

A G E N D A
JAMES CITY COUNTY PLANNING COMMISSION
DECEMBER 2, 2009 - 7:00 p.m.

1. ROLL CALL
2. PUBLIC COMMENT
3. MINUTES
 - A. September 30, 2009 Special Work Session
 - B. November 4, 2009 Regular Meeting
4. COMMITTEE AND COMMISSION REPORTS
 - A. Development Review Committee (DRC)
 - B. Policy Committee
 - C. Other Committee/Commission Reports
5. PLANNING COMMISSION CONSIDERATIONS
 - A. Initiating Resolution - Initiation of a Zoning Ordinance Amendment to change SUP uses to permitted uses
6. PUBLIC HEARINGS
 - A. Z-0002-2009 / MP-0002-2009 Governor's Grove Section III - Proffer and Master Plan Amendment (Applicant requests deferral)
 - B. SO-0001-2009 Subdivision Ordinance Amendment - To amend Section 19-26 of the Subdivision Ordinance to extend the term of validity for recording a final subdivision plat
 - C. SUP-0024-2009 Hospice House WCF Tower
7. PLANNING DIRECTOR'S REPORT
8. COMMISSION DISCUSSIONS AND REQUESTS
9. ADJOURNMENT

**Development Review Committee Actions Report
December 1, 2009**

SP-0071-2009

Warhill Community Gymnasium

DRC Action: No action was taken at this meeting. The DRC had their remaining questions answered by the applicant.

SP-0064-2008

Autumn West Townhomes

DRC Action: The DRC deferred action on this case until the January 6, 2010 meeting.

No Case Number

New Town Main Street

DRC Action: No action was taken at this meeting. The DRC reviewed and discussed the proposal. More details will be provided at the February 2010 DRC meeting when the New Town Shared Parking Update is scheduled to be presented.

No Case Number

Williamsburg Crossing, Parcel 24

DRC Action: No action was taken at this meeting. The DRC reviewed conceptual drawings and elevations for a proposed fast food restaurant and offered suggestions regarding the site layout, drive thru lane placement and parking bay configuration. The site plan for the proposal will be presented to the DRC for consideration of preliminary approval at the January 6, 2010 meeting.

A SPECIAL MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE THIRTIETH DAY OF SEPTEMBER, TWO-THOUSAND AND NINE, AT 4:00 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

Tammy Rosario, Principal Planner

Steven Hicks, Development Manager

Kate Sipes, Senior Planner

Jason Purse, Senior Planner

Ellen Cook, Senior Planner II

Luke Vinciguerra, Planner

Jennifer VanDyke, Administrative Services Coordinator

Jim Icenhour, Board of Supervisors

Mr. Rich Krapf introduced all Planning Commission members.

2. MINUTES

August 31, 2009

September 14, 2009

Ms. Deborah Kratter stated that on both sets of minutes corrections need to be made on those phrases that state “the motion to approve” rather than the Commissioner “moved to approve.”

Mr. Chris Henderson moved to approve the August 31, 2009 minutes with corrections, with a second from Ms. Kratter.

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

Mr. Joe Poole moved to approve the September 14, 2009 minutes with corrections, with a second from Ms. Kratter.

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

3. PUBLIC HEARING

Mr. Krapf stated that during the public hearing individuals will be allotted five minutes to speak. Individuals representing groups will be given ten minutes. Mr. Krapf opened the public hearing.

Mr. Bill Spaller, 1556 Harbor Road, stated he participated in the Community Participation Team (CPT). The CPT served to gather public input for the Comprehensive Plan. Mr. Spaller had been disappointed with the previous Comprehensive Plan. The previous plan had been too general. Mr. Spaller stated that there had been great effort taken to gather public input for the Comprehensive Plan, though the comments provided by the public were not fully synthesized within the text. Specifically, more smart growth measures need to be taken.

Mr. Vernon Geddy, 1177 Jamestown Road, spoke on LU-0037-2008. James and John Spiegel applied for a Land Use designation change for property on Croaker Road and Richmond Road. The case was initially approved by the Steering Committee, but later it was reconsidered and denied. The property is now designated Mixed Use calling for a mix of office space and moderate density development. Given the size and shape of the property, the designation is not conducive to this type of development. This is an excellent location for Community Commercial use. It has a shared entrance arrangement with the neighboring property. The property is zoned A-1. Any development of the parcel would require a change in the zoning district.

Mr. Leonard Sazaki, 3927 Ironbound Road, spoke on LU-0017-2007. He had spoken previously with County officials and found that his taxes would not go up as a result of a Land Use designation change. However, he now felt that this Land Use designation change is not appropriate for this property. The Renaissance Design consultant stated that unless the three properties in question were all given a new Land Use designation, the properties should remain unchanged. Renaissance Design had also determined that entrances should be limited to Ironbound Road. All the traffic on Ironbound is currently generated from the residential neighborhood. Staff did recommend denial. Mr. Sazaki no longer wants a Land Use designation change for his property.

Mr. Robert Duckett, 760 McGuire Place, Public Affairs Director with Peninsula Housing and Builders Association (PHBA), spoke. He stated he supports the Comprehensive Plan's action item stating that the zoning ordinance should match the Land Use designations. He opposes reducing density in Rural Lands, as it would decrease the value of the property. If the County takes this stance, then the property owner with a reduced property value should be compensated. It is appropriate to direct growth to suitable areas. The Comprehensive Plan, as it is proposed here, does not allow for high enough densities within the Primary Service Areas (PSA) or other areas, like Lightfoot Central. Quality residential development should be done efficiently and also done in an environmentally sensitive, low-impact manner. The Comprehensive Plan had encouraged the Purchase of Development Rights (PDR) program and the Transfer of Development Rights (TDR) program. Under this Comprehensive Plan, appropriate incentives for these programs had not been created. If you reduce rural density you reduce the potential TDR credits, thus the program will not be used as heavily. By identifying receiving areas in the PSA appropriate for higher densities, growth can be directed to the most suitable areas. PHBA supports recommendations that would maintain and increase cluster development in exchange for open space. PHBA agrees and believes that the Comprehensive Plan should recommend and adopt a workable by-right Cluster Ordinance in Rural Lands. PHBA does not support additional proffers for libraries and general government services. This cost is eventually absorbed by the home buyer, making housing less affordable in James City County (JCC). It is important to remember that residential housing does not cause growth, it responds to growth. During 2004-2006 there was a great demand for housing within JCC, though within 2007-2009 the demand for housing was relatively low, and building slowed

concurrently. Building permits for new homes across the Peninsula for 2009 are down 22.5% compared to 2008. The total number for new home building permits for 2009 is just 514 across the Peninsula. Reduced home sales have effectively slowed growth across James City County. The housing downturn makes it a good time to decide where growth should occur in the PSA. Change zoning densities in the Comprehensive Plan so future economic growth can occur in chosen areas. This will reduce pressure on Rural Land development and create proper incentives for PDR and TDR programs to work. Keeping the densities within those areas in the PSA at low to moderate densities while greatly reducing rural densities will not effectively direct growth to certain areas.

Mr. David Neiman, 105 Broomfield Circle, stated he is grateful for all the work done thus far. Within the Comprehensive Plan, an action item speaking to Wireless Communication Facilities (WCF) states “to stay abreast of Wireless Technologies.” The County should seek the assistance of independent telecommunication consultants to evaluate applications and to develop Wireless Communication Master Plans. Planning staff may lack the requisite technical knowledge to effectively complete the job. Most other Counties within the state do require assistance from consultants. Changes to the Wireless Communication Ordinance and policies should be carefully considered. In 2005 the Board of Supervisors voted to allow 120-foot camouflage towers to be built by-right in all R-4 Zoning districts. This was ill considered.

Ms. Beverly T. Hall, 8509 Richmond Road, spoke on behalf of the owners of the Taylor Farm (8491 Richmond Road). The owners of the Taylor Farm submitted an application to have the property placed in the PSA. At this time it is zoned A-1 and B-1 and is partially within the PSA. The owners would like property to be redesignated to Economic Opportunity (EO). The property should be similar to other adjacent properties. Neighboring properties are in the PSA and are designated Mixed Use. According to staff there are few remaining undeveloped properties in the PSA. The Comprehensive Plan states that “significant rural-land, agricultural, vistas should be preserved with a permanent protection of farm land.” With the exception of the Taylor Farm this area has already been developed. She asked if it is the sole responsibility of preservation to be placed upon those land owners that have not yet developed their property. The Taylor Farm is being leased currently. Farming the land may not be an economical benefit for years into the future. Permanently preserving the agricultural use of the land then becomes a burden for the property owner. This property should be redesignated with the new EO designation.

Mr. Jack Haldeman, 159 Founder’s Hill North, spoke for the James City County Citizens Coalition (J4C). The draft does speak to some of the concerns raised by the segment of the population that is concerned with rampant growth (83% of residents have concern regarding growth according to the 2007 Virginia Tech Citizen Survey). The draft reflects this message guided from the public. The 2003 Comprehensive Plan did a poor job of addressing this issue. The 2008 Comprehensive Plan does an excellent job of describing the issues that County residents deem most important, but a poor job of addressing them. An actionable strategy to contain growth must be achieved. This draft is not consistent with the County’s responsibility to preserve and protect assets. Growth must be managed while preserving the County’s natural beauty. The Comprehensive Plan was set out to increase green space, mitigate storm and flooding issues, develop tree preservation measures, and create sustainable development. The goals were not met. He asked what the County will look like if it is built out to a population of 190,000. The recession is an opportunity for Planning staff to address the wishes of the County citizens. The plan should

have greater specificity as to how to contain growth. A goal should be created to identify how much rural land the County's wants to preserve. The County would be wise to create a population target at build-out.

Mr. Mac Metayler, 105 Gilley Drive, stated the draft speaks of population projections; it should be population goals. Preserving rural lands is of great importance. Many citizens have spoke of concerns regarding too much growth.

Mr. Rich Costello, 10020 Sycamore Landing Road, stated that he is an engineer and president of AES Consulting Engineers. Many citizens are upset with growth. The community needs to move to managed growth. Growth is inevitable and has brought the community many good things. Sprawl within the rural lands should be contained. If the County reduces rural density at minimum, TDR's should be granted to existing land owners at the current development rate. Compensating property owners of rural lands will help ensure that the lands are preserved.

Ms. Kathy Metayler, 105 Gilley Drive, stated that watching the increased rate of development in the County is disconcerting. New development is leaving empty store fronts in older developments. A broken business model is driving growth. Within this model, new development needs to occur to make money. A more robust business model needs to be put in place.

Ms. Susan Gaston, 205 Par Drive, spoke on behalf of The Williamsburg Area Association of Realtors. Being a part of the process has been much appreciated, as the Association was asked to participate on the CPT team. Charlotte Hubbard Jones of the Association was an enthusiastic participant during the CPT process. Overall, staff's efforts to make this an open process have been much appreciated. Staff made themselves available for questions and has even made presentations to the Association. The Association operates on five guiding principles while considering growth: provide housing opportunity and choice, build better communities, protect the environment, protect private property rights, and implement fair and reasonable public sector fiscal measures. Housing is very important, especially workforce housing. There is a deficiency of workforce housing within the County. The lack of workforce housing is placing more people on the roads. Many people that work within the County must drive great distances to arrive at their place of employment. Housing Strategy 1.3 is well stated: "Increase the availability of affordable and workforce housing, targeting households earning 30-120% of area median income as established by Housing and Urban Development (HUD)."

Ms. Gaston further stated that other priorities are to ensure better buildings are constructed and to protect the environment. The 2008 Virginia Tech Citizen Survey revealed that 83% respondents were very concerned with the rate of growth and development. Promoting urban sprawl into the rural lands of the County is alarming. Smart growth would include cluster provisions and would effectively address density issues. Property owners should be adequately compensated and incentives should be created for those property owners with rural lands. The preservation of rural lands is very important to maintaining the community's character and rural lands must be protected. Using cash proffers or Adequate Public Facilities Ordinances are opposed because they would increase the cost of housing. The Association supports the new EO designation. This designation promotes mixed-cost housing with a strong emphasis on affordable

housing and higher density development. The housing component to this type of development must be realized.

Dr. Gerald Johnson, 4513 Wimbledon Way, stated that sacrifice must be made to have a livable community. People must sacrifice in some way to achieve the community desired.

Ms. Sarah Kadec, 3504 Hunters Ridge, stated that the County should consider how long master plans should remain valid. Creating an annual evaluation to track progress related to Comprehensive Plan action items is good. Stormwater and flooding has been attended to in a commendable way within the Comprehensive Plan. The regulations on Wireless Communication Facilities will require greater attention in the future. The requirement for early submission of plans is an advantage to staff and the public. All the attention paid to watersheds is much needed. Public input is important. The citizens of the County are committed to working with staff, Planning Commissioners, and the Board of Supervisors.

Upon seeing no other citizens wanting to speak, Mr. Krapf closed the public hearing.

Mr. Jack Fraley stated he has received many emails from citizens. This Comprehensive Plan is like no other James City County plan previously adopted. The commitment to creating a sustainable community is unprecedented. The vision for the County includes sustaining a quality of life and economic vitality in JCC while preserving our special nature and cultural heritage. We will accomplish this by promoting smart and sustainable growth principals, adopting sustainable strategies, providing a variety of housing options, supporting economic development and promoting diverse recreational, cultural and educational opportunities for all ages.

Mr. Fraley stated that this Comprehensive Plan includes actions that did not appear in previous Comprehensive Plans. Significant actions include cumulative impact analysis of development on existing and planned public facilities and services and legislative cases, revision of Rural Lands Zoning districts to set lot size for conventional subdivisions at a very low density pattern that is significantly lower than currently permitted, and expectations that any residential development that is outside of the PSA be in a pattern that preserves farm and forestal lands, and amending Ordinances to promote such a pattern. Development should occur concurrently with the adequacy and accessibility with existing public facilities and phased in accordance with the provision of new facilities and services. Adoption of a Community Character Zoning Overlay district would provide additional protection to our Community Character Corridors so that development along these corridors truly reflects our intentions. Phased tree clearing plans will minimize the removal of existing trees and ensure tree preservation methods are implemented during Site Plan review and preconstruction phases of development. Amendments to the Zoning Ordinance will make all districts more consistent with Land Use designations. Other actions include promoting early submission of environmental inventories to protect wetlands, trees, and highly erodible soils to limit impervious cover; developing a site Low Impact Design (LID) checklist guide for consideration of LID methodologies; implementing a green infrastructure plan; investigating a lease or transfer of development rights program; promoting business development of existing abandoned parcels; amending ordinances and policies to support agricultural and forestal uses; promoting agribusiness; promoting diversity and innovation in housing and subdivisions; and increasing the availability of affordable and workforce housing. All of these actions are new to this

Comprehensive Plan. This Comprehensive Plan has an executive summary, an eleven-page document that acknowledges the primary concerns raised by citizens regarding the pace and quality of growth as well as the eight hotspots identified by the CPT. The executive summary plan also includes a section on building a sustainable community and growth management strategies.

Mr. Fraley stated that this plan adds two unique features. The Commission has adopted an Implementation Schedule for all strategies and action items. It defines a timeline for completion, priorities, and general responsibilities. The Commission has adopted a monitoring program to access progress against the Comprehensive Plan with the annual report from the Planning Commissioners to the BOS. The annual report can be used to recognize the action items that have been completed, identify areas where additional resources are needed, and to re-access changing priorities. This monitoring program can serve as a catalyst to keep all of you engaged in dialogue about this Comprehensive Plan and the future of JCC annually.

Ms. Deborah Kratter stated that inadvertently, a Comprehensive Plan has been created that does not speak to the concerns of the public. Greater growth management needs to be attained. Language in the Comprehensive Plan should be amended to eradicate action words that represent soft language. Words like “consider and encourage” are too soft. Growth needs to be limited and/or controlled, rather than managed.

Mr. Joe Poole stated that the Comprehensive Plan needs to aid the County in achieving smart growth. There are areas within the Comprehensive Plan where language could be tightened up. The special character that is JCC must remain intact.

Mr. Reese Peck stated that one of the drawbacks of the Plan is that it lacks focus. Whatever time it takes to get it right needs to be taken.

Mr. George Billups stated that actionable goals need to be recognized.

Mr. Chris Henderson stated that he has participated in many jurisdictions’ Comprehensive Plan processes. JCC’s Comprehensive Plan thus far does have a great deal of detail that speaks directly to those concerns brought forward by the public. Mr. Henderson stated that it would be ideal if a target population could be included. With this Comprehensive Plan, the County has committed to a Public Facilities Master Plan. There is a lot to like in this Comprehensive Plan. The values brought forward from the community have become a part of the text. The annual review and amendment process is something that will improve the process.

a. EXECUTIVE SUMMARY

Ms. Kate Sipes stated that staff is looking for feedback on the document forwarded to the Planning Commissioners.

Mr. Henderson quoted page ii, “to make the area more attractive to residents, potential employers, and economic development” and asked if this could not be changed to “to residents and businesses.”

Ms. Tammy Rosario stated this suggestion could be adopted.

Mr. Henderson suggested “tools to achieve” rather than “work to achieve” on page iii.

Ms. Tammy Rosario stated this suggestion could be adopted.

Mr. Henderson asked if there had been a commitment to providing a sustainable population level.

Mr. Fraley stated that a sustainable population level will not be included.

Ms. Kratter stated that she thought that a sustainable population number was still under discussion.

Mr. Krapf stated that staff had crafted a number of documents speaking to the difficulty in creating a target population number. One example cited was Albemarle County citizen group’s attempt to come up with such a number. After investing over \$100,000 over a period of eighteen months, they have not come up with a satisfactory number.

Mr. Fraley concurred with the account provided regarding Albemarle County. However, Charlottesville did arrive at a sustainable population number.

Mr. Allen Murphy stated that the City of Charlottesville is a jurisdiction made up of ten square miles, primarily comprised of developed land. In comparison, Albemarle is more akin to JCC than the City of Charlottesville. The level of complexity seen in JCC is more similar to Albemarle County.

Ms. Kratter stated that she thought there would be a report included within the Comprehensive Plan to discuss the outcomes of the community upon reaching certain population thresholds. Ms. Kratter stated that she thought that this was the compromise previously achieved.

Mr. Krapf stated that he questioned whether this would be an effective use of resources. Producing these different outcomes would be very complex.

Mr. Reese Peck stated that studies show that there is a direct correlation between tax rates and the degree of development in a locality being rural, suburban, suburbanizing or city. They all fall in various ranges. This community is now in the suburbanizing range, moving to suburban. This growth effects and changes many needs. This Plan is lacking in that it does not manage that expectation and plan ahead for the future. Operating costs for the County are changing with growth.

Ms. Kratter stated that without some understanding of the cumulative impact of proposed development, staff and the legislative body are handicapped from making educated judgments on new proposals.

Mr. Krapf stated that there has been talk of further cumulative impact measurements, which

he supports.

Mr. Fraley stated that there is an action item included in the text to develop a model to assess cumulative impact. At one time there was a discussion of creating a model to illustrate what the impact would be on general facilities at a given population. Mr. Fraley stated that at one time he was supportive of this endeavor, but he later changed his mind after talking to staff. This would not be a productive use of staff's time.

Ms. Kratter asked what the current proposal for cumulative impact analysis is. Ms. Kratter stated that she thought that there was going to be a report on the feasibility of developing models.

Ms. Ellen Cook stated that the new action is included on the Errata Sheet under the Land Use section, page 33, number seven.

Ms. Kratter asked if this is the only section that talks about projections.

Mr. Fraley stated that he thought it was.

Ms. Kratter stated that this statement is very meek and mild.

Mr. Krapf stated that staff would itemize the limitations. It is within the purview of the Planning Commission to ask staff for more information, if deemed necessary. The question to the Planning Commission is whether this action item sufficiently addresses the cumulative impact analysis needed.

Ms. Kratter asked if this addresses the model once spoken of that provides a picture of what the community needs would look like at a target population number. The cumulative impact analysis is just one element of the model she would like to see. Ms. Kratter stated that she would like to have a model created to facilitate a discussion with citizens regarding what the County will look like if the population number approaches 80,000, 100,000, and 120,000.

Mr. Krapf stated that the cumulative impact analysis under discussion would be a tool the Planning Commissioners could implement. Identifying populations that could occur at ten, twenty, and thirty years into the future is not a responsible use of resources. This discussion would be more appropriate when the Zoning Ordinance is rewritten. The purpose of the Comprehensive Plan is to construct a general guideline for the County. The focus now needs to be on creating a general blueprint for the County.

Mr. Murphy stated that in addition to the cumulative impact studies referenced, the Land Use section under 1.5.2.1 states the following: "requiring significant documentation to determine the impacts of the proposed development, including but not limited to studies of traffic impact, capacity of schools, historic archeological resources, water quality and quantity, other environmental considerations, fiscal impact. Develop clear guidelines of the content and methodology to be used to develop traffic impact fiscal impact, environmental inventory documents." That combined with cumulative impact analysis for development projects will provide thoughtful study brought forward during the review of individual land use cases. The bar will be

raised with this Comprehensive Plan. The implementation of the goals, strategies and actions once adopted will affect the information brought forward for legislative cases.

Mr. Fraley stated that at build-out using the ordinance, the County will have a population of 118,482, but this assumes that land will be developed according to its Land Use designation.

Mr. Murphy stated that this number also assumes positive land use decisions made by the BOS, inside the PSA.

Mr. Henderson stated that he would prefer to have a population target number.

Mr. Peck stated that he would support making a target population.

Mr. Poole stated that he is satisfied with the language as it stands. Targeted population numbers may have unforeseen consequences. The Comprehensive Plan by design is a guide. It is different in nature from the Zoning Ordinance.

Ms. Kratter quoted page three of the Executive Summary: "Staff projects that the population of the County will reach 109,048 by 2030 if growth rates stay within the historical three to four percent range." We should be able to say that the County would need 40% more schools, police, emergency management services, etcetera. This is within 20 years, which is a relatively short period of time.

Mr. Krapf stated that if we increase densities in certain areas it could dramatically affect the sort of population needs that would have to be addressed. There are too many assumptions that one would have to make to determine what the population would look like in twenty years.

Mr. Henderson stated that looking ahead to the future is important.

Ms. Cook stated that working backwards from a population number to then determine facility needs is not as straightforward as it may appear, since facility and service needs are not based on total numbers alone, but on the demographic make-up and geographic location of the population. Appendix 3J within the Land Use Technical Report speaks to this issue.

Mr. Krapf stated that Appendix 3J is titled Impact Assessment Policy Tools and talks about the various methods to assess this.

Ms. Cook stated that this portion of the text talks about the considerations that go into evaluating facility and service needs for schools, police, and others.

Mr. Krapf requested that Ms. Cook provide Appendix 3J to Planning Commissioners once again. Mr. Krapf proposed that the Planning Commissioners come prepared to visit this issue at the October seventh meeting.

Ms. Kratter stated that she would prefer having new language introduced in the text, such as, "the potential significant increases in population which are projected by the various scenarios would

of course require that the County have significant additional resources devoted to schools, public safety, roadways, and etcetera.” This addition would provide recognition that these numbers would have significant impacts on the community, in this way.

Ms. Rosario stated that language could be introduced in the population projection section which goes a bit further to illustrate that there will be corresponding increases in facilities and services. The limitation is that we may not have a number to attribute to these facilities.

Ms. Kratter stated that this identifies that the population increase will require resources invested in additional named facilities.

Ms. Rosario stated that staff could craft some language in this vein.

Mr. Fraley stated that he would want it in the Executive Summary.

Ms. Kratter concurred.

Mr. Henderson stated that this does not suffice. A population target is still needed. Mr. Henderson presented new language: “Build-out occurring at 2045 to 180,222 in the opinion of the Planning Commission is neither advisable, nor sustainable; a preferred target is (some number).”

Ms. Kratter and Mr. Peck concurred.

Mr. Fraley asked how you arrive at a number.

Mr. Henderson stated that it is a value statement.

Mr. Fraley stated that this sounds too arbitrary, and that you would need a reasonable and understandable methodology.

Mr. Krapf stated that he agrees.

Mr. Henderson replied and asked how you get to a number. You look at your existing population, and you look at what your capacity is (we know what the projected traffic patterns at build-out are 187,000). We know that there is no money to pave the roads that are needed to support that level of population. You then look at every one of those Traffic Analysis Zones (TAZ) generated. You then determine the level of population that can plausibly be supported in a given area. Global issues would have to be addressed that have to do with Rural Lands density. This would take a lot of people out of the picture. We still have not come to grips with what a significant reduction in rural land density means. Mr. Henderson stated that he is comfortable with making a decision regarding what density is appropriate for Rural Land.

Mr. Fraley stated that once you talk about going back to the TAZ numbers the endeavor becomes very complicated, and could come at a great expense of time and resources.

Mr. Murphy stated that the Albemarle County citizen group is still working on it after

eighteen months.

Ms. Kratter suggested calling for a new action item that states that the County will develop this. The action item could say that we think it is critical to develop some kind of a target population for a quality of life. Sustainable does not speak to the quality of life. The action item should speak to the community maintaining its historic and environmental character.

Mr. Peck suggested that it be considered a high priority and prepared before the next Comprehensive Plan.

Mr. Krapf stated that he thought this suggestion is too costly of time and money and that resources could be better served by implementing the many other important actions in this plan.

Mr. Fraley asked if this recommendation is for a new action item to be included in the Implementation Guide.

Ms. Kratter and Mr. Henderson stated, yes.

Ms. Kratter made the recommendation to “evaluate the feasibility of developing a population target number.”

Mr. Murphy stated that he heard two different things from two different Planning Commissioners. One was to evaluate the creation of a number, and one was to create it.

Mr. Krapf repeated the recommendation.

Ms. Kratter moved to approve the inclusion of a new action item to “Evaluate the feasibility of developing a population target number that would enable us to maintain a quality of life and historical character and environmental health of James City County.” This proposal is to create a report of feasibility.

The motion failed to pass: (6-1; yea: Kratter).

Mr. Fraley asked if this is getting at how big the community can grow and continue to ensure a quality of life that citizens expect and deserve, protect our environment and maintain the character of our community. Mr. Fraley stated that this could be considered as a new action item but this is something to be further considered. The notion of further considering the creation of a target population number may not satisfy other Commissioners. Mr. Fraley proposed, “Determine the population level and growth that will still ensure the quality of life current citizens expect and desire, protect our environment and maintain the character of our community.”

The motion passed: (5-2; nay: Krapf, Poole).

Ms. Kratter stated that in regard to the Executive Summary there is a strong need to use the most appropriate language. Ms. Kratter quoted page ii: “Residents expect the County to continue to practice growth management.” It should read, “Residents expect us to control growth.” On page

iii, “Growth Management Strategies” should be “Growth Control Strategies.” The language changes the tone.

Mr. Billups suggested “Smart Growth Management.”

Ms. Kratter then suggested “Control, Limit, and Manage.”

Mr. Krapf asked if this would be changing page ii and iii.

Ms. Kratter responded yes.

Mr. Krapf suggested “Control, Limit, and Manage Growth.”

Mr. Fraley stated that he was uncertain of the word “control.” Each jurisdiction speaks of managing growth. Growth is going to happen; you can only make it smart and sustainable.

Ms. Kratter stated that our citizens expect us to adopt growth control strategies. The studies indicate that citizens want growth to be controlled.

Mr. Fraley stated that a huge percentage of the County’s citizens have found the County to be a good or excellent place to live.

Mr. Murphy stated that the percentage is 91%.

Mr. Fraley stated that another positive percentage reflects those that feel JCC has good or excellent services, 77%. The concern from the citizens spoke of the pace of growth and the quality of growth.

Ms. Kratter stated that these percentages are not in conflict with the large segment of the population that believes that growth needs to be controlled. People want JCC to remain a good place to live.

Mr. Poole stated that he is concerned with the quality of the conversation going on. The direction of individual legislative cases is the greatest determining factor contributing to the quality of life in JCC.

Mr. Krapf stated that he is also concerned with word smithing at this stage.

Mr. Peck stated that the whole purpose of Land Use and the Zoning Ordinance speaks to limiting or controlling development. What we are doing to control growth speaks to the citizens’ anxiety, especially in light of the high number assigned to build-out. The Executive Summary provides a good view of where the County is at this time. Mr. Peck stated that he would like to go one step further than the Executive Summary and provide a priority list addressing growth management. The population target would be a top priority as well as updating some of the ordinances. The Economic Opportunity (EO) designation needs further discussion. The community wants to define what growth is going to look like as well as how it can be managed.

Mr. Fraley stated that to limit and control is within the bounds of the ordinance. The Comprehensive Plan is more of a guide.

Mr. Peck stated that it is within the bounds of our ordinances, but also with our policies.

Mr. Krapf stated that Ms. Kratter has moved to approve a change in the last paragraph of page ii from “to continue to practice growth management” to “residents expect the County to control growth incorporating new tools as they are authorized by State Code.”

The motion passed: (5-2; nay: Poole, Krapf).

Ms. Kratter stated that she had made suggestions to staff that she had not heard back on. There is a substantive difference between controlling growth and growth management.

Ms. Kratter stated that on page iii, instead of “Growth Management Strategies” it should read “Growth Control.”

Mr. Krapf asked if there were any other suggestions for the Executive Summary.

Mr. Poole stated that he reserves the right to check the language when he gets a final copy.

b. HOUSING MAP

Mr. Krapf asked if there were any comments.

Mr. Peck stated that staff had met his request with this map.

c. IMPLEMENTATION SCHEDULE SPREADSHEET

Ms. Kratter asked if it was possible to change the formatting as formerly discussed.

Ms. Rosario stated that she had responded to this request via email, but the Commissioners may not all have had a chance to read it yet. It was not the intention of staff to not proceed with the suggestion. It was thought best to refrain until all modifications are made, to prevent further confusion. It will be completed prior to final publication.

Mr. Jason Purse stated that he could answer any questions.

Mr. Henderson asked where the amendment process is spoken of within the text.

Mr. Purse stated that it can be found on page 43, Implementation Guide and Schedule number five. The Planning Commission Annual Report will be used as the reporting mechanism for reporting back on the GSA’s. The Capital Improvement Process (CIP) comes after the Annual Report; anything related to Public Facilities will be included in that process as well.

Ms. Kratter asked if the amendment process is going to be added as well.

Mr. Purse stated, yes. The amendment process is on page 44, Implementation Guide and Schedule number six.

Mr. Fraley stated that in the Executive Summary there is a comment related to the amendment process. On page xi, the amendment process was stricken per Mr. Fraley's request. Mr. Fraley stated he wanted to hear from the Commissioners how they felt about the different proposals for the amendment process.

Mr. Henderson stated that the language as proposed is not descriptive of the criteria for amendment.

Mr. Fraley stated that he had brought forward three scenarios.

Mr. Henderson stated that the language is not seen here.

Mr. Henderson stated that he thought consensus had been reached regarding those items related to health and safety issues. It was the broader amendment process that did not have unanimity.

Ms. Rosario stated that those scenarios mentioned are included on the Errata Sheet.

Mr. Fraley stated that they could be found on page 45. Mr. Fraley stated that the one seen here is the minimalist option. The option delegates to the BOS that they can make an amendment; which is how it stands currently. This does not speak to any change. There are two other proposals. The BOS can ask for any amendment at any time, as it stands currently.

Mr. Krapf stated that he was against this proposal. County resources should not be expended during the amendment process, but in implementing the action items.

Mr. Poole stated that he agrees with this statement.

Mr. Peck stated that speaking specifically is constructive. Within the text there are specific details offered on service standards. Mr. Peck stated he supports the amendment process. Mr. Peck supports the strongest of amendment processes but can also support the middle ground. Having more annual processes reduces workload on staff in the long run. Planning Commissioners, staff, and the BOS are capable of making rational decisions. This will also engage the public.

Mr. Henderson stated that he concurred with Mr. Peck's opinion, and would support the broadest possible amendment process.

Ms. Kratter stated that she would not like to see the broad based amendment process, but would support an option in the middle ground. If you take the first paragraph where Mr. Fraley spoke on the Comprehensive Plan amendment process and you delete the bullet points on page 45. Ms. Kratter recommended starting with "an amendment to the Comprehensive Plan may be made in

the following circumstances” along with the first two items. This would speak to Mr. Peck’s idea. If you have a major plan or study that will affect service levels and/or the Comprehensive Plan, before approval the Comprehensive Plan should be changed to reflect it.

Mr. Fraley stated that there may not be mention of the BOS here, because this is an authority the BOS already has. There are also intervals according to the number of years out from the Comprehensive Plan revision. Year one there would be no revisions at all. The other component to this is who can request the amendment. The middle ground would say the Planning Commission, staff or the BOS. You may want to decide if a member of the public could request an amendment. The stakeholders are the public.

Ms. Kratter stated that she would have no objection to anybody requesting an amendment as long as it is for the first two items (regulatory requirements that need to be met, or there has been a completion of a major study). For example, new State or Environmental Protection Agency (EPA) regulations may require revisions to the text.

Mr. Henderson asked about the applicant that does not fit within the current paradigms that have been outlined, specifically for Land Use.

Ms. Kratter stated that to accept proposals for new Land Use amendments would be setting the Commissioners and staff to a large workload. Limiting the amendment process to the first two items would be acceptable.

Mr. Fraley asked about the standards that would change (item number three).

Ms. Kratter stated that those capable of changing standards would need to be limited.

Mr. Peck stated that ultimately the BOS determines what amendments are made and under what conditions. Since this is new it may be ideal to offer the range and allow them to make the decision.

Mr. Henderson stated that he is comfortable with this. Mr. Henderson stated he is a proponent of remaining flexible.

Mr. Krapf stated that the Commissioners should vote on the amendment process and determine what the majority favors.

Mr. Krapf moved to propose the first vote, a recommendation to have an amendment process added to the Comprehensive Plan. The motion passed: (5-2; nay: Krapf, Poole).

Mr. Fraley moved to approve the range of grounds in which the BOS could amend, leaving the decision to the BOS.

Ms. Kratter stated that she would prefer to bring forth what the Commission feels is most ideal. Ultimately if the BOS should choose to make a change, they have the authority.

Mr. Fraley moved to approve the wide amendment process, to include all items from page 45-46 on the Errata Sheet. The motion passed: (4-3; nay: Kratter, Poole, Krapf).

Mr. Purse stated that he will discuss this matter further with the County Attorney to confirm the appropriate wording. There is very specific language in the State Code that talks about the BOS sponsoring these initiating resolutions.

Mr. Fraley stated that this version exists in a number of jurisdictions. Mr. Fraley asked if there is an issue with including this in the Executive Summary.

Mr. Purse stated that this would be included in the Implementation Schedule text. It was not intended to be in the Executive Summary.

Mr. Peck stated that he would like it to be in the Executive Summary.

Mr. Fraley stated that some of the general language that was originally stricken from the text in the Executive Summary (page xi) should be included in the text. The text should read as: “Furthermore, an amendment process allows for the Comprehensive Plan to be amended after the first year”.

Mr. Peck stated he wants to see the last statement be included in the text, that the evaluation and amendment processes will not only measure progress and identify areas that need attention, but also serve as a catalyst to engage the community in dialogue about the future of JCC.

Mr. Krapf stated that the Boxed Text needs to be reviewed. Mr. Krapf proposed a five minute break.

The Planning Commission meeting reconvened.

I. ERRATA SHEET BOXED TEXT

Mr. Krapf proposed that the Commissioners consider the document by exception.

Ms. Kratter asked for clarification regarding which items were currently being discussed.

Mr. Henderson thanked staff for their efforts on Economic Development, response number two regarding the calculation of tax revenue from non-residential sources.

Ms. Kratter stated that within the text she would like to replace the word “consider” with “feasibility”. For example on page fifteen, number three, rather than: “Consider measures” it would read, “Report on feasibility of adopting measures.”

Ms. Rosario asked Ms. Kratter if she intended this change to occur exclusively in the boxed text or would it be extended to other text.

Ms. Kratter stated that she would like to see the language changed throughout the text. She

stated that she understands why staff wants language within the text that permits flexibility, but given the commentary the legislative body will be more responsive to the text if it is more assertive.

Ms. Rosario stated that the proposal to change the language within the boxed text could be feasible.

Mr. Murphy suggested using the words “explore the feasibility” with the understanding that it would then be reported on within the annual report.

Ms. Kratter stated that even the word “explore” could be seen as passive.

Mr. Murphy asked if the verbiage could be seen as redundant given that all GSAs will be reported on annually.

Mr. Krapf stated that Mr. Murphy’s comment seems valid. All GSAs will be reported on annually.

Ms. Kratter countered that if the word “consider” remains in the GSAs that there should be an additional statement added to reflect the new function of the word. Any item selected for “consideration” will require a report.

Mr. Murphy stated that he felt “exploring the feasibility” is acceptable with the understanding that the BOS will determine the extent of reporting based on a series of considerations.

Mr. Krapf moved to approve the boxed text with amendments.

Ms. Rosario spoke of amendments needed to bring the Comprehensive Plan into compliance with the Chesapeake Bay Preservation Ordinance.

Mr. Krapf stated there was a request made by Mr. Fraley to add an action item for a Community Character Overlay.

Ms. Rosario stated that there is an additional item regarding the revised transportation map.

Mr. Krapf stated that this reflects a correction made to the illustration of the road.

Ms. Rosario stated that there had been small segments that had been inadvertently left out. Certain clarifications had been made to this document.

Ms. Rosario stated that this closes the open items at this time. Staff will be working to provide amended materials for the October 7th meeting.

Mr. Krapf stated that he would like to vote on the final product during the October 7th meeting.

Mr. Fraley stated that several Commissioners are looking for further refinement at this stage.

Mr. Peck stated that he would still like to see included with the Implementation Schedule a top ten priority list.

Mr. Krapf stated that he thought this may be difficult as there are many actions and many different Commission opinions.

Mr. Henderson asked if the Planning Commission will be reconsidering any of the Land Use decisions in light of the public's comments this evening.

Mr. Krapf stated that he feels there is no further action required at this time regarding Land Use decisions.

III. ADJOURNMENT

Mr. Krapf continued the meeting until 7:00 p.m. on October 7, 2009 for the Planning Commission Meeting.

Rich Krapf, Chairman

Allen J. Murphy, Secretary

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

Rich Krapf
Chris Henderson
Joe Poole III
Jack Fraley
Deborah Kratter

Absent:

George Billups
Reese Peck

Staff Present:

Allen Murphy, Director of Planning/Assistant
Development Manager
Adam Kinsman, Deputy County Attorney
Chris Johnson, Principal Planner
Jose Ribeiro, Senior Planner
Bill Cain, Chief Environmental Engineer
Brian Elmore, Development Management Assistant

Mr. Rich Krapf called the meeting to order at 7:00 p.m.

2. PUBLIC COMMENTS

Mr. Krapf opened the public hearing session.

There being no speakers, Mr. Krapf closed the public hearing session.

3. MINUTES – OCTOBER 7, 2009

Mr. Chris Henderson moved for approval of the minutes as amended (with corrections emailed to staff prior to the meeting), with a second from Ms. Deborah Kratter.

In a unanimous voice vote, the minutes were approved as amended (5-0: Absent: Reese Peck, George Billups).

4. COMMITTEE AND COMMISSION REPORTS

A. Development Review Committee (DRC) – October 28th, 2009

Mr. Joe Poole stated that the Development Review Committee (DRC) reviewed three cases. The first, SP-0064-2008, Autumn West Townhouses, was deferred until the December 1st DRC meeting. The applicant requested deferral to schedule a DRC-requested community meeting with adjacent residents in Season's Trace. The site plan has also been slightly modified due to Fire Department comments. The DRC reviewed exterior and interior elevations for the second case, SP-071-2009, Warhill Community Gym, but took no formal action. The DRC requested to further review the exterior building materials for the gym. The DRC discussed site

layout, erosion control, and landscaping for the final case, SP-0082-2009, JCC Police Headquarters. The DRC unanimously approved the police building site plan with the request for a landscape modification and subject to attached agency comments. The DRC also requested exterior building materials for review at a future meeting.

Ms. Kratter moved for approval of the DRC report with a second from Mr. Henderson.

In a unanimous voice vote, the report was approved (5-0; Absent: Peck, Billups).

B. Policy Committee

Mr. Henderson stated the Committee would meet in November.

C. Other Reports

There were no other reports.

5. PLANNING COMMISSION CONSIDERATIONS

A. Initiating Resolution – To amend Section 19-26 of the Subdivision Ordinance to extend the term of validity for recording a final subdivision plat.

Mr. Chris Johnson stated the proposed initiating resolution will eliminate an inconsistency between County and State codes relative to the term of validity for a preliminary subdivision plan. The County code allows subdividers one year from the date of preliminary approval to record a final plat, while the State code states that preliminary approval is valid for five years with the submittal of a final plat. With adoption of the attached resolution, staff will present the item at the December Planning Commission meeting.

Mr. Henderson asked how many applications would be affected by the change.

Mr. Johnson stated he did not know how many plats in the County would be affected by the amendment. He said the inconsistency was brought to Staff's attention in the past few months and the applicable code section has not been changed since 2002.

Ms. Kratter asked if the revision could be handled during the upcoming ordinance review next year.

Mr. Johnson stated that the development community has requested the amendment as soon as possible and Staff does not see a reason to wait to address the inconsistency during the comprehensive ordinance review next year given the procedural nature of the change.

Mr. Allen Murphy stated the amendment intends to mirror language in the State code.

Mr. Poole moved for approval, with a second from Mr. Henderson.

In a unanimous voice vote, the initiating resolution was approved (5-0; Absent: Billups,

Peck).

6. PUBLIC HEARINGS

A. SUP-0022-2009 King of Glory SUP Amendment

Mr. Jose Ribeiro stated that staff revised SUP condition #4 regarding irrigation. He said the intent of the revision is to improve readability and create greater consistency with the 2007 Water Conservation Guidelines approved by the Board of Supervisors.

Mr. Ribeiro stated that Mr. Matthew Connolly has applied for a Special Use Permit to amend adopted SUP conditions for King of Glory Lutheran Church to allow placement of two modular buildings and expand the church's accessory uses onto a recently acquired property at 4881 Longhill Road. The newly acquired parcel was formerly operated as Crossroads Youth Home and the church plans to use the existing buildings for office space, meeting space, and Sunday school activities. The parcels are zoned R-2, where houses of worship are a specially permitted use. The SUP is triggered by the change and expansion of the church use. Longhill Road is a Community Character Corridor. Two modular buildings will be placed on existing impervious cover. A gravel drive will connect existing parking at the church to 4881 Longhill Road. The access from 4881 Longhill Road to Longhill Road will be closed. Staff recommends landscaping in place of the closed entrance in accordance with guidelines for the 50 foot Community Character Corridor buffer. A northbound left turn lane will also be eliminated. All agencies and staff recommend approval with conditions listed.

Mr. Ribeiro stated that no adjacent property owners had commented on the proposal.

Mr. Henderson stated that traffic queues on the property after church services. He asked if another entrance would be allowed by Virginia Department of Transportation (VDOT) 527 Ordinances, due to parking and spacing.

Mr. Ribeiro stated that VDOT has recommended closing the 4881 Longhill entrance due to lack of sight distance and to consolidate to only one entrance to the entire church property.

Mr. Henderson stated that vehicle stacking on the church property was an issue. He said the proposal would create additional traffic problems that could have been addressed. He asked if County emergency services wanted to retain use of the entrance.

Mr. Ribeiro stated the Fire Department's only comments were that the cut-through gravel road should be designed to support the weight of emergency vehicles.

Mr. Henderson stated that when gravel drives connect to asphalt, gravel tracks across asphalt, which degrades both surfaces. He asked who required the gravel drive.

Mr. Ribeiro stated that the applicant has proposed the gravel drive. He said the church master plan uses the gravel drive and a footpath for internal traffic.

Mr. Henderson stated his main concern was a lack of vehicular access to the property.

Mr. Fraley asked if the revised irrigation SUP condition was for outdoor irrigation and Mr. Ribeiro concurred.

Mr. Fraley stated that the DRC discussed irrigation for the Police building, but the applicant stated there were no irrigation plans for the project.

Mr. Krapf stated that as part of its LEED certification, the Police building received points for not having an irrigation system.

Mr. Fraley stated that the Police building applicant did not have to exclude an irrigation system to earn LEED points. He said the applicant stated they would not be watering. He did not want two irrigation standards for applicants. He asked if staff would require the irrigation condition if the applicant did not intend to water landscaping.

Mr. Ribeiro stated the watering condition was recommended by the James City Service Authority (JCSA). He said the JCSA wants conditions for SUPs and rezonings. Irrigation is a commonly used condition that is modified on a case-by-case basis.

Mr. Fraley stated he did not want two different standards for public and private irrigation.

Mr. Murphy stated that due to the modular buildings and wooded lot, if the applicant did not intend to irrigate, it would be acceptable. The intent of the SUP condition is to prevent connection to the JCSA system for irrigation purposes.

Mr. Krapf stated that the Crossroads property's stormwater runoff is captured by a receiving channel on the west of the property, which runs into Powhatan Creek. He asked Mr. Ribeiro to address the nature of the channel.

Mr. Ribeiro stated that all of the undeveloped land at 4881 Longhill Road drains into a natural channel contained within a Resource Protection Area. Developed land on these parcels drains to a stormwater pond. There will be no drainage issues from the proposal.

Mr. Henderson asked if the church had an irrigation system.

Mr. Matthew Connolly, the applicant, stated that he did not believe the church had an irrigation system.

Mr. Henderson asked if the church would be prevented from tying into JCSA if the irrigation system was already in place.

Mr. Murphy stated that the church would be precluded from expanding any existing irrigation system.

Mr. Krapf opened the public hearing.

Mr. Connolly stated that the gravel drive was temporary and was only added to the proposal when VDOT decided to close the entrance. The Crossroads buildings would eventually be demolished. The church had three distinct areas of expansion it was considering. One or two church staffers currently use the entrance each day. Twenty children attend Sunday school and walk to the Crossroads property from the existing church. The church may decide it is more economical to refurbish the existing buildings on the Crossroads property rather than adding the modulars.

Mr. Henderson asked Mr. Murphy if the placement of the temporary trailers in the property is triggering the SUP requirement.

Mr. Murphy stated that not only the placement of the temporary trailers but also the changing of use of 4881 Longhill Road property to a church use is triggering the SUP.

Mr. Connolly stated that parents dropping their children off for Sunday school create 40 trips in an hour from the entrance to be closed. He said that the two entrances are 170 feet apart and that the exit was dangerous.

Mr. Murphy stated that VDOT recognized a safety issue with the existing entrance. He said internal church stacking is common throughout the County and that safety on public roads is a main concern.

Mr. Connolly stated there has been no recent major increase in church attendance. Mr. Connolly also stated that the church may expand in the near future.

Mr. Murphy stated that additional future expansions would require a SUP.

Mr. Poole asked if the applicant was comfortable with all the eleven SUP conditions proposed by staff.

Mr. Connolly stated he was comfortable with the eleven SUP conditions, including the irrigation limitations.

Mr. Krapf closed the public hearing.

Ms. Kratter moved for approval as amended, with a second from Mr. Poole.

Mr. Henderson stated that if the church has an existing irrigation system, the SUP should not prohibit its future expansion. He said the applicant should have the same privileges as the Police building, with no irrigation required. He suggested striking the irrigation provision.

Mr. Murphy stated the County has Board-adopted irrigation guidelines. He stated the guidelines include a relief clause, allowing the General Manager of the JCSA to grant exceptions for shallow wells where surface water is lacking.

Mr. Fraley stated he did not recall similar language in previous proposals requiring inclusion of stormwater system designs for outdoor uses for an entire development.

Mr. Ribeiro stated that the condition has been used in previous projects. He stated the language for the condition comes almost directly from 2007 Water Conservation Guidelines. The requirement was changed in this instance due to a restrictive SUP already in existence.

Mr. Fraley stated there were public concerns about dying plants at the Police building. He stated he did not recall other site plans with the same requirements.

Mr. Murphy stated the irrigation condition was being added due to its being a SUP.

Mr. Adam Kinsman stated the original King of Glory SUP pre-dated his time at the County. He said the irrigation condition was now relatively common and had been included on a number of SUPs and rezonings.

Mr. Murphy stated the most recent language change was a reference to the 2007 Water Conservation Guidelines.

Mr. Fraley stated the irrigation condition should be more uniform.

Mr. Kinsman stated the only opportunity to impose the condition is during the legislative process. He said he would consider it more of a JCSA regulation than County ordinance.

Mr. Murphy stated the irrigation conditions could be reviewed along with the Zoning Ordinance updates.

Mr. Johnson stated that the JCSA recommended the irrigation condition language.

Mr. Henderson asked if staff had considered the possibility of a right-in or a right-in right-out movement at the entrance to the Crossroads property.

Mr. Ribeiro stated that staff did not investigate a possible right-in/right-out only entrance from the Crossroads property.

Mr. Murphy stated that staff relied on the VDOT recommendations and did not research an additional entrance.

Mr. Henderson stated that there is also a stacking issue for churchgoers turning left into the church from Longhill Road. He stated he would like an additional entrance and exit.

Ms. Kratter asked if the County provided police officers directing traffic after church services. She stated a police officer might be a safer alternative during church times.

Mr. Johnson stated that it is not unprecedented for local churches to pay for traffic control on Sundays, citing St. Bede as an example. He said the Crossroads entrance is much closer to

the Wellspring church entrance than to the King of Glory entrance. He said the applicant had not requested a second entrance. Had one been proposed, VDOT would have made a recommendation in their review comments. Staff will consult with VDOT on the issue of a second entrance prior to the case going before the Board of Supervisors.

Mr. Poole stated that the applicant agreed with the eleven conditions and did not request a new entrance.

Mr. Henderson stated Commissioners should take into consideration and discuss their personal experience with certain properties and uses.

Mr. Connolly stated it would be less expensive to keep the Crossroads entrance intact, but blocked. He stated VDOT wanted the entrance completely removed.

In a unanimous voice vote, the Commission recommended approval of the SUP, with additional staff research on a right-in/right-out entrance for the Crossroads property. (5-0; Absent: Billups, Peck).

Mr. Fraley stated his earlier questions were in regards to specific language he had not previously seen.

Mr. Poole stated that Commissioner experiences are not always relevant to proposals.

7. PLANNING DIRECTOR'S REPORT

Mr. Murphy stated that the 2010 Planning Commission calendar was included in their packets.

8. COMMISSION DISCUSSIONS AND REQUESTS

Mr. Krapf stated that Mr. Fraley was awarded the Citizens Planning Education Association of Virginia Award for Leadership in Public Education for work on the Comprehensive Plan.

Mr. Krapf stated that up to two Commissioners could attend the Board Comprehensive Plan work session on November 10 as members of the public.

Mr. Poole thanked Mr. Krapf for his work related to the Planning Commission job description.

Mr. Krapf stated the Commission job description will be discussed during a review of bylaws at a Policy Committee meeting in November.

9. ADJOURNMENT

Mr. Poole moved for adjournment, with a second from Ms. Kratter.

The meeting was adjourned at 8:00 p.m.

Rich Krapf, Chairman

Allen J. Murphy, Secretary

MEMORANDUM

DATE: December 2, 2009

TO: The Planning Commission

FROM: Jason Purse, Senior Planner

SUBJECT: Initiation of a Zoning Ordinance amendment to change SUP uses to permitted uses

Staff had previously brought forward Zoning Ordinance amendments that dealt with changes to what uses are permitted or specially permitted uses in various business/industrial districts in the county. At the time the Board of Supervisors only approved a portion of the proposed changes. At the direction of the Board, staff is reintroducing the remainder of the proposed changes at this time. There are no other additional changes proposed with this amendment, other than what the Planning Commission had previously seen and recommended approval of.

Staff recommends the Planning Commission adopt the attached resolution to initiate consideration of these amendments to the Zoning Ordinance, and to refer this matter to the Planning Commission. Since no other changes are being proposed since the Policy Committee and the Planning Commission voted on the previous case, staff will be bringing these changes to the January Planning Commission meeting at the direction of the Board.

Jason Purse, Senior Planner

Attachments:

1. Initiating Resolution

RESOLUTION

INITIATION OF CONSIDERATION OF AMENDMENTS TO THE ZONING ORDINANCE

WHEREAS, the Planning Commission of James City County, Virginia, is charged by Virginia Code §15.2-2286 to prepare and recommend to the Board of Supervisors various land development plans and ordinances, specifically including a zoning ordinance and necessary revisions thereto as seem to the Commission to be prudent; and

WHEREAS; in order to make the Zoning Ordinance more conducive to proper development, public review and comment of draft amendments is required, pursuant to Virginia Code §15.2-2286; and

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia, does hereby initiate review of the Zoning Ordinance to consider amending Code Sections 24-368, 24-369, 24-390, 24-391, 24-411, 24-412, 24-436, 24-437, 24-461, 24-462, 24-499, 24-521, and 24-522 permitted uses and uses permitted by special use permit only, to consider the possibility of moving or adding uses to the permitted use section of the various districts. The Planning Commission shall hold at least one public hearing on the consideration of amendments of said Ordinance and shall forward its recommendation thereon to the Board of Supervisors in accordance with law.

Rich Krapf
Chair, Planning Commission

ATTEST:

Allen J. Murphy
Secretary

Adopted by the Planning Commission of James City County, Virginia, this 2th Day of December 2009.

REZONING-0002-2009 / MP-0002-2009: Governor's Grove Section III: Proffer and Master Plan Amendment

Staff Report for the September 9, 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: July 1, 2009 (applicant deferral)
August 5, 2009 (applicant deferral)
September 9, 2009 (applicant deferral)
December 2, 2009 7:00 p.m.

Board of Supervisors: (T.B.D.)

SUMMARY FACTS

Applicant: Mr. Vernon Geddy, III, on behalf of Jard Properties

Land Owner: Five Forks II, LLC and Five Forks III, LLC

Proposal: To modify the proffers and master plan approved with rezoning Z-0009-2005 / MP-0006-2005 to allow for the applicant's desired roadway entrance configuration associated with a pharmacy proposed for the Section III Commercial Parcel of the Governor's Grove development.

Location: 4399 and 4365 John Tyler Highway (Route 5)

Tax Map/Parcel No.: 4710100115 and 4620100014A, respectively

Parcel Size: 2.965 acres and 5.121 acres, respectively (8.086 acres in total)

Existing Zoning: MU, Mixed Use, with Proffers

Proposed Zoning: MU, Mixed Use, with (amended) Proffers

Comprehensive Plan: Low Density Residential and Moderate Density Residential on the 4399 John Tyler Highway (Section 3 / commercial) parcel, and Moderate Density Residential on the 4365 John Tyler Highway (Section 2 / open space) parcel

Primary Service Area: Inside

STAFF RECOMMENDATION

The applicant has requested a deferral of this case until the January meeting. There are outstanding business issues that need to be resolved between the contract purchaser and the property owner which are preventing this case from going forward at this time. Planning staff concurs with this decision on the part of the applicant, and recommends that the Planning Commission defer this case as requested.

Staff Contact: Jason Purse

Phone: 253-6685

Jason Purse, Senior Planner

MEMORANDUM

DATE: December 2, 2009

TO: The Planning Commission

FROM: Christopher Johnson, Principal Planner

SUBJECT: SO-0001-2009, Subdivision Ordinance Amendment to Section 19-26 to extend the term of validity for the preliminary plan

On November 4, 2009, the Planning Commission adopted an initiating resolution directing staff to pursue amending Section 19-26 of the Subdivision Ordinance to extend the term of validity for the preliminary plan to bring the County Code into conformance with the Virginia Code.

The County Attorney's office notified staff of an inconsistency between the County Code and the Virginia State Code §15.2 – 2260. The Subdivision Ordinance states that a subdivider shall have no more than one year from the date of approval of the preliminary plan to record a final subdivision plat or seek an extension of preliminary approval for a period of one year from the Subdivision Agent.

The State Code states that once a preliminary subdivision plan has been approved, it shall be valid for a period of five years, provided the subdivider submits a final subdivision plat for all or a portion of the property within one year of such approval and diligently pursues approval of the final subdivision plat.

Staff recommends that the Planning Commission recommend approval of this amendment to the Board of Supervisors.

Christopher Johnson, Principal Planner

Attachment:

1. Draft Ordinance

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 19, SUBDIVISIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, PROCEDURES AND DOCUMENTS TO BE FILED, SECTION 19-26, TERM OF VALIDITY FOR THE PRELIMINARY PLAN AND EXTENSION.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 19, Subdivisions, is hereby amended and reordained by amending Section 19-26, Term of validity for the preliminary plan.

Chapter 19. Subdivisions

Article II. Procedures and documents to be filed

Section 19-26. Term of validity for the preliminary plan and extension

- (a) ~~The subdivider shall have no more than 365 days from the date of approval of the preliminary plan to record a final subdivision plat in accordance with this chapter. A final plan shall be submitted and approved pursuant to section 19-30 prior to recordation. Failure to record a final plat within the specified time period shall make preliminary approval null and void. The agent may, on written request by the subdivider, grant one or more extensions or preliminary approval for a period of one year finding;~~
- (1) ~~a. The subdivider has substantially satisfied all conditions of preliminary approval;~~
~~b. Significant progress has been made in construction;~~
~~c. There has been no significant change in comprehensive plan policy or James City County Code requirements that affect the property; and~~
~~d. The project has progressed without being cited for any construction-related violation of the James City County Code or, in the event such violation has occurred, it has been corrected in a timely manner; or~~
- (2) ~~There have been unusual delays in proceeding with the subdivision process or construction caused by government agencies or acts of God.~~

Once a preliminary subdivision plan is approved, it shall be valid for a period of five years, provided the subdivider (i) submits a final subdivision plat for all or a portion of the property within one year of such approval, and (ii) thereafter diligently pursues approval of the final subdivision plat. "Diligent pursuit of approval" means that the subdivider has incurred extensive obligations or substantial expenses relating to the submitted final subdivision plat or

modifications thereto. However, no sooner than three years following such preliminary subdivision plan approval, and upon 90 days written notice by certified mail to the subdivider, the commission or agent may revoke such approval upon a specific finding of facts that the subdivider has not diligently pursued approval of the final subdivision plat.

- (b) If a subdivider records a final plat, which may be a section of a subdivision as shown on an approved preliminary plan, and furnishes to the county a certified check, cash escrow, bond, or letter of credit in an amount and form acceptable to the county for the estimated cost of construction of the facilities to be dedicated within said section for public use and maintained by the locality, the commonwealth or other public agency, the developer shall have the right to record the remaining sections shown on the preliminary plan for a period of five years ~~from the recordation date of the first section.~~ *from the date of the latest recorded plat of subdivision for the property. The five year period of validity shall extend from the date of the latest recorded plat.* Such right shall be subject to the terms and conditions of the Code of Virginia and subject to engineering and construction standards and the zoning ordinance requirements in effect at the time that each remaining section is recorded.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this
12th day of January, 2010.

SPECIAL USE PERMIT-0024-2009. Hospice House and Support Care of Williamsburg Wireless Communication Facility Tower
Staff Report for the December 2, 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: December 2, 2009 7:00 p.m.
Board of Supervisors: January 12, 2009 (tentative) 7:00 p.m.

SUMMARY FACTS

Applicant: Gloria Freye, McGuire Woods
Land Owner: Hospice House and Support Care of Williamsburg
Proposal: To allow for the construction of a 124' tall (120' tower with 4' lightning rod) monopole wireless communications facility "WCF" on the subject property. Wireless communications facilities are specially permitted uses in the R-8, Rural Residential zoning district.
Location: 4445 Powhatan Parkway
Tax Map Parcel Number: 3830100001a
Parcel Size: .48 acres out of 11.182 acres
Zoning: R-8, Rural Residential
Comprehensive Plan: Low Density Residential and Conservation Area
Primary Service Area: Inside

STAFF RECOMMENDATION

While the applicant has researched a number of potential sites in this part of the County and has demonstrated a need for additional coverage, the proposed tower will have a visual impact on the surrounding area. The applicant is offering to provide additional buffers to screen the access drive and have proposed to preserve the berm in front of the Hospice House. However, because of the proposed height of the tower, the onsite topography, and the lack of mature trees taller than 70' the proposed tower will be visible to many of the houses in the adjacent residential neighborhood. Because of this, the application is not in compliance with the Comprehensive Plan and does not meet the adopted Performance Standards for Wireless Communications Facilities. Staff recommends that the Planning Commission recommend denial of this application to the Board of Supervisors.

Staff Contact: Jason Purse, Senior Planner Phone: 253-6685

PROJECT DESCRIPTION

Ms. Gloria Freye has applied for a Special Use Permit to allow for the construction of a 124' wireless communications facility (120' tower with a 4' lightning rod) located at 4445 Powhatan Parkway. The parcel is zoned R8, Rural Residential, and has a Comprehensive Plan designation of Low Density Residential and Conservation Area.

The proposed tower would be located on the same parcel as the Hospice House of Williamsburg, which is located internal to the Powhatan Secondary subdivision. The tower will use the same entry drive as the Hospice House, but will then split off on a separate access drive running back to the tower complex. The applicant is proposing a 100' buffer around the tower site that will remain undisturbed, except for the tower and associated equipment and the access drive.

PUBLIC IMPACTS

Environmental

Watershed: Powhatan Creek

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

A publicly advertised balloon test took place on November 9, 2009, and the applicant has provided photo simulations of the proposed tower location from a number of different locations around the vicinity of the site, which have been provided for your reference. A meeting with the Powhatan Secondary neighborhood also took place on November 12, 2009.

The proposed site of the tower will be located in a low-lying area next to the Hospice House near the RPA. The applicant is proposing a 100' buffer around the tower site that will remain undisturbed, except for the tower site and the access road. The trees surrounding the site are in the 60 to 70 foot range. The proposed tower is approximately 200 feet from the Hospice House and approximately 490 feet from the closest home in the Powhatan Secondary Subdivision. The closest home in Ford's Colony appears to be approximately 550' away to the north. The combination of topography, tree cover, and the distance from the site to the neighborhood makes the proposed tower visible from a number of locations in Powhatan Secondary.

The proposed tower will be visible along Powhatan Parkway, West Providence Road, East Providence Road, Cold Spring Road, Old Regency Road, Powhatan Secondary, Stylers Mill Crossing, and parts of Pleasant View Drive. The balloon was not visible from any of the streets in Ford's Colony, but the applicant was informed by at least two property owners that it was visible from their backyards. The balloon was not apparently visible from any of the other roads or locations in the vicinity. While the balloon was not visible from Jester's Lane or Windsormeade Marketplace, should the parcel adjacent to the Hospice House ever be developed some additional locations may be exposed to the tower.

The proposed access drive runs along the base of the berm between Powhatan Secondary residences and the Hospice House. The drive turns north and becomes visible from the existing pathway and dam between two sections of Powhatan Secondary. The applicant has offered to plant additional trees to screen

the drive from the path and residences across the bridge. The applicant has also proposed to keep the access drive out of the existing berm area and will replant any landscaping removed due to clearing for the drive.

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	<p>Low Density Residential and Conservation Area (Page 120 and 129): Recommended uses for Low Density Residential land include very limited commercial establishments, churches, single family homes, duplexes, and cluster housing with a recommended gross density of 1 unit per acre up to 4 units per acre in developments that offer particular public benefits, while lands designated Conservation Area are intended to remain in their natural state.</p> <p>Staff Comment: 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 Hospice House to continue to meet the goals of the land use designation. The tower is being constructed outside of the RPA onsite, and therefore is also located outside of the area designated as Conservation Area on the plan.</p>
Development Standards	<p><i>General Land Use Standard #1-Page 134:</i> Permit new development only where such developments are compatible with the character of adjoining uses and where the impacts of such new developments can be adequately addressed. Particular attention should be given to addressing such impacts as incompatible development intensity and design, building height and scale, land uses, smoke, noise, dust, odor, vibration, light, and traffic.</p> <p>Staff Comment: The proposed tower location will not impact the use of the land, but the scale of the tower will make it visible to the adjacent neighborhood. Since the mature trees in the area will only partially obstruct the bottom half, the top half of the tower will be visible to homes directly adjacent to the site, including most of those in the Berkeley section of Powhatan Secondary, as well as most of the homes between Powhatan Secondary Road and Stylers Mill Crossing (see balloon test visibility map attachment #6).</p>
Goals, strategies and actions	<p><i>Strategy #2-Page 138:</i> Ensure development is compatible in scale, size, and location to surrounding existing and planned development. Protect uses of different intensities through buffers, access control, and other methods.</p> <p>Staff Comment: The 100’ undisturbed buffer around the tower site will help to ensure that no additional trees will be cleared in the general area of the tower. Furthermore, the onsite RPA to the northwest of the site will ensure that no development takes place between the tower site and Ford’s Colony. However, the existing trees only partially obstruct view of the 120’ tower. Up to half of the tower will be visible at all times to many nearby homes.</p> <p>The applicant has worked with adjacent property owners to ensure that the tower is as minimally intrusive as possible. They are offering to provide additional buffers to screen the access drive and have proposed to preserve the berm in front of the Hospice House.</p>

Community Character

General	<p><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:</p>
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	<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.
	<p>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 is being requested at the 120’ height to allow for all three carriers to provide service to this area. The carriers have indicated that the service radius of this tower will be approximately 1-mile.</p> <p>The applicant has provided information demonstrating the need for additional coverage in this area of the County, and has also shown that many other sites in the area have been evaluated but to this point the Hospice House has provided the only opportunity.</p>

Comprehensive Plan

This application, as proposed, is not in compliance with the Comprehensive Plan. Given the proposed height of the tower, the onsite topography, and the lack of mature trees taller than 70’ there is no way to provide additional screening for the neighborhood adjacent to the proposed site. While the applicant has done extensive research of potential sites in the area, and the tower will provide a much greater coverage area for three carriers, the tower will have a prominent visual impact on the surrounding area. Areas of visual impact include, homes along Powhatan Parkway, West Providence Road, East Providence Road, Cold Spring Road, Old Regency Road, Powhatan Secondary, Stylers Mill Crossing, and parts of Pleasant View Drive. Given the developed nature of the area, including Ford’s Colony, Monticello Marketplace, and Powhatan Secondary, there are limited areas available for carriers to provide additional needed coverage. The applicant is offering to provide additional buffers to screen the access drive and have proposed to preserve the berm in front of the Hospice House.

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. The applicant has explored alternative locations but claims this site 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 to adjacent property owners.

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 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 visible from a majority of houses in the Berkeley section of Powhatan Secondary as well as most of the homes between Powhatan Secondary Road and Sytlers Mill Crossing (see balloon test visibility map attachment #6) in the Powhatan Secondary development and it therefore does not meet this performance standard. Because of the topographical changes between different phases, some of the homes are at a grade near the tops of the trees on the Hospice House property, and will therefore be looking directly at the tower. The applicant has worked with property owners to provide additional landscaping along the access drive to help screen that from public view. The applicant is also committed to retaining the existing berm in front of the Hospice House.

Performance Standard B2(a) states that towers should be located in a manner that 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. The proposed tower is not a camouflaged tower, as it is visible above the tree line from off-site properties. The tower has an impact on adjacent residential areas and therefore does not meet this performance standard.

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 for this SUP. Furthermore, the applicant has worked with adjacent property owners to ensure that the access drive will be adequately screened by additional landscape plantings.

RECOMMENDATION

While the applicant has researched a number of potential sites in this part of the County and has demonstrated a need for additional coverage, the proposed tower will have a visual impact on the surrounding area. The applicant is offering to provide additional buffers to screen the access drive and have proposed to preserve the berm in front of the Hospice House. However, because of the proposed height of the tower, the onsite topography, and the lack of mature trees taller than 70' the proposed tower will be visible to many of the houses in the adjacent residential neighborhood. Because of this, the application is not in compliance with the Comprehensive Plan and does not meet the Board of Supervisors adopted Performance Standards for Wireless Communications Facilities. Staff recommends that the Planning Commission recommend denial of this application to the Board of Supervisors. Should the Planning Commission wish to recommend approval of this application, staff recommends the following conditions:

CONDITIONS

1. A maximum of one (1) tower shall be permitted at this site. The tower and supporting equipment shall be located and designed as generally shown on the overall site layout plan, prepared by Johnson, Mirmiran & Thompson, titled "Telecommunications Facility Hospice Care of Williamsburg" dated November 18, 2009 ("Master Plan").
2. The tower shall be located at 4445 Powhatan Parkway, further identified as JCC RE Tax Map No. 3830100001a ("Property") in a manner that maximizes the buffering effects of trees. Tree clearing shall be limited to the minimum necessary to accommodate the tower and related facilities. The access drive shall be designed and constructed in a manner that protects the existing berm in front of the Hospice House. Supplemental planting shall be installed when landscaping is removed, and additional evergreen landscaping shall be installed near the existing meditation garden at the end of the berm. A screening and landscaping plan shall be provided for approval by the Director of Planning or his designee prior to final site plan approval.
3. The tower shall be a gray galvanized finish unless approved otherwise by Director of Planning, or his designee, prior to final site plan approval.
4. The maximum height of the tower, including the lightning rod, shall not exceed 124 feet from existing grade.
5. 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 inside 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.
6. No advertising material or signs shall be placed on the tower.
7. 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.
8. 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.

9. The tower shall be freestanding and shall not use guy wires for support.
10. 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 Director of Planning. Any fencing shall be reviewed and approved by the Director of Planning prior to final site plan approval.
11. 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 Master Plan.
12. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

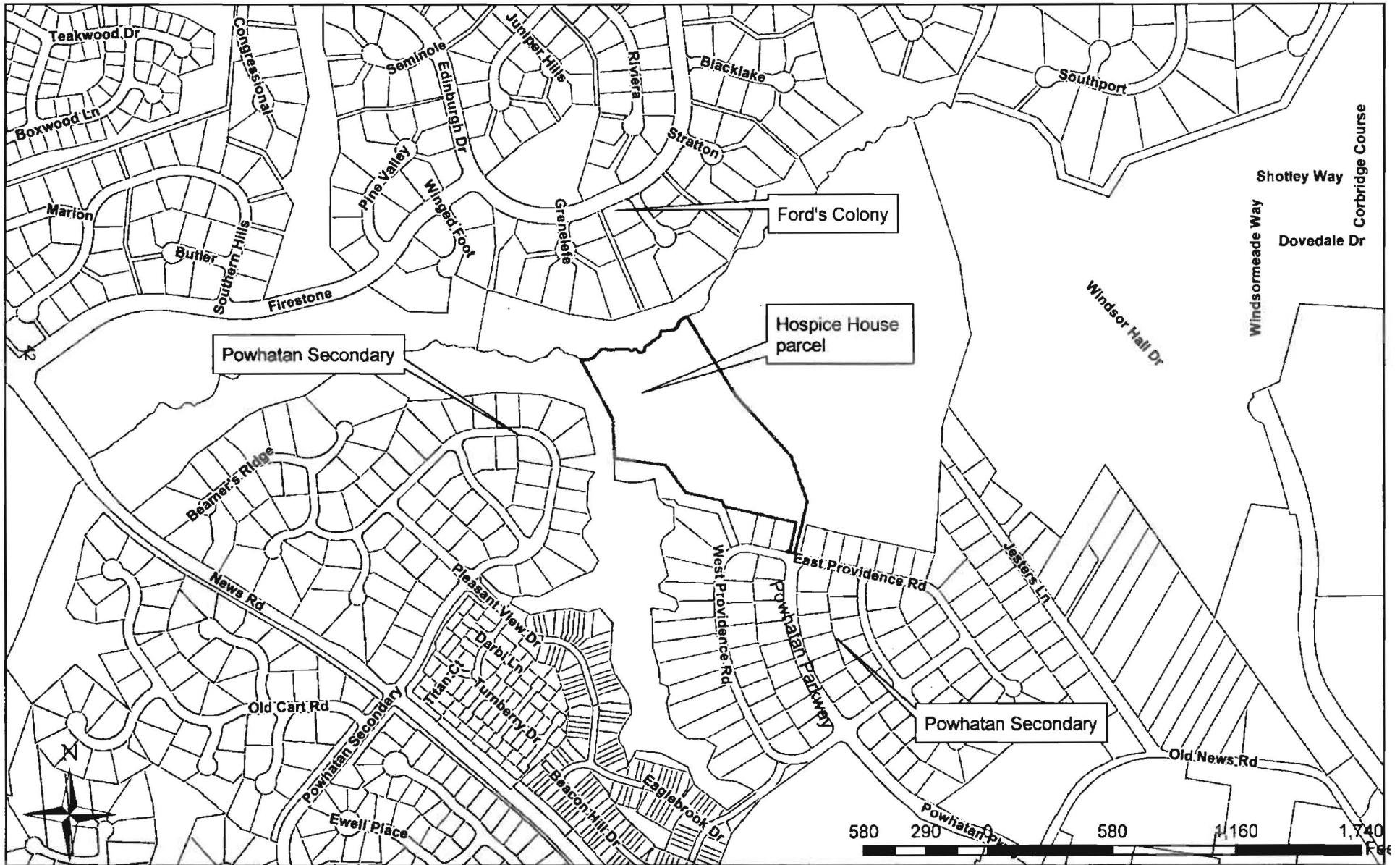
Jason Purse, Senior Planner

ATTACHMENTS:

1. Performance Standards for WCFs Policy
2. Preliminary site plan
3. Propagation map showing existing area coverage
4. Photo simulations
5. Location map
6. Balloon test visibility map
7. Citizen comments (5 emails and a petition)

SUP-0024-2009

Hospice House WCF



**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	<p>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.</p> <p>For rural lands more than 1,500 feet from the tower, no more than the upper 25% of the tower should be visible.</p>
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"> <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> <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> <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.

Jason Purse

From: mmipilot@gmail.com on behalf of Matt Inman [flyboy@wmalumni.com]
Sent: Wednesday, November 18, 2009 11:18 PM
To: eastonjl@yahoo.com; gfreye@mcguirewoods.com; Jason Purse; cjjones@berkeley-realty.com
Cc: Anne_Carr@mindspring.com
Subject: support for the NTELOS cell tower

To whom it may concern:

I'm a homeowner in The Villages of Powhatan Secondary writing to support the construction of a proposed cell phone tower on Hospice House property. The cell phone reception in our neighborhood is abysmal considering the number of residents so I fully support a tower to enhance the signal strength of multiple service providers. The proposed tower would allow for unrestricted use of my only phone throughout my house and neighborhood without concern for weak signal strength or dropped calls. Please support this enhancement to our neighborhood!

Thank you,

Matthew Inman
4428 Eaglebrook Dr
Williamsburg VA 23188

Jason Purse

From: Small, Aaron B [aaron.small@aesva.com]
Sent: Friday, November 20, 2009 9:22 AM
To: Jason Purse
Subject: FW: Powhatan Secondary Cell Tower

FYI

Aaron B. Small, P.E.
Project Manager

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P Please consider the environment before printing this email.

-----Original Message-----

From: Steve Wetmore [mailto:mwetmore@comcast.net]
Sent: Friday, November 20, 2009 12:04 AM
To: Small, Aaron B
Cc: Jack Reitz
Subject: Powhatan Secondary Cell Tower

Dear Aaron,

Please include us in your petition against the proposed cell tower in Powhatan Secondary. I have seen the pictures with the balloon and this will hurt property values and is just an ungodly eyesore. We walk that area with our dogs quite regularly and it will be a major disappointment to see that on each and every walk.

Thank you,
Steve and Mary Wetmore
3736 Lake Powhatan
Williamsburg, VA 23188
757-880-8196

Jason Purse

From: RWELLSMATT@aol.com
Sent: Saturday, November 21, 2009 2:23 PM
To: Jason Purse
Subject: (no subject)

PLANNING COMMISSION

I AM WRITING TO OPPOSE THE CELL TOWER THAT IS BEING PLANNED AT 4445 POWHATAN PARKWAY .
PLEASE PUT IT SOME PLACE AWAY FROM RESIDENTIAL AREAS

RUSSELL WELLS
4501 HARDING ROAD
WILLIAMSBURG , VA 23188

Jason Purse

From: John Kiefer [johnkiefer@cox.net]
Sent: Sunday, November 22, 2009 4:57 PM
To: Jason Purse
Subject: I oppose the cell tower

We are opposed to the planned construction of a cell tower at 4445 Powhatan Parkway.

John and Rose Kiefer
4024 Powhatan Secondary
Williamsburg, VA 23188
757-253-0895

Jason Purse

From: Connie Reitz [ConnieR27@cox.net]
Sent: Monday, November 23, 2009 8:16 PM
To: Jason Purse
Subject: SUP 0024-2009

Dear Jason,

Thank you for your time and information shared in the recent days with the residents of Powhatan Secondary concerning the proposed cell tower to be erected at 4445 Powhatan Parkway. Below are listed some of my concerns and questions which have developed during the past week.

I do want to preface these items by stating this information may be shared publicly and it is not intended in any way to detract or denounce the wonderful service Hospice House offers the citizens of our local community.

Aesthetics

- When my husband and I bought the property on which our home was built, it was with the understanding nothing would be built behind us because of the resource protection area (RPA). We have grown to love the quiet vista of an open sky, changing seasons, and protected movement of wildlife. If this cell tower is built as proposed, it will rise approximately 60 feet above the current mature tree line. This is one half the total height of the proposed tower.
- Our home site is an elevated parcel in the community. From the windows on the back of our home we are looking at tree-top level. We will not have to look up at the tower. We will be looking at the tower as it looms above the trees.
- While I assume the property owner will enjoy financial reimbursement from this proposal if passed, the facility's board has asked to have the access road and tower be built such that neither are seen by persons using the facility. This is important to them and it is just as important to the residents of the Powhatan Secondary community who have no financial incentive.
- When do we have enough towers? This can be the time to say as a community we must make our environment a priority and not our individual and personal convenience.
- If this tower proposal is passed, I ask
 - The access road site be camouflaged with staggered height and depth of evergreen and flowering plants which would be complimentary to the area.
 - The berm area, behind which the access road is to be constructed, should not be disturbed.
 - What is the lease term for this tower?
 - Who is responsible for maintaining the tower as well as the access road, protective fencing, and camouflaging vegetation?
 - Who enforces this maintenance?
 - If this tower becomes obsolete or unused for any reason, how quickly will it be removed?
 - How do we know if the tower is not being used?
 - Who is responsible for the removal and who ensures its timely removal?
 - What is the time lapse from ending use of the tower and total removal?
 - Will plantings of typical flora be replaced--if any are disturbed--when removal of the tower and road are completed?

Precedence

- If this tower is built, will it set a precedent for another tower to be built in the same approximate area where vacant land is still available?
- If this tower is built, will it preclude other communication companies, emergency services, or energy producers from asking for a special use permit in this specific location?
- How close together can towers be built?
- Will the building of this tower preclude a possible future request for an electricity generating windmill?
- Does James City County have codes for windmills?

General Questions

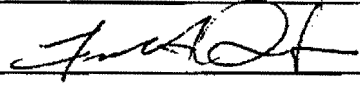

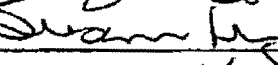

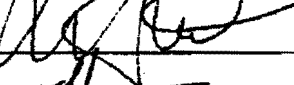
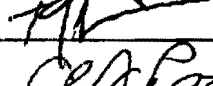
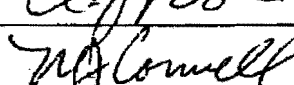
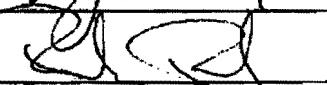
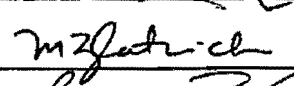
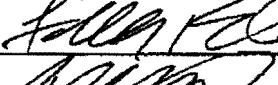
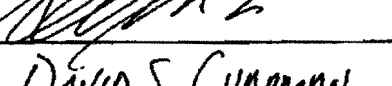
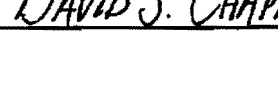
- What effect will this tower have on property values in Powhatan Secondary?
- Does the tower actually need to be 120 ft tall? Wouldn't a lower tower on this site provide the same coverage that they are trying to achieve?
- What actions are being taken to minimize the amount of noise pollution from cooling fans, etc?

Thank you for listening to my questions and concerns regarding this proposed cell tower construction.

Connie B. Reitz
4048 Powhatan Secondary
757.220.2059

Petition: Ntelos Cell Tower and Access Road

We, the residents of Powhatan Secondary listed below, have major concerns regarding the proposed Ntelos cell tower and service road to be built on the property owned by Hospice House, adjacent to our neighborhood.

Date	Printed Name	Signature	Address
21 Nov 09	JUAN ROCHA		4004 COLD SPRING RD
21 Nov 09	Margaret Cogossi	Margaret Cogossi	4016 Cold Spring Rd.
21 Nov 09	Stacey Keating		7015 Cold Spring Rd
21 Nov 09	Susann Tierney		4109 Cold Spring Rd
21 Nov	Martha Higgins	Martha Higgins	4016 E. Providence Rd
21 Nov	Paul Knech		4020 E. Providence Rd
21 Nov	Michael Stult		4024 East Providence Rd.
21 Nov	TIMOTHY SWANN		4027 E. PROVIDENCE RD
21 Nov	Andy Poole		4019 E Providence Rd
21 Nov	MICHAEL CONNELL		4015 E. PROVIDENCE
21 Nov	Ricki Reske		4515 O. Leonard
22 Nov 09	Margaret Zlotnick		3921 Powhatan Pkwy.
22 Nov 09	Frank Buckley		3900 Cold Spring Rd.
11/22/09	Robert Webster		3909 COLD SPRING RD
11/22/09	David S. Chapman	DAVID S. CHAPMAN	3916 COLD SPRING RD

Petition: Ntelos Cell Tower and Access Road

We, the residents of Powhatan Secondary listed below, have major concerns regarding the proposed Ntelos cell tower and service road to be built on the property owned by Hospice House, adjacent to our neighborhood.

Date	Printed Name	Signature	Address
11/22	Christy King	<i>Christy King</i>	117 Ewell Place
11/22	Ronald King	<i>Ronald King</i>	113 Ewell Place
11/22	Keith Blaker	<i>Keith Blaker</i>	109 Ewell Place
11/22	Teresa Evans	<i>Teresa Evans</i>	213 Jones Mill Rd
11/22/09	Elisa Lemmon	<i>Elisa Lemmon</i>	128 Old Carriage Way
11/22	Dawn Welch	<i>Dawn S. Welch</i>	116 Ewell Place
11/22	Fiona Van Gheem	<i>F. K. Van Gheem</i>	125 Ewell St. Place
11/22	Lisa Trump	<i>Lisa Trump</i>	133 Ewell Place
11/22	Youri Sharobian	<i>Youri Sharobian</i>	132 Ewell Place
11/22	Adam Arbogast	<i>Adam Arbogast</i>	128 Ewell Place
11/22	Pam Morrow	<i>Pam Morrow</i>	124 Ewell Place

Petition: Ntelos Cell Tower and Access Road

We, the residents of Powhatan Secondary listed below, have major concerns regarding the proposed Ntelos cell tower and service road to be built on the property owned by Hospice House, adjacent to our neighborhood.

On another sheet

Date	Printed Name	Signature	Address
11/21/09	[Redacted]	[Redacted]	5145 [Redacted]
11/21/09	[Redacted]	[Redacted]	[Redacted]
11/21/09	[Redacted]	[Redacted]	[Redacted]
11/21/09	[Redacted]	[Redacted]	[Redacted]
11/21/09	[Redacted]	[Redacted]	[Redacted]
11/21/09	[Redacted]	[Redacted]	[Redacted]
11/21/09	[Redacted]	[Redacted]	[Redacted]
11/21/09	[Redacted]	[Redacted]	[Redacted]
11/21/09	[Redacted]	[Redacted]	[Redacted]
11/21/09	[Redacted]	[Redacted]	[Redacted]
11/21/09	[Redacted]	[Redacted]	[Redacted]
11/21/09	[Redacted]	[Redacted]	[Redacted]
11/21/09	[Redacted]	[Redacted]	[Redacted]
11/21/09	[Redacted]	[Redacted]	[Redacted]
11/21/09	[Redacted]	[Redacted]	[Redacted]
11-22-09	John James	[Signature]	3949 Powhatan Place
11/22/09	MARIE FIELD	[Signature]	3941 POWHATAN PL
11/22/09	[Redacted]	Julius Sheppard	3922 West Providence
11/22/09	Wendy Plat among	[Signature]	3809 W. Providence
11/22/09	[Redacted]	Ron L. Cleveland	5901 W. Providence

Petition: Ntelos Cell Tower and Access Road


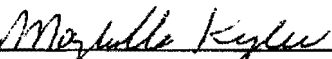


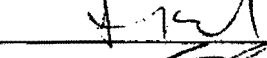
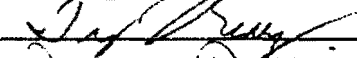
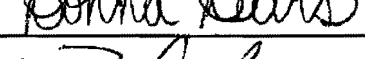
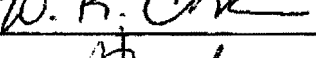
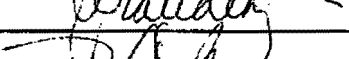

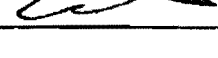
We, the residents of Powhatan Secondary listed below, have major concerns regarding the proposed Ntelos cell tower and service road to be built on the property owned by Hospice House, adjacent to our neighborhood.

Date	Printed Name	Signature	Address
11/15	Teresa Clemons	Teresa Clemons	Williamsburg Va 23188 4056 Powhatan Secondary
11/15	Lisa Pescara	Lisa Pescara	4055 Powhatan Secondary
11/15	GARY ZIMALK	[Signature]	4064 Powhatan Secondary Williamsburg VA 23188
11/15	JOHN CHAMBERS	[Signature]	4063 POWHATAN SEC. 1224 WILKINSBURG, VA 23188
11/15	Gabrielle Jones	Gabrielle Jones	4072 Powhatan Secondary Williamsburg, VA 23188
11/15	John Routten	John P. Routten	4076 Powhatan Sec. Windsor Va 23188
11/15	Debbie Bailey	Debbie Bailey	3919 W. Providence Rd Williamsburg VA 23188
11/15	Phyllis Poole	Phyllis R. Poole	4086 Powhatan Secondary Williamsburg, VA 23188
11/15	Bill Woodward	Bill Woodward	4092 Powhatan Secondary Williamsburg VA 23188
11/15	Beverly Tressler	Beverly Tressler	4300 Oak Freedom Williamsburg, VA 23188
11/16	Lisa McColpin	Lisa McColpin	4039 Powhatan Secondary Williamsburg, VA 23188
11/14	Amy DASSLER	Amy Dasser	4096 Powhatan Sec. Williamsburg 23188
11/16	Carl Friedrichs	Carl Friedrichs	4028 Powhatan Sec. Williamsburg, VA 23188
11/16	Marbury Abella	Marbury Abella	201 Old Court Rd Windsor, VA 23188
11/16	John H. Poitz, Jr.	[Signature]	4098 Powhatan Secondary Williamsburg VA 23188

Date	Printed Name	Signature	Address
11-16	Debbie Golub	<i>Debbie Golub</i>	225 George Wythe Ln. Wmsbg. 23188
1/10	Lisa M Dawson	Lisa M Dawson	3957 POWhatan OKelly, W316 VA
1/17	Shawn Nason	<i>Shawn Nason</i>	4060 Powhatan Sec Wmsbg, VA 23188
11/17	Amy G. Eggart	<i>Amy G. Eggart</i>	123 S. Benjamin Howell St. Williamsburg, VA 23188
1/75	James G Zoerb	<i>James Zoerb</i>	285 OLD CARRIAGE WAY WILLIAMSBURG, VA
1/17/09	JOSEPH A. KENDRA	<i>Joseph A Kendra</i>	209 OLD CARRIAGE WAY WILLIAMSBURG, VA 23188
1/17/09	Becky Kitenko	<i>Becky Kitenko</i>	217 Old Carriage Way Williamsburg, VA 23188
1/17/09	TOMMY DIX	<i>Tommy Dix</i>	221 OLD CARRIAGE WAY WMSDBG VA 23188
1/17/09	Tina Surovitz	<i>Tina Surovitz</i>	224 Old Carriage Way Wmsbg, Va 23188
1/17	Ginny Van Wicklin	<i>Ginny Van Wicklin</i>	231 N. Benjamin Howell Wmsbg, VA 23188
1/17	Terrri Barden	<i>Terrri Barden</i>	4599 Beacon Hill Williamsburg VA 23188
11/17	Elizabeth L. Robles	<i>Elizabeth L. Robles</i>	121 Excelle Williamsburg, VA 23188
1/17	Andrew H. Jacobs	<i>Andrew H. Jacobs</i>	208 Jones Hill Rd. Williamsburg, VA 23188
11-17	Melanie Felbinger	<i>Melanie Felbinger</i>	212 Gov. Edward Nott Ct Williamsburg 23188
11/17	Andrea Freeland	<i>Andrea Freeland</i>	4008 Old Spring Rd. Williamsburg, Va. 23188
1/17	Philip Emerson	<i>Philip Emerson</i>	4052 Powhatan Williamsburg, VA
1/17	Leanne Anra	<i>Leanne Anra</i>	131 Hartwell Parkway Williamsburg, VA 23188

Petition: Ntelos Cell Tower and Access Road

We, the residents of Powhatan Secondary listed below, have major concerns regarding the proposed Ntelos cell tower and service road to be built on the property owned by Hospice House, adjacent to our neighborhood.

Date	Printed Name	Signature	Address
11/21/09	Mandi Ogaard		3943 W. Providence Rd.
11/21/09	MARGARENE KUGLER		3947 W. Providence Rd.
11/21/09	Bill Covel		3935 W. Providence Rd.
11/21/09	D. GRIFFIN		3933 W. Providence Rd.
11/21/09	A. Euckel		3963 W. Providence Rd.
11/21/09	T. Murray		3936 W. Providence Rd.
11/21/09	Donna Davis		3904 W. Providence Rd.
11/21/09	Wendy Cochran		4500 Old Regency Dr.
11.21.09	Beverly Staudinger		3920 Powhatan Pkwy
11.21.09	Kathy Stanwick		3929 Powhatan Pkwy
1-21-09	Craig T. Carg		105 Elmhurst Terrace Lane

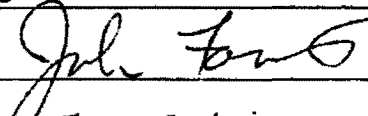



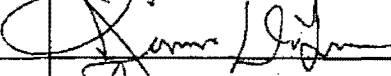

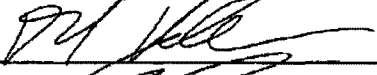

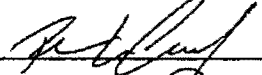
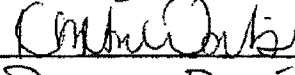
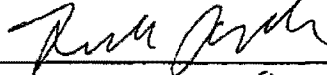
Petition: Ntelos Cell Tower and Access Road

We, the residents of Powhatan Secondary listed below, have major concerns regarding the proposed Ntelos cell tower and service road to be built on the property owned by Hospice House, adjacent to our neighborhood.

Date	Printed Name	Signature	Address
11/20/09	NANCY WILLSON	Nancy Willson	157 Old Curriage
1/20/09	John Casone	John Casone	160 Old Curriage Way
1/20/09	Eric Dawkaski	Eric Dawkaski	156 Hartwell Parkway
1/24/09	Carol Oswiler	Carol Oswiler	101 Charter House Ln
11-21-09	Norma Rogers	Norma W. Rogers	228 Jones Mill Rd
11-21-09	Melissa Dickinson	Melissa Dickinson	232 Jones Mill Rd.
11/21/09	JAN BENNETT	Jan Bennett	236 Jones Mill Rd.
11/21/09	LARRY WOOD	Jan Wood	241 JONES MILL RD.
11/21/09	Gene Griffith	Gene Griffith	233 Jones Mill Rd.
1/21/09	Dwayne Hayward	D Wayne Hayward	229 Jones Mill Rd.
1/21/09	Kathy Majette	Kathy M	22 S Jones Mill Road
1/21/09	Donald Ouellette	D Ouellette	217 JONES MILL RD
11/21/09	Francis G. Hughes	F Hughes	205 JONES MILL RD.
1/21/09	STEVE KEHLER	Steve Kehler	120 Charter House Lane
12/27	R. BATMAN	R. Batman	116 Charter Hs. Lane

Petition: Ntelos Cell Tower and Access Road

We, the residents of Powhatan Secondary listed below, have major concerns regarding the proposed Ntelos cell tower and service road to be built on the property owned by Hospice House, adjacent to our neighborhood.

Date	Printed Name	Signature	Address
11/21/09	John FAVRET		4424 Eagle Brook
11/21/09	Fran Allison Zoe Alban		4420 Eagle Brook Dr.
11/21/09	Francis Rokowski		4408 Eagle Brook Dr.
11/21/09	Lacomi Pule-Bra		4421 Eagle Brook
11/21/09	James Di Leo		4433 Eagle Brook
11/21/09	Diane Phillips		4445 Eaglebrook Dr.
11/21	Mark Farnsworth	NICHOLAS FARGARDO	4444 EAGLEBROOK DR
11/21	Jessie L. Simon	Jessie L. Simon	4446 Pleasant View Dr.
11/21	DAVID P. KOCHAN		4460 Pleasant View Dr.
11/21	Eric B. Conn		4456 Pleasant View Dr.
11/21	Robert L. Caulbee		4472 Pleasant View Dr.
11/21	Kimber Watson		4500 Harding Rd.
11/21	Bob Raines	Robert RAINES	4504 Harding Rd.
11/21	Russ Wallis		4501 Harding Rd.
11/21	Juan Stiles	SUSAN STILES	4400 DAWBI LN.

Petition: Ntelos Cell Tower and Access Road

We, the residents of Powhatan Secondary listed below, have major concerns regarding the proposed Ntelos cell tower and service road to be built on the property owned by Hospice House, adjacent to our neighborhood.

Date	Printed Name	Signature	Address
20/11/09	Mary C Trainor	Mary C Trainor	4400 Pleasant View Dr, Wmbsg VA 23188
11/20/09	Jodi Thumman	Jodi Thumman	4431 Pleasant View Dr Williamsburg VA 23188
11/21/09	H.G. McDonald	H.G. McDonald	4443 Pleasant View Williamsburg VA 23188
11/20/09	Rhea Starney	Rhea Starney	4419 Pleasant View Wmbs, Va. 23188
11/20/09	John Gison	John Gison	4415 Pleasant View Dr Wmbs VA 23188
11/20/09	BRUCE E. FULLER II	Bruce E. Fuller II	4457 Pleasant View Dr Williamsburg, VA 23188
11/21/09	GARY C. CURTIN	Gary C. Curtin	4459 PLEASANT VIEW DR WILLIAMSBURG, VA 23188
11/21/09	Keese Herman	Keese Herman	4471 Pleasant View Dr Williamsburg VA 23188
11/21/09	KATHRYN R. Murphy	Kathryn R. Murphy	4467 Pleasant View Williamsburg VA 23188
11/21/09	Ed Hosgood	Ed Hosgood	4475 Pleasant View Dr Williamsburg VA 23188
11/21/09	Greg Bask	Greg Bask	4511 Pleasant View Dr Williamsburg, VA 23188
11/21/09	RANDY WATSON	Randy Watson	4470 Eaglebrook Dr Wmbsg, VA 23188
11/21/09	WILLIAM MITCHELL	William Mitchell	4482 Eaglebrook Dr Williamsburg, VA 23188
11/21	Patty Zullo	Patty Zullo	4516 Eaglebrook Dr Wmbsg VA 23188
11/21	Diane Seng	Diane Seng	4444 Eaglebrook Wmbs VA 23188

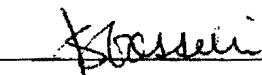


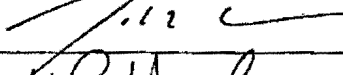
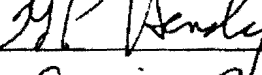
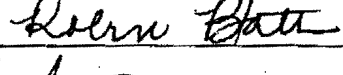

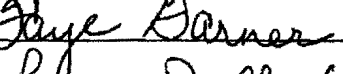
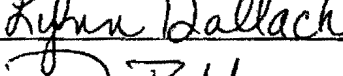
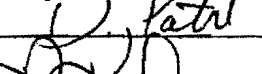


Petition: Ntelos Cell Tower and Access Road

We, the residents of Powhatan Secondary listed below, have major concerns regarding the proposed Ntelos cell tower and service road to be built on the property owned by Hospice House, adjacent to our neighborhood.

Date	Printed Name	Signature	Address
11/21	Cathy Kaurich	Cathy Kaurich	112 Charter House Ln
11/21	Gerri Shaner	Merianne L. Shaner	104 Charter House Ln.
11/21	Laura Walls	Laura Walls	135 Hartwell Perry Ln
11/22	Carolyn Cristian	Carolyn W. Cristian	139 Hartwell Perry Way
11/22	Carmela M. Savage	Carmela M. Savage	147 Hartwell Perry Way
11/22	Matthew Hoskins	Matt Hoskins	151 Hartwell Perry Way
11-22	LINWOODS B. OWENS	Linwoods B. Owens	155 Hartwell Perry Way
11-22	Bob Nussel	Bob Nussel	152 Hartwell Perry Way
11/22	WILLIAM POPELICKA	William Popelicka	124 ELIZ. HARRISON Ln
11/22	Bob Caren Schumacher	Caren Schumacher	119 Elizabeth Hann Ln
11/22	Janet DePaul	Janet DePaul	123 Eliz Harrison Ln

Petition: Ntelos Cell Tower and Access Road

We, the residents of Powhatan Secondary listed below, have major concerns regarding the proposed Ntelos cell tower and service road to be built on the property owned by Hospice House, adjacent to our neighborhood.

Date	Printed Name	Signature	Address
1/19/09	Joy Gosselin		4205 Colonies Xing
1-19-09	David Hassell		4206 Colonies Xing
1-19-09	Grover Lewis		4503 Oak Tree Lane
1-19-09	John Vaughan		4308 OAK TREE LANE
1-19-09	Gerald Henstey		4015 Powhatan Seel
1-22-09	Robin Batten		4068 Powhatan Secondu
1/22/09	Annie Choi		4308 Stylers Mill Xing
1/22/09	Faye GARNER		4035 Powhatan Secondary
1/22/09	Lynn Dallachie		4305 Stylers Mill Cross
1/22/09	Dershil Patel		4032 Powhatan Secondu
1/22/09	Rose Kiefer		4024 Powhatan Secondu
1/22/09	Kon Heyward		4204 Colonies XING

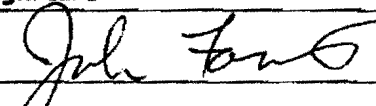

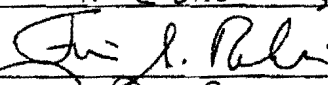
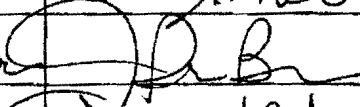
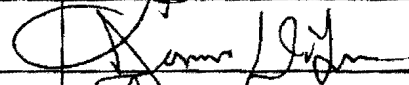
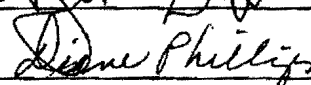
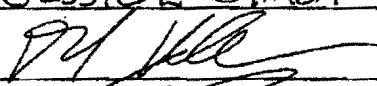
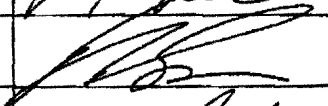
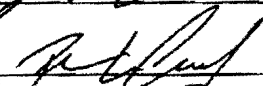
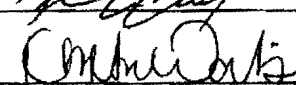
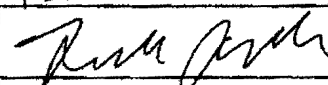
Petition: Ntelos Cell Tower and Access Road

We, the residents of Powhatan Secondary listed below, have major concerns regarding the proposed Ntelos cell tower and service road to be built on the property owned by Hospice House, adjacent to our neighborhood.

Date	Printed Name	Signature	Address
20/11/09	Mary C Trainor	Mary C Trainor	4400 Pleasant View Dr, Wmbsg VA 23188
1/20/09	Jodi Thumman	Jodi Thumman	4431 Pleasant View Dr Williamsburg VA 23188
11/21/09	H.G. McDonald	H.G. McDonald	4443 Pleasant View Williamsburg VA 23188
11/20/09	Rhea Stamey	Rhea Stamey	4419 Pleasant View Wmbs, Va 23188
11/20/09	John Gibson	John Gibson	4415 Pleasant View Dr Wmbs, VA 23188
11/21/09	BRUCE E. FULLER II	Bruce E. Fuller II	4451 Pleasant View Dr Williamsburg, VA 23188
1/21/09	GARY C. CURTIN	Gary C. Curtin	4459 PLEASANT VIEW DR WILLIAMSBURG, VA 23188
1/21/09	Keese Herman	Keese Herman	4471 Pleasant View Dr Williamsburg VA 23188
6/1/09	KATHRYN R. Murphy	Kathryn R. Murphy	4407 Pleasant View Williamsburg VA 23188
11/21/09	Ed Hosenwood	Ed Hosenwood	4475 Pleasant View Dr Williamsburg VA 23188
12/1/09	Greg Bask	Greg Bask	4511 Pleasant View Dr Williamsburg, VA 23188
1/21/09	RANDY WATSON	Randy Watson	4470 Egberts Rd Wm Burg, VA 23188
2/1/09	WILLIAM MITCHELL	William Mitchell	4463 FALLEN HICK DR WILLIAMSBURG, VA 23188
1/21	Paty Lallo	Paty Lallo	4356 Apple Brook Dr Wm VA 23188
1/21	Diane Sengul	Diane Sengul	4444 Eaglebrook Wm VA 23188

Petition: Ntelos Cell Tower and Access Road

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Date	Printed Name	Signature	Address
11/21/09	John Favret		4424 Eagle Brook
11/21/09	John Allison Fran Allison		4420 Eagle Brook Dr.
11/21/09	Francis Rokowski		4408 Eagle Brook Dr.
11/21/09	Jacqui Price-Brown		4421 Eagle Brook
11/21/09	James Di Leo		4433 Eagle Brook
11/21/09	Diane Phillips		4445 Eaglebrook Dr
11/21	Nick Fargardo	NICHOLAS FARGARDO	4449 EAGLEBROOK DR
11/21	Jessie L. Simon	Jessie L. Simon	4496 Pleasant View Dr.
11/21	DAVID P. KOCHAN		4460 Pleasant View Dr
11/21	Eric B. Conn		4456 Pleasant View Dr.
11/21	Robert L. Caulfice		4472 Pleasant view Dr
11/21	Combe Watson		4500 Harding Rd.
11/21	Bob Raines	Robert RAINES	4504 Hardings Rd
11/21	Russ Wallis		4501 Hardings Rd
11/21	Susan Stiles	SUSAN STILES	4400 DABBI LN.

Petition: Ntelos Cell Tower and Access Road

We, the residents of Powhatan Secondary listed below, have major concerns regarding the proposed Ntelos cell tower and service road to be built on the property owned by Hospice House, adjacent to our neighborhood.

Date	Printed Name	Signature	Address
11/20/09	LINDA COLLEY	Linda Colley	3945 Powhatan Pkwy
11/20/09	JAMES R WEST	[Signature]	3912 POWHATAN PKWY
11/21/09	Charles Ullestad	Cl Ulsta	3967 W. Providence Rd
11-21-09	KAREN & TONY JARAMILLO	Karen Jaramillo	3983 E. PROVIDENCE RD
11/21/09	WADE & STACY LVIET	M.W. W+	3924 COLD SPRING RD.
11/21/09	Martin Schmidt / Susan Stahlhut	[Signature]	3912 W Providence Rd
11/21/09	SUSAN DANIEL	Susan Daniel	4007 E. PROVIDENCE RD
11/20/09	Elizabeth Daniel	Elizabeth Daniel	4007 E. Providence Rd
11/21/09	JOSHUA J. BERNER	[Signature]	4011 E. Providence Rd
11/21/09	JARL H. CHRISTENSEN	Jarl H Christensen	3996 E. PROVIDENCE RD

Petition: Ntelos Cell Tower and Access Road

We, the residents of Powhatan Secondary listed below, have major concerns regarding the proposed Ntelos cell tower and service road to be built on the property owned by Hospice House, adjacent to our neighborhood.

Date	Printed Name	Signature	Address
11/19/09	F. Hunter Creech III	<i>F. Hunter Creech III</i>	3916 W. Providence Rd, Williamsburg VA 23189
11/20/09	Elizabeth M Emerson	<i>Elizabeth M Emerson</i>	200 Old Carriage Way Williamsburg VA 23188
11/20/09	Francis J. Smith	<i>Francis J. Smith</i>	204 Old Carriage Way W. Burg VA 23188
11/20/09	Janet M. Becker	<i>Janet M. Becker</i>	212 Old Carriage Way Williamsburg VA 23188
11/20/09	Wilde Crisp	<i>Wilde Crisp</i>	228 Old Carriage Way Williamsburg VA 23188
11/20	ROSALEEN J. BENNETT	<i>Rosalen J. Bennett</i>	112 Old Carriage Way Williamsburg VA 23188
11/20/09	ROSANNE O'NEILL	<i>Rosanne O'Neill</i>	108 Old Carriage Way Williamsburg VA 23188
11/20/09	AL KOESTRING	<i>Al Koestring</i>	209 Martin's Ridge Williamsburg VA 23188
11/20/09	Tom Brennan	<i>Tom Brennan</i>	124 Old Carriage Way Williamsburg VA 23188
11/20/09	John Stever	<i>John Stever</i>	125 Old Carriage Way Williamsburg VA 23188
11/20/09	BARBARA BLAIR	<i>Barbara Blair</i>	136 Old Carriage Way Williamsburg VA 23188
11/20/09	Randy R. Sacks	<i>Randy R. Sacks</i>	140 Old Carriage Way Williamsburg, VA 23188
11/20/09	Tris W. Gurganus	<i>Tris W. Gurganus</i>	145 Old Carriage Way Williamsburg VA 23188
11/20/09	Deborah Dumaq	<i>Deborah Dumaq</i>	148 Old Carriage Way Williamsburg VA 23188
11/20/09	Cheryl Herman	<i>Cheryl Herman</i>	172 Old Carriage Way Williamsburg VA 23188

Petition: Ntelos Cell Tower and Access Road

We, the residents of Powhatan Secondary listed below, have major concerns regarding the proposed Ntelos cell tower and service road to be built on the property owned by Hospice House, adjacent to our neighborhood.

Date	Printed Name	Signature	Address
11-20-09	Michelle Figueroa	Michelle Fig	206 Old Cart Rd.
11/20/09	Christian Dunn	C. Dunn	212 Old Cart Rd.
11/20/09	Laura Hiltlaus	Laura Hiltlaus	214 Old Cart Rd.
11/20/09	Barry Brinson	Barry Brinson	219 Old Cart R.D.
11/20/09	VICTOR SHUMAKER	Victor Shumaker	215 Old Cart Rd.
11/20/09	Lawrence E. Rouse	Lawrence E. Rouse	211 Old Cart Rd.
11-20-09	Donald Ruff	Donald Ruff	105 Oak Ridge Ct
11-20-09	JACKSON SASSER	Jackson Sasser	110 OAK RIDGE COURT
11-20-09	CAROL BRINKLEY	Carol Brinkley	207 Old Cart Road
11-20-09	Vera Light	Vera Light	105 Shield's Point
11-20-09	Vicki Walsh	Vicki Walsh	203 Old Cart Road
11-20-09	Gene Burnett	Gene Burnett	111 BARLEY MILL PL.
11/20/09	John Gilman	John Gilman	110 Barley Mill
11/20/09	Kristi Kinney	Kristi Kinney	108 Barley Mill Pl Wm VA 23188
11-20-09	DAVID SCHULKER	David Schulker	101 MILES HANOVER 23188

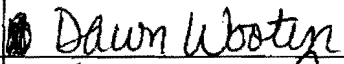
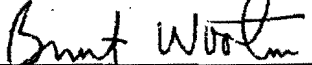
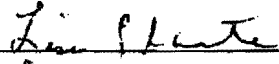


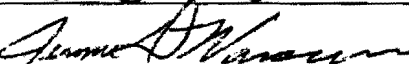
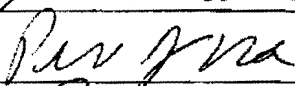

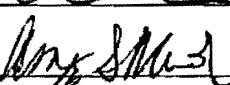
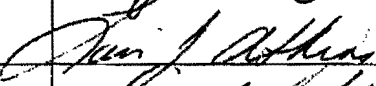


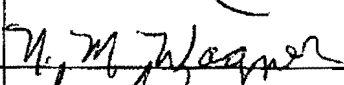


Petition: Ntelos Cell Tower and Access Road

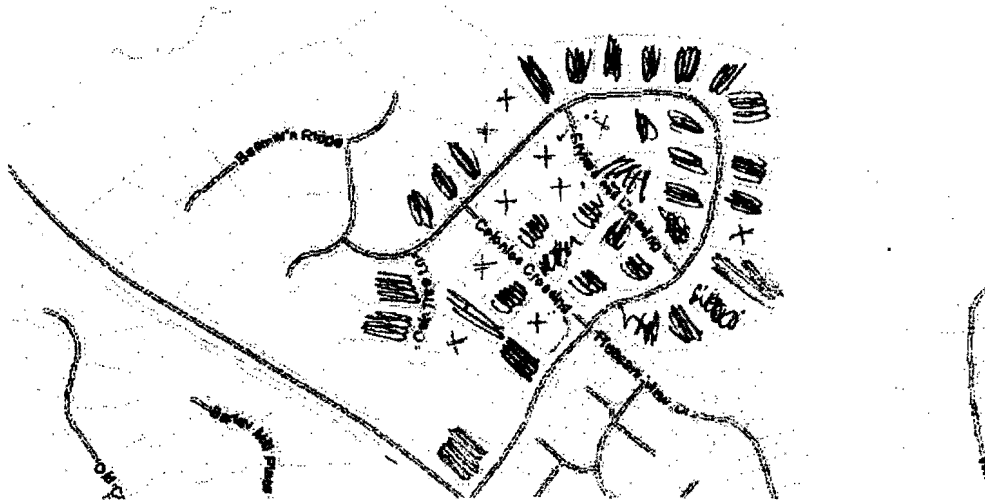
We, the residents of Powhatan Secondary listed below, have major concerns regarding the proposed Ntelos cell tower and service road to be built on the property owned by Hospice House, adjacent to our neighborhood.

Date	Printed Name	Signature	Address
16 NOV 09	LARRY R. MEACHAM	<i>Larry R Meacham</i>	4047 POWHATAN SECOND
17 NOV	Charles E TVEY	<i>Charles E Tvey</i>	^{Powhatan Secondary} 4200 Colonias Crossing
7 Nov	PAMELA Sisson	<i>Pamela Sisson</i>	4301 Stylers Mill Xing
7 Nov	DOROTHY GAMBENE	<i>Dorothy Gambene</i>	4309 Stylers Mill Xing
7 Nov	Barbara Bradley	<i>Barbara J Bradley</i>	4044 Powhatan Second

Petition: Ntelos Cell Tower and Access Road

We, the residents of Powhatan Secondary listed below, have major concerns regarding the proposed Ntelos cell tower and service road to be built on the property owned by Hospice House, adjacent to our neighborhood.

Date	Printed Name	Signature	Address
11/16/09	Dawn Wooten		3952 W. Providence Rd
11/16/09	BRENT WOOTEN		3952 W. Providence Rd.
11/16/09	Lisa Plante		3923 Cold Spring
11/16/09	Lisa Corleto		3915 E. Providence
11/16/09	Carrie Viciano		3971 E. Providence
11/16/09	JEROME WASSERMAN		3944 POWHATAN Pkwy
11/16/09	Phil Plante		3923 COLD SPRING
11/16/09	Aaron Cosman		3919 Cold Spring
11/16/09	Amy Murch		3940 W Providence Rd
11/16/09	Lauri Atkins		3953 Powhatan Pkwy
11/16/09	Michael Garvin		3951 W Providence Rd
11/16/09	Shireen Garvin		3951 W. Providence Rd
11/16/09	N.M. Wagner		3959 W Providence Rd
11/16/09	Scott Viciano		3971 E. Providence Rd
11/20/09	Toni Small		108 Ewell Place



The Colonies Only

- Key:
- Signed
 - Would NOT Sign
 - X - still trying to Contact
 - Blank - Empty house or lot

not home

Connie Haywood

Jack

From: "Steve Wetmore" <mswetmore@comcast.net>
To: <aaron.small@eesva.com>
Cc: "Jack Reitz" <jackR27@cox.net>
Sent: Friday, November 20, 2009 12:04 AM
Subject: Powhatan Secondary Cell Tower

Dear Aaron,

Please include us in your petition against the proposed cell tower in Powhatan Secondary. I have seen the pictures with the balloon and this will hurt property values and is just an ungodly eyesore. We walk that area with our dogs quite regularly and it will be a major disappointment to see that on each and every walk.

Thank you,
Steve and Mary Wetmore
3736 Lake Powhatan
Williamsburg, VA 23188
757-880-8196

PLANNING DIRECTOR'S REPORT
December 2009

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

- **New Town.** The Design Review Board held a meeting on November 19. At this meeting, the DRB approved signage for the Patriot Park building, subject to minor changes, and approved the elevations for an information and ATM kiosk at the corner of Main Street and Courthouse Street. The DRB also heard a presentation by Williamsburg Developers, LLC regarding changes proposed for Main Street.
- **Policy Committee Meetings.** The Policy Committee met on November 19 to discuss amendments to the Planning Commission's bylaws. Proposed amendments will be forwarded to the full Commission for consideration in early 2010. The next meeting is scheduled for December 10 at 7 p.m. in Building A and will include evaluation of submitted Capital Improvement Program projects.
- **Comprehensive Plan.** The Board of Supervisors held work sessions on November 10 and 17 to discuss the Plan and a public hearing was held on November 10. After holding a work session, the Board adopted the 2009 Comprehensive Plan on November 24th.
- **Training.** Staff is taking advantage of webinars that are available from the American Planning Association. December's topics include creating sustainable communities, principles and practices of planning, and community strategies in dealing with distressed properties.
- **Monthly Case Report.** For a list of all cases received in the last month, please see the attached document.
- **Board Action Results** – November 10th and 24th
SUP-0019-2009 Treasure Island Road – Adopted 5-0
SUP-0014-2009 Chickahominy Riverfront Park Changes to RV Loop and Master Plan
– Adopted 5-0

Allen J. Murphy, Jr.

November-09

Case Type	Case Number	Case Title	Address	Description	Planner	District
Conceptual Plans	C-0055-2009	New Town Arcade	4345 NEW TOWN AVENUE	Place arcade in New Town	Jason Purse	Berkeley
	C-0056-2009	School Operations Center Parking	6616 CRANSTON'S MILL POND RD	Additional parking. Trailer and bus storage	Luke Vinciguerra	Stonehouse
Site Plan	SP-0093-2009	La Tienda Retail Store (formerly Whitehall)	1325 and 1327 JAMESTOWN ROAD	Converts former Whitehall Restaurant on Jamestown Road to retail, office, kitchen, and storage. No exterior improvements.	Leanne Reidenbach	Jamestown
	SP-0094-2009	Green Leafe Trellis SP Amend.	4345 NEW TOWN AVENUE	Applicant proposes a 13x32 foot trellis	Leanne Reidenbach	Berkeley
	SP-0095-2009	Cardinal Acres Two Family Dwelling	114 CARDINAL ACRES DRIVE	Create two family dwelling consistent with neighboring properties	Sarah Propst	Berkley
	SP-0096-2009	Prime Retail Phase VIII SP. Amend.	5707 RICHMOND ROAD	Amendment to remove future Phase 8 from the previously approved plan.	Kathryn Sipes	Powhatan
Subdivision	S-0056-2009	School Operations Center BLA	6616 CRANSTON'S MILL POND RD	Boundary line adjustment between the JCC School Operations Center and Toano Fish and Hunt Club. 20.516 acres will be transferred to the JCC property.	Brian Elmore	Stonehouse
	S-0057-2009	Jackson Minor Subdivision	111 JACKSON STREET	Dividing one lot into two for new single family home	Kathryn Sipes	Roberts
	S-0058-2009	Sadie Lee Taylor Lot 20	109 MAGRUDER AVENUE	Creating one new residential lot	Jose Ribeiro	Roberts
Subdivision Ordinance Amendment	SO-0001-2009	Term of Validity for the preliminary plan and extensions		To amend the subdivision ordinance, to bring the County Code into conformance with the Va State Code. This is in regard to the term of validity for the preliminary plan and extension.	Chris Johnson	