

AT A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE EIGHTH DAY OF AUGUST, NINETEEN HUNDRED EIGHTY-NINE, AT 7:30 P.M. AT THE COUNTY GOVERNMENT CENTER BOARDROOM, 101C MOUNTS BAY ROAD, JAMES CITY, COUNTY, VIRGINIA.

1. ROLL CALL

Mr. A.G. Bradshaw
Mr. Jack D. Edwards
Mr. Martin Garrett
Mr. Alexander C. Kuras
Ms. Carolyn Lowe
Mr. Robert A. Magoon, Jr.
Mr. Gary Massie
Ms. Willafay McKenna, Acting Chairman
Mr. Wallace Davis, Jr.

ALSO PRESENT

Mr. O. Marvin Sowers, Jr., Director of Planning
Mr. Larry W. Davis, Assistant County Attorney
Mr. John T.P. Horne, Manager of Development Management
Mr. Donald Davis, Principal Planner
Mr. R. Patrick Friel, Planner

2. MINUTES

Upon a motion by Mr. Kuras, seconded by Mr. Massie, the Minutes of the July 11 Planning Commission meeting, the July 11 worksession, the Special Planning Commission meeting on June 7, and the April 19 Policy Committee meeting were accepted as presented.

3. DEVELOPMENT REVIEW COMMITTEE MINUTES

Mr. Kuras presented the August 2, 1989 Development Review Committee Report.

Ms. Lowe had concerns regarding the Ewell Station Shopping Center site plan, SP-59-89.

Mr. Kuras stated that the DRC approved the site plan as presented.

Mr. Edwards also had questions on Ewell Station and asked if changes to the site plan were substantial.

Mr. Kuras explained the buffers for the project, and stated the building height had been increased from one story to three stories.

Mr. Edwards explained his concerns about a site plan receiving final approval and then the applicant submitting significant changes to the project.

Mr. Sowers stated that this case had been deferred once to get a legal opinion regarding buffering and setback issues. He also stated the need for increased buffering must be documented. He stated that the buffering at maturity will screen the three story building and the lights.

Mr. Edwards asked for clarification of the Planning Commission having to approve this site plan.

Mr. Garrett asked what would happen if the Commission turned the site plan down.

Mr. Larry Davis stated the Zoning Ordinance section sets out criteria to increase buffers. He stated the existing zoning is correct for this business use. He stated additional requirements must be reasonable and necessary to offset negative impacts to adjacent property owners.

Mr. Edwards asked if screening to protect the adjacent property owners and the County should have been in the proffers.

Mr. Davis stated that although proffers are preferable, the Zoning Ordinance gives broad authority to the Planning Commission to approve or deny a site plan to protect health, safety, or general welfare even if it otherwise meets Ordinance requirements.

Mr. Edwards stated that if a site plan is approved and then the applicant submits significant changes to the plan, then maybe a special use permit should be required. Mr. Edwards stated that this site plan is of great concern to the adjacent property owners and cited the need to protect them.

Mr. Massie requested the Minutes reflect that he abstained from voting on Case No. SP-59-89, Ewell Station Shopping Center, because of a conflict of interest due to a contract to construct improvements on the property.

Upon a motion by Mr. Kuras, seconded by Mr. Hagee, the DRC recommendations were approved.

Amendment to Agenda

Ms. McKenna stated there was a change in the agenda for the August 8, 1989 meeting. Item #11, Discussion of New Conditional Zoning Law had been deleted. The Comprehensive Plan Methodology would be discussed instead. This document was located in the reading file.

4. CASE NO. SUP-16-89. GEORGE WHITE ESTATE TOWER.

Mr. Friel presented the staff report (appended) for a special use permit to allow a 500-foot communications tower on 14.228 acres of land zoned A-1, General Agricultural. The property is located at 2531 Little Creek Dam Road. Mr. Friel stated that this case had been deferred from the July 11 Planning Commission meeting so that staff could provide further information on towers and the communications industry. Mr. Friel stated that staff continues to recommend approval of Case No. SUP-16-89.

Mr. Sowers stated that staff has collected data from current tower owners and other jurisdictions. The information was non-conclusive because the equipment was hard to compare. He stated that the number of towers seem to be increasing in other jurisdictions. Mr. Sowers stated approximately six companies in James City County were contacted and the general indication was that various types of service and space is technically available, but not generally available for lease by company policy. It could not be determined how much space was available for public use or its compatibility with the applicant's proposal.

Mr. Ray Market, Chief Executive Officer of Communications Plus, gave a brief presentation to the Commission. He stated that his company offers telecommunications, electronic messages, electronic paging, etc., and leases space on some of the applicant's towers. He stated that with today's technology a hundred different uses could utilize only five channels. He stated that his company would use this tower also. He stated that the applicant, Mr. John Harris, will allow other users on the tower.

Ms. McKenna asked about the tower's height and if it was necessary to be located in this area.

Mr. Market stated that a higher tower covers more area with a single tower.

Mr. McKenna asked if the tower was located in another area would it be as effective.

Mr. Market said the applicant had a hard time locating an area near the I-64 corridor that is conducive to development.

Mr. Garrett asked if eight to 10 towers could be located on this site.

Mr. Magoon stated that it is possible to limit special use permit approval to shared use towers.

Mr. Magoon asked about the relationship of height to distance. He stated that a 970 foot tower is mentioned in the packet of information the Commission received.

Mr. Market said the tower specified in the information is primarily for television and radio broadcasting. He said the applicant's tower would be used primarily for mobile communications.

Mr. Magoon asked about tower multiplexing.

Mr. Market stated that current technology allows many users to utilize one tower. This will cut down the visual impacts that several smaller towers would create.

Mr. Magoon said that if the tower has multiplexing capability it could negate future towers.

Mr. Hagee asked if it was possible to guarantee multiplex uses of a tower.

Mr. Market said no it was not possible to make any guarantees.

Ms. McKenna asked if it possible to determined the number of uses that the tower could support.

Mr. Market stated that the number could be determined.

Mr. Garrett stated his concern that several towers could be placed on this site. He stated that everyone could purchase land and put up a tower.

Mr. John Harris, applicant, stated that his company's interest is to provide mobile communications capability to many clients. His company's towers at Wards Corner serves 30,000 customers. He gave a partial list of users of this tower. He stated the company is in business to rent tower space. They searched the area for a rural site that could also service many people.

Mr. Tom Wilson, Engineer from AES, stated that they have reviewed the County's topography and plotted the location of the tower's original site, 900 feet from Mr. Lattimer's dwelling. He stated the site is heavily wooded with 35 foot trees and stated that 150 to 200 feet of the tower would be seen. In an alternate location of 1600 feet from the dwelling, the tower would not be seen from the property owner's front yard, but will be seen from the road.

Mr. Harris stated they can utilize either location for the tower.

Mr. Kuras asked Mr. Russ Lowry, JCC Emergency Services Coordinator, if he had any concerns with the tower.

Mr. Lowry stated that he is concerned about any potential interference.

Ms. McKenna opened the public hearing.

Mr. Mike Lattimer of 2301 Little Creek Dam Road, is adjacent to the proposed tower. He stated a concern that the tower may interfere with his satellite dish. He stated that he does not want to see six or eight towers on this site such as an antenna farm. He stated the sale of the property is contingent on the approval of this special use permit. He expressed his thanks for the movement of the tower and the placement of red beacon lights on the tower.

Ms. McKenna closed the public hearing.

Ms. Lowe said there is very little protest because the tower is located in such a rural area. She said the tower is an unsightly intrusion into a rural area.

Mr. Hagee asked where towers are permitted by right.

Mr. Sowers said that height requirements vary by zoning district and explained different zoning areas and height requirements.

Mr. Hagee said the Zoning Ordinance encourages tower location in the M-1 area, and asked the applicant, Mr. Harris, if they could find another location and if they researched this.

Mr. Harris stated they need to have a large parcel of land for the tower and the guy wires. He said an area with the correct amount of coverage of potential customers is hard to find. He stated they need at least an eight acre site for the tower.

Mr. Kuras asked if the Commission wanted to use eight acres of M-1 land for a tower.

Mr. Massie asked the applicant if Mr. Lattimer would get interference on his satellite dish from the tower.

Mr. Harris said he did not think so because the frequencies are different. He stated he would work with Mr. Lattimer to solve any problems.

Mr. Massie was also concerned about using eight acres of M-1 land for a tower, but also asked where else could the tower be placed. He was pleased with the attitude of the developer in

trying to work out any potential problems with Mr. Lattimer. He stated that if the applicant will work with the adjacent property owner to overcome any interference problems, then he is warming to the idea of a tower on this site.

Mr. Massie made a motion for acceptance of Case No. SUP-16-89 with two additional conditions: 1) that the applicant assist Mr. Lattimer in resolving any interference created by the tower; 2) that the exact location of the tower will be determined by the DRC. Mr. Magoon seconded and requested an amendment to the motion for an additional condition to require that space be made available to other users and that multiplexing capabilities be included. Mr. Massie accepted the amendment to his motion.

Ms. McKenna stated she is uncomfortable dealing with the tower issue, and would like to further explore other types of communication towers. She stated that towers of this height are out of place in rural areas and she does not support approval of this application.

Mr. Hagee asked what could be researched during another deferral period.

Ms. McKenna stated a need for further information about other towers in the future and if Hankins Industrial Park could accommodate another tower. She stated the County should know what is available.

Mr. Hagee asked if review of the distance from adjacent property, height, zoning area, etc. was enough reason to defer action on this case.

Mr. Garrett said the County should look into this and see if there is a better way to do it.

Ms. Lowe stated that if the Commission approves this special use permit, it will set a precedent.

Mr. Hagee said criteria should be developed on where to place towers and regulations.

Mr. Magoon stated he was uncomfortable with deferring action on this case. The Commission asked for additional information from staff last month which was provided. He asked how much more information was needed to make a decision on this case.

Mr. Bradshaw stated that he agreed with Mr. Magoon, and stated the Commission will not become communication experts in 30 days.

Mr. Davis said the Code gives 90 days to approve or deny an application. He stated the Commission has 90 days from the June 11 Planning Commission meeting.

In a roll call vote, with Mr. Garrett, Ms. Lowe, and Ms. McKenna voting nay, the Commission voted 7-3 to recommend approval of Case No. SUP-16-89 to the Board of Supervisors, with conditions recommended by staff, Mr. Massie, and Mr. Magoon.

5. CASE NO. SUP-18-89. LAFAYETTE HIGH SCHOOL SATELLITE DISH

Mr. Friel presented the staff report (appended) for a special use permit to allow placement of a satellite dish on the roof of Lafayette High School. The property, zoned R-3, General Residential, is located at 4460 Longhill Road. Mr. Friel stated that staff recommended approval of Case No. SUP-18-89 with conditions as stated in the staff report.

Ms. McKenna opened the public hearing. There being no speakers, the public hearing was closed.

Upon a motion by Mr. Kuras, seconded by Mr. Magoon, the Commission by roll call voted 10-0 to recommend approval of Case No. SUP-18-89 to the Board of Supervisors with conditions.

6. CASE NO. SUP-19-89. BEAUTIFUL TEMPLE MASONIC LODGE

Mr. Friel presented the staff report (appended) for a special use permit to allow the development of a lodge on .889 acres, zoned R-3, General Residential. The lodge would be contained in an existing structure which is nearly completed. The property is located at 6221 Mooretown Road. Mr. Friel stated that staff recommended approval of Case No. SUP-19-89 with conditions as stated in the staff report.

Ms. McKenna opened the public hearing.

Mr. Phil Harris, applicant, stated that the lodge is a non-profit organization. He explained the history of building permits for this site. He stated that after application of an electrical permit, they were told an SUP was required.

There being no further speakers, the public hearing was closed.

Upon a motion by Mr. Massie, seconded by Mr. Kuras, the Commission by roll call voted 10-0 to recommend approval of Case No. SUP-19-89 to the Board of Supervisors with conditions.

7. CASE NO. SUP-22-89. VIRGINIA POWER COMPANY

Mr. Friel presented the staff report (appended) for a special use permit application to allow development of a substation by Virginia Power on 4.05 acres of land (3.23 acres zoned M-1, Limited Industrial and 1.38 acres zoned R-4, Planned Community). The property is located on the Warhill Tract. Mr. Friel stated that staff recommended approval of Case No. SUP-22-89 with conditions as stated in the staff report.

Ms. McKenna opened the public hearing. There being no speakers, the public hearing was closed.

Upon a motion by Mr. Kuras, seconded by Mr. Davis, the Commission by roll call voted 10-0 to recommend approval of Case No. SUP-22-89 to the Board of Supervisors with conditions.

8. CASE NO. Z-13-89. FIVE FORKS ASSOCIATION

Mr. Pat Friel presented the staff report (appended) for a request to rezone 5.66 acres from A-2, Limited Agricultural to B-1, General Business with proffers, 3.13 acres from B-1, General Business to General Business with proffers, and 26.27 acres from A-2, Limited Agricultural to R-3, General Residential with proffers. The property is located on Ironbound Road approximately 300 feet southeast of the intersection of Ironbound Road and John Tyler Highway. Mr. Friel stated that the applicant has requested deferral of this case, and that staff concurs with the request for deferral.

Ms. McKenna opened the public hearing. There being no objection, the public hearing on this case was continued until the September 12, 1989 Planning Commission meeting.

9. CASE NO. Z-14-89. RAM BACHAM RAM AND MANORMA RAM

Mr. Pat Friel presented the staff report (appended) for a request to rezone 20.35 acres from A-2, Limited Agricultural to R-2, Limited Residential. The property is located at 3970 John Tyler Highway. Mr. Friel stated that the applicant has requested deferral of this case, and that staff concurs with the request for deferral.

Ms. McKenna opened the public hearing. There being no objection, the public hearing on this case was continued until the September 12, 1989 Planning Commission meeting.

10. COMPREHENSIVE PLAN METHODOLOGY

Mr. Don Davis made a brief presentation on the proposed Comprehensive Plan process and involvement of the community in that process.

Mr. Kuras commented on the small number of persons proposed for membership on the community participation team and suggested that the size be increased.

Mr. Massie passed out documents for review by the Commission. He stated his concern about the make-up of the community participation team.

Mr. Magoon stated that he liked Mr. Massie's ideas.

Mr. Kuras stated that he also supported Mr. Massie's ideas. He stated it was more a grass roots involvement in the Comp Plan process.

Mr. Horne said the participation team is solely responsible for the citizen participation segment. He stated the team would be made up of persons who absolutely know how to get others involved in process. Their role is to ensure participation from citizens. He stated the steering committee will get involved in the policy aspect and start generating documents.

Ms. Lowe stated the community participation team is essential and citizens must feel they have "hands on" participation. She said the small number may not be able to handle the amount of input received. She suggested a task force for each topic, and stated the citizen team may have to be broadened.

Mr. Horne emphasized the team is not dealing with issues or policy decisions.

Mr. Hagee stated that the public will have to be educated on the Comp Plan process.

Ms. McKenna stated her belief in the need to get an overview of the process before actually discussing the process.

Mr. Magoon stated his concern regarding the number of meetings required in the County, and this demand may interfere with his ability to participate. Mr. Magoon stated his preference for Mr. Massie's ideas instead of the proposal by staff.

Mr. Edwards stated it was not a good idea to have five two-man teams compose the community participation team.

Ms. Lowe stated the staff proposed community participation team is designed to bring diverse citizens together and this is a vital aspect of the process. Mr. Massie's ideas would not do this.

Mr. Massie suggested the Policy Committee lead the steering committee.

Mr. Horne stated the composition of the group will need to be reviewed. He stated the Leadership Committee should decide which group is appropriate. He stated there should be a limited amount of bridging between groups.

Ms. McKenna stated it is important to solicit community participation to discover their desires and visions for the Community. She stated the Comp Plan is a means of envisioning the future and tapping into available resources. She said the Plan should be readable by anyone and used as a guidance for projects in the County.

Mr. Edwards stated that citizen participation is critical. He stated after receiving input certain things must be done such as staff review, Planning Commission and Board review and actual writing of the document.

Mr. Magoon stated the Commission should receive the document they are expecting to see. He stated staff should set goals and objectives beforehand and agree on the content, and that staff should not establish a consensus.

Mr. Massie said there must be community and public participation in the Comp Plan. He stated he tried to come up with staffing methods to attain those goals.

Ms. McKenna said citizen participation was needed on the basic work of the document.

Mr. Lowe was concerned that citizens feel proactive in the process.

Mr. Kuras mentioned the need to train and educate citizens on the Comp Plan process and suggested an education seminar for those participating.

Mr. Hagee questioned how to educate the public and whom to educate.

Mr. Bradshaw stated the Commission was not ready to vote on this topic. He made a motion to recess this subject for two weeks and reconvene later in August. The motion died for a lack of a second.

Mr. Magoon said a survey could be added onto the component. He stated he is concerned about hearing all citizens' comments.

Ms. McKenna stated a person expert in statistics should do the survey to check for accuracy, timeliness, and monitoring.

Mr. Hagee said that the Policy Committee needs to decide on doing a survey, and what information needs to be gathered during that survey.

Mr. Bradshaw withdrew his previous motion.

Mr. Garrett said the Policy Committee could discuss the issue of a survey at its next meeting.

Ms. Lowe stated the Commission needs to meet again to discuss the Comp Plan methodology.

Mr. Massie stated that more clearly defined leadership will be on Commission shoulders with assistance of staff.

Mr. Magoon had questions regarding developing a media blitz to get the community involved in Comp Plan process.

Ms. McKenna moved to have the Planning Commission meet on Tuesday, August 22, 1989 at 5:30 p.m. to discuss further the Comprehensive Plan Methodology and Mr. Bradshaw seconded.

11. PLANNING DIRECTOR'S REPORT

Mr. Sowers said the Planning Director's Report has been revised to reflect the new FY90 goals and objectives, which are the primary projects the Division will be involved in.

12. VDPA CERTIFICATION FOR PLANNING COMMISSIONERS

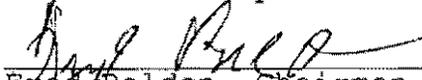
Mr. Sowers explained the certification program and suggested that new Commissioners attend this meeting on October 8-10, 1989.

13. MATTERS OF SPECIAL PRIVILEGE

Mr. Sowers stated that the Commission will reconvene on August 22, 1989 at 5:30 p.m. at a special meeting.

14. ADJOURNMENT

There being no further business, the August 8, 1989 meeting of the Planning Commission adjourned at 10:50 p.m. The Commission will reconvene for a special meeting on August 22, 1989 at 5:30 p.m. to discuss the Comprehensive Plan Methodology.



Fred Belden, Chairman



G. Marvin Sowers, Jr.
Secretary