

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

1. ROLL CALL

Planning Commissioners

Present:

George Billups

Reese Peck

Jack Fraley

Tony Obadal

Joe Poole III

Chris Henderson

Rich Krapf

Staff Present:

Allen Murphy, Acting Development Manager

Adam Kinsman, Deputy County Attorney

Kate Sipes, Senior Planner

Jason Purse, Senior Planner

Terry Costello, Development Management Assistant

2. PUBLIC COMMENT

Mr. Fraley opened the public comment period.

Mike Caplice of 4193 Teakwood spoke on behalf of the James City County Citizens' Coalition. He presented a traffic study that had taken the Coalition two years to complete. He stated that the report was presented to the Board of Supervisors on September 9, 2008. Mr. Caplice stated that the study covered five areas, Centerville Road, Ironbound Road, Monticello Avenue, News Road, and Richmond Road. He stated the Coalition felt that traffic on these roads will continue to increase regardless of any new developments in these areas. The study used traffic counts done by the County, and also counts performed by VDOT. Mr. Caplice said that the County and VDOT used a 3% rate of increase when estimating the traffic increase. He stated the Coalition determined that the rate was higher, closer to 4%, and in some cases was significantly larger. He gave an example that in the area of News Road, there was an increase of 13%. Mr. Caplice stated the Coalition had questions concerning out of state licensed vehicles, and those vehicles that were leased as opposed to being owned. He stated there was no increase in reported accidents except in the case of Monticello Avenue. He further stated that each road was looked at individually with separate data and information was and was listed separately. Mr. Caplice said the Coalition hopes that the report is beneficial to the Commission and that the group looks forward to working with them in the future.

Mr. Fraley thanked Mr. Caplice for the work that the Coalition does.

3. MINUTES

A. August 6, 2008 Regular Meeting

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

Mr. Billups made a motion to approve the minutes.

Mr. Krapf seconded the motion.

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

4. COMMITTEE AND COMMISSION REPORTS

A. Development Review Committee

Mr. Krapf stated the DRC met on September 10, 2008 to discuss, C-0060-2008, New Town Center Parking Overview. He stated that each quarter the DRC receives a report on the status of shared parking in New Town Sections 2 & 4. As part of the parking update, the DRC reviewed a request by the James City County Police Department to reserve two parking spaces on Courthouse Street for police vehicles. Mr. Krapf stated the DRC recommended approval of the parking update and continuing the current system of quarterly shared parking updates.

Mr. Henderson made a motion to approve the report.

Mr. Peck seconded the motion.

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

B. Policy Committee

Mr. Peck stated that the Policy Committee met on September 10, 2008 to discuss revisions and changes to the Capital Improvements Planning process. The Committee will present a final document to the Planning Commission on October 1, 2008.

Mr. Fraley stated that the Policy Committee will share their recommendations with the Commissioners who are not on the Policy Committee. Once feedback is given and a final document is ready, it will be discussed at a regularly scheduled Planning Commission meeting. Mr. Fraley stated that if the final document is ready by October, it will be discussed at the Commission's October 1st meeting.

Mr. Obadal requested a summary of what will be presented since he will not be at the October 1st meeting.

Mr. Fraley stated that once the draft is finalized, it will be sent to all of the Planning Commission members.

C. Comprehensive Plan Update

Mr. Bob Keith gave an update as a member of the Community Participation Team (CPT). He stated the second round of meetings was held in August and September. Over 100 citizens attended the first two meetings in August. He stated the third meeting took the form of a

Comprehensive Plan Expo and was attended by approximately 25 citizens. Surveys were available that allowed citizens to quantify their concerns and add specific additional comments. He stated the return rate was 88%.

Mr. Keith stated the CPT continues to distribute posters and flyers and held a speaker's bureau at Ford's Colony. He stated that new technological innovations had been utilized to access citizens and provide them with additional methods of expressing their views. These include the posting of informational essays on hot topics on the website, videotaping the Community Conversation meetings and making them available on the website, and allowing citizens to complete surveys online.

Mr. Keith said the CPT will hold its last meetings on September 11th, 18th, and 25th. They plan to focus on evaluating the second round of meetings, evaluating the overall effectiveness of the CPT, and compiling comments and summaries of citizen input to be forwarded to the CPT. The CPT will continue to encourage citizens to stay involved by continuing to accept comments via the website and encouraging citizen comment at the Steering Committee meetings. Mr. Keith also encouraged the Planning Commission to seriously consider the comments of citizens as major input into the Steering Committee deliberations.

Mr. Fraley thanked Mr. Keith and the CPT for all their hard work. Mr. Fraley stated the Steering Committee meeting schedule has been changed until early October. He stated the Board of Supervisors is still assessing the additional members that will serve on that Committee. Mr. Fraley stated that members that will be on the Steering Committee are Mr. Billups, Mr. Henderson, Mr. Poole, Mr. Vaughn Poller, and Mr. Fraley. He stated additional members will be added to the Steering Committee when the Board completes its deliberations.

Mr. Poole thanked Mr. Keith and the CPT for all their work and felt that everything has been well organized and well communicated.

5. PUBLIC HEARINGS

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

Mr. Murphy stated staff's concurrence with the applicant's request for a deferral to the October 1, 2008 Planning Commission meeting.

Mr. Fraley opened the public hearing.

Mr. Fraley continued the public hearing to October 1, 2008.

B. SUP-0016-2008 Walgreens at Norge

Mr. Murphy stated staff's concurrence with the applicant's request for a deferral to the October 1, 2008 Planning Commission meeting.

Mr. Fraley opened the public hearing.

Mr. Fraley continued the public hearing to October 1, 2008.

C. SUP-0009-2008 Kingsway Church Greenwood Christian Academy Expansion

Mr. Jason Purse stated that Mr. Chris Basic of AES Consulting Engineers has amended the original Greenwood Christian Academy expansion request and was asking for a Special Use Permit to allow for the operation of an elementary school onsite, including grades pre-K through grade 5. The existing special use permit allows 200 children to be enrolled in pre-school. The application would not increase the number of students past 200 and would not seek to construct a new building. He stated the amended request would allow the grade school to operate where the pre-school is only permitted currently.

Mr. Purse stated the conditions presented were the same ones that were attached to SUP-0030-2001. Since no additional infrastructure and no additional students are being added to the use, none of the previously presented conditions for expansion, such as new turn lane striping or enhanced landscaping, are being conditioned as a part of this request. The applicant no longer wishes to have the Commission vote on the expansion plan under this application.

As a correction staff noted that, as a directive from the entire Board of Supervisors, staff has included a sunset provision on this application that would allow the operation of an elementary school until June 30, 2009. Staff would note that the condition should read "the operation of an elementary school for grades K through 5," rather than for grades 1 through 5. Staff also included a condition requiring Greenwood to provide enrollment numbers at the start of each school year. Staff will be able to monitor not only the total enrollment, but also the number of students in each grade. Mr. Purse stated that Staff recommended the Commission recommend approval with the conditions mentioned to the Board of Supervisors.

Mr. Poole asked if the applicant was comfortable with the seven conditions attached to the report.

Mr. Purse deferred the question to the applicant.

Mr. Obadal asked if the expansion application that went before the Board of Supervisors was for grades 1 through 3.

Mr. Purse stated that application was pre-K through 5.

Mr. Purse stated that at the Board of Supervisors meeting, it was discussed what grades were currently enrolled. He stated that at the time of application, grades 1 through 3 had students enrolled in them.

Mr. Obadal thought that the application to be considered was for grades K through 3 only and that this would terminate on June 30, 2009.

Mr. Purse stated the applicant has requested that they be allowed to operate grades K-5. Currently students are enrolled K through 3.

Mr. Peck asked Mr. Purse to review the history of the original special use permit.

Mr. Purse stated the original application was filed in 2001 and was for 200 pre-K students. He stated this application was approved by the Board of Supervisors in February 2002. He stated that in March 2008 there was an application submitted to allow for grades K through 5, to increase the number of students from 200 to 300, and to construct a new building. Mr. Purse stated that when the application was brought forward, Staff was unaware that the elementary school was already in operation. He stated that prior to the Board of Supervisors' meeting staff was made aware of this situation. He stated that at this time the applicant amended the application to request the number of students remain the same and to allow for an elementary school.

Mr. Peck asked how long the elementary school has been in operation.

Mr. Purse deferred the question to the applicant.

Mr. Obadal stated that when the Board of Supervisors remanded this case back to the Planning Commission, they had concerns with the violation to the original permit, but wanted to make sure parents were not hurt in this process. The Board recognized that parents had made a commitment and that it was too late to change. Mr. Obadal stated that as part of the discussion, Commissioners needed to take this into account.

Mr. Fraley reopened the public hearing.

Mr. Chris Johnson spoke on behalf of Kingsway Church and Greenwood Christian Academy. He stated that they supported the Board of Supervisors' decision to remand this application back to the Planning Commission for its full consideration. Mr. Johnson stated that this school is important to the community as a whole and its impacts should be measured with this in mind. He stated that when the Board approved the original special use permit, the school was operating solely as a pre-school. He stated that it was in the Fall of 2004 that kindergarten was added. Mr. Johnson said that subsequently each year, one grade has been added. When the application was submitted previously this year, at the time the enrollment allowed kindergarten through 3rd grade. He stated as of two weeks ago, fourth grade has been added. Mr. Johnson believed it was the Board of Supervisors' intentions, as recommended by the conditions attached to this application, to consider the operation of an elementary school. He does not recall any discussion to purposely limit the consideration of the application to the grades that were currently enrolled at the time the Board considered this case.

Mr. Johnson addressed the conditions stated with the application. He stated he believed the sunset clause was intended by the Board of Supervisors to give parents, students, faculty and administrators the understanding that while this application was being discussed there would be no risk or punitive action taken during the academic year. He stated decisions are made this December and January for enrollment for 2009/2010. He felt that having a clause that allows for

operation through 2009 would hinder parents and faculty to plan to the next year. Mr. Johnson asked the Planning Commission to broaden the sunset clause to a minimum of thirty six months. This would allow the students currently in the school to continue their elementary school education. Mr. Johnson stated that this extended time also allows the school and church to consider finding an alternative location. The church and school recognizes the limitations with the current site.

Mr. Johnson stated when the drop off times and pick up times would be and how they would not affect peak travel times. He stated that in the past three year sunset clauses have been established for day care centers within the interior of a residential neighborhood. He felt that if this was recommended for day care centers, this should be appropriate for a school that is located on an arterial road on the exterior of a residential neighborhood. Mr. Johnson stated in summary they request the Planning Commission recommend that the sunset clause to allow the school to operate be extended to thirty six months at a minimum.

Mr. Peck asked if the principals at the school were the same as when the original special use permit was granted.

Mr. Johnson answered yes.

Mr. Peck asked if they were fully aware of the special use permit that was granted in 2002.

Mr. Johnson answered yes.

Mr. Peck asked if they made the business decision to expand the enrollment.

Mr. Johnson answered that it was thought not to be an issue as long as they stayed within the maximum number of students allowed, which is 200. He stated that this was an issue that should have been addressed and a mistake was made.

Mr. Peck asked how special use permits are generally enforced on nursery schools.

Mr. Murphy stated that regular inspections are not normally done to determine the original enrollment specified by the original application.

Mr. Peck asked what the logic is between a nursery school and a school accommodating K through 12, and why they are viewed in a different light.

Mr. Murphy stated the original application was for a pre-school and is not aware of any definitive differences reflected in the ordinance.

Mr. Krapf stated he understood that the last thing the community would like to see happen is for the school of 200 students to disperse and require them to change schools once the school year has started. He also understands the length of time it takes to do a site search, building permit process and so forth for a new school. He would like to suggest a periodic

progress report that the applicant would be required to submit to the County to demonstrate that there is an active search occurring.

Mr. Johnson stated that they would be open to discussions with staff concerning submission of progress reports.

Mr. Henderson asked what the enrollment per grade level was.

Mr. Johnson answered that the 2007/2008 totals were 53 elementary students which were K through 3rd grade. Currently there are 37 elementary school students in the K through 4th grade with five 4th graders. He also stated there is a morning pre-school with 84 students and an afternoon pre-school with 40 students. This would bring the total number of students to 161.

Mr. Henderson asked if it were an option for the school to continue in perpetuity to operate as an elementary and pre-school with an enrollment of 200.

Mr. Johnson stated the conditions that were recommended would have to be amended to allow that. Currently the sunset clause limits the elementary school until June 2009. He stated the pre-school portion remains unchanged from when the original special use permit was received in 2002.

Mr. Henderson asked if the applicant would like to have the option to continue in perpetuity.

Mr. Johnson stated they do not feel the impacts associated with the long term use of this site would change dramatically in any way as long as the school operated with 200 students. They would like to have that option. He felt that the effort made by the Board of Supervisors was to encourage the church and school to locate a more permanent home should they consider expanding one day.

Mr. Obadal asked if the original special use permit contained a provision requiring the church to provide the Zoning Administrator with school enrollment data.

Mr. Johnson answered no, but that the Board of Supervisors added this as a condition when the case came before them in August. This condition was not in place in 2002.

Mr. Murphy clarified and stated that the condition was added by staff given the discussion at the Board of Supervisors' meeting.

Mr. Obadal asked if the applicant was willing to still make improvements with respect to the left turn lane.

Mr. Johnson stated that if it is the intention to encourage the church to find a more permanent home for the school, it would be not financially beneficial to the church to make improvements for a situation that might not be permanent. Mr. Johnson stated that the improvements suggested in the original application were to improve turns into the school and

church, not to improve traffic conditions on Route 5.

Mr. Obadal expressed his concerns about safety.

Mr. Johnson stated they felt that safety was not an issue given that the peak hours of operation are exclusive of the peak a.m. and p.m. hours on Route 5. He felt that the operation of the school and church do not cause conditions that are of concern on Route 5, but that it is the road itself.

Mr. Billups asked if the applicant considered another school that the children could have transferred to.

Mr. Johnson stated that up until the Board meeting in August, they were not under the impression they were in violation of their special use permit. He did state the school has looked at alternative sites over the past few years. He also stated that several conceptual plans were filed with the County during this search. Mr. Johnson stated that finding land inside the PSA is difficult. He stated this is why the current site was considered and promoted as part of the current application.

Mr. Billups asked if there was any resolution from the complaints that were brought up concerning the noise.

Mr. Johnson stated there were concerns expressed about the size of the facility, traffic conditions, noise and whether the church and school were good neighbors. He stated there will be no new facilities, the traffic impacts they addressed earlier, and he believes the church and school are good neighbors. He did compare the noise of children playing to noise generated from a fire station, which is across the street from the neighborhood where the complaints were generated. Mr. Johnson stated that children at play do make noise that can be heard at some distance. These however, are limited to a certain number of school days per year, weather and monitored by school and administrative staff.

Mr. Billups asked what the impact would be on the school if the school was just a pre-school.

Mr. Johnson stated that closing a private school would have implications on students enrolled in the public school system. He mentioned other private schools that had smaller acreages and different zonings, such as Limited Business. He also stated it would take away the decision a parent has as to whether they would like to enroll their child in a school such as Greenwood Christian Academy.

Mr. Obadal stated that the original application was solely for a pre-school.

Mr. Johnson stated in the beginning it was solely a pre-school. It was determined after some time operating that additional grades should be added.

Ms. Kitty Beatty, of 124 Kingspoint Drive, spoke on behalf of Greenwood Christian

Academy. She gave a brief history of the school which started in 1962 as a kindergarten and pre-school. She stated that when the elementary grades were added a mistake was made. Ms. Beatty stated it was never the intention of the school or church to violate any of the conditions of the special use permit. She felt that the established commitment to the parents was that there will be a place up until the 5th grade so they would like to continue their commitment. She stated that there are never 200 children at the school at one time. Ms. Beatty stated that this school gives parents options of a private school setting with smaller classroom sizes.

Mr. George Turner, 107 Leon Drive, spoke on this application. He felt the current application is not expanding the school but actually bringing the school into compliance. He did state there is quite a bit of noise generated from the school.

Mr. Pete Childs, 3308 Isle of Wight Court, stated his daughter is a student at Greenwood Christian Academy. He stated that this school has made a big difference in their family's lives. Mr. Child stated this school makes a difference for children who do not handle other school situations as well. He also stated he has not encountered any problems with regards to traffic when picking up or dropping off his child.

Ms. Nell Taft, 107 Leon Drive, stated her property is next to the church. She stated that the playground for the school is 100 feet from her back porch, and she can hear noise from this on a constant basis. Her problem is not with the school itself, but was with the location of the playground. Ms. Taft stated the playground is right on the property line. She stated she has no issues with the school or the church or the way they run the school.

Ms. Joanne Spangler, 3923 Mathews, stated she is the principal of Greenwood Christian Academy. She stated she lives in the Jamestown Hundred subdivision, which shares an entrance with Jamestown High School. She is well aware of times where there is noise generated from the school and school events. Ms. Spangler stated she has also seen traffic problems with events at the school and traffic into her subdivision. She spoke on the benefits of a small school environment. She explained how at times the small school environment helps children with special needs. Ms. Spangler spoke on the opportunities where students volunteer in the community. She asked the Planning Commission to recommend approval of the application to the Board of Supervisors.

Mr. Fraley closed the public hearing.

Mr. Poole stated how he was impressed with the operation of Greenwood Christian Academy. He stated his opinion that houses of worship provide opportunities for schools in a way the infrastructure can be used on days other than worship days. He supports the application, but also recognizes that the County and the applicant missed the fact that it was originally for a pre-school. He also supports the thirty-six month clause for the school to continue while pursuing other locations or alternatives. Mr. Poole also can support the updates that were suggested by another Commissioner. He would also suggest adding a provision for a maximum number of students of 200 and that the building footprint would not be changed.

Mr. Henderson stated he felt that it was not practical to ask an applicant or business to report back to the Planning Commission or any other body as to what its future business plans may be. He would prefer to support the continuation of the business as it exists without a sunset provision. He does not view the addition of the elementary school grades as a material deviation from the original application, since the number of students has remained unchanged. Mr. Henderson does not feel there is a difference between a pre-school age child and an elementary school age child when it comes to land use. He cannot support the sunset provision or the reporting of what their progress is with respect to business plans.

Mr. Poole asked what about language in the conditions that the footprint of the building could not be expanded.

Mr. Henderson stated this probably could not be done without filing another special use permit application.

Mr. Murphy stated that this condition could be added to condition #1 of the application.

Mr. Henderson stated he felt choice in education was extremely important. He stated it goes to the heart of quality of life within the community. He also felt these options were important, especially for children who might perform better in a small setting.

Mr. Krapf stated his concern requesting the sunset clause has to do with the impact on the residential neighborhoods. He felt that the impact of fourth and fifth graders on school property is more intrusive than pre-schoolers would be. He felt that this was the best way to handle the situation with the school, realizing the planning calendar and that they do need the extra time. Mr. Krapf felt that the three year sunset clause was reasonable but would offer some closure so that the residents would realize this as well. He would still like to see a reporting provision.

Mr. Billups supported the June 30, 2009 sunset clause because he feels that something can be worked out. He also felt that there is a difference between a fourth or fifth grader, and a pre-schooler. His major concern is with the effect on the neighborhood surrounding the church and school. Mr. Billups stated that he felt the issues mentioned from citizens can be worked out with the church and school.

Mr. Peck stated he originally voted against the expansion, encouraging the applicant to look at other locations for expansion. He stated the Board of Supervisors made it clear that the parents of the school should not be penalized. He believes there should be a sunset clause and would leave the time frame up to the Board. Mr. Peck can support this application with the conditions that the number of students stays at 200 and the footprint of the building remains the same.

Mr. Obadal praised the idea of pre-schools and their contributions to the community. He agreed with comments made from other Commissioners. He agreed with the condition of limiting the use to the existing footprint of the building. Mr. Obadal suggested keeping the sunset clause with the time period that was requested from the Board of Supervisors. He would like to keep the school operating. He would hope that parents have been notified as to the issues

at hand.

Mr. Fraley stated he thought this school is an enriching experience for the children and the parents. He could support this application with language added to limit the footprint of the building to what is currently on site. He could also support a three year sunset clause as opposed to a one year. Mr. Fraley stated this would help the school and parents plan for their children's education. He would not favor adding a provision requiring the school to provide updates as to their business plan.

Mr. Poole made a motion to approve the special use permit application with the change to condition #1 adding that the operation of the school would be limited to the current footprint without any building expansion. He also suggested changing the grades listed to K-5 instead of 1-5 and to include a thirty six month sunset clause.

Mr. Henderson made the point that what the Commission is asking the applicant to accomplish in the thirty-six month time period is difficult, and they themselves have stated it is almost impossible to accomplish. He felt that the Commission was setting them up to fail.

Mr. Fraley stated the applicant can come back before the Commission and request an extension.

Mr. Billups requested clarification on the need to expand given the number of students is remaining the same.

Mr. Johnson answered that it has not been requested to extend beyond 200 students or beyond the 5th grade.

Mr. Peck seconded the motion.

In a roll call the motion was approved. (5-2) AYE: Krapf, Peck, Poole, Obadal, Fraley. NAY: Billups, Henderson.

D. SUP-0013-2008 Lafayette High School Wireless Tower

Ms. Kate Sipes stated that Ms. Febronia Christ has applied on behalf of Verizon Wireless for a special use permit to allow for the construction of a 145 foot wireless communications tower on the site of Lafayette High School. The parcel is approximately 50 acres and is zoned PL, Public Lands. She stated a ten foot lightning rod would make the total height of the tower 155 feet. She also stated that existing on the site is an abandoned 145 foot tower with four guy wires, each surrounded by a chain link fence. This tower would be removed and replaced with the Verizon tower in approximately the same location. Ms. Sipes stated that according to Mr. Alan Robertson with the WJCC Schools, this tower has not been in service for at least 20 years. The applicant has negotiated with the school system to provide a \$20,000 cash donation toward the construction of a pavilion on site to be used as an outdoor classroom for the science department. This is not relevant to land use considerations and was not factored into staff's analysis, but is included in the applicant's proposal.

Staff finds the proposal, with conditions, to be generally consistent with surrounding land uses, the Land Use policies of the Comprehensive Plan, the Comprehensive Plan Land Use Map designation, and the Performance Standards for Wireless Communication Facilities. Staff recommended the Planning Commission recommend approval of the special use permit application, with conditions, to the Board of Supervisors.

Mr. Poole asked if the owner was responsible for removing a tower if it ceases to be in use.

Ms. Sipes stated the ordinance requires that prior to site plan approval that there is a bond for the removal of the tower at the point it is no longer being used.

Mr. Obadal asked if there were any other towers owned by corporations other than Verizon within this area.

Ms. Sipes deferred this question to the applicant.

Mr. Fraley opened the public hearing.

Mr. Steve Romine spoke on behalf of the applicant. He gave a presentation on wireless phones and stated that Verizon sought this site to increase their coverage in the area. He stated the company does not look to build infrastructure due to the cost factors involved. He also stated they will co-locate whenever it is feasible. Mr. Romine showed diagrams as to whether the current tower is and where the new tower will be. He stated there will be two additional carriers on the tower. He also showed reliable coverage currently, and how obtaining this permit will increase their coverage. Mr. Romine showed pictures of the balloon test, showing the current tower and showing the balloon where the proposed tower will be. He stated that the applicant did look at other sites, and looked at other sites to co-locate, specially the tower at the Christian Life Center. He stated that currently the pole was at its maximum as far as carriers. Mr. Romine stated the applicant also looked at the Seasons Trace water tank site. It was determined that this site was too close to Verizon's other site at the Pottery. The applicant also looked at the tower on Jolly Pond Road. He stated that this site would not meet the applicant's objectives and was too far outside the area that they were attempting to cover.

Mr. Krapf asked what the vision was for the future and Verizon's goal for cell phone coverage in the County.

Mr. Romine answered that this is the need the company sees now for the coverage in this area of the County. He stated this process is customer complaint driven.

Ms. Kathy Faulkner of Verizon Wireless spoke of a current project where Verizon is co-locating on a tower that is at the Government Complex.

Mr. Fraley recommended that Verizon look at the County in a more strategic manner as to what the plans are for James City County. He understands that some things are customer

driven, but thinks it would be beneficial to come up with some type of master plan. He also encouraged Verizon to search for alternative technologies for use in the County.

Mr. Krapf asked when the simulation was done of the Warhill water tower which concluded there was a fifty percent reduction in the coverage cap, was this done with booster power scenario and redirecting the antenna.

Mr. Romine stated that normally there is certain spacing on the towers between antennas. When testing coverage the power was boosted and it was determined that the best alternative was the Lafayette site.

Mr. Krapf stated that what he is seeing is that not only is there a lack of strategic planning for the County, but also a map showing the enhanced power of the third antenna that was not shown and the applicant did not provide a propagation map for the tower at the Christian Life Center for a lower location. He stated that when he read through the staff report, he felt he could not get a complete picture of all of the alternatives.

Mr. Romine stated this application was brought forward after two years of research and discussion with the school system. He said every effort was made to try and find a co-location site. He stated that what the applicant was asked to do was not technologically feasible. He explained what testing was done at the different sites that were considered for co-location.

Mr. Henderson asked about the merger that was mentioned earlier between Verizon and Alltel. He asked if the overlap in the two networks was taken in account when determining what was the most coverage that could be obtained.

Mr. Romine answered that those evaluations are being done at different levels and in all areas of Virginia. He stated that evaluation did not change the outcome of what was determined to be the best site to extend coverage.

Mr. Henderson asked about the four existing antennas that were mentioned at the Christian Life Center.

Mr. Romine stated that there are two currently and a third committed on a third slot. He stated that if Verizon were to co-locate there it would be at eighty feet and that would not be feasible for the amount of coverage they are trying to obtain.

Mr. Obadal asked if there were any other towers in the area that were not on the map provided by Mr. Romine.

Mr. Romine showed the map that outlined the three mile area that they are trying to cover. He stated that those in the engineering division researched and for the coverage they are trying to obtain, co-locating on other towers did not provide the most effective coverage. He stated there may have been other towers within a six mile radius but they were not looked at because they were determined not to be feasible from the start. Mr. Romine pointed out that once the area has matured with tower sites, the goal is to cover as much of the gap area as

possible. He stated this really focuses where the company needs to be.

Mr. Obadal asked if there were any complaints received concerning reception in the area.

Ms. Sipes answered that no complaints were received; however, that type of complaint is the type that is probably not normally received by the Planning Division.

Mr. Romine stated that Verizon has received complaints and this is what normally drives these applications for new towers, or co-locating on other towers.

Mr. Obadal asked what the requirements would be should Verizon vacate the site at some point in the future.

Mr. Romine stated that as part of the ordinance, Verizon is subject to a bond if they vacate the site or they would remove the structure under an obligation imposed by the County.

Mr. Obadal asked if notification was given to residents surrounding the site area.

Ms. Sipes answered as part of the normal special use permit process staff notified adjacent property owners of the application. There was also a separate notification to property owners and a separate advertisement in the newspapers concerning the balloon test.

Mr. Henderson asked whether there was any consideration of stealth technologies for this particular tower.

Mr. Romine stated that discussion did occur with staff and the school division. It was a preference not to camouflage the pole given the surrounding area at the site. There was a discussion about moving the pole, but Mr. Romine stated the school system was very adamant about keeping the same location.

Mr. Fraley closed the public hearing.

Mr. Poole stated he supported this application and saw a number of benefits to the community, the most important being there was a 145 foot guy wired tower presently there that was not being utilized. He also felt that the new pole will be less intrusive than the one that will be removed. There is also a benefit to the schools with the money for the science pavilion committed and the annual lease for the site.

Mr. Obadal agreed with Mr. Poole. The new tower, while being taller, will still serve as a benefit to the community.

Mr. Krapf expressed his concerns that he does not feel due diligence was done in providing a complete picture for the Planning Commission to look at. He stated that if it were not for the fact of replacing an existing pole, he would have suggested the applicant request a deferral in order to obtain more information concerning propagation maps. Mr. Krapf does feel the net benefit to the community is greater and he can support the application.

Mr. Henderson made a motion to approve the special use application.

Mr. Poole seconded the motion. He stated that he was sympathetic to comments made concerning having a long term plan for wireless facilities.

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

6. PLANNING DIRECTOR'S REPORT

Mr. Murphy stated some personnel changes, first being Ms. Sarah Propst-Worthley has been hired as a planner to replace Beau Blevins, who left the Division to work with the Governor's office. The second change stated was that Ms. Tammy Rosario has been promoted to Principle Planner in charge of the Comprehensive Plan. Mr. Murphy stated that at some point staff intends to amend that position and convert it to a half time position.

Mr. Krapf asked about the completion of the cumulative impact study that was mentioned in the report.

Mr. Murphy stated that we have developed and refined a mechanism for estimating cumulative impacts of new development going back to 2000 for schools. As a second part to this, what is planned is to show what actually has been built. He stated that if this information is important to the Steering Committee, it will be provided. As far as having something permanently in place, it most likely will be after the update to the Comprehensive Plan. Mr. Murphy stated it will be very important for the Steering Committee to stay on schedule if the update is to be presented to the Board next summer.

Mr. Peck stated his concerns about the Principle Planner position becoming half time. He feels that there may be some major changes in the way the County does business and implementing these changes may take much time and effort.

Mr. Murphy stated this will all be taken into consideration, but that the position will remain full time through this Comprehensive Plan update.

Mr. Poole complimented Mr. Murphy and staff on all their efforts and hard work. He recognizes the demands on staff and wanted to express his appreciation.

7. COMMISSION DISCUSSIONS AND REQUESTS

Mr. Fraley initiated a discussion concerning service outside the Primary Service Area (PSA).

Mr. Peck wanted to clarify a discussion from last meeting that there was no mention of extending service outside the PSA. He stated that the County is dependent on a groundwater system that is under stress. The state has also told the County that the current system is under

stress. Mr. Peck asked the question, does it make sense to put further strain on a system that is already under stress. He believes that by accepting these private systems outside the PSA this is in essence extending the PSA. He believes that if the County truly wants to discourage development outside the PSA, then the service should not be extended by accepting these water systems. Mr. Peck felt that there are other remedies other than accepting these systems. He also expressed his concerns over the cost of maintaining these water systems. He felt these costs are passed on to the current users of the system. In conclusion, Mr. Peck suggests that these issues need to be part of the public discussion.

Mr. Krapf also believed that this discussion needs to take place, but that it needs to be very informed and in depth.

Mr. Peck did hope the discussion will take place of not accepting these water systems and the implications of others maintaining them. He did want to clarify that the application that initiated this discussion did have some benefits for a small number of citizens that would be allowed to connect into the system. It was mentioned at the Board of Supervisor's meeting that it was strictly a public benefit.

Mr. Obadal asked whether developments such as Liberty Ridge should be included in this discussion.

Mr. Peck stated that these developments are by-right currently and are required to build a central well system; therefore, it would be part of the discussion.

Mr. Obadal stated that for the application that initiated this discussion, the extension of service in Freedom Park, the cost that would be incurred was quite high for simply supplying service within Freedom Park.

Mr. Peck agreed with Mr. Obadal and stated that this discussion should be part of the Capital Improvements Planning process.

Mr. Henderson stated that there is sufficient data that private well systems that are operated by the James City Service Authority (JCSA) are operated at a significantly higher cost compared to the rest of the water system. He does not share the same concerns about extending the PSA since there is no discussion moving towards that, and it would take a decision by the legislative body to allow that. Mr. Henderson stated he can differentiate between those systems that have already received approval for a central well system and those who will make an application to do so in the future.

Mr. Obadal asked for cost comparisons for the current system.

Mr. Murphy stated that concerning the application before the Board of Supervisors, the case was deferred. One Supervisor asked for more information concerning alternatives with costs and benefits associated with each. He stated the Board of Supervisors has asked the James City Service Authority to examine in a narrow fashion, the economic impact of the current policy.

Mr. Obadal made the point that there were a very limited number of those residents that could connect to the Freedom Park extension.

Mr. Murphy stated that what is under discussion are possible alternatives, such as smaller lines, terminating the line within Freedom Park, and whether it is feasible to build a central system.

Mr. Fraley asked about the practice of the James City Service Authority in taking over the central well systems.

Mr. Murphy stated it is an ordinance requirement based on an original policy. It states that above a certain number of lots, the developer is required to build a central water system to certain standards as specified by the James City Service Authority and then dedicate to the JCSA.

Mr. Obadal asked whether there could be a requirement that would make the homeowners responsible for the central well system.

Mr. Murphy stated yes this could be an option. He stated since this is a complicated issue, it might be best reviewed during the Comprehensive Plan update. He stated that it is important that when dealing with growth management within the PSA that there is a solid legal foundation. An important part of this is extending public utilities.

Mr. Peck stated that if JCSA is operating public facilities outside the PSA, how is that different. He was unsure of what the motivation was for doing this. He felt that this is being dishonest with the public when it is stated that water service is not being extended outside the PSA.

Mr. Murphy stated that there is a difference from extending transmission made as a linkage to an established water system and adding a series of independent water systems. He stated it does merit discussion.

Mr. Fraley stated there is a policy for inside and outside the PSA. He asked what is the policy for developments outside and inside the PSA.

Mr. Kinsman stated he was not aware of any written policy. He mentioned one development, Greensprings, which was in this situation. In that situation, water was provided to the entire development.

Mr. Poole felt that more information is needed to have a discussion on this topic.

Mr. Billups stated there should be other factors involved in determining whether these developments should connect to water. For instance, how far from the PSA are they, etc. He felt that more information was needed in order to have an informed discussion.

Mr. Billups asked about the legal terminology that was used in the staff report concerning the Greenwood Christian Academy application.

Mr. Kinsman stated that the terminology was to allow the applicant to establish those grades, not that they must have.

Mr. Billups asked about the impact of church schools on surrounding neighborhoods.

Mr. Murphy stated the Planning Commission and Board of Supervisors can take the perceived impact of church schools into consideration as part of reviewing a special use permit. If the sunset clause is approved by the Board of Supervisors, that is another opportunity to review the impacts on the surrounding communities.

Mr. Kinsman introduced Ms. Angela King as the Assistant County Attorney.

Mr. Henderson mentioned the work done by the James City County Concerned Citizens Coalition concerning stormwater is still being reviewed. He also asked about including in the Director's report highlights of cases that are occurring from a development perspective that does not fall under the Planning Commission's purview.

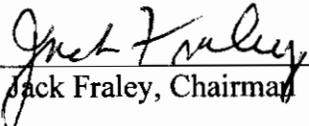
Mr. Murphy will take the request under advisement.

8. ADJOURNMENT

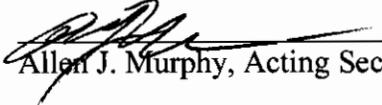
Mr. Poole made a motion to adjourn the meeting.

Mr. Billups seconded the motion.

The meeting was adjourned at 10:08 p.m.



Jack Fraley, Chairman



Allen J. Murphy, Acting Secretary