density Residential on the

Comprehensive Plan Land Use Map.

Case No. SUP-12-04. Hogan Day Care. Ms. Cathrine Hogan has applied for a special use permit amendment for the continued operation of a child day care center at **233 Nina Lane**. The existing SUP for the day care expires on July 10, 2004 and must be renewed. The property is zoned R-2, General Residential and is more specifically identified as Parcel No. (3-203) on JCC Tax Map No. 23-4. The parcel is designated as Low Density Residential on the Comprehensive Plan Land Use Map.

O. Marvin Sowers, Jr.