

A G E N D A
JAMES CITY COUNTY PLANNING COMMISSION
OCTOBER 7, 2009 - 7:00 p.m.

1. ROLL CALL
2. PUBLIC COMMENT
3. MINUTES
 - A. September 9, 2009 Regular Meeting
4. COMMITTEE AND COMMISSION REPORTS
 - A. Development Review Committee (DRC)
 - B. Policy Committee
 - C. Other Committee/Commission Reports
5. PUBLIC HEARINGS
 - A. SUP-0014-2009 Chickahominy Riverfront Park
 - B. SUP-0019-2009 Treasure Island Road Wireless Communications Facilities
6. PLANNING COMMISSION CONSIDERATION
 - A. 2009 Comprehensive Plan – Historic Past, Sustainable Future
7. PLANNING DIRECTOR’S REPORT
8. COMMISSION DISCUSSIONS AND REQUESTS
9. ADJOURNMENT

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE NINTH DAY OF SEPTEMBER, 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:

Deborah Kratter

George Billups

Joe Poole III

Reese Peck

Rich Krapf

Chris Henderson

Jack Fraley

Staff Present:

Allen Murphy, Director of Planning/Assistant
Development Manager

Leo Rogers, County Attorney

Chris Johnson, Principal Planner

Leanne Reidenbach, Senior Planner

Jason Purse, Senior Planner

William Cain, Senior Civil Engineer

Terry Costello, Development Management Asst.

John Carnifax, Parks and Recreation Division

2. PUBLIC COMMENTS

Mr. Rich Krapf opened the public comment period.

There being no speakers, Mr. Krapf closed the public comment period.

3. MINUTES – AUGUST 5, 2009

Mr. Joe Poole, III had a correction on page 7. He asked if the applicant would be amenable to a condition allowing for a blood relative or caregiver. The term “caregiver” needs to be added. He had another correction to page 16 of the minutes. In the paragraph where he spoke on elevations, the second paragraph should read “CVS building” instead of “building.” The next sentence should also read “the consensus was not to allow a change without any sample palette from the other applicant.” This added “from the other applicant” to the sentence.

Mr. Chris Henderson moved for approval of the minutes with corrections, with a second from Ms. Deborah Kratter.

In a unanimous voice vote, the minutes were approved (7-0).

4. COMMITTEE AND COMMISSION REPORTS

A. Development Review Committee (DRC)

Mr. Poole stated that the DRC met on September 2, 2009 to discuss two cases. The first case was C-0038-2009, New Town Shared Parking Update. This was an overview of the shared parking plan along with bus and trolley transportation linking New Town with other area sites. The DRC unanimously recommended approval of the most recent shared parking report as

presented. Mr. Poole stated that since the Town Center is approaching build out, the DRC agreed to receive parking updates semi-annually, as opposed to quarterly, unless there are material changes to the parking situation that warrant review. He stated the second case was SP-0021-2009, a site plan amendment for the former Stuckey's site. This application requested a modification to the sidewalk ordinance given the sites remoteness and its location relative to the interstate. The applicant offered an alternative sidewalk location along the main entry drive to the site's new commercial structures. Following extensive discussion concerning the possibility of a sidewalk fund, whereby applicants in these types of cases might contribute, or low impact design options, all of which can be considered in future zoning ordinance updates, the DRC approved the applicant's request for a sidewalk modification by a vote of 3-1. Staff was also asked to make note of a sidewalk fund and low impact design alternatives in future zoning ordinance updates.

Mr. Henderson moved for approval of the DRC action report with a second from Mr. George Billups.

In a unanimous voice vote, the DRC action report was approved (7-0).

B. Policy Committee

Mr. Henderson stated that the Policy Committee did not meet in August.

C. Other Reports

Mr. Jack Fraley stated that he and Ms. Kratter were appointed by the Chairman of the Planning Commission to work with staff on drafting an executive summary for the Comprehensive Plan. Matters that were discussed were making the summary more concise, reorganization, and the order of the document. He stated the goal was to get this draft to the full Commission by Friday, September 11, 2009, in preparation for the worksession on September 14, 2009.

Mr. Krapf thanked Ms. Kratter and Mr. Fraley for all of their work on the summary.

5. PUBLIC HEARINGS

A. Z-0002-2009 / MP-0002-2009 Governor's Grove Section III – Proffer and Master Plan Amendment

Mr. Allen Murphy stated staff's concurrence with the applicant's request for a deferral to the December 2, 2009 Planning Commission meeting.

Mr. Krapf continued the public hearing.

B. Z-0011-2007 / SUP-0022-2007 / MP-0007-2007 Monticello @ Powhatan North – Phase 3

Mr. Murphy stated staff's concurrence with the applicant's request for a deferral to the March 2010 Planning Commission meeting.

Mr. Krapf continued the public hearing.

C. SUP-0013-2009 Cardinal Acres Two Family Dwelling

Ms. Leanne Reidenbach stated that Mr. Michael Putt of First Investments of Virginia has applied for a special use permit to allow a two-family dwelling to be built on a parcel zoned R-2 with proffers. The site is 0.34 acres located at 114 Cardinal Acres Drive and is shown as Moderate Density Residential by the Comprehensive Plan. A special use permit is required for a duplex in the R-2 district. An SUP and rezoning for a similar proposal were approved in January 2005, but the SUP expired in 2008.

The surrounding lots within the Cardinal Acres neighborhood all contain two-family dwellings. Townhomes are located directly behind the parcel in Jamestown 1607. Some of these surrounding developments have experienced localized flooding. The applicant has agreed to mitigate any additional runoff created by this development by utilizing low impact development techniques such as rain barrels, pervious pavers, and soil amendments as noted by condition #3. Staff believes that this is an appropriate location for infill development and it provides additional benefit through the provision of storm water management/runoff reduction measures. The proposed duplex is also consistent with surrounding development and with the Comprehensive Plan Land Use designation. Staff recommends that the Planning Commission recommend approval of this proposal with the conditions listed in the staff report.

Mr. Poole asked if the applicant was comfortable with the conditions that were presented in the staff report.

Ms. Reidenbach stated yes.

Mr. Billups asked if an archeological study was done.

Ms. Reidenbach answered that a study was not done as part of this application, and she was not sure if one was done in the past. She stated that this area was disturbed so it was determined that a study did not need to be done.

Mr. Krapf asked if a study was done in 2004 with the original application.

Ms. Reidenbach stated it was not done with the original application, and she was not sure if it was done prior to that with the original development of Cardinal Acres.

Ms. Kratter asked whether staff believed that the stormwater run off condition actually mandates the measures the County would like to see.

Ms. Reidenbach answered that the condition actually reads that stormwater management

and run off measures will be applied to the development subject to the Environmental Director's approval. The condition includes several measures that could be used, such as rain barrels, pervious pavers, and soil amendments.

Ms. Kratter asked where the access would be to this property. She asked whether it disturbs the existing duplex there.

Ms. Reidenbach stated there is no need to relocate the existing driveway. There will be a shared maintenance agreement to serve the parcel in question.

Ms. Kratter asked how much of the property will be the driveway since it is a flag lot.

Ms. Reidenbach stated that she did not have an exact number, but it was enough to reach the duplex and was largely already in place to serve the JCSA well lot.

Ms. Kratter asked if the driveway will be gravel or paved.

Ms. Reidenbach answered that it will be a gravel driveway.

Ms. Kratter asked about mitigating the impacts on the adjacent properties and the neighborhood during the construction process.

Ms. Reidenbach stated that staff could discuss with the applicant conditions that would address concerns during the construction process. Historically in other cases, there have been conditions such as certain hours that construction can occur, but that this would not generate impacts beyond construction of a single-family dwelling.

Ms. Kratter expressed her concerns due to the neighborhood being heavily populated and developed.

Mr. Henderson asked if the James City Service Authority (JCSA) had any comments with regards to the well lot that is adjacent to it.

Ms. Reidenbach answered that when the original application was processed, the well lot encompassed this entire property including where the dwelling is proposed. Since then, Mr. Putt has purchased this property from the JCSA for the purpose of building a two-family structure. JCSA did not have any comments on the current application other than having water conservation guidelines.

Mr. Fraley asked if special stormwater criteria apply in this case.

Ms. Reidenbach answered that it does apply in this case.

Mr. Krapf opened the public hearing.

Ms. Mary Delaney Smallwood, of 1102 London Company Way, spoke. She expressed

her concerns with the flooding issues in her development of Jamestown 1607. She stated the applicant's property is directly behind the 400 section of her development. Ms. Smallwood stated that her development has had increased drainage and flooding problems. She felt that rain barrels will not alleviate any problems because the problems are due to run off and drainage. She asked that the necessary precautions are taken to alleviate some of the drainage problems if this application is approved. She felt that the statement made by the developer that it would not affect Jamestown 1607 is incorrect.

Mr. Krapf asked the applicant to address the measures suggested for LID and flood control.

Mr. Putt stated that he owns the properties adjacent to the proposed site. He stated it is in his best interests to keep his tenants happy in that area. He stated that pavers, plantings, and rain barrels will be installed as suggested by the County. Mr. Putt stated that a retention area will be on the site as well. Mr. Putt stated he takes pride in his property and maintains them himself. He stated that most of his tenants stay for 5 – 8 years.

Mr. Poole asked Mr. Putt if he was comfortable with the conditions in the staff report and he noted that he was.

Ms. Kratter asked for an estimate as to what the rent might be for these homes.

Mr. Putt stated he was not sure at this time, but that the more requirements that are placed upon him, the more he will have to charge for rent. He stated that normally he does not increase his rent every year, unless his taxes and/or insurance increase. He stated some of his tenants are single parents.

Mr. Krapf asked Mr. William Cain of the Environmental Division to address the cumulative stormwater runoff that was mentioned earlier and its impact on Jamestown 1607.

Mr. Cain stated that when the Environmental Division reviewed the application, they did look at the effects on the adjacent neighborhoods. The applicant has agreed to all of the conditions that have been requested of him. He stated that the lot is approximately 15,000 square feet and the soil is very compacted from use. He stated the applicant has agreed to loosen the soil to promote infiltration, provide a bioretention area, and install rain barrels and pervious pavers. Mr. Cain stated that due to the contour of the lot, water will flow towards Jamestown 1607. He does not believe this will affect any of the units if there is an unusual event.

Mr. Fraley asked if it was the County's objective to replicate post-development flow to pre-development levels.

Mr. Cain answered that for a single lot, this is not typically the task that the Environmental Division is trying to accomplish. It is the goal in this case to mitigate as best as can be accomplished while making it developable. The goal is not to be a large burden on someone developing a single lot.

Mr. Fraley asked if there were any engineering techniques that could be used to redirect the flow of water.

Mr. Cain answered that in this location it would be difficult because of the location of existing outfalls. He believes this would be more disruptive than construction of the unit itself.

Mr. Krapf closed the public hearing.

Mr. Henderson moved for approval.

Mr. Poole seconded the motion stated that the zoning, the Comprehensive Plan, and the desire to have affordable housing all support this application. He understands the issues for the residents of Jamestown 1607. He believes that with the small amount of paving that is proposed, along with some of the environmental protections offered, he is not convinced that this will add to the problems in the area or prevent any future issues.

In a roll call vote the motion was approved. (7-0, AYE: Poole, Fraley, Kratter, Henderson, Billups, Peck, Krapf)

D. SUP-0014-2009 Chickahominy Riverfront Park

Ms. Reidenbach stated that Mr. Aaron Small of AES Consulting Engineers has applied on behalf of James City County Parks and Recreation for a Special Use Permit to make improvements to existing facilities at Chickahominy Riverfront Park and to master plan the entire park property for community recreation. The property is located at 1350 John Tyler Highway, is zoned PL, Public Land, and is designated Park, Public, or Semi-Public Open Space on the Comprehensive Plan. An SUP is required because community recreation facilities are specially permitted uses in the PL district. The existing campground and park are currently lawfully non-conforming uses. Proposed Phase I park improvements include replacement of existing water mains, electrical service connections, and septic system for approximately 36 RV campsites located along the banks of Gordon Creek adjacent to the boat launch. The SUP will also provide for future development of the park in general conformance with the Shaping Our Shores Master Plan. While the RV loop does not directly correspond to the proposed use of the area on the master plan, these improvements will bring the RV sites up to standard and improve the revenue-generating capabilities of the area until such time that the full master plan can be realized. When this occurs, the proposed infrastructure improvements are also compatible with the proposed uses shown on the master plan if the RV loop is relocated.

The site is located outside the Primary Service Area and will be served by private well and septic systems. A condition has been added to require a soil feasibility study to aid in the placement of septic drain fields prior to any new development on the property. Due to its location adjacent to the Chickahominy River and the Gordon Creek and the environmental sensitivity of this area, conditions have also been added to require development of a master storm water management plan prior to new development and inclusion of Special Stormwater Criteria and Resource Management Area buffers as part of site plan submissions. Staff finds this proposal, with conditions, to be consistent with surrounding land uses, and generally consistent

with the Comprehensive Plan.

Ms. Reidenbach stated that staff became aware of an inaccuracy in the adjacent property owner notification. As a result, staff recommends holding a full discussion of the proposal at this time, but deferring any official action on the SUP to the October 7 meeting to allow sufficient time to properly notify adjacent property owners.

Mr. Poole asked if staff would be amenable to allowing both the Planning Director and the DRC to review any clearing along the Community Character Corridor buffer, adding this to Condition #3. He would also like to add a DRC review to condition #7, with regards to clearing. Mr. Poole felt that due to the sensitivity of clearing and the presence of a lot of mature trees on site, it would be beneficial to have the DRC review any clearing plan.

Ms. Reidenbach stated that staff would be amenable to the change, and will defer to the Parks and Recreation Division as to whether they would also be in agreement to the change.

Ms. Kratter asked if the 36 RV sites would be removed when the master plan is implemented. The RV sites are not specified on the master plan presented.

Ms. Reidenbach stated the RV sites are specified in a different area on the master plan. The RV sites that are proposed to be refurbished are those that are not in good condition currently, and these improvements would bring them up to standard.

Ms. Kratter asked if there were any calculations as to whether there it would be a cost effective improvement once these sites are refurbished and become attractive to potential visitors. She asked if these sites will be taken down and moved to another location.

Ms. Reidenbach was unsure, but would defer to the Parks and Recreation Division.

Ms. Kratter stated that this information would be helpful. She stated that if the master plan is five to ten years down the road, and there is a significant cost, it may not be cost effective.

Mr. John Carnifax of the Parks and Recreation Division stated that these RV sites had to be shut down this year due to some sewer problems. He estimates the loss of revenue to be between \$30,000 and \$40,000. He stated that part of the master plan is that the various areas of development are to be interchangeable. Mr. Carnifax stated that cabins can also be put on the site, depending on the market and what is popular at the time. He stated the purpose is to maximize revenue.

Mr. Aaron Small stated that when master planning the new RV sites, it was taken into account that these can also be interchangeable with cabins. This is to avoid as much as possible the requirement of digging up lines and removing/installing infrastructure depending on which type of unit is needed.

Mr. Krapf asked the Parks and Recreation Division is they would be agreeable to DRC

review on conditions #3 and #7 in regards to clearing near the buffer and clearing within the site.

Mr. Carnifax stated they were agreeable to the review. He stated the goal was to minimize any tree clearing. He also stated that they would like to reduce the number of sites and keep as many trees as possible.

Mr. Poole stated that the DRC would even schedule a special meeting if need be, so that the process can keep moving.

Mr. Billups asked whether the current water and septic system would support the upgrade to the RV sites.

Mr. Carnifax stated the goal is to use the existing septic system for the refurbished sites. He stated before any other improvements are done, a stormwater management plan and a comprehensive soils study will need to be done. The well is working properly, though some of the distribution lines have been an issue.

Mr. Henderson asked if connecting to public utilities was discussed.

Ms. Reidenbach answered that during the Shaping our Shores master plan process that was investigated and it was decided that the site would stay on a well and septic system.

Mr. Henderson stated that if the County is to be responsible for the cabins, then fire safety would be important. This would probably include some type of storage facility that could be pressurized for a hydrant or whatever was needed. He believes the County has a higher standard when they are the owner and proprietor of those cabins. He asked what the cost would be to provide public water and sewer to the site.

Mr. Fraley agreed and asked if a cost was calculated to connect to public utilities.

Mr. Small stated that extending water from Governors Land subdivision, which is approximately three miles away, would cost approximately \$1.2 million dollars. This is in contrast to keeping the existing system in place and that there is the ability to support the functions that are at the Chickahominy Riverfront Park. He stated that there has never been fire support out there, and the existing water lines are for distribution only. Mr. Small stated it would be a significant investment to upgrade the lines in the park. He stated he did not believe that it was a good use of public funds. He stated that if there is a fire, there is a local source of water, Gordon's Creek.

Ms. Kratter asked if the County Fire Department has direct pumping capabilities.

Mr. Small stated that all of the pumper trucks are capable of pumping water out of a local source. He further stated that the Fire Department has issued no comments or objections on the application.

Mr. Fraley asked what kind of septic system will be at the site.

Mr. Small answered that it may be a challenge due to the diversity of soils at the site. Some of it will probably be alternative treatments. Some of the drain fields may be classified as mass drain fields due to the flows. He stated it was important for all of these to be in compliance with current Health Department standards. Mr. Small stated this will dictate the capacity at the site.

Mr. Billups asked what would happen if the sewer system became inoperable.

Mr. Small answered that according to condition #2, there is a requirement for a soil feasibility study. This condition was added at the request of the Health Department. Once a study has been done, a septic master plan will be done. This would show that there is the capacity within the soils at the site to accommodate the plan for future development. There needs to be the capacity and the reserve capability to support what is proposed for the site.

Mr. Henderson asked whether any discussion took place with regards to onsite systems which can reduce the amount of effluent.

Mr. Small stated that those systems are part of the discussion and planning. Alternative systems will need to be discussed just to meet current regulations.

Mr. Henderson asked if the well will be operated by the James City Service Authority (JCSA).

Mr. Small answered that the County's General Services operates the well. The Health Department technically oversees the well. This is considered a transient non-community system as defined by the Health Code, therefore the JCSA is not involved.

Mr. Krapf opened the public hearing.

Mr. Krapf kept the public hearing open until the October 7, 2009 meeting

E. SUP-0016-2009 JCC Police Headquarters

Mr. Jason Purse stated that Mr. Shawn Gordon of General Services had applied for a Special Use Permit to allow for the construction of the new Police headquarters at 4600 Opportunity Way. The subject parcel is 7.77 acres and is zoned PL, Public Lands. The headquarters will consist of a main building, approximately 47,000 sq. ft. in size, an accessory building for additional storage, specialty vehicle storage, as well as an impound lot located near the rear of the property. The new Police headquarters will allow the Police department to oversee all of their functions from one central site in the County and allow for their anticipated expansion well into the future. There are 119 proposed parking spaces behind the security fence to serve an expected 157 officers and their patrol cars by 2030. Since shifts are staggered, not all of the officers will be there at the same time. The applicant has provided documentation of their needs to staff and the Planning Director has determined that the parking spaces provided will adequately serve the site.

Environmental staff has reviewed the application and concurs with the Master Plan and proposed conditions. The applicant has worked with the Environmental Division establishing credits for the special storm water criteria required to be met as a part of this application, and they have listed a number of those techniques on the Master Plan. The applicant has also incorporated a number of design components from the LEED certification criteria, and those points are also shown on the Master Plan.

The parcel is designated Mixed-Use (Lightfoot area) on the 2003 Comprehensive Plan Land Use Map. Recommended uses for Lightfoot Mixed-Use include a mixture of public uses and commercial, office, and limited industrial in support of the relocated Williamsburg Community Hospital. The Police headquarters is a public use, and also complements the other public uses in the area, and therefore is in conformance with the recommended uses of the Comprehensive Plan. Given the existing surrounding uses, the architectural design, and the LEED certification design techniques, staff believes the Police headquarters will complement the community. Site design has been oriented in a way that uses the existing vegetation in the rear of the property to effectively screen the use from adjacent properties, while the front of the site has been oriented so the building is the prominent design feature with the parking screened from public view. Staff recommends the Planning Commission recommend approval of the special use permit application with conditions to the Board of Supervisors.

Mr. Henderson asked whether this building was in compliance with any regulations established by the National Office of Homeland Security.

Mr. Purse answered that he believed that this was taken into consideration when the building was designed, but he will defer to the architects when they make their presentation.

Mr. Poole asked if staff was comfortable with amending condition #3 to allow for review by the Development Review Committee along with the Planning Director on the landscape plan of the property.

Mr. Purse answered that staff would be agreeable to that, and also mentioned that the site plan will be reviewed by the DRC due to the building being greater than 30,000 square feet.

Mr. Billups asked whether this would be the only Police Office in the County. Currently there are other outreach offices in areas throughout the County.

Mr. Purse answered that this would be the main office for the Police Department but he would defer that question to the Department.

Major Steve Rubino of the Police Department stated that the Department will still maintain their field offices in apartment complexes and other locations.

Mr. Fraley stated that this project was the number one priority in the ranking of CIP projects last year that came before the Planning Commission. He stated that during this discussion it was mentioned that the Fire Department or Emergency Services would be located in this building.

Mr. Shawn Gordon of the General Services Department answered that the plan is for when the Police Department vacate their current location, that building would be upgraded, and the Fire Department would then relocate there.

Mr. Henderson asked if the Emergency Services Department would be located in this new facility.

Mr. Purse answered that Emergency Services will remain in their current location in Toano.

Mr. Krapf opened the public hearing.

Mr. Gordon stated that the County has contracted with David Nice Builders to construct the new police facility. He stated the County is committed to building an energy efficient and environmentally friendly building. The comprehensive agreements stipulate that the design build team will meet standards as a Leadership in Energy and Environmental Design (LEED) certified facility as governed by the Green Building Certification Institute, which has set the national standards for green buildings. LEED practices that are intended for this facility include a geo-thermal well system, energy efficient windows and doors, and energy efficient lighting. The site development will include low impact development (LID) stormwater measures, the planting of Virginia native plants, a construction waste management plan which will encourage recycling of building materials when possible, and the use of regional building recycled materials. Mr. Gordon stated that all contractors and subcontractors will be trained in green practices to ensure that LEED standards are implemented in the field. The County will be hiring a third party to oversee the design and construction of the facility. This third party will also ensure that the building operating systems are working properly and that the energy standards that were originally intended to be in place are in fact working efficiently.

Ms. Ann Henry, of Rancorn and Wildman, gave an overview of the project. She displayed the overall site plan, pointing out that the parcel is triangular and on the corner of Centerville Road and Opportunity Way. The building will be a two story facility with approximately 40,000 square feet with the flexibility to accommodate future expansion. Ms. Henry stated that the design team determined that a linear building pushed to the front part of the parcel is the optimal use for the property. She stated that the building forms a secure boundary between the public functions on the property and the police functions to the rear. A two story linear building allows for future expansion for the largest number of departments with the least amount of internal disruption during construction. The linear design also allows the different departments to be housed together. Ms. Henry showed where the public and employee entrances would be on the property. She stated the public would not have access to the police and employee parking lot. She stated that sustainable site strategies would be incorporated since that is a condition to becoming LEED certified. These would include highly reflective materials on the roof, landscaping that would require little or no irrigation, and investigating installing part of the roof as a "green" roof. Ms. Henry mentioned the methods that are being discussed with regards to energy efficiency, the conservation of building materials, environmental quality, and pollution control. She stated ways that this project will go beyond the requirements for the

LEED certification. This includes the training for the contractors and subcontractors, possibly integrating a pest management and cleaning products schedule so that the least harmful products are entered into the building, and public educational opportunities.

Mr. Henderson asked if a cost analysis was done with regards to the LEED certification.

Ms. Henry answered that an analysis has not been done since all the cost of the building materials are not known yet.

Mr. Henderson felt that this analysis would be important since public funds are being used for the project. He believed that the public should be aware of what the public benefit was.

Mr. Kevin Allen, the engineer who is designing the geo-thermal system and the internal systems of the building, stated that there is an initial cost with the geo-thermal system. The payback would be generated by the energy analysis that is being calculated as the project moves forward. He stated for projects that he has done in the past; it was calculated at up to 30% energy cost reduction, which would typically be within the ten to fifteen year range. Mr. Allen stated the initial cost is approximately in the \$300,000 range over the cost of a more traditional heating system.

Ms. Kratter stated she was very impressed with the plan, and with the environmental protections that it offers. She believes it is crucial that the County take the lead when it comes to energy efficient and green buildings. She stated that this could be a good example for other developers in the County that the County is actually showing that these buildings are cost effective and environmentally friendly.

Mr. Billups asked if there was any discussion with regards to expansions that involved having at third floor.

Ms. Henry answered that the zoning of the parcel limits the building's height to 36 feet, which is essentially a two story building.

Mr. Billups asked if a reduction in the ceiling height is an option that would allow for a third floor.

Mr. Fraley stated that there is an option of requesting a height waiver.

Ms. Henry stated that even with a height waiver there is an issue with setbacks. There is a condition that for every foot over the 36 feet there is an increase in setbacks. Currently the building is at the maximum setback line.

Mr. Billups asked if there were any discussions with the Thomas Nelson Community College Police with regards to sharing services.

Major Rubino answered that he did not believe there were going to have a large security force at the college at this time. He did state that there will be opportunities in the building for

other agencies and departments to use the building as well as the Police Department. Major Rubino stated that they are willing to work with Thomas Nelson Community College and any other jurisdictions and agencies. He stated that the building also has training facilities for the Department, and other departments and agencies.

Mr. Fraley asked what the percentage of pervious cover was.

Mr. Purse answered that it was approximately 44% of the site.

Mr. Fraley asked if pervious pavers will be used in any of these areas.

Mr. Cain of the Environmental Division, stated that staff has looked at various options for this site. He stated that what are being presented in this application are some general ideas. As the site plan progresses, more options may become available and will be reviewed at that time. Mr. Cain stated that this area has "D" soils so it will be difficult to infiltrate. The applicants have satisfied stormwater criteria and LEED credits.

Mr. Fraley questioned the need for the long entrance way off of the main road.

Mr. Purse answered that VDOT has made this requirement of the long entrance way; however, staff is working with VDOT to see if this lane can be reduced in size.

Mr. Fraley asked what the amount was for the buffer in front of the parcel.

Mr. Purse answered it was approximately 39 ½ feet.

Mr. Fraley asked for the typical setback in that area.

Mr. Purse answered that the setback for public lands is 35 feet, but in this instance it is 36 feet due to the height of the building. Many of the buildings in the area have parking in the front, which was discouraged at this site for security reasons. The design in the back actually allows for some buffering along the property line.

Mr. Fraley mentioned the 50 foot buffers for intermittent streams. He congratulated the applicant for the design of the building and all of the environmental protections it offers.

Ms. Henry addressed Mr. Henderson's concerns about homeland security requirements. She stated there are architects on staff who specialize in designing public buildings on this project that will be taking into consideration all of those requirements.

Mr. Nelson Rancorn, of Rancorn and Wildman, spoke on the project. He displayed the site with the details of the building. He stated that there will be a two story lobby with the lobby being transparent. He stated the front of the building will be masonry with windows with the idea of it being a "strong looking" building. Most of the offices will face the front, with the rear of the building being more transparent. This area will be facing the police and employee parking lot. Mr. Rancorn showed both corridors in the back with a glass wall overlooking the parking

lot. This area with the glass walls will be a very transparent and open area. He pointed out the two staff towers. Mr. Rancorn stated that some features of the Thomas Nelson Community College building were incorporated into the design of the police building to help tie it with other buildings in the area. He also stated that recycled brick will be used in constructing the building.

Mr. Krapf stated that he felt the building had a very “institutional” looking feel to it. He asked if there were any discussions at extending the white trim at the top to include the two staff towers, or adding a curve to the top so it did not look so institutional.

Mr. Rancorn answered thought that extending the white trim was a good suggestion.

Mr. Krapf questioned the size of the windows in the front of the building. He felt that were small compared to the size of the building.

Mr. Rancorn said that this project is still in the concept drawing stage. He would look at other designs to see if something else might work better.

Mr. Krapf stated that this project had some big benefits, including the LEED certification, the LID measures and the interior design of the building.

Mr. Rancorn stated that most of the offices will have partitions above the door so that light will filter in from the exterior glass wall.

Ms. Henry stated that there was a conscious choice to have the staff entrance centered in the parking lot and have everyone use the same entrance. The idea behind the glass corridors was to give the employees a feeling of openness and that they shared the same space. Otherwise, people can get departmentalized and never really intermingling with other departments.

Mr. Poole stated he was impressed with the building’s architecture. He is convinced that with the LEED certification and the costs associated with this, that the costs can be recouped over the lifespan of the building. He felt the County was moving in the right direction in making public buildings that are attractive and function well. Mr. Poole appreciated the more contemporary architecture for a new building.

There being were no further public comment, Mr. Krapf closed the public hearing.

Mr. Fraley moved for approval of the application with a second from Mr. Poole.

Mr. Murphy stated that Mr. Poole made the suggestion of the additional review by the DRC with regards to landscaping.

Mr. Poole suggested that in public uses and possibly some private cases, where there is trees and vegetation in place, it might be beneficial to have the DRC review along with the Director of Planning.

Mr. Henderson asked if the DRC review would apply to the architectural drawings of the

building.

Mr. Poole stated his suggestion was just address the screening and landscaping that was mentioned in condition #3. There was no mention of any kind of architectural review.

Mr. Purse stated that the architectural plan needs to be reviewed before final approval of the site plan is given. Currently it is noted that this review will be done by the Director of Planning. If the Commission requested a DRC review, it would probably need to be done at a special meeting.

Mr. Poole stated he was comfortable adding that condition of DRC review and having a special meeting.

Mr. Murphy stated the motion was to approve with the DRC reviewing the landscaping and screening, along with the architectural drawings.

In a roll call vote the motion was approved. (7-0, AYE: Poole, Fraley, Kratter, Henderson, Billups, Peck, Krapf)

7. PLANNING DIRECTORS REPORT

Mr. Murphy had no additional comments. He recommended the meeting be recessed until the September 14, 2009 work session at 4 p.m.

8. COMMISSION DISCUSSIONS AND REPORTS

Mr. Krapf stated that the Commission's representative to the Board of Supervisors for September was Mr. Billups.

Mr. Poole stated that if Seasons Trace is on the agenda for the DRC on September 30, 2009 agenda, another location may be needed in order to accommodate the public attending the meeting.

Mr. Fraley mentioned that the restaurant, Buffalo Wild Wings, is scheduled to open in October in New Town.

9. RECESS

Ms. Kratter moved for a recess, with a second from Mr. Henderson.

The meeting was recessed at 8:45 p.m.

Rich Krapf, Chairman

Allen J. Murphy, Secretary

**Development Review Committee Actions Report
September 30, 2009**

SP-0071-2009

Warhill Community Gymnasium

DRC Action:

The DRC voted 5-0 to grant preliminary approval of the site plan, subject to agency comments and subject to the architectural elevations being brought back before the DRC and, having the JCSA question answered by staff.

SP-0074-2009

Nick's Lawn Care Center

DRC Action:

The DRC voted 5-0 to approve a modification of the sidewalk requirements within the Zoning Ordinance to permit an eight foot wide pedestrian trail constructed of an all-weather surface along the property's frontage instead of a sidewalk.

SP-0064-2008

Autumn West Townhomes

DRC Action:

The DRC deferred action on this case until the October 28, 2009 meeting.

SPECIAL USE PERMIT-0014-2009. Chickahominy Riverfront Park - RV Loop and Master Plan Staff Report for the October 7, 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 9, 2009

deferred

October 7, 2009

7:00 p.m.

Board of Supervisors:

November 10, 2009

7:00 p.m. (tentative)

SUMMARY FACTS

Applicant:

Mr. Aaron Small, AES Consulting Engineers

Land Owner:

James City County

Proposal:

The Division of Parks and Recreation is proposing to improve existing facilities at the Chickahominy Riverfront Park. Because it is currently a lawfully non-conforming use, a special use permit is needed to bring the property into conformance in order for improvements to be made. They are also seeking approval for a master plan for the entire property.

Location:

The north side of John Tyler Highway and bordered by the Chickahominy River and Gordon Creek

Tax Map/Parcel Nos.:

3430100002

Parcel Size:

140 acres

Zoning:

PL, Public Lands

Comprehensive Plan:

Park, Public or Semi-Public Open Space

Primary Service Area:

Outside

STAFF RECOMMENDATION

Staff finds the proposal consistent with surrounding zoning and development and consistent with the Comprehensive Plan. Staff recommends the Planning Commission recommend approval of this special use permit application to the Board of Supervisors with the included conditions.

Staff Contact:

Leanne Reidenbach, Senior Planner

Phone: 253-6685

CHANGES SINCE PLANNING COMMISSION MEETING

This application was deferred at the September 9, 2009 Planning Commission due to inaccuracies in the adjacent property owner notification process. Addresses have been verified and new adjacent property owner letters were mailed September 9, 2009.

At the meeting, the Planning Commission asked that the conditions pertaining to tree clearing (#3 and #7) be amended to require that the Development Review Committee (DRC) review any projects with proposed clearing within the 150-foot Community Character Corridor buffer and projects necessitating clearing on the park site as a whole. The amended conditions are as follows:

3. **Right-of-Way Buffer.** A 150-foot buffer shall be maintained along John Tyler Highway. That buffer shall remain undisturbed with the exception of breaks for roadways and pedestrian connections, utilities, walking, hiking, and biking trails, and other uses specifically approved by the Director of Planning *and the DRC*.
7. **Tree Clearing.** Tree clearing on the entire property shall be limited to the minimum necessary to accommodate the proposed recreational uses shown on the Master Plan and related driveways, entrance improvements, and facilities as determined by the Director of Planning or designee *and the DRC*.

No further changes to the staff report or overall proposal have been made. As such, no changes were made to the application materials previously provided to the Commission on September 2, 2009. Please refer to these materials for any additional information pertaining to the Chickahominy Riverfront Park SUP application.

RECOMMENDATION:

Staff finds the proposal, with the below conditions, to be generally consistent with surrounding land uses, and the Comprehensive Plan. Staff recommends the Planning Commission recommend approval of the special use permit application to the Board of Supervisors with the following conditions:

1. **Master Plan.** This Special Use Permit shall permit a public community recreation facility and accessory uses thereto, including but not limited to tent sites, cabins, RV camping areas, special event areas, docks/piers, swimming facilities, playgrounds, boat launches, rowing facilities, picnic pavilions, camp store, and seasonal concession stands on property located at 1350 John Tyler Highway (the "Property"). Improvements to the site shall generally be located as shown on the document entitled "Figure 4-2: Master Plan- Chickahominy Riverfront Park," (the "Master Plan") prepared by Vanasse, Hangen, and Brustlin, Inc. (VHB) and date stamped September 2, 2009 with only changes thereto that the Development Review Committee ("DRC") determines to be generally consistent with the Master Plan and Shaping Our Shores report.
2. **Soil Studies.** Soil feasibility studies to determine appropriate areas for septic drainfields shall be submitted to the Virginia Department of Health for review and approval prior to final development plan approval for any new development on the Property. Redevelopment plans ("Redevelopment") for the Property shall not be subjected to this requirement. Redevelopment shall include the removal and replacement, renovation, or rehabilitation of existing buildings or facilities that does not increase or change the general shape or location of impervious area or number of tent sites or RV spaces, does not change the existing primary use of an area, and/or does not change existing points of access. Based on the findings of any study, if a proposed use needs to be relocated, a plan detailing the relocation shall be provided to the DRC to determine whether the plan is generally consistent with the Master Plan and Shaping Our Shores report.
3. **Right-of-Way Buffer.** A 150-foot buffer shall be maintained along John Tyler Highway. That buffer shall remain undisturbed with the exception of breaks for roadways and pedestrian connections, utilities, walking, hiking, and biking trails, and other uses specifically approved by the Director of Planning and the DRC.
4. **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. No glare defined as 0.1 foot-candle or higher shall extend outside the property lines.
5. **Speakers.** All permanent public address speakers used on the site shall be oriented generally towards the interior of the property and away from exterior property lines.
6. **Archaeology.** Additional archaeological studies for any area to be disturbed that is identified as 'eligible' for inclusion on the National Register of Historic Places and/or 'unknown (further work needed)' on pages 109-112 of the report titled "Phase I Cultural Resources Survey and Archaeological Inventory of the Chickahominy Riverfront Park, James City County, Virginia" by Geo-Marine, Inc. and dated June 2008, shall be submitted to the Director of Planning for review and approval prior to the commencement of any land disturbing activity on the property. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to

the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources' *Guidelines for Preparing Archaeological Resource Management Reports* and the Secretary of the Interior's *Standards and Guidelines for Archaeological Documentation*, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's *Professional Qualification Standards*. All approved treatment plans shall be incorporated into the plan of development for the site and the clearing, grading or construction activities thereon.

7. **Tree Clearing.** Tree clearing on the entire property shall be limited to the minimum necessary to accommodate the proposed recreational uses shown on the Master Plan and related driveways, entrance improvements, and facilities as determined by the Director of Planning or designee and the DRC.
8. **Master Stormwater Management Plan.** A Master Stormwater Management Plan for the Property shall be submitted for review and approval by the County's Environmental Division Director prior to final development plan approval for any new development on the Property. Redevelopment of the Property shall not be subjected to this requirement.
9. **Special Stormwater Criteria.** Special Stormwater Criteria (SSC) as adopted by the County in the Powhatan and Yarmouth Creek watersheds shall apply to this project. Low-impact development principles and techniques shall also be used in all development plans to reduce and control impacts associated with any increased storm water runoff. The owner shall demonstrate the application of SSC and low-impact design on all development plans to the satisfaction and approval of the County's Environmental Division Director prior to final development plan approval for any new development on the Property. Redevelopment of the Property shall not be subjected to this requirement.
10. **Resource Management Area (RMA) Buffers.** All development plans shall have the RMA buffers delineated in accordance with the Powhatan Creek Watershed Management Plan revision dated October 11, 2006, or any such RMA buffers as outlined in any future Gordon Creek Watershed Management Plan, to the satisfaction and approval of the County's Environmental Division Director prior to final development plan approval for any new development on the Property. Redevelopment of the Property shall not be subjected to this requirement.
11. **Severance Clause.** This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Leanne Reidenbach, Senior Planner

**SPECIAL USE PERMIT-0019-2009. Treasure Island Road Wireless Communications Facility
Staff Report for the October 7, 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

October 7, 2009 7:00 p.m.

Board of Supervisors:

November 10, 2009 (tentative) 7:00 p.m.

SUMMARY FACTS

Applicant:

Lisa Murphy of LeClairRyan

Land Owner:

The James City County Bible and Agricultural Training School, Inc.

Proposal:

To allow for the construction of a 124' tall (120' tower with 4' lightning rod) "slick stick" wireless communications facility "WCF" on the subject property. Wireless communications facilities are specially permitted uses in the R-8, Rural Residential zoning district.

Location:

1700 Treasure Island Road

Tax Map Parcel Number:

5620100001

Parcel Size:

.83 acres out of 457.8 acres

Zoning:

R-8, Rural Residential

Comprehensive Plan:

Rural Lands

Primary Service Area:

Outside

STAFF RECOMMENDATION

We find the proposal, with the attached conditions, to be consistent with surrounding land uses, the Land Use policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation. While the tower will have a visual impact from Treasure Island Road, it will not be visible from nearby neighborhoods and will be visually discreet from the Colonial Parkway. The tower will be located within an existing stand of trees and a 100 foot tree preservation buffer. This tower will provide service to the Colonial Parkway and surrounding neighborhoods. We recommend the Planning Commission recommend approval of the special use permit application for the Cingular tower on Treasure Island Road with the attached conditions to the Board of Supervisors.

Staff Contact:

Sarah Propst, Planner

Phone: 253-6685

PROJECT DESCRIPTION

Ms. Lisa Murphy has applied for a Special Use Permit to allow for the construction of a 124' tower, on Treasure Island Road. The proposed tower is 120' tall with a 4' lightning rod. The site is 0.83 acres out of a 457.8 acre parcel and is zoned R8, Rural Residential. The property is located at 1700 Treasure Island Road.

Three WCFs are currently located within a 3 mile radius of the proposed tower but do not provide adequate coverage along the Colonial Parkway, Treasure Island Road and to the surrounding residential areas to the north.

PUBLIC IMPACTS

Environmental

Watershed: James River

Staff Comments: The Environmental Division has no comments on the SUP application at this time. Any site development issues will be dealt with at the site plan level.

Public Utilities and Transportation

The new WCF would not generate additional needs for the use of public utilities or significant additional vehicular trips in the area.

Visual Impacts

Based on a publicly advertised balloon test that took place on September 14, 2009, the applicant has provided photo simulations of the proposed tower location from six different locations around the vicinity of the site, and those simulations have been provided for your reference.

The proposed site of the tower will be in a stand of mature pine trees in an area that is in the Gospel Spreading Farm Agricultural and Forestal District (AFD-0012-1986). The adopted conditions for the AFD designation allow the placement of a WCF, a condition was included in the resolution (AFD-0012-1986) allowing for the siting of communications towers and related equipment. The trees directly to the north of the site are in the 40 to 50 foot range; however, the trees to the south of the site and between the site and the Colonial Parkway are in the 70 to 80 foot range. The proposed tower is approximately 2,834 feet from the Colonial Parkway and approximately 1,635 feet from the closest home in the Vineyards Subdivision. The combination of topography, tree cover, and the distance from the site to the Colonial Parkway makes the proposed tower slightly visible from only certain locations on the Colonial Parkway and not visible from the Vineyards Subdivision.

The proposed tower will be visible along Treasure Island Road but not from within the Vineyards Subdivision. This section of road is utilized mostly by cyclists and those living on the Gospel Spreading Farm property.

The topography of the parcel is gently rolling and lightly wooded. The proposed tower will be located over 800' from Treasure Island Road along a drive in a stand of trees. The applicant has offered to plant additional trees to screen the fence which will enclose the facility.

Federal Aviation Administration (FAA) requirements

Per Federal requirements, all structures greater than 200' above ground level (AGL) must be marked and/or lighted. Owners/developers of all structures greater than 200' AGL are required to provide notice to the FAA, which will then conduct an aeronautical study for the specific project. Structure marking may consist of alternating bands of orange and with paint (for daytime visibility) and red obstruction lights (for night visibility). As an alternative to this combination, the FAA may allow a dual lighting system featuring red lighting at night and medium intensity white strobe lighting during the day. Because this extension would be less than 200 feet, a marking system would not be required by the FAA.

COMPREHENSIVE PLAN

Land Use Map

Designation	Rural Lands (Page 119): Land uses in this designation are farms, forests and scattered houses, exclusively outside of the Primary Service Area. Appropriate primary uses are agricultural and forestall activities, together with certain recreational, public or semi-public and institutional uses that require a spacious site and are compatible with the natural and rural surroundings.
	Staff Comment: The main function of this property is as a farm. The inclusion of a WCF on the site is a secondary use. The limited development associated with the WCF will not have an adverse impact on the ability of the farm to continue to meet the goals of the Comprehensive Plan.
Development Standards	<i>General Land Use Standard #4-Page 135:</i> Site non-agricultural/non-forestal uses in areas designated Rural Lands so that they minimize impacts or do not disturb agricultural/forestall uses, open fields, and important agricultural/forestall soils and resources.
	Staff Comment: The proposed tower location will not impact the use of the land as a farm.
Goals, strategies and actions	<i>Strategy #10-Page 39:</i> Protect farm and forestry uses from conflicting activities and promote their economic viability as industries.
	Staff Comment: The proposal for the new WCF involves minimal land clearing and will not adversely impact farming activities taking place on this land. This application meets the goals, strategies and actions of the Land Use section of the Comprehensive Plan.

Community Character

General	<i>Wireless Communications Facilities-Page 94:</i> In 1998, the increasing need for new wireless communications facilities prompted the County to establish Performance Standards for Wireless Communication Facilities and add a new Division in the Zoning Ordinance to address them. The decision to regulate WCFs stemmed from the intent of the County to: <ul style="list-style-type: none"> - Protect health, safety, and general welfare of the community - Preserve the aesthetic quality of the community and its landscape - Protect property values - Protect the historic, scenic, rural, and natural character of the community - Minimize the presence of structures that depart from existing and future patterns of development, especially in terms of scale, height, site design, character, and lighting. - Provide for adequate public safety communications - Allow the providers of WCFs to implement their facilities in a manner that will fulfill these purposes, encourage their co-location, and allow them to fulfill their Federal Communications commission licenses.
	Staff Comment: Co-location options are encouraged in order to mitigate impacts created by clustered, single use towers. This WCF will provide co-location opportunities for two other servers, to accommodate, a total of, three wireless carriers. The tower will have a limited visual impact along a portion of Treasure Island Road and parts of the Colonial Parkway but it is screened by the topography and surrounding trees and will provide wireless service in an area that is currently underserved.

Comprehensive Plan

This application, as proposed, is in general compliance with the Comprehensive Plan. While the tower will have a limited visual impact on the surrounding area, the impact is minimized by the location. Given the existing tree buffer, topography, the distance from the surrounding residential areas and the highly valued views from the Colonial Parkway, we concur that the applicant has selected an appropriate location for this tower, to provide wireless service to an underserved area.

PERFORMANCE STANDARDS

On May 26, 1998, the James City County Board of Supervisors adopted several performance criteria for WCFs (see attachment #1).

Section 24-124 of the Zoning Ordinance states that “In considering an application for a special use permit for a WCF, the planning director shall prepare a report identifying the extent to which the application takes into account the ‘Performance Standards for Wireless Communications Facilities’ ... In general, it is expected that all facilities should substantially meet the provisions of these performance standards.”

These performance criteria note that tower mounted WCFs should be located and designated 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. While all standards support the goals outlined in the Comprehensive Plan, 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 a case that meets a majority of the standards may or may not be recommended for approval. To date, towers granted the required special use permit have substantially met these standards, including those pertaining to visibility.

A. Co-location and Alternative Analysis

Standard A1 encourages co-location. Since this new tower has the ability to accommodate three service providers, this standard has been met.

Standard A2 pertains to the demonstration of a need for the proposal and the examination of alternatives, including increases in transmission power and other options. With regards to demonstrating the necessity for the tower, the applicant submitted propagation maps showing coverage of the area as unreliable. Alternative locations have been adequately explored and a new 124’ tower is the most viable option.

Standard A3 recommends that the site be able to contain at least two towers on site to minimize the need for additional towers elsewhere. The applicant is proposing a tower which can accommodate three servers. Locating a second tower on the site would make the WCF more noticeable from the Colonial Parkway.

Standard A4 regarding allowance of future service providers to co-locate on the tower extension is addressed at the site plan stage through requirements in Section 24-128(3) of the Zoning Ordinance.

B. Location and Design

Performance Standard B1(1) states that towers and tower sites should be consistent with existing and future surrounding development and the Comprehensive Plan. More specifically, towers should be compatible with the use, scale, height, size, design and character of surrounding existing and future uses. The proposed tower is appropriate because the tower will be located within an existing stand of trees and a 100 foot tree buffer. Additionally the Gospel Spreading Farm property is an Agricultural and Forestal District, which limits development of the surrounding area without Board approval.

Performance Standard B1(2) states that towers should be located in a manner to protect the character of scenic resource corridors, historic and scenic resource areas, and viewsheds. The proposed tower will be partially visible from multiple locations, including a section of Treasure Island Road, past the Vineyards Subdivision, and along the Colonial Parkway, in front of the Gospel Spreading Farm. The visual affect of the tower will be discreet and should not adversely impact the nearby scenic resources. This location was selected with the input from the National Park Service to ensure a minimal visual disruption to travelers along the Colonial Parkway.

Performance Standard B2 states that for areas designated within a historic or scenic resource area or within a scenic resource, the design should be camouflaged or have minimal intrusion on residential areas, historic and scenic resource or roads in such areas, or scenic resource corridors. A small portion of the upper part of this tower will be visible from the Colonial Parkway, a Community Character Corridor. Because of the distance from the Colonial Parkway, and the existing tree buffer, the impact of the tower will be minimal.

Performance Standard B3 states that towers should be less than 200 feet to avoid lighting. This application meets this standard.

Performance Standard B4 states that towers should be freestanding and not supported by guy wires. This application meets this standard.

C. Buffering

The Performance Standards state that towers should be placed on a site in a manner that maximizes buffering from existing trees, including a recommended 100-foot wide wooded buffer around the base of the tower and that the access drive should be designed in a manner that provides no off-site view of the tower base or related facilities.

The proposed location of the tower is within a 100-foot wide tree preservation buffer which has been included as condition number nine for this SUP. While the existing tree stand does not camouflage the tower fully, staff believes that the applicant has chosen the most appropriate location for the placement of a tower on this site. The topography and mature tree stands help to mitigate the tower's visual impact from the Colonial Parkway and from Treasure Island Road.

RECOMMENDATION

We find the proposal, with the conditions listed below, to be consistent with surrounding land uses, the Land Use policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation. While the tower will have a visual impact on surrounding areas, staff believes that it will have a minimal impact from most locations. The combination of existing trees and the surrounding topography will help to camouflage the tower. We recommend the Planning Commission recommend approval of the special use permit application for the Cingular tower at Treasure Island Road with the following conditions to the Board of Supervisors.

CONDITIONS

1. This SUP shall be valid for a total of one wireless communications facility at a total height of 124' including all appurtenances on the property as depicted on Sheet C-1 of the *Overall Site Plan* prepared by David B. Granger with a final date of 8/3/09.
2. All colors used shall be approved by the Planning Director, or his designee, prior to final site plan approval.
3. Within 30 days of the issuance of a final Certificate of Occupancy by the County Codes Compliance Division, certification by the manufacturer, or an engineering report by a structural engineer licensed to practice in the Commonwealth of Virginia, shall be filed by the applicant indicating the tower height, design, structure, installation and total anticipated capacity of the tower, including the total number and type of antennas which may be accommodated on the tower, demonstrating to the satisfaction of the County Building Official that all structural requirements and other safety considerations set forth in the 2000 International Building Code, or any amendment thereof, have been met.
4. No advertising material or signs shall be placed on the tower.
5. The tower shall be designed and constructed for at least three (3) users and shall be certified to that effect by an engineering report prior to the site plan approval.

6. A final Certificate of Occupancy shall be obtained from the James City County Codes Compliance Division within two (2) years of approval of this special use permit, or the permit shall become void.
7. The tower shall be freestanding and shall not use guy wires for support.
8. The fencing used to enclose the area shall be vinyl-coated and shall be dark green or black in color, or shall be another fencing material of similar or superior aesthetic quality as approved by the Planning Director. Any fencing shall be reviewed and approved by the Director of Planning prior to final site plan approval.
9. A minimum buffer of 100 feet in width of existing mature trees shall be maintained around the tower. This buffer shall remain undisturbed except for the access drive and necessary utilities for the tower as depicted on Sheet C-1 of the *Overall Site Plan* prepared by David B. Granger with a final date of 8/3/09.
10. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Sarah Propst, Planner

ATTACHMENTS:

1. Performance Standards for WCFs Policy
2. Binder including: Preliminary Site Plan, Tower Specification Guidelines, Architectural Resource Map, Site Map, Coverage Maps, Narrative of Proposed Use, Letter from the National Park Service, AT&T Collocation Policy, Collocation Study, Site Map and Photo Simulation from Balloon Test
3. Planning Division Photographs from Balloon Test
4. Location map

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> <ol style="list-style-type: none"> 1. <i>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.</i> 2. <i>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.</i> 3. <i>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.</i> 	

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.

PLANNING DIRECTOR'S REPORT
October 2009

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

- **New Town.** The Design Review Board did not hold a meeting in September. Additional electronic reviews of elevations and plans for single-family detached lots have been reviewed this month, but no new materials have been submitted.
- **Policy Committee Meetings.** No additional Committee meetings have been scheduled.
- **Comprehensive Plan.** One additional Planning Commission work session was held in September, along with a meeting of the Executive Summary subcommittee. This meeting included an overview of staff responses to comments from the Commission regarding various sections in the Comprehensive Plan. A special public hearing was held on September 30 at 6:30 p.m.
- **Training.** Staff is taking advantage of free webinars that are available from the American Planning Association. October's topics include fundamentals of redevelopment agreements and multi-modal transportation planning.
- **Monthly Case Report.** For a list of all cases received in the last month, please see the attached document.
- **Board Action Results** – September 8th & 22nd
SUP-0012-2009 Birch Circle Accessory Apartment – Withdrawn by applicant
SUP-0016-2009 JCC Police Headquarters – Adopted 5 - 0

Allen J. Murphy, Jr.

Case Type	Case Number	Case Title	Address	Description	Planner	District
Conceptual Plans	C-0046-2009	Williamsburg Crossing Master Plan	5251 JOHN TYLER HWY	Revision to Williamsburg Crossing master plan and potential rezoning of all parcels with development to Mixed Use	Jason Purse	Jamestown
	C-0047-2009	Jerry Cary Subdivision	8103 DIASCUND ROAD	Subdivision of 8103 Diascund Road into 2 lots	Kathryn Sipes	Stonehouse
	C-0048-2009	Warren Farm Estates BLE	102 TOM TAYLOR ROAD	Lot line extinguishment between Lot 2 & Lot 3, with remaining acreage added to Lot 3	Sarah Propst	Stonehouse
	C-0049-2009	Ingram Road Tower	108 INGRAM ROAD	Request for historical landmarks near Ingram Road that may be affected by a tower	Jason Purse	Berkley
Site Plan	SP-0075-2009	Dixie Fuel Co. Propane Distribution Fac. Expedite Review	1576 MANUFACTURE DRIVE	The scope of this project includes the construction of the proposed propane distribution facility and associated with it access road and drainage system.	Sarah Propst	Roberts
	SP-0077-2009	Riverview Stables Consignment SP Amend	4908 RIVERVIEW ROAD	Operation of consignment tack shop in existing attached garage room under current licensed operation of Riverview Stables.	Brian Elmore	Stonehouse
	SP-0078-2009	The Lamplighter Intersection Improvements SP Amend.	1322 JAMESTOWN ROAD	Realign existing entrance on Jamestown Road to correspond to VDOT streetlight installation. Project will include 448 additional square feet of impervious cover.	Leanne Reidenbach	Jamestown
	SP-0079-2009	Nelsen Funeral Home SP Amend.	3751 STRAWBERRY PLAINS	Applicant proposes a 499 square foot addition to accommodate a crematorium	Terry Costello	Jamestown
	SP-0080-2009	SP Amend. Rest Home, Greensprings Office Park	3900 JOHN TYLER HWY	Applicant proposes to remodel the interior for a rest home. The proposal includes the creation of 12 suites within 7,560 square feet.	Jennifer Van Dyke	Berkley
	SP-0081-2009	Green Mount Industrial Park Road Extension	1651 GREEN MOUNT PARKWAY	This application is to extend GreenMount Parkway	Kathryn Sipes	Roberts
Special Use Permit	SUP-0020-2009	Vossel and Gross Family BLA	9040 BARNES ROAD	To resubdivide two existing parcels via a boundary line adjustment, providing additional buffers between the two parcels. A SUP is required as the original parcels were created through a family subdivision	Leanne Reidenbach	Stonehouse
	SUP-0021-2009	Wireless Comm Tower - Mounts Bay Road	101 MOUNTS BAY ROAD	This application is to extend an existing tower by ten feet to allow for the installation of a fourth wireless carrier	Luke Vinciguerra	Roberts
	SUP-0022-2009	King of Glory Lutheran Church SUP Amendment	4881 LONGHILL ROAD	This application is to change the use of the existing structures from a group home to office/meeting/youth group space.	Jose Ribeiro	Powhatan
Subdivision	S-0051-2009	Fenwick Hills BLA & Conservation Easement	3376 OLD STAGE ROAD	This application dedicates a portion of land to the County.	Luke Vinciguerra	Stonehouse
	S-0053-2009	BLA River Ridge Lots 14 & 15	1613 RIVER RIDGE	This application is a boundary line adjustment between 1609 and 1613 River Ridge	Brian Elmore	Berkley