

A G E N D A
JAMES CITY COUNTY PLANNING COMMISSION
FEBRUARY 4, 2009 - **6:00 p.m.**

1. ROLL CALL
2. CLOSED SESSION
 - A. Consideration of the Appointments of Individuals to County Boards and/or Commissions, Pursuant to Section 2.2-3711(A)(1) of the Code of Virginia(Discussion of Candidates for Planning Commission Chair, Vice-Chair and Commission Committees)
3. ANNUAL ORGANIZATION MEETING
 - A. Election of Officers
 - B. Committee Appointments
4. PUBLIC COMMENT
5. PRESENTATION – Recognition of Mr. Anthony Obadal
6. MINUTES
 - A. January 7, 2009 Regular Meeting
7. COMMITTEE AND COMMISSION REPORTS
 - A. Development Review committee (DRC) Report
 - B. Policy Committee
 - C. Other Committee/Commission Reports
8. PUBLIC HEARINGS
 - A. SUP-0015-2008 Franciscan Brethren of St Philip Group Home and Day Care (deferral requested)
 - B. Z-0011-2007 / SUP-0022-2007 / MP-0007-2007 Monticello @ Powhatan North (Phase 3) (deferral requested)
 - C. SUP-0024-2008 Windsor Meade Cell Tower
 - D. SUP-0025-2007 Jamestown Road Mediterranean Restaurant
9. PLANNING DIRECTOR’S REPORT
10. COMMISSION DISCUSSION AND REQUESTS
11. ADJOURNMENT

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

1. ROLL CALL

**Planning Commissioners
Present:**

George Billups
Reese Peck
Jack Fraley
Rich Krapf
Joe Poole III
Chris Henderson

Staff Present:

Allen Murphy, Acting Planning Director
Adam Kinsman, Deputy County Attorney
Kate Sipes, Senior Planner
Jose Ribeiro, Senior Planner
Luke Vinciguerra, Planner
William Cain, Chief Civil Engineer
Brian Elmore, Development Management Assistant

Absent

Tony Obadal

Mr. Fraley introduced the Planning Commissioners to the public.

Mr. Fraley stated Mr. Obadal resigned from the Planning Commission to deal with personal issues. He said Mr. Obadal's service will be formally recognized at a future meeting.

2. PUBLIC COMMENT

Mr. Fraley opened the public comment period.

There being no public comments, the public comment period was closed.

3. MINUTES

A. November 5, 2008 Reconvened Meeting

Mr. Fraley asked if there were any corrections or additions to the minutes.

Mr. Krapf made a motion to approve the minutes.

Mr. Henderson seconded the motion.

In a unanimous voice vote, the minutes were approved. (6-0, Obadal absent)

B. December 3, 2008 Regular Meeting

Mr. Fraley asked if there were corrections or additions to the minutes.

Mr. Poole stated on page 10, where it reads: “He did ask the applicant to possibly address the aesthetic view from Route 199,” he would like to insert “of the sound wall as seen” after “aesthetic view.”

Mr. Poole motioned for approval with the correction.

Mr. Henderson seconded the motion.

In a unanimous voice vote, the minutes with the correction were approved. (6-0, Obadal absent)

4. COMMITTEE AND COMMISSION REPORTS

A. Development Review Committee (DRC) Report

Mr. Krapf stated the December DRC meeting reviewed C-0075-2008, Moss Creek Commerce Center. He said the applicant had requested DRC review to determine if the conceptual plan would drastically alter land uses or conflict with rezoning conditions. He said the applicant asked for a buffer setback modification to relocate a stormwater facility. By a vote of 4-0, the DRC determined the following changes and conditions for the application: more consistent with approved master plan, shifting the stormwater facility, changes in square footage, shifting bank site location, reorienting the gas/convenience store location, and waivers to the Mixed Use and Planned Unit Development zoning for location of the stormwater facility. He said Mr. Fraley left at this point in the meeting.

Mr. Krapf stated the DRC also reviewed SP-0122-2008 St. Olaf Catholic Church Landscape Plan. He said two plant choices were reviewed for their suitability to the site and that the applicant and staff agreed on appropriate substitutions. By a vote of 3-0 (Fraley absent), the DRC approved the plan with changes.

Mr. Krapf stated the DRC also reviewed SP-0060-2007, Pleasant Hill Station Car Wash. He said the applicant had submitted architectural plans inconsistent with previous approvals from the Board of Supervisors. Of particular concern was removal of a pergola element due to cost and safety concerns from the applicant. In accordance with proffers on the project, the applicant

appealed to the DRC. By a vote of 2-1 (Fraley absent), the DRC ruled that leaving the pergola would not be a significant departure from the approved master plan.

Mr. Henderson moved adoption of the DRC report.

Mr. Poole seconded the motion.

In a unanimous voice vote, the DRC report was approved.

B. Policy Committee

Mr. Peck stated the Policy Committee did not meeting during December.

C. Other Committee/Commission Reports.

Mr. Fraley gave an update on the Comprehensive Plan process and Steering Committee. He said the Steering Committee is in the middle of Land Use change hearings.

5. PUBLIC HEARINGS

A. SUP-0015-2008 Franciscan Brethren of St. Philip Group Home and Day Care

Mr. Fraley stated the applicant had requested a deferral to the February 4th Planning Commission meeting to work with state agencies on the feasibility and limiting parameters of the project.

Mr. Murphy stated staff agreed with the deferral.

Mr. Fraley continued the public comment session.

There being none, Mr. Fraley continued the public hearing to February 4, 2009.

B. Z-0011-2007/SUP-0022-2007/MP-0007-2007 Monticello @ Powhatan North (Ph.3).

Mr. Fraley stated Mr. Tim Trant, the applicant, requested a deferral to work with staff to resolve outstanding issues.

Mr. Murphy stated that staff agreed with the deferral.

Mr. Fraley asked for public comment. There being none, he continued the public hearing to February 4, 2009.

C. SUP-0025-2008 Handicap Accessible Playground at JCWCC.

Ms. Kate Sipes stated John Carnifax of JCC Parks & Recreation and Carolyn Murphy with the City of Williamsburg applied for a Special Use Permit to build a fully accessible playground at the existing James City-Williamsburg Community Center site. She said the property is located at 5301 Longhill Road and zoned Public Lands. A Special Use Permit is required for community recreation facilities, including playgrounds, on Public Lands. Ms. Sipes explained that the Leadership Historic Triangle (LHT) Class of 2009 voted to fund and build the playground, which is proposed to be 6,000 square feet and include barrier-free equipment, fences along the roads, a soft fall surface, and sidewalk. She said the playground is proposed to be built between the parking lot and ball fields. Ms. Sipes stated that staff finds the project to have minimal additional impacts, to be consistent with the 2003 Comprehensive Plan, and staff recommends approval.

Mr. Henderson asked if staff received a proposed playground layout.

Ms. Sipes said the playground's features were still being decided.

Mr. Fraley opened the public hearing.

Ms. Carolyn Murphy, 644 Counselor's Way, spoke on behalf of the LHT Class of 2009. She said the goal of the class project was to build a playground where all children in the Historic Triangle can participate. She said there are 2600 local children with disabilities, and the class is in the midst of fundraising for the equipment.

Mr. Michael Hipple, 112 Jolly Pond Road, stated he was a member of the LHT class and encouraged the Commission to support the playground. He discussed the LHT Class' brick selling fundraiser.

Mr. Fraley closed the public hearing.

Mr. Poole motioned approval. He said the playground was a great fit for zoning and the Comprehensive Plan.

Mr. Krapf seconded approval.

In a roll call vote, the special use permit was approved. (6-0) AYE: Peck, Billups, Poole, Fraley, Krapf, Henderson. (Obadal absent).

D. Z-0003-2008/MP-0032008 The Candle Factory

Mr. Jose Ribeiro stated Mr. Vernon Geddy submitted an application on behalf of Candle Factory Development LLC to rezone 64.45 acres from Agricultural, Limited Industry, and Mixed Use to Mixed Use, with proffers. The site is located at 7551 and 7567 Richmond Road and a three lane driveway is proposed at the Richmond Road/Croaker Road intersection. The Candle Factory was originally reviewed by the Planning Commission in 2007, after which the applicant deferred the case indefinitely to incorporate comments and suggestions made by the Commissioners. The revised application has new features including: 142 single family attached units, 33 single family detached units, 30,000 square feet of commercial and office uses, and a 90,000 square foot assisted living complex. He said the assisted living facility proposes 96 rooms in 16 clusters and is proposed to be operated by Crosswalk Community Church. The 2003 Comprehensive Plan designates the area as Mixed Use, Low Density Residential, and Limited Industry. He reviewed zoning and land use designations of nearby properties and noted that the Comprehensive Plan does not offer a specific recommendation for this Mixed Use quadrant but does offer a general recommendation for Mixed Use areas near major thoroughfares, which calls for intense commercial uses, as opposed to the large residential component of this proposal. He said staff finds the proposal inconsistent with the 2003 Comprehensive Plan and that the assisted care facility is inconsistent with the Limited Industry designation. Staff recognized several positive features including interconnectivity, environmental and open space features, recreational and architectural features, as well as affordable housing, but recommended denial for the following reasons: inconsistency with the 2003 Comprehensive Plan Mixed Use and Limited Industry designations, insufficient traffic improvement proffers, and school proffers that are not in accordance with the current proffer policy.

Mr. Peck asked what zones allow assisted living facilities.

Mr. Ribeiro stated there was not a specific use for assisted living in any zoning category. He said assisted living is seen as a hybrid use, with both commercial and residential features.

Mr. Peck asked why assisted living facilities do not count as service industry. He said the County does not count the patients at these facilities as residents.

Mr. Ribeiro stated the lack of specific use for assisted care homes creates a subjective application.

Mr. Murphy stated the Steering Committee should find a specific place for assisted living in the future Comprehensive Plan. He said so far they are generally consistent with Low Density Residential, but fiscal impacts are closer to limited industrial uses.

Mr. Peck stated the ambiguity in the Comprehensive Plan placed applicants at risk.

Mr. Krapf asked Mr. Ribeiro to elaborate on proffered traffic improvements.

Mr. Ribeiro stated the current traffic improvement proffers, regarding the reconfiguration of entrance to the property, was supported by VDOT. However, VDOT and staff preferred the addition of a dedicated right turn lane out of the property. He said without a dedicated right turn lane into the property, additional future development around the Candle Factory could pose a traffic problem. Current proffers language requires their completion prior to the issuance of certificate of occupancy but staff would like the proffer language to change to say completion before a site plan or plat is approved.

Mr. Fraley stated the Limited Industry designation is outdated, relating to traffic improvements that were never made.

Mr. Murphy stated the Limited Industry designation was accepted in anticipation of further development at Candle Factory.

Mr. Fraley stated at the January 5, 2009 Steering Committee presentation, staff recommended changing the Candle Factory designation to Low Density Residential.

Mr. Henderson stated possible archeological sites on the property could pose an issue for development. He asked about the methods on the adequate public facilities test for schools. He said many of those tests do not account for cumulative development.

Mr. Ribeiro stated the school analysis was not cumulative.

Mr. Fraley stated that staff is reviewing the adequate public facilities test itself.

Mr. Vernon Geddy, representing the applicant, Candle Factory Development, LLC, stated the Candle Factory is intended to be a small village community with a mix of uses, prices, and ages. He said there is consistent internal design, great environmental protections, the revised proposal is less intense, includes more workforce and affordable housing and is consistent with nearby uses. Staff recommended denial because the proposal is not intense enough, although the local market cannot support intensive commercial uses. He contrasted the proposal with New Town and stated it is closer in use to the Five Forks area. He said Crosswalk Community

Church proposed the assisted living facility. He discussed the proposal's layouts and facilities. He said the applicant would be willing to install a dedicated right turn lane and change the proffer language to install it before site plan or plat approval. Regarding compliance with the School Cash Proffer Policy, Mr. Geddy stated that the application was filed in 2006, while the most current school proffer rules went into effect in June 2007. He said a third of the proposed units were affordable or workforce.

Mr. Krapf asked Mr. Geddy to verify his willingness to install the right turn lane and change the proffer language.

Mr. Geddy stated the changes would be bonded prior to approval of a subdivision plat.

Mr. Krapf asked why the assisted nursing facility was being delayed until the end of development.

Mr. Geddy stated the church views the assisted living facility as a long term project. He said if the church does not choose to move forward with the project, another developer will be found and that he could not guarantee a year the facility would be built.

Mr. Krapf asked about the school proffers.

Mr. Geddy stated school proffer policies were determined by the date the application was filed. He said the original Candle Factory application was filed in 2006.

Mr. Kinsman stated applicants decide how much to proffer. He said the County's school fiscal impact numbers were only a guide. He said it is a legislative decision to accept any proffer case by case.

Mr. Henderson asked about connectivity to a neighboring undeveloped property.

Mr. Geddy stated the applicant would be willing to provide for future access if the Commission wished.

Mr. Henderson stated interconnectivity between neighborhoods would help keep people off the main arterial roads.

Mr. Billups stated the Commission should not force the applicant to build a road that may never be used.

Mr. Peck stated any road should be balanced with RPA destruction.

Mr. Henderson asked how the affordable housing will be protected from property flipping.

Mr. Geddy stated financing programs offer financial assistance after qualified buyers live at the home for a certain number of years. He said a proposed limitation on rentals would also help avoid speculation.

Mr. Peck asked if higher proffers would affect pricing of the homes.

Mr. Geddy stated they would and that higher school proffers would eliminate the ability to provide affordable and workforce housing.

Mr. Krapf asked who would monitor the onsite BMP.

Mr. Geddy stated the County Environmental Division would monitor the BMP, with the Homeowner's Association responsible for any maintenance.

Mr. Krapf stated he believed many of the project's residents would come from within the County, as opposed to mostly new residents.

Mr. Billups asked if the applicant performed loan research before setting the development's housing prices.

Mr. Geddy stated the affordable housing prices were based on County staff estimates. He said there had been a community meeting regarding the proposal at the James City County library on Croaker Road.

Mr. Ribeiro stated the interconnectivity drawings to adjacent neighborhoods shown by Mr. Geddy were not reviewed by staff.

Mr. Fraley opened the public comment section.

Mr. Michael Hipple, 112 Jolly Pond Road, spoke on behalf of the pastor of Crosswalk Community Church. He said the church supports the project.

Mr. Tim Johnston, 610 Colony Trail, a local business owner, stated he was frustrated over the Planning Commission's process. He said the Commission was nitpicking details that should be left up to the developer and staff. He said he would like to see businesses fronting

Richmond Road with residences behind. He said interconnectivity could be left up to individual neighborhoods to decide and finance.

Mr. Fraley closed the public hearing session.

Mr. Peck stated that although he likes the environmental features, he was concerned about cost impacts. He said he wanted to hear other Commission members' opinions before finalizing his answer.

Mr. Billups stated he supported staff on the denial. He said some issues discussed need to be reviewed by the Steering Committee. He said he would like to see the project deferred until after the Comprehensive Plan process. He asked if the Commission was obligated to provide setback waivers and noted that 16% of new development units was a consistent standard for affordable and workforce housing.

Mr. Poole stated that he saw many merits in the application and did not want to delay it further, and that he did not want to move forward on a major rezoning without concrete Comprehensive Plan designations in place.

Mr. Krapf stated it had been a difficult case for him to decide. He said the large amount of upcoming growth is creating a situation where infrastructure cannot keep up but that he is also a proponent of affordable and workforce housing. He said despite negatives, he favored the assisted living facility and two-tiered workforce housing and felt the public benefits were some of the best he had seen even before discussing environmental impacts.

Mr. Henderson thanked the applicant for a well-thought and needed proposal. He said the surrounding businesses support the affordable housing and reducing Richmond Road traffic.

Mr. Fraley stated the Commission gives staff's recommendation weight. He said the Limited Industry designation was not proper and that any Comprehensive Plan changes to the properties would have to be reviewed by the Steering Committee, the Commission, and the Board. He said the County's Cluster goals for workforce and affordable housing, and environmental protections are all met by the applicant. He said a lack of workforce housing was repeatedly heard by the Community Participation Team and that the proposal was the most attractive affordable housing plan he had seen.

Mr. Peck stated the applicant has met repeatedly with staff and the community to try and put together a workable project. He said the rules should not be changed on the applicant. He said no one came out to speak against the development. He said he would support the proposal.

Mr. Billups stated he did not want to see too much weight given to affordable housing compared to fiscal impact and Comprehensive Plan changes. He said he liked the project's design.

Mr. Henderson motioned adoption of the rezoning and master plan, amended to include updated traffic impacts and access to the adjoining property.

Mr. Murphy stated the motion should include the applicant's willingness to provide connectivity to the Ash Parcel, revised proffers relating to road improvement timing, an additional turn lane at the entrance road, and approval of the setback reduction request.

Mr. Krapf seconded.

In a roll call vote, the motion was adopted (4-2) AYE: Peck, Fraley, Krapf, Henderson. NAY: Billups, Poole. (Obadal absent)

E. ZO-0004-2008 Zoning Ordinance Amendment – Retail Sale and Repair of Lawn Equipment in A-1.

Mr. Ribeiro stated, upon citizen request, staff was seeking to amend the A-1 Zoning District to include retail sale and repair of lawn equipment as a special or permitted use. He said several stated examples of retail sale and mechanical equipment that are currently allowed by-right in A-1. He said staff believed that the lawn equipment definition should include riding lawnmowers, blowers, chippers, and chainsaws. Staff research found several localities in Virginia allowing sale and repair of lawn equipment as a special use in agricultural zoning and that the use would provide needed limited services to residents in agricultural areas of the County. He stated that the staff's recommendation proposed limiting outdoor storage to 2500 square feet and that equipment repair be limited to a fully enclosed service area. He said if the use was adopted as a specially permitted use, the Commission could individually evaluate impacts to the environment and community character on a case by case basis.

Mr. Henderson asked about the origins of the 2500 square foot display restriction.

Mr. Ribeiro stated the 2500 square foot display area is found in other similar uses in the A-1 Zoning District

Mr. Murphy stated the Commission or Board could further limit the display area through an SUP. He said the use itself requires a Special Use Permit.

Mr. Fraley opened the public hearing.

Mr. Nick Cianelli, 15402 Roth Court, asked for the Commission to change the ordinance. He said he had moved the business from York County and felt the area needed a good service shop. He said it was too costly to move the business to other areas.

Mr. Fraley closed the public hearing.

Mr. Poole stated the use complemented other agricultural special uses.

Mr. Poole motioned for approval of the amendment as a special use in A-1.

Mr. Billups seconded.

In a unanimous roll call vote, the motion was approved (6-0) AYE: Peck, Billups, Poole, Fraley, Krapf, Henderson. (Obadal absent)

Mr. Fraley began a break at 9:20 p.m.

Mr. Fraley reconvened the meeting at 9:25 p.m.

F. SUP-0019-2008 Former Stuckey's Site Amendment

Mr. Luke Vinciguerra stated Rick LaMere of North South Construction applied for a Special Use Permit to allow development of a 16 pump gas station, convenience store, and four fast food restaurants at 9220 Richmond Road. The site is six acres, zoned General Business, and designated Mixed Use in the Comprehensive Plan. He said fuel distribution and proposals with 100+ peak hour trips require Special Use Permits. He said the proposal cannot meet Community Character corridor requirements, but the Commission can modify this requirement. Staff finds the proposal generally consistent with the surrounding uses and recommends approval with attached conditions and landscape modification request.

Mr. Steven Romeo of LandMark Design Group, stated the site had a previous approval from the Board but this application proposed changing the sit-down restaurant into four fast food restaurants.

Mr. Henderson asked if terms of the easements allowed improvements within the easement area.

Mr. Romeo stated objects could be placed over the southern half of the easement.

Mr. Henderson stated to provide two-way traffic the applicant would have to have 24 feet of pavement. He said the proposal's canopy island could potentially block access to the restaurant and store. He suggested reducing the number of pumps from eight to six.

Mr. Romeo stated a reduction of pump islands would not be economically feasible for the site.

Mr. Henderson asked the applicant to identify the underground storage tanks.

Mr. Romeo stated the tank firm had not sent his company layouts yet.

Mr. Henderson asked about the capacity of the proposal's restrooms and sewer for the convenience store and restaurants given its interstate location and projected trip generation.

Mr. Romeo stated he would defer plumbing details to Mr. LaMere, the project's contractor.

Mr. Krapf asked the applicant to discuss the environmental features of the site.

Mr. Romeo stated there would be a bio-retention and infiltration facility on the site and that he also believed there was a proffer for LID features.

Mr. Rick LaMere, stated the restroom and fixture requirements would be reviewed with Code Compliance. He said he had not reviewed fixtures at this point.

Mr. Krapf stated he hoped low-flow water systems would be included in the proposal's final plans.

Mr. Romeo stated the applicant has a condition to provide for water conservation. He said the conservation would be achieved through not hooking up to JCSA and that the site plan also included drought tolerant and native plantings.

Mr. Henderson asked if public water was available.

Mr. Romeo stated JCSA water hookups were about a mile away. He said that although the bio-retention pond is not a condition, it will be included in the site plan. The approved site plan is for the original case is SP-0025-2007.

Mr. Fraley asked if permeable pavement was included in the proposal.

Mr. Romeo stated that there was no permeable pavement; however, he said the proposal would remove 19% of the site's existing impervious cover. The landscape plan also fully complies with the County's requirement for landscaping.

Mr. Fraley discussed the previous work on the proposal to maintain a fixed 50-foot buffer.

Mr. Romeo stated he was able to meet the buffer requirements except for one small area. He said there had been no changes to the pump layout but the proposal now incorporated a drive-up window, resulting in less parking. He said the roof line and building colors have both changed based on information from the citizen meeting.

Mr. Murphy stated staff has no architectural rendering for the canopy.

Mr. LaMere stated he did not have a canopy rendering.

Mr. Murphy stated the Commission could give the DRC permission to review the canopy rendering, delegate to staff, or take action based on the information currently presented.

Mr. Krapf stated he would prefer an additional review of the canopy design.

Mr. LaMere stated he would be willing to harmonize the canopy with the building.

Mr. Henderson asked if the gas facility had a brand yet. He said the facility's sole exit was less than 24 feet from the pump island and was concerned that fueling cars would intrude into that area.

Mr. Romeo stated the design showed gas customers mostly driving around the restaurant.

Mr. Henderson stated a seven vehicle line at the drive-through would block bypass capacity.

Mr. Romeo stated he did not believe the drive-through would create that amount of activity. He said a coffee shop was using the drive-through.

Mr. Henderson stated the building could be set back further on the site. He said he expects the intersection to become higher volume over time.

Mr. LaMere stated he was encouraged not to modify his previously approved site plan as he moved through the special use permit process. He said the original owner was familiar with gas stations and had said the layout worked.

Mr. Romeo stated part of the design was the desire to keep the current building intact. He said he would be willing to move the building if it did not delay the special use permit's approval but did want another deferral.

Mr. Fraley asked about the ability to change the proposal's master plan after approval from the Planning Commission.

Mr. Murphy stated if the applicant wanted to make changes between the Planning Commission and the Board it would be workable.

Mr. Krapf asked if the applicant had considered a corrugated metal roof.

Mr. Henderson asked if diesel fuel would be sold at the gas station.

Mr. Romeo stated the gas station would have two low-pressure diesel pumps. He said the number and type of pumps were included in the conditions and would be able to service small contractors.

Mr. Fraley closed the public hearing.

Mr. Krapf made a motion for approval with conditions for architectural review of the canopy and the roof.

Mr. Murphy stated staff would work on the proffer language. He said the conditions would fall under Planning Director review, with any appeals to the DRC and that changes to the master plan would be made before Board consideration.

Mr. Poole seconded the motion for approval.

Mr. Henderson asked about conditions related to any speaker systems or outdoor storage of merchandise.

Mr. Murphy stated noise conditions are applied when there are nearby neighborhoods. He said conditions for outdoor storage were already established and regulated by the Zoning Administrator.

Mr. Henderson asked if the applicant would make the columns of the canopy compatible with the building.

In a unanimous roll call vote, the motion was approved (6-0) AYE: Peck, Billups, Poole, Fraley, Krapf, Henderson. (Obadal absent)

G. SUP-0021-2008 Jamestown Road Mediterranean Restaurant

Mr. Vinciguerra stated Mr. Vernon Geddy had applied for a Special Use Permit for a sit-down restaurant in an existing structure at 1784 Jamestown Road. He said Special Use Permits are required in Limited Business districts, as well as buildings over 2750 square feet in LB Districts designated Neighborhood Commercial. He said the 1.2 acre parcel currently has two structures, one of which will be demolished, and the applicant proposes a 24 space parking lot, outdoor dining with fountain, and a stormwater management facility at the rear of the property. He said the building exterior will not be redone. He said the applicant has also asked for modifications to the landscape ordinance to compensate for RPA and RMA buffers on the property. He said staff recommends approval of the landscape modifications. Staff finds the overall proposal generally consistent with surrounding land uses and the Comprehensive Plan and recommends approval of the application.

Mr. Fraley opened the public hearing.

Mr. Vernon Geddy, representing the applicant, stated the Jamestown Road entrance would be replaced with an entrance off Sandy Bay Road. A meeting with the Friends of Powhatan Creek to work out their concerns was also being scheduled.

Mr. Poole asked if the silt fencing on-site was a VDOT improvement.

Mr. Geddy stated the fencing was erected during the demolition of a third on-site building.

Mr. Fraley asked about possible stormwater improvements to the site. He stated the current pond was too close to the wetlands.

Mr. Cain stated stormwater improvements other than those currently on-site would be very expensive and that he had discussed stormwater improvements with the applicant. Water quality on the site would be higher after redevelopment, including demolishing the old buildings, improved runoff, and landscaping.

Mr. Krapf asked about irrigating the property's vegetation. He asked if the applicant would require approval from JCSA before being able to drill a well.

Mr. Geddy answered yes.

Mr. Fraley opened the public comment session.

Ms. Elsie Johnson, 210 Red Oak Landing Road, stated the State does not give localities the authority to deny wells, but hoped there would be a proffer against a well. She said many people in her area of the County use wells.

Mr. Krapf asked staff to discuss the validity of irrigation condition #5.

Mr. Kinsman stated Special Use Permits require meeting all attached conditions and that the irrigation condition was commonly used by the County. He said the applicant can appeal to JCSA for a shallow well if certain conditions are met.

Ms. Ann Hewitt, 147 Raleigh, stated some neighbors may not know about the proposal due to the holidays, and asked for an opportunity for them to review the proposal.

Mr. Poole asked Ms. Hewitt if Mr. Geddy's citizen meeting would address her concern.

Ms. Hewitt stated the Friends of Powhatan Creek liked the proposal, but had concerns about the increased impervious cover.

Mr. Fraley asked if Mr. Geddy would be willing to defer the case to meet with neighbors.

Mr. Henderson asked staff to discuss adjacent property owner notification procedures.

Mr. Geddy stated he would be willing to meet with neighbors but did not want another deferral.

Mr. Krapf asked if the applicant would be willing to add a condition stating they would meet publically with neighbors before Board consideration, and report their findings.

Mr. Poole stated he liked the project, but would be more comfortable approving it if Friends of Powhatan Creek and neighbors had the ability to review and influence the project.

Mr. Geddy requested a one month deferral.

Mr. Henderson stated if the Planning Commission requested the deferral, the applicant would be required to return to the next Commission meeting, with or without conditions being met.

Mr. Poole requested a motion for deferral.

Mr. Henderson seconded the motion for deferral.

In a unanimous voice vote, the case was deferred. (6-0) AYE: Peck, Billups, Poole, Fraley, Krapf, Henderson. (Obadal absent)

6. PLANNING DIRECTOR'S REPORT

Mr. Murphy stated that due to the election of new officers at the February 4 Commission meeting, the chairman should continue the meeting until next month instead of adjourning. He suggested a 6:30 p.m. start time for the February meeting.

Mr. Fraley stated the Commission's bylaws needed to be reviewed at the next meeting. He said Mr. Kinsman had sent out a copy of the bylaws with recommendations for changes.

Mr. Peck asked about the agenda for the January Policy Committee meeting and asked if staff had new information on the topic.

Mr. Murphy stated the Policy Committee needed to reconvene to discuss the Capital Improvements Program.

Mr. Fraley stated Planning staff recommended deferring the CIP discussion until the February Board/Commission worksession.

Mr. Peck stated he would like to add Planning Commission by-laws to the January Policy Committee meeting.

7. COMMISSION DISCUSSION AND REQUESTS

Mr. Fraley stated that the Commission could determine Board representative past February at the next meeting.

Mr. Billups stated the Commission should appoint a temporary vice-chairman until the February meeting.

Mr. Kinsman stated that after a Commission member resigns, the by-laws call for elections at the next meeting. He said the Commission could vote.

Mr. Poole nominated Mr. Krapf for vice-chairman.

Mr. Henderson seconded the nomination for vice-chairman.

In a unanimous voice vote, Mr. Krapf was elected vice-chairman. (6-0) AYE: Peck, Billups, Poole, Fraley, Krapf, Henderson. (Obadal absent)

Mr. Peck asked about scheduling a discussion of the PSA for an upcoming Policy Committee meeting.

Mr. Fraley stated the Steering Committee would discuss the PSA.

8. ADJOURNMENT

Mr. Krapf motioned for a recess.

Mr. Poole seconded the motion to recess.

At 10:45 p.m. the meeting was recessed until 6:00 p.m. on February 4, 2009.

Jack Fraley, Chairman

Allen J. Murphy, Acting Secretary

SPECIAL USE PERMIT-0015-2008. Franciscan Brethren of St. Philip Adult Day Care Staff Report for the February 4, 2009, 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

September 10, 2008	7:00 p.m. (Applicant Deferral)
October 1, 2008	7:00 p.m. (Applicant Deferral)
November 5, 2008	7:00 p.m. (Applicant Deferral)
December 3, 2008	7:00 p.m. (Applicant Deferral)
January 7, 2009	7:00 p.m. (Applicant Deferral)
February 4, 2009	7:00 p.m.

Board of Supervisors:

(T. B. D.)

SUMMARY FACTS

Applicant:

Mr. Mickey Harden of Aurora Consulting, LLC, on behalf of Sister Agnes of Franciscan Brethren of St. Philip

Land Owner:

Franciscan Brethren of St. Philip

Proposal:

Applicant is seeking a Special Use Permit to allow for a 30-55 person adult day care center to be located in the existing single-family-detached home located on the subject property. Adult day care centers are specially permitted uses in the R-8, Rural Residential zoning district.

Location:

6422 Centerville Road (Route 614)

Tax Map Parcel Number:

2430200002

Parcel Size:

2.44 acres

Zoning:

R-8, Rural Residential

Comprehensive Plan:

Low Density Residential

Primary Service Area:

Inside

STAFF RECOMMENDATION

The applicant has requested deferral of this case until the March 4, 2009 Planning Commission meeting, to allow time for continued work with the Virginia Department of Mental Health, Mental Retardation, and Substance Abuse Services (DMHMRSAS) on the feasibility and limiting parameters of this project. Planning Staff is recommending that the Planning Commission defer consideration of this case, as requested by the applicant.

Staff Contact: David W. German

Phone: 253-6685

David W. German, Senior Planner

ATTACHMENT

1. Applicant's Deferral Request Letter



January 26, 2009

James City County Planning Division
Development Management Department
ATTN: David German
101-A Mounts Bay Rd.
Williamsburg, VA. 23187

Reference: 6422 Centerville Road

Dear Mr. German:

The purpose of this correspondence is to request that our application for a Special Usage Permit be deferred until the March Planning Commission meeting based upon your recommendation and the fact that the Department of Mental Health Mental Retardation and Substance Abuse has not provided you the appropriate information.

Our Architect is in constant communications with Mr. Coghill of the Codes Office. We anticipate all being under control soon.

Your immediate attention to this request is appreciated.

Please do not hesitate to call, email, fax or mail any requests for additional information pertinent to this request. You may reach us at 757-291-8637, fax 866-291-0010 or email at Mickey@AuroraConsultingllc.org. Our mailing address is 6284 St. Johns Wood, Williamsburg, Va. 23188.

Regards,

Mickey Harden, President

REZONING-0011-2007 / SPECIAL USE PERMIT-0022-2007 / MASTER PLAN-0007-2007: Monticello at Powhatan North (Ph. 3)

Staff Report for the February 4, 2009 Planning Commission Public Hearing

This staff report was 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 Complex		
Planning Commission:	December 3, 2008	7:00 p.m.	(deferred)
	January 7, 2009	7:00 p.m.	(deferred)
	February 4, 2009	7:00 p.m.	
Board of Supervisors:	March 3, 2009	(tentative)	

SUMMARY FACTS

Applicant:	Mr. Timothy Trant, Kaufman and Canoles
Land Owner:	Powhatan Land Enterprises, LLC
Proposal:	Construct 70 single family attached condominium units.
Location:	4450 Powhatan Parkway
Tax Map/Parcel No.:	3830100001
Parcel Size:	36.5 Acres
Existing Zoning:	R-8, Rural Residential
Proposed Zoning:	R-2, General Residential, with Proffers and Cluster Overlay
Comprehensive Plan:	Low Density Residential; with Conservation Area along the parcel's northern boundary.
Primary Service Area:	Inside

STAFF RECOMMENDATION

The applicant has requested deferral of this application to the March 4, 2009 Planning Commission meeting. Staff concurs with this request.

Staff Contact: Leanne Reidenbach

Phone: 253-6685



Leanne Reidenbach, Senior Planner

Attachments:

1. Deferral request

Leanne Reidenbach

From: Trant, Timothy O., II [totrant@kaufcan.com]
Sent: Friday, January 23, 2009 10:28 AM
To: Leanne Reidenbach
Cc: Johnson, Christopher M.
Subject: Monticello at Powhatan

Leanne,

I spoke with LandMark and they confirmed that we will not be able to respond to the comments Staff raised at our January 9, 2009 meeting in time to make the February Planning Commission meeting. Accordingly, I think we should defer to March.

-Tim

Timothy O. Trant II, Esq.

Direct: (757) 259-3823
Fax: (757) 259-3838
totrant@kaufcan.com
www.kaufmanandcanoles.com

Kaufman & Canoles

4801 Courthouse Street, Suite 300
Williamsburg, Virginia 23188

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Disclosure Required by Internal Revenue Service Circular 230: This communication is not a tax opinion. To the extent it contains tax advice, it is not intended or written by the practitioner to be used, and it cannot be used by the taxpayer, for the purpose of avoiding tax penalties that may be imposed on the taxpayer by the Internal Revenue Service.

**SPECIAL USE PERMIT CASE NO. SUP-0024-2008 Windsor Meade Tower
Staff Report for the February 4, 2009 Planning Commission Public Hearing**

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

PUBLIC HEARINGS Building F Board Room; County Government Complex

Planning Commission: February 4, 2009 7:00 PM

Board of Supervisors: T.B.D. 7:00 PM

SUMMARY FACTS

Applicant: Ms. Lisa Murphy, LeClaire Ryan

Land Owner: Robert Boyette, News Company LLC

Proposal: To construct a 120' tower behind Belk in the Windsor Meade shopping center.

Location: 4900 Monticello Avenue

Tax Map/Parcel: 3831800001

Parcel Size: 19.9 acres

Existing Zoning: Mixed Use

Comprehensive Plan: Mixed Use

Primary Service Area: Inside

STAFF RECOMMENDATION

Staff has received notice of another telecommunication company's intent to locate an antenna at Mid County Park. Staff requests time to analyze Mid County park for the feasibility of hosting a WCF and if collocation possibilities exist before making a recommendation on the Windsor Meade application, as alternative site and collocation analysis is required by the Performance Standards for Wireless Communication Facilities policy. An analysis of this proposal against the policy will be provided at a future meeting. A copy of this policy is attached (attachment #3). Staff recommends the Planning Commission defer action on the proposal until the March 4, 2009 meeting to allow staff time to evaluate Mid County Park as a possible site to host wireless carriers.

Staff Contact: Luke Vinciguerra, Planner

Phone: 253-6685

Luke Vinciguerra, Planner

PROJECT DESCRIPTION

Ms. Lisa Murphy has applied for a Special Use Permit to allow for construction of a 120' Wireless Communication Facility (WCF) behind Belk in the Windsor Meade shopping center. Tower mounted communication facilities of any height in the Mixed Use district require a Special Use Permit (SUP). The proposed WCF would be a "slick stick" with all electrical components hidden within the pole, similar to towers at the government complex.

At the conceptual level, the applicant originally requested the previous Planning Director to make a determination if the proposed tower could be considered camouflaged, which would require only administrative review. The Planning Director did not find the proposed tower to meet the camouflaged criteria. The applicant subsequently applied for a Special Use Permit to proceed. The property is subject to the New Town design guidelines and requires the New Town Development Review Board (DRB) approval per the proffers. The DRB has recommended approval of the proposal and will be submitting their comments in writing to the Planning Commission and Board of Supervisors.

VISUAL IMPACTS

Based on a publicly advertised balloon test that took place on January 14, 2009, the applicant has provided photo simulations of the proposed tower from different locations around the vicinity of the site (tab 9). Staff has found the proposed tower to be most visible from the Windsor Meade shopping center parking lot, Route 199 westbound at Monticello Avenue and on Windsor Meade Way at the main gate to the residential area. The proposed tower is currently heavily buffered by wooded land to the north and by a 274' wooded buffer to the west, however, the landscaping around the remainder of Windsor Meade shopping center does little screen the proposed tower.

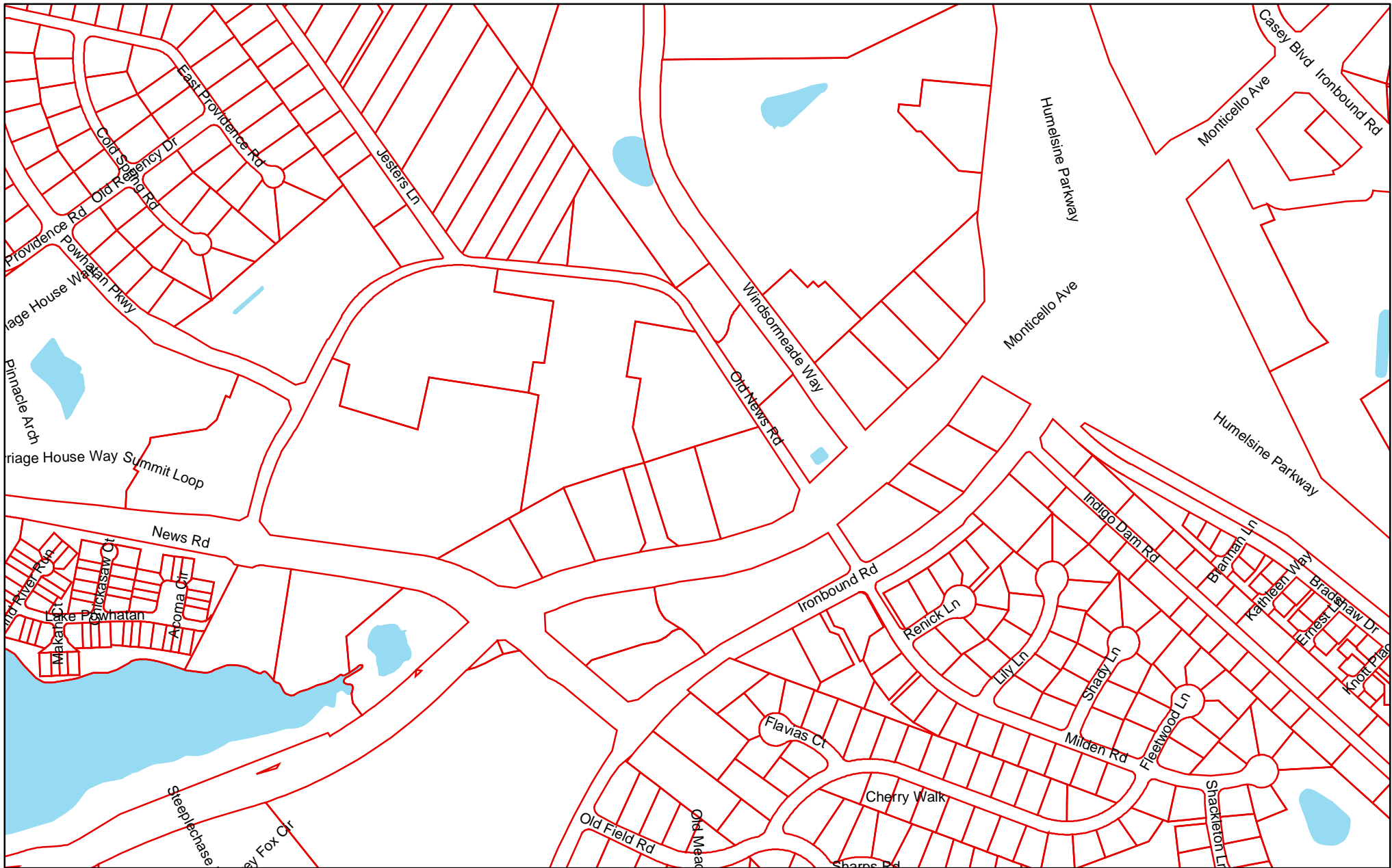
The land behind Windsor Meade is currently being evaluated by staff for a proposed residential development as part of New Town Section 12. The proposed tower would be 154' away from the property line of the development. The Zoning Ordinance requires a 400' setback from residential developments, which may not be met if the proposed residential development is approved. As New Town Section 12 has not been approved or platted, the setback does not apply, but staff finds this information to be worth acknowledging as surrounding vacant land is likely to develop in the near future.

STAFF RECOMMENDATION

Staff has received notice of another telecommunication company's intent to locate an antenna at Mid County Park. Staff requests time to analyze Mid County park for the feasibility of hosting a WCF and if collocation possibilities exist before making a recommendation on the Windsor Meade application, as alternative site and collocation analysis is required by the Performance Standards for Wireless Communication Facilities policy. An analysis of this proposal against the policy will be provided at a future meeting. A copy of this policy is attached (attachment #3). Staff recommends the Planning Commission defer action on the proposal until the March 4, 2009 meeting to allow staff time to evaluate Mid County Park as a possible site to host wireless carriers.

ATTACHMENTS:

1. Application binder
2. Location map
3. WCF policy



4. 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.
 - c. 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 resources areas or roads in such areas, or scenic resource corridors.
b. Within a historic or scenic resource area or within a scenic resource corridor	Use a camouflaged design or have minimal intrusion on to residential areas, historic and scenic resources areas or roads in such areas, or scenic resource corridors.
c. Within a rural lands designation in the Comprehensive Plan	For areas designated rural lands in the Comprehensive Plan that are within 1,500 feet from the tower, use a camouflaged design or have minimal intrusion on to residential areas, historic and scenic resources areas or roads in such areas, or scenic resource corridors. For rural lands more than 1,500 feet from the tower, no more than the upper 25% of the tower should be visible.
d. Within a commercial or in an industrial designation in the Comprehensive Plan	Use a camouflaged design or have minimal intrusion on to residential areas, historic and scenic resources areas or roads in such areas, or scenic resource corridors.
<p><i>Notes for the above table:</i></p> <p>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 non-residential 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.</p> <p>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.</p> <p>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.</p>	

3. 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.

4. 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.

**SPECIAL USE PERMIT-0021-2008. Jamestown Road Mediterranean Restaurant
Staff Report for the February 4, 2009, Planning Commission Public Hearing**

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

PUBLIC HEARINGS

Building F Board Room; County Government Complex

Planning Commission:	January 7, 2009	7:00 p.m. (deferred)
	February 4, 2009	7:00 p.m.
Board of Supervisors:	March 10, 2009	7:00p.m. (tentative)

SUMMARY FACTS

Applicant:	Mr. Vernon Geddy, III
Land Owner:	Janice and Metin Ortalan
Proposal:	Permit the operation of a 2,752 square foot sit down restaurant in an existing building located on the property.
Location:	1784 Jamestown Road
Tax Map Parcel Number:	4730100021
Parcel Size:	1.24 acres
Zoning:	LB, Limited Business
Comprehensive Plan:	Neighborhood Commercial
Primary Service Area:	Inside

STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of this application with the conditions listed at the end of this report, and further recommends that the Planning Commission approve the landscape modification request connected to this application.

Staff Contact: Luke Vinciguerra

Phone: 253-6685

Luke Vinciguerra, Planner

CHANGES SINCE THE PREVIOUS MEETING

The applicant has met with neighbors to discuss the project. The result was changes to the proposed master plan that include modifications to the proposed BMP on the plan to more accurately reflect its true size; restrictions preventing the owner from using outdoor speakers after 10:00 p.m.; forbidding private well use for irrigation; and inclusion of rain barrels. Changes to the SUP conditions are shown in legal format using strikethroughs, gray highlighting and *italics*. Staff (including JCSA & the Environmental Division) and the applicant are amenable to the changes to the proposed SUP conditions, and the revised master plan as discussed later in this report.

PROJECT DESCRIPTION

Mr. Vernon Geddy, III on behalf of Janice and Metin Ortalan has applied for a Special Use Permit to allow for the operation of a sit down restaurant at 1784 Jamestown Road. Sit-down restaurants in LB districts require special use permits. Additionally, buildings over 2,750 square feet on properties designated Neighborhood Commercial on the Comprehensive Plan Land Use Map also require a Special Use Permit.

The approximately 1.24 acre parcel located at the intersection of Sandy Bay Road and Jamestown Road is currently occupied by two existing structures formerly owned by Duke Communications. The applicant proposes to demolish the existing smaller structure and use the remaining building to house a 96 seat Mediterranean-style restaurant. The structure is non-conforming as it does not meet current front and side setback requirements. Additionally, the plan proposes a 24 space parking lot, outdoor dining patio with fountain, and a stormwater management facility at the rear of the property. There are no plans for exterior building renovations at this time.

Adjacent properties to the east and west are zoned Limited Business and General Business and are designated Neighborhood Commercial on the Land Use Map. The rear lot lines abut property zoned Rural Residential and designated Low Density Residential on the Comprehensive Plan.

LANDSCAPING

Development on this parcel is restricted by 100' Resource Protection Area (RPA) buffer and an additional 50' Resource Management Area (RMA) buffer per the Powhatan Creek Watershed Management Plan. With the reduced buildable area, the applicant, unable to otherwise produce enough space for parking, has requested that the Commission modify the Landscape Ordinance for this case, by reducing the size of the required 15' side yard landscape area to the variable landscape buffer widths proposed on the master plan titled "Exhibit for Special Use Permit For Mediterranean Restaurant site" prepared by LandTech Resources Inc. dated December 4, 2008. As shown on this exhibit, the minimum width of the landscape buffer would be 7.7' on the east side of the site and 5.4' on the west side. The Commission has the authority to modify the Landscape Ordinance upon finding that (with staff comments in *italics*):

(1) Such requirement would not promote the intent of this section.

The intent of this section as stated in Sec 24-86 is to promote public health, safety and welfare by providing for the preservation, installation and maintenance of trees and plant materials. Staff proposes an SUP condition requiring 125% of Ordinance size requirements for installed landscaping, enhancing screening between adjacent properties. Furthermore, the applicant intends to save many specimen trees on the perimeter of the property as shown on the master plan.

(2) The proposed site and landscape plan will satisfy the intent of this section and its landscape area requirements to at least an equivalent degree as compared to a plan that strictly complies with the minimum requirements of this section.

There is significant undevelopable area because of the RMA buffer. This area can include supplemental landscaping to offset the reductions of the side yard buffer. Landscaping the RMA buffer would further reduce the visual impact from the residential area to the rear rather than property similarly zoned for commercial use which are to either side. Tree and shrubbery density requirements will not be reduced along the sides of the property.

(3) The proposed site and landscape plan will not reduce the total amount of landscape area or will not reduce the overall landscape effects of the requirements of this section as compared to a plan that strictly complies with the minimum requirements of this section.

The proposed modification would not reduce the total amount of landscaped area, as the RMA buffer would also be landscaped. Additionally, staff has recommended the inclusion of an SUP condition which would further enhance the landscaping by requiring the installation of more mature vegetation at 125% of the Ordinance size requirement which would further screen the structure from view. This would enhance screening from both side and rear yard perspectives above the Ordinance requirements.

(4) Such modification, substitution or transfer shall have no additional adverse impact on properties or public areas.

Staff cannot identify any adverse impacts associated with the proposed modification.

(5) The proposed site and landscape plan as compared to a plan that strictly complies with the minimum requirements of this section shall have no additional detrimental impacts on the orderly development or character of the area, adjacent properties, the environment, sound engineering or planning practice, Comprehensive Plan or on achievement of the purpose of this section.

The proposal does not have any additional detrimental impacts to the area.

Staff finds that the proposal satisfies the criterion for landscape modifications and recommends the Commission approve of the modification requiring landscape areas as shown on the master plan.

As the structures are nonconforming, the proposal does not meet current Community Character Corridor setback and landscape requirements. However, the applicant has demonstrated intent to densely populate the road frontage with ornamental trees and shrubbery consistent with neighboring properties.

Special Provisions for Neighborhood Commercial Designated properties in the LB District

Per Sec 24-370 of the Zoning Ordinance, substantial conformance to the following provisions are required in this district for all uses permitted with a special use permit, which in this instance is the restaurant use. Staff comments are in italics.

1. Large work area doors or open bays shall be screened from external roadways by fencing or landscaping.

There are no outside work areas proposed.

2. Heating, ventilating and air conditioning equipment, duct work, air compressors and other fixed operating machinery shall be screened from adjoining property and the street right-of-way with fencing or landscaping. Large trash receptacles, dumpsters, utility meters, above ground tanks, satellite dishes, antennas, etc. shall be similarly screened.

Staff proposes a 125% landscape size requirement per proposed SUP condition #2 to accomplish this objective.

3. If used, fences in front of buildings on the site shall be landscaped.

Fences are not proposed on the site.

4. Signs shall generally have no more than three colors. Generally, pastel colors shall not be used. Free standing signs shall be of a ground-mounted monument type and shall not be larger than 32 square feet not erected to a height greater than eight feet.

Proposed SUP condition # 8 would legislatively restrict the applicant to this condition.

5. Site landscaping shall be reviewed and approved by the director of planning and shall be consistent with the natural landscape and character of the surroundings. A unified landscape design shall be provided including street trees.

During site plan review, the Planning Director will review the landscape plan to ensure compliance with Community Character Corridor landscape requirements. Street trees are not necessary as no new roads are to be built.

Overall, staff finds the proposal consistent special provisions of the Neighborhood Commercial designation in the LB district.

In addition to the Zoning Ordinance specifications discussed above, the Board of Supervisors adopted a policy (the "Neighborhood Commercial Development Standards Policy") in March of 1999 which applies to uses where the building exceeds a 2,750 square foot footprint, which also applies to this proposal. The policy, a copy of which is attached to this report, contains standards for building appearance. Since no exterior modifications are proposed for the existing building, staff proposes SUP condition # 6 which would obligate the owner to conform to the Neighborhood Commercial Development standards policy for any future exterior renovations.

PUBLIC IMPACTS

Environmental

Watershed: Powhatan Creek

Staff Comments: The Environmental Division has reviewed the proposed master plan and has determined that the proposal can meet applicable stormwater and other regulations. The applicant is providing a 50' RMA buffer from the adjacent intermittent stream as shown on the master plan per the Powhatan Creek Watershed Management Plan resolution dated October 10, 2006. In addition, special stormwater criteria will apply to the site, and the applicant has met with the Environmental Division to discuss several ways the applicant can meet these criteria on this site. Environmental Division staff is comfortable that appropriate measures, as noted on the Master Plan, can be achieved. The revised BMP design on the master plan is an improvement as it is less likely to cause flooding on neighboring properties during heavy rains than the previous design. The Environmental division supports the application.

Public Utilities

Proposed SUP Condition #4: This condition would require the applicant to develop and enforce their own water conservation standards.

Proposed SUP Condition #5: This condition would require the applicant to design a stormwater system that can be used to collect water for outdoor irrigation.

Staff Comments: Public water and sewer are available to this property. The revised SUP conditions would restrict applicant from drilling a well for irrigation. JCSA has no objection to the proposed change. JCSA supports the application with the inclusion of proposed SUP conditions.

Transportation

Per ITE Use 931- the use has the ability to generate approximately 286 weekday and 26 PM peak hour trips.

2007 Traffic Counts (Jamestown Road): From Sandy Bay Road to Williamsburg there are approximately 9,500 daily trips.

2026 Volume Projected (Jamestown Road): From James River to Neck O Land Road there is a projected 10,000 trips per day. The road segment is designated “OK” on the 2026 Watch list.

VDOT: VDOT has no objection to the proposed use, but requests the entrance be located as far away from Jamestown Road as possible on Sandy Bay Road.

Staff Comments: The applicant has moved the entrance to Sandy Bay Road per VDOT request. Based on VDOT comments, no other improvements are necessary.

COMPREHENSIVE PLAN

Land Use Map

Designation	<p>Neighborhood Commercial (Page 121): Limited business activity areas located within the PSA, serving residents of the surrounding neighborhoods in the immediate area and having a limited impact on nearby development. Total building area should generally be no more than 40,000 square feet in order to retain a small scale character.</p> <p>Jamestown/Sandy Bay Road Area (Page 122): The neighborhood commercial land use designation is sought to recognize existing uses, zoning, and the future development of adjacent parcels while limiting negative impacts on the traffic capacity of Jamestown Road. Additional commercial development beyond the boundaries of the proposed Neighborhood Commercial designation would further impede traffic flow along this road. Principle suggested uses for the Jamestown Road area are very limited commercial uses. Future development is to be a type and nature that is consistent with the neighborhood commercial designation. In addition, future development will consist of only low traffic generating uses due to the limited road capacity on Jamestown Road; the extent of parking will be minimal; uses will provide service to local nearby neighborhoods, as opposed to the larger community; the site will develop as a pedestrian oriented environment with designs compatible with nearby residential area; a master development plan for the full area is encouraged; and driveways will be limited. There is to be full adherence to the County’s Community Character Corridor policy and land use development standards along the entire frontage of all properties along Jamestown Road.</p> <p>Staff Comment: As the restaurant is only 2,752 square feet with a peak hour traffic generation of 26 vehicles, staff finds the proposal consistent with the small scale commercial, pedestrian oriented recommendations of the designation.</p>
Development Standards	<p><i>Commercial & Industrial Standard #4-Page 136:</i> Provide landscaped areas and trees along public roads and property lines, and develop sites in a manner that retains or enhances the natural, wooded character of the County.</p> <p>Staff Comment: This proposal, through the RPA, RMA and SUP conditions would enhance the community by retaining existing specimen trees and extensively landscaping the entire perimeter of the site.</p>
Goals, strategies and actions	<p><i>Action #16-Page 140:</i> Identify target areas for infill, redevelopment, and rehabilitation within the PSA.</p> <p>Staff Comment: The proposed development will positively impact the Jamestown/Sandy Bay area by revitalizing a vacant structure.</p>

Environment

Goals, strategies and actions	<i>Strategy #2-Page 65:</i> Assure that new development minimizes adverse impacts on the natural and built environment. <i>Action #2-Page 65:</i> Enforce Zoning and other County Ordinances that ensure the preservation to the maximum extent possible of rare, threatened and endangered species, wetlands, flood plains, shorelines, wildlife habitats, natural areas, perennial streams, groundwater resources and other environmentally sensitive areas.
	Staff Comment: The RPA and RMA buffers preserve the nearby perennial stream, and acts to minimize the impacts of the proposed development on the environment.

Economic Development

General	<i>Actions#7(a)-Page 21:</i> Promote water conservation among new and existing business.
	Staff Comment: As part of the special use permit conditions for this application, condition # 4, Water Conservation, encourages strategies for water conservation for this proposed redevelopment.

Community Character Corridor

General	<i>Jamestown Road-Community Character Corridor-Page 83-84:</i> The Comprehensive Plan suggests a 50 foot buffer requirement for commercial uses along this road. Further, the Comprehensive Plan suggest the provision of enhanced landscaping, preservation of specimen trees and shrubs, berming, and other desirable design elements which complement and enhance the visual quality of the corridor.
	Staff Comment: As part of the special use permit conditions for this application, condition #2, enhanced landscaping will help to preserve the visual quality of the corridor. Furthermore, staff will work with the applicant to preserve specimen trees on the property.

Staff Comments: Overall, this application as proposed is in compliance with the Comprehensive Plan. Staff finds that the proposed development meets the small scale commercial recommendations for this particular area.

RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of this application with the conditions listed below, and further recommends that the Planning Commission approve the landscape modification request connected to this application.

1. Master Plan and Use: This Special Use Permit shall be valid for a sit down restaurant as shown on the plan titled “Exhibit for Special Use Permit For Mediterranean Restaurant site” prepared by LandTech Resources Inc. dated November 13, 2008 revised January 21, 2009 (the “Master Plan”) and accessory uses thereto. The site shall only be used for a maximum of a 96 seat restaurant as shown on Master Plan.
2. Landscaping: Prior to final site plan approval, a landscaping plan shall be approved by the Planning Director or his designee. The owner shall provide enhanced landscaping along the entire perimeter of the site and inside the Resource Management Area (RMA) buffer. Enhanced landscaping shall be defined as 125% of the Zoning Ordinance landscape size requirements. Landscaping in the RMA buffer shall be consistent with the Riparian Buffers Modification and Mitigation Guidance Manual published by the Virginia Department of Environmental Conservation as determined by the Director of the Environmental Division.

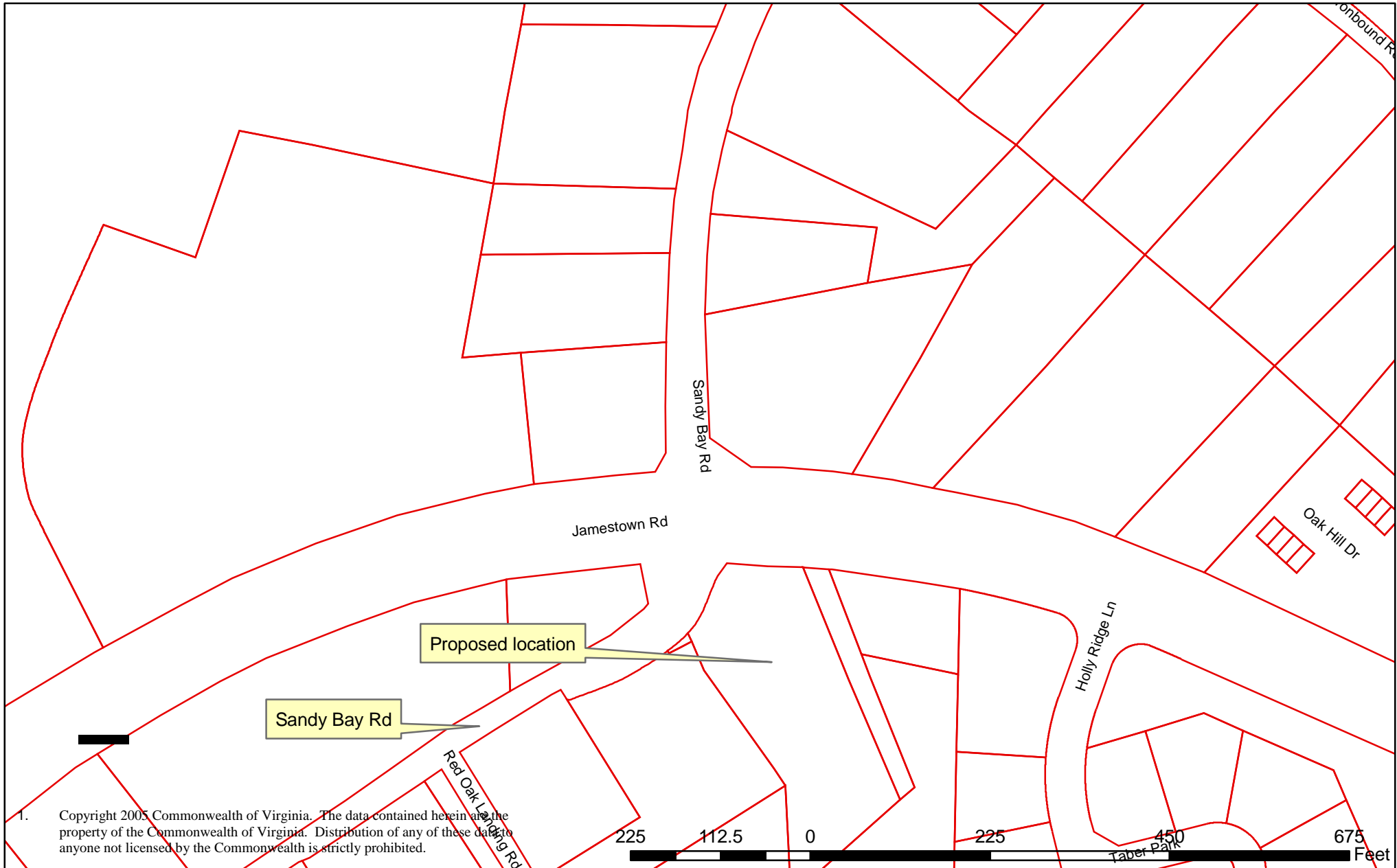
3. Health Department Review: The applicant shall receive full approval from the Health Department prior to final site plan approval.
4. Water Conservation: The Owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority prior to final site plan approval. The standards may include, but shall not be limited to such water conservation measures as limitations on the installation and use of irrigations systems and irrigations wells, the use of approved landscaping materials including the use of drought tolerant plants, warm season grasses, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
5. Irrigation: In the design phase, the developer and designing engineer shall include the design of stormwater systems that can be used to collect stormwater for outdoor water use, *including, but not limited to rain barrels for downspouts* for the entire development. Only surface water collected from surface water impoundments (the Impoundments) may be used for irrigating common areas on the Property (the Irrigation). In no circumstances shall James City Service Authority (the JCSA) public water supply be used for Irrigation; ~~except as otherwise provided by this condition. If the Owner demonstrates to the satisfaction and approval of the General Manager of the JCSA through drainage area studies and irrigation water budgets that the Impoundments cannot provide sufficient water for all Irrigation, the General Manager of the JCSA may, in writing, approve a shallow (less than 100 feet) irrigation well to supplement the water provided by the Impoundments.~~
6. Architectural Review: Prior to the owner altering exterior materials, design or colors of any existing structure on site, the Planning Director shall review and approve the proposal for consistency with the Neighborhood Commercial Development Standards Policy, Community Character Area guidelines and Section 24-370(c) of the Zoning Ordinance. Any new structure(s) or additions shall be reviewed and approved by the Planning Director against the same criteria.
7. Lighting: Any new exterior site or building lighting shall have 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 are not visible from the side. Fixtures which are horizontally mounted on poles shall not exceed 15 feet in height unless otherwise approved by the Planning Director. No light spillage, for purposes of this condition defined as 0.1 foot-candle or higher, shall extend outside the property lines.
8. Signage: No more than one freestanding sign shall be allowed along Jamestown Road. The sign shall be a monument style sign no more than 8 feet tall with ground-mounted lighting and not larger than 32 square feet.
9. Screening: The dumpster pad(s) and all heating, cooling, and exterior electrical equipment shall be screened by fencing and landscaping in a manner approved by the Planning Director or his designee prior to final site plan approval.
10. Hours of operation: The daily hours of operation for the restaurant shall be limited to the hours of 5:30 a.m. to 11:00 p.m. *The use of outdoor speakers is prohibited after 10:00 p.m.*
11. Commencement of Construction: If construction has not commenced on this project within thirty-six (36) months from the issuance of this SUP, this SUP shall become void. Construction shall be defined as obtaining an approved site plan, permits for building construction, and footings and/or foundation has passed required inspections.
12. Severance Clause: This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

ATTACHMENTS:

1. Location Map
2. Master Plan
3. Letter Requesting Landscape modifications
4. Neighborhood Commercial Development Standards Policy

SUP-0021-2008

Jamestown Road Restaurant



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

ATTORNEYS AT LAW

1177 JAMESTOWN ROAD

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ANDREW M. FRANCK

MAILING ADDRESS:

POST OFFICE BOX 379

WILLIAMSBURG, VIRGINIA 23187-0379

December 10, 2008



James City County
Planning Commission
c/o Mr. Allen Murphy
101-A Mounts Bay Road
Williamsburg, VA 23185

Re: SUP-0021-2008, Jamestown Road Restaurant

Gentlemen:

I am writing on behalf of the applicants, Janice and Metin Ortalan, to request a landscape modification pursuant to Section 24-88 of the Zoning Ordinance. Specifically, the applicant requests that a portion of two parking spaces be permitted to intrude into the 15 foot landscaped side yard on the eastern side of the property required by Section 24-99(c)(1) of the Zoning Ordinance and a portion of seven parking spaces permitted to intrude into the landscaped side yard on the western side of the property, all as shown on the Master Plan.

The parking lot has been designed in this configuration to accomplish three goals. First, to avoid buffers to environmentally sensitive areas to the rear of the site. Second, to preserve existing large trees shown on the Master Plan. Finally, to provide the required parking for the proposed restaurant. The applicant is not seeking any reduction in the required landscaping in the side yards. The landscaping to be installed will supplement the large trees being preserved in the side yards.

We believe this request satisfies the requirement for a landscape modification set forth in Section 24-88(b)(2) in that this plan preserves, enhances, integrates and compliments existing trees and topography in that it avoids slopes and buffers to environmentally sensitive areas and preserves existing

December 10, 2008

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specimen trees. We believe that this proposal will satisfy the intent of the landscape ordinance and its landscape area requirements to at least an equivalent degree as a plan that strictly complies with the ordinance, will not reduce the landscape effects of the requirements of the ordinance and will have no adverse impacts on surrounding properties nor on any of the items listed in Section 24-88(a)(5).

Please let me know if you need any further information.

Sincerely,



Vernon M. Geddy, III

VMGIII/rlc

cc: Mr. and Mrs. Metin Ortalan
Mr. Kenny Jenkins

RESOLUTION

NEIGHBORHOOD COMMERCIAL DEVELOPMENT STANDARDS POLICY

WHEREAS, the task of revising the business and industrial zoning districts was undertaken by one of the four citizen committees charged with updating the Zoning Ordinance; and

WHEREAS, the Committee used the 1997 Comprehensive Plan for guidance; and

WHEREAS, the Comprehensive Plan recommends standards for development in areas designated Neighborhood Commercial on the Comprehensive Plan; and

WHEREAS, after meeting for several months to discuss the topic of Neighborhood Commercial, the Zoning Ordinance Update Committee responsible for reviewing this item recommends the following policy; and

WHEREAS, on February 1, 1999, the Planning Commission endorsed the policy by a vote of 6-1.

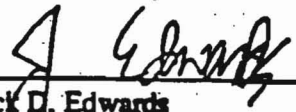
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby endorse the following:

For any property zoned LB, Limited Business District, and designated Neighborhood Commercial or Low-Density Residential on the Comprehensive Plan, any use requiring a special use permit shall demonstrate to the Director of Planning substantial conformance to the following provisions:

1. Long, monotonous facade designs shall be avoided, including, but not limited to, those characterized by unrelieved repetition of shape, form, architectural details, or by unbroken extension of line.
2. Brick, natural wood siding, or other materials with similar texture and appearance are considered most appropriate. Reflective surfaces are generally not considered acceptable exterior material.
3. Generally no more than three colors shall be used per building. Generally, bright hues shall not be used.
4. No portion of a building constructed of barren and unfinished concrete masonry unit (cinder block) or corrugated material or sheet metal shall be visible from any adjoining property or public right-of-way. This shall not be interpreted to preclude the use of architectural block as a building material.
5. Building design that reflects local, historical or architectural themes and styles is encouraged. Replication of standard building design is discouraged.
6. The use of articulation shall be employed to reduce the overall size of large buildings. Articulation may be expressed through building massing and architectural elements.

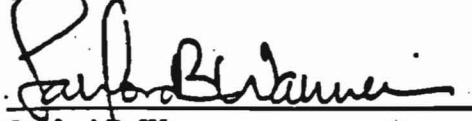
such as rooflines, windows, doors, etc. Buildings with large profiles shall be designed to appear smaller by articulating the overall massing as a collection of component masses. Architectural elements shall be incorporated to the extent practical, including, but not limited to, bays, balconies, porches, loggias, and/or arcades. Rooftop architectural elements shall be incorporated to the extent practical, including, but not limited to, features such as dormers, widow watches, and/or other rooftop elements.

7. Convenience stores shall have limited hours of operation. Twenty-four hour convenience stores shall not be permitted.



Jack D. Edwards
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
NERVITT	AYE
SISK	AYE
MCGLENNON	AYE
BRADSHAW	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of March, 1999.

zo-8-98.res

PLANNING DIRECTOR'S REPORT
February 2009

This report summarizes the status of selected Planning Division activities during the past month.

- **New Town.** The Design Review Board met on January 15 to consider applications for the wireless communications facility behind WindsorMeade Marketplace and changes to a building on Main Street to accommodate a Buffalo Wild Wings restaurant. The tower was approved and the DRB suggested that it be painted black-green to try to camouflage it and the restaurant was approved subject to various changes to the elevation.
- **Policy Committee Meetings.** The Policy Committee met on January 14 to discuss changes to the Capital Improvements Program. Memos outlining both the FY10 process and suggestions for future processes are included in this month's PC packet. The Committee also examined the Commission's bylaws and suggested several changes. The next meetings are scheduled for February 11 at 7:00 p.m. and February 18 T.B.D. to evaluate FY10 CIP projects.
- **Steering Committee.** The Steering Committee continues to hold weekly meetings in the Board Room-Building F. During the month of January, the Steering Committee held a Land Use application tour, evaluated staff and property owner Land Use Applications, and began discussions on housing.
A complete schedule, blog, and all materials are available on www.jccplans.org. The February schedule is:

▪ Mon., Feb. 2	4 – 6 p.m.	Public Facilities
▪ Mon., Feb. 9	4 – 6 p.m.	Housing
▪ Thurs., Feb. 12	7 – 9 p.m.	Economic Climate
▪ Tues., Feb. 17	3 – 5 p.m.	Public Facilities
▪ Mon., Feb. 23	4 – 6 p.m.	Economic Climate and Community Character
- **Planning Commissioner E-mails.** A training session was held for all Commissioners last month for setting up County e-mail addresses on their home computers. Please contact staff when the programs have been set up and you are prepared to release your County e-mail addresses or if you have any questions with set up.
- **Shaping Our Shores.** A draft of the Shaping Our Shores report to master plan Chickahominy Riverfront Park, Jamestown Beach Campground, and Jamestown Yacht Basin was released in mid-January and is available for public review and comment on the following website: <http://www.jccgov.com/sos/>
- **Monthly Case Report.** For a list of all cases received in the last month, please see the attached document.
- **Board Action Results** – January 13th and 27th
 - SUP-0020-2008 Gilley Properties, LLC Duplexes – Adopted 5 – 0
 - Z-0002-2008 / SUP-0018-2008 Williamsburg Landing Expansion – Adopted 5 - 0
- **APA-Virginia/VAZO Conference.** Staff participated in host committee planning for the APA-Virginia/VAZO Conference to be held March 25-27 in Williamsburg. In addition to helping host the event, staff will be making presentations along the theme of “Green Communities Virginia.”

Allen J. Murphy, Jr.

New Cases - January

Case Type	Case Number	Case Title	Address	Description
Conceptual	C-0001-2009	9932 Fire Tower Road	9932 Fire Tower Road	Applicant proposes subdividing parcel that is currently 8.37 into 2 parcels. The parent parcel would be the larger of the two with the second being 3.5-4 acres.
Subdivision	S-0001-2009	Stonehouse Traditions Golf BLA	9300 / 9310 Fieldstone Parkway	Plan is the resubmission of case S-0022-2008. Boundary Line Adjustment between the properties of GS Stonehouse Green Land Subdivision, LLC and the Tradition Golf Club at Stonehouse, LLC.
	S-0002-2009	White Hall Section 2D	3401 Rochambeau	Plat of 15 lots
Site Plan	SP-0001-2009	Bay Welding Storage Building	1568 Manufacture Drive	Construct a 1500 square foot storage building for Bay Welding
	SP-0002-2009	Abe's Storage Site Plan Amendment	5435 Richmond Road	Installation of a geo-thermal heating and cooling device
	SP-0003-2009	Busch Gardens Future Park Expansion	7851 Pocahontas Trail	This SP ammendment revises the irrigation system by relocating RPZ's and the waterline connetctions along with, relocating exisitng landscape storage sheds, landscape dumpster, landscape marterials, and material stroage bins to the relocation zone.
	SP-0004-2009	Colonial Heritage Phase 1 Section 1 Model Courts	6799 Richmond Road	This site plan amendment #3 addresses changes to the duplex unit type (Lots 22, 23, 28 and 29)

Site Plan	SP-0005-2009	Colonial Heritage Phase 3 Section 3A SP Amendment	6799 Richmond Road	This SP amendment #2 addresses changes to the lot number, lot lines, unit size, driveway width, and grading
	SP-0006-2009	Fairway Villas SP Amend		To add five additional parking spaces at the end of Shoal Creek
	SP-0007-2008	The Settlement at Powhatan Creek Resident's Club	4000 River Moor	Revised landscaping plans
Special Use Permit	SUP-0001-2009	Lafayette High School Trailer	4460 Longhill Road	Extend 2 existing trailers (SUP-06-07) used for the CDR program until July 1, 2011
	SUP-0002-2009	DJ Montague ES Trailer	5380 Centerville Road	Extend 3 existing classroom trailers (SUP-08-07) until July 1, 2010
	SUP-0003-2009	Rawls Byrd ES Trailer	112 Laurel Lane	Re-new one existing trailer classroom (SUP-10-07) until July 1, 2010

4. 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.
 - c. 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 resources areas or roads in such areas, or scenic resource corridors.
b. Within a historic or scenic resource area or within a scenic resource corridor	Use a camouflaged design or have minimal intrusion on to residential areas, historic and scenic resources areas or roads in such areas, or scenic resource corridors.
c. Within a rural lands designation in the Comprehensive Plan	For areas designated rural lands in the Comprehensive Plan that are within 1,500 feet from the tower, use a camouflaged design or have minimal intrusion on to residential areas, historic and scenic resources areas or roads in such areas, or scenic resource corridors. For rural lands more than 1,500 feet from the tower, no more than the upper 25% of the tower should be visible.
d. Within a commercial or in an industrial designation in the Comprehensive Plan	Use a camouflaged design or have minimal intrusion on to residential areas, historic and scenic resources areas or roads in such areas, or scenic resource corridors.
<p><i>Notes for the above table:</i></p> <p>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.</p> <p>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.</p> <p>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.</p>	

3. 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.

4. 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.