

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

1. ROLL CALL

A. Joe Poole
George Billups
John Hagee
Don Hunt
Wilford Kale
Joe McCleary
Peggy Wildman

ALSO PRESENT

Leo Rogers, Deputy County Attorney
Greg Dohrman
Marvin Sowers, Planning Director
Paul Holt, Senior Planner
Karen Drake, Planner

2. MINUTES

Upon a motion by Joe McCleary, seconded by John Hagee, the minutes of the January 14, 2002, meeting were approved by unanimous voice vote.

3. PLANNING COMMISSION PRESENTATION

Joe Poole made a presentation to Martin Garrett on behalf of the Planning Commission for his twenty-four years of service on the Commission and to the community of James City County.

Martin Garrett said that there may have been differences between the members of the Commission but believed that they always had the best interest of the all residents of the County at heart. He said the Commission had never done anything special in the way of political interest for a specific district of the County and he hoped that the present Commission would continue with that philosophy. He said he felt some sadness in departing and wished all the Commission members well.

Joe Poole thanked Martin Garrett and spoke on behalf of the Commission and all citizens stating how deeply appreciated his services were on the Commission.

4. ELECTION OF OFFICERS AND APPOINTMENTS

Marvin Sowers opened the floor for nominations for Chairperson of the Planning Commission for the year 2002.

Joe McCleary nominated Joe Poole, seconded by Peggy Wildman. There being no further nominations, the floor was closed. In a unanimous voice vote, Joe Poole was appointed Chairperson of the Planning Commission.

Joe Poole asked if there were any nominations from the floor for Vice Chair of the Planning Commission for the year 2002.

Peggy Wildman nominated Joe McCleary, seconded by John Hagee. There being no further nominations, the floor was closed. In a unanimous voice vote, Joe McCleary was appointed Vice Chair of the Planning Commission.

Joe Poole stated that John Hagee was presently Chair of the Development Review Committee (DRC) and has agreed to continue in that capacity. He asked that Peggy Wildman continue working on the DRC and that Joe McCleary also serve. Joe Poole stated he would continue to serve on DRC.

Joe Poole stated that Wilford Kale has been very diligent and thorough as Chair of the Policy Committee and since the committee was in the process of reviewing the CIP, he asked Wilford Kale to continue to serve as its Chair. He said he would like George Billups, Don Hunt, and Joe McCleary to also serve on that committee.

Joe Poole said that the Leadership Group would consist of Joe McCleary, John Hagee, Wilford Kale and himself.

5. DEVELOPMENT REVIEW COMMITTEE (DRC)

John Hagee presented the DRC report stating they reviewed a case prior to tonight's meeting. He stated that Avid Medical had requested an expansion of its existing 31,000-sq. ft. building to an additional 35,000 sq. ft. He stated the DRC recommended preliminary approval of this application.

Wilford Kale made a motion, seconded by Don Hunt, to recommend approval of the DRC report. By a unanimous voice vote, motion passed.

7. CASE NO. SUP-25-01. VOICESTREAM WIRELESS TELECOMMUNICATIONS TOWER

Paul Holt presented the staff report stating the applicant had requested a three-month deferral. Staff concurred with this request.

Cliff Nordyke, representing VoiceStream Wireless, stated that he did not feel the application before the Commission tonight was a very solid one. He stated that VoiceStream was looking at other opportunities to locate on the VDOT property and was working with staff at this time.

Joe Poole opened the public hearing. There being no speakers, the public hearing remained open.

6. CASE NO. SO-1-02. SUBDIVISION ORDINANCE AMENDMENT

Bob Smith, Assistant Manager of the James City Service Authority, presented the staff report stating the ordinance amendment change request was to increase the water and sewer line inspection fee from \$0.62 per foot to \$1.43 per foot noting that the fee increase would cover the actual costs incurred. He stated that the fee had not been changed since April 1990, and if approved by the Board would take effect July 1, 2002. He recommended the Commission approve this Subdivision Ordinance amendment.

George Billups asked if they would be guaranteed that they would recover these funds. He also asked if these fees were retroactive or new.

Bob Smith stated it was not a new fee but an increase to a fee that has been in place. He stated a review had been made and it was determined that they were not fully recovering their costs, therefore, this request was being made.

Joe Poole opened the public hearing. There being no speakers, the public hearing was closed.

John Hagee made a motion, seconded by Wilford Kale, to recommend approval. In a roll call vote, motion passed (7-0). AYE: Wildman, McCleary, Hagee, Hunt, Kale, Billups, Poole (7); NAY: (0).

8. CASE NO. SUP-30-01. KING'S WAY CHURCH

Karen Drake presented the staff report stating the applicant applied for a special use permit to allow the relocation and operation of the Greenwood Preschool on the lower level of the existing King's Way Church. Staff found the proposed relocation of the preschool compatible with surrounding development, zoning, and the Comprehensive Plan. Staff believed that the completion of the required VDOT improvements would satisfy traffic and safety concerns resulting from the relocation of the preschool. Staff recommended the Commission approve this application with the conditions as outlined in the staff report.

Joe McCleary stated as of now, coming from the Five Forks area, anyone turning left into the church would be making an illegal turn. He asked that once a left turn lane on Route 5 was established, would that also mitigate the problem that one cannot, at this time, exit the church making a left hand turn.

Karen Drake stated that should mitigate the problem.

Joe McCleary stated that the VDOT proposal would allow one to turn in and turn out in any direction.

Wilford Kale asked for an explanation as to why staff had required a final Certificate of Occupancy be obtained within two years of approval of the Special Use Permit.

Karen Drake stated it would give the church and preschool the time to construct the basement facilities and move into the church. This condition was based upon previous special use permits with similar circumstances citing the Mount Gilead Child Day Care/School.

Wilford Kale stated since the preschool will be closing at its current location and staff is recommending that all installation for traffic be done prior to opening at the new location, would the preschool be opening this fall.

Karen Drake said that was the best case scenario and that is what the applicant had stated they wanted to do. She stated staff was requiring the turn lanes, for safety consideration as required by VDOT, be installed prior to the preschool opening.

Joe Poole opened the public hearing.

Stephen Suders, pastor of King's Way Church, said he was very grateful to Karen Drake and the staff for the recommendation of this project and their willingness to make this a very speedy resolution. He stated they accepted the recommendations being made, but the greatest obstacle they were facing was the VDOT recommendation. He hoped to address this issue tonight and was opened for some suggestions in helping the church in resolving this issue. He stated that the installation of the right turn taper into the church property was not done adequately by VDOT. He also stated that there was no provision to rectify this situation in the Five Year Road Plan. He asked if this was being addressed because of the fact the Greenwood Preschool was coming to this location or was it something that should be addressed right now and if so, again questioned why it was not on the Five Year Road Plan. He said if it was something that should be addressed at this time, they would to like come up with some type of plan or alternate solution in order to make this a reality. He said the church makes a very good fit for the preschool and he would like to answer any questions the Commission would have regarding the application.

Joe McCleary said that he observed a myriad of illegal left-hand turns into the church on one Sunday morning. He said what Pastor Suders was asking the Commission to do was to

ignore a VDOT requirement, add a greater number of people who would be making the illegal left hand turn, and combine with the church to continue a dangerous situation involving young children. He asked Pastor Suders what he proposed as an alternative that would be safe.

Pastor Suders stated that there was already a yellow striped section in the road and asked why there was a center lane was placed in front of the church then striped. He also asked why there was a right taper put in front of the property which was not adequate. What he was asking was not to make a difficult situation even worse, but what can we come up with that would allow left hand turns to take place. He did note there were conflicting quotes as to the cost of the VDOT requirements and he said he had estimates of \$50,000 to \$100,000.

Wilford Kale asked when the facility was completed did they have to file anything with VDOT after the construction.

Pastor Suders said that VDOT approached the church prior to construction and they were interested in right-of-way in order to do the expansion out front and to construct the BMP's.

Wilford Kale asked if there was a trip limit in which the length of these lanes are designed according to the number of vehicles.

Marvin Sowers stated that was one factor but there were other factors that VDOT took into account such as safety, distance to signals, and existing and projected traffic.

Wilford Kale asked if it were conceivable that VDOT, in the examination of the church with the one day a week usage, determined that the length of the turn lane that was now required wasn't necessary when it was first built.

Marvin Sowers said he thought that had something to do with it because he knew they looked closely at what the use of the site would be and would match the peak hours of the site with the peak hours of the adjoining road.

John Hagee asked Marvin Sowers if there was anything the Commission could do to address Pastor Suders issues.

Marvin Sowers stated the Special Use Permit condition is at the Commission's discretion as to whether or not to include that condition as part of its recommendation. He stated that condition was very general and VDOT standards would be ultimately defined during the site plan process. He said the other thing the Commission should know was that VDOT standards in this particular case, would more than likely require the Special Use Permit condition in order to be enforceable. He said this would be viewed as an off-site improvement since the church and driveway are already there and it looked doubtful as to whether VDOT would require it at the site plan stage. He noted if the preschool and church were to come in today for a site plan as a new use, VDOT would have the ability to enforce the left-hand turn in and the right-hand turn taper. He said if the Commission deleted the condition, then it would be up in the air, at this time, as to whether VDOT would require it when reviewing the site plan.

George Billups asked what the liability of the Commission would be if they did delete the VDOT requirement since it was an area that they were not qualified to make.

Leo Rogers said the Commission would be granting permission for an application but would not be actually conducting the work so there would be no liability to the County that would come out of a decision to delete the Special Use Permit condition. He said even though there would be no financial liability to the County that did not eliminate the public safety concern that the Commission should be thinking about.

Marvin Sowers added that there would be a political liability if the Commission were to delete the condition because the County does participate with road improvements where safety issues are involved.

Pastor Suders concluded by stating that their intentions were not to create a dilemma, a problem, or a hazard but to greatly enhance the preschool by taking advantage of relocating it to the church.

Kitty Beatty, owner of the Greenwood Preschool, gave a brief history of the school that has been in existence since the fall of 1967. She stated that the County has made many accommodations for growth in the past 30 years and she believed that Greenwood Preschool has provided an amenity for that growth to make the community a better place to work and live. She believed that the preschool's contribution deserved the cooperation of the County to make sure that this institution survives for the benefit of everyone. She stated she shared, with King's Way Church, the cost of a traffic study that they believed offered a reasonable compromise that met the requirements for addressing traffic at the church location. They also agreed that the combination of off-peak operating hours of Greenwood and the opening of Monticello Extension would not result in a negative impact on the overall traffic at the entrance of the church. She concluded by stating for these and other reasons, she respectfully asked that the County provide a compromise to insure that this important community institution survives and prospers. She thanked the Commission for its consideration.

Lara Lunsford of 3973 Driftwood Way spoke in support of the application and asked that the Commission recommend approval.

Julie Leverenz of 3313 Running Cedar Way represented the Historic Route 5 Association. She handed out and read a letter of support of staff's recommendation on behalf of the neighborhoods and businesses along Route 5.

Karen Schugeld of 110 Dogwood Drive read a letter she sent to the Board of Supervisors asking for its support in approving this application. She asked the Commission to also recommend approval to the Board.

Michael Beatty, the oldest son of the Greenwood Preschool owners, spoke in support of this application. He asked the Commission members to help facilitate the relocation of the preschool in working with VDOT to see if a "no left turn" sign could be put in place and to ask VDOT why the right- turn lane had not be done more effectively.

Jill Whitten of 106 Vaiden Drive spoke in support of this application and asked the Commission to recommend approval of this application.

Lottie Grimes of 3312 Durham Court suggested, if the VDOT request was due to the number of cars entering the church at a particular time, that the preschool have staggered admission and dismissal times to alleviate the traffic flow.

Jason Robins of Hickory Sign Post Road said he had no children attending Greenwood and there would be no impact on him but, the safety issue that has been discussed appeared to be very simple. He said if VDOT was concerned about safety, the concrete island in the middle would have been extended in order to prevent cars from turning left into the church property. He asked if it was really a safety issue or a way to have someone else complete a project that VDOT didn't finish. He said he was disappointed that VDOT was not here to address his questions.

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

Don Hunt supported this application and made a motion, seconded by Wilford Kale, to recommend approval with the deletion of condition #3.

John Hagee commended Greenwood and felt it was an asset to the community but, he did not feel qualified to make a decision on traffic safety, therefore, he would vote to approve staff's recommendation with the VDOT requirements. He suggested that the applicant discuss this issue with VDOT personally or possibly get local politicians involved. He felt that VDOT had to stand firm on what they think is the right thing to do in terms of safety.

Joe McCleary stated that he never thought he would take a position and defend VDOT against a church and preschool. He said everything about this case he admired. It was the right thing in the right place, a win-win situation. He said, however, if the Commission were to approve this with the deletion of condition #3, he could not live with himself if there was an accident due to an illegal left turn and people were killed. He said he could not support the motion.

Peggy Wildman said she was very vocal about the fact she was not a big fan of day care in the home in low-density residential areas. She was pleased with the idea of this application but agreed with Joe McCleary and was not comfortable by being the arbitrator of the safety on that road and could not support the deletion of condition #3.

Joe Poole said he was also supportive of this application. He said it was lamentable to him that the existing preschool had been sold and that the Commission was working against a time constraint. He was uncomfortable with that because he felt there needed to be a discussion with the applicant and VDOT to resolve some of the issues. He felt it was unfortunate that the Commission had to work in a defensive mode when there should be frank discussion between the church, the applicant, and VDOT. He said he was not supportive in striking condition #3 and was opposed to the motion at hand.

Wilford Kale stated that VDOT has had a very bad track record and the errors made have been compounded. He agreed with the comments of Jason Robins that an error was made by VDOT several years ago and now they want someone else to come in to repair their mistake. He felt VDOT needed to explain to the Commission why they put in the yellow hatched lines instead of continuing the concrete, if, in fact, that was an illegal left turn into the church. He asked if the Commission could use some leverage here and with the Board to have someone give this a serious look. He felt if the applicant were to speak with VDOT, they wouldn't get anywhere and suggested that the County discuss this with VDOT letting them know this was an important issue for the County and community.

Don Hunt withdrew his motion. He said he was trying to find a solution and to see how the other Commission members felt. He felt there could be some type of solution for this application.

Wilford Kale made a motion, seconded by Joe McCleary, to recommend approval with staff's recommendations with the addition that staff, the church, and the preschool owners meet with VDOT to see if some type of compromise could be agreed upon.

John Hagee stated that the applicant had requested that this application be presented to the Board on February 26th and wondered if staff could put VDOT on notice so that a representative from VDOT would be at the Board meeting to explain the situation.

Marvin Sowers stated staff could contact VDOT and also suggested that Joe Poole write a letter to VDOT on behalf of the Commission.

Marvin Sowers stated the motion was to approve the SUP with staff's recommended conditions with additional comment that staff, the church, and the preschool owners meet with VDOT to find a compromise.

In a roll call vote, motion passed (7-0). AYE: Wildman, McCleary, Hagee, Hunt, Kale, Billups, Poole (7); NAY: (0).

9. CASE NO. SUP-31-01. NEW ZION BAPTIST CHURCH

Paul Holt presented the staff report stating the applicant had applied on behalf of New Zion Baptist Church for a special use permit to allow for an 8,210-sq. ft. expansion to the existing 4,502 sq. ft. church. Staff found the proposal compatible with the surrounding uses and zoning and the Comprehensive Plan. Staff recommended the Commission approve this application with the conditions as outlined in the staff report.

Joe Poole opened the public hearing.

Al Bush of Facilities Managers & Consultants, Inc. stated his company was the project managers for the New Zion Baptist Church expansion project. He introduced John Hopkee of Hopkee and Associates, Howard Price of AES Consulting Engineers, the Reverend Robert A. Whitehead, Pastor of the church, and Mrs. Thelma Jackson, Chair of the Trustee Board. He stated that they reviewed the proposed conditions submitted by staff and brought to the Commission's attention condition #2. He stated that the proposed sidewalk and bike path shown on the site plan concerned them since the location of the sidewalk posed a potential burden and liability to the church. He stated the location of the sidewalk is on church property and the change in grade, 4' vertically and 12' horizontally, would require steps. He said the County was considering a multi-purpose path from the County District Park down east of Ford's Colony to the County Park at Centerville Road. He said the path would cross at some point between the pond at Ford's Colony and the church location. He said one recommendation they had for the Commission was to consider moving the walkway down from the church property in order to meet at the Longhill Road crossover point.

Marvin Sowers asked Al Bush to explain exactly where the multi-purpose path would cross over Longhill Road.

Al Bush, displayed a drawing of the proposed site area, stating it was his understanding that the multi-purpose path at one point would crossover somewhere near the church site and then continue to Centerville Road.

Marvin Sowers stated the County was in the process of working with VDOT and hired consultants and at this time a determination had not been made as to which side of the road the path was going to be. It has been the assumption that the path would go on the north side and that's where the County has constructed pieces of that path which connects the District Park with Lafayette High School.

Joe McCleary stated the proposed sidewalk looked like a sidewalk to nowhere and asked what damage would be done if there were a proposal to delete "sidewalk and" from condition #2.

Paul Holt stated it was a sidewalk to nowhere at this time. He said that one challenge in implementing a sidewalk plan was that if there was not enough right-of-way for 10' or 12' wide multi-purpose trail then the next equivalent might be the combination of a shoulder bikeway lane and a sidewalk. The challenge in trying to construct a large linear segment of sidewalk all at once could be very problematic, especially when crossing many properties. The reason for the wording in condition #2 was, as additional properties continue to develop along the road and the

County constructs sidewalks along residential properties, eventually the sidewalk would become contiguous.

Joe Poole asked if the applicant would have the right to come before the DRC to request a waiver during site plan review.

Paul Holt stated that would be for a by-right development but since this was a binding master plan under a SUP, the applicant would be obligated to put in the sidewalk. He said the applicant could come back to amend the SUP and master plan.

John Hagee asked when staff thought the road crossing might occur.

Marvin Sowers said the multi-use path engineering would probably be done toward the end of this year and said the sidewalk replacement program, under the CIP, could be answered right away but said he did not have a copy of the plan at hand.

Paul Holt stated there might be some flexibility built into the condition, stating the bikeway may either be constructed or bonded prior to the issuance of the CO.

Wilford Kale asked Al Bush if the concern of the sidewalk was that the church didn't want it there at all or was it the drop in grade and how it could cause a liability to the church.

Al Bush said specifically the latter. He asked staff for clarity on the bonding saying, as he understood it, the cost of the sidewalks, estimated to be \$2,000, could be bonded by the church until the County makes a decision as to what they would do with the multi-purpose path.

Marvin Sowers stated it could be a bond or a letter of credit from the bank.

George Billups stated that according to the Comprehensive Plan there were bikeway trail and sidewalk plans proposed from Centerville Road past Ford's Colony. He asked why private concerns, such as the church, are obligated to construct anything along that road.

Paul Holt said for this particular site it was applicable during this SUP because it made for a good trigger point between additional development and having the developers of the church contribute to that cost and linking them together.

Marvin Sowers said the County's Sidewalk Plan was to provide sidewalks where they would not otherwise be provided by the private sector. The County's thought is that by the development process the private sector was generating the need for the sidewalks and the County's plan was to fill in the gaps.

Joe McCleary stated that Al Bush's concern was that if the church built the sidewalk they would be liable. He asked if the Commission deleted condition #2 and at later date the County puts in the sidewalk, would the County then be liable.

Leo Rogers stated that if the church put the sidewalk in, the sidewalk would ultimately be dedicated to the County at some point. At that time, it would be put into the County's sidewalk program and would be owned and maintained by the County.

Rob Whitehead, Pastor of the New Zion Baptist Church, made a brief presentation on the history of his church and he asked that the Commission reconsider condition #2 of this special use permit.

Ronald Small of 112 South Stoker Court asked staff if they had looked at the proposed sidewalk from a safety standpoint.

Paul Holt said the actual design details for the sidewalk would be done at the time of site plan and would be reviewed by the County Engineer for safety standards and conformance with County policy.

Theodore Allen of 5568 Centerville Road spoke on behalf of the Centerville Association stating that New Zion Baptist Church has been very helpful to the community and a great asset to the County. He supported this application and requested that the Commission work with the church on the proposed expansion.

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

John Hagee suggested that the church would be able to post a bond or letter of credit rather than providing a sidewalk. He said he did not like the idea that the church put in the sidewalk that may ultimately may not be accepted by the County.

George Billups was uncomfortable imposing a standard on a landowner when the County does not have an idea as to what the multi-purpose path was going to look like. He felt that until the County was in a better position to make a decision, that condition #2 should be deleted from this application.

Peggy Wildman made an alternative suggestion that the applicant donate the cost of the sidewalk to the Sidewalk Fund. She added that this had been done a number of times during the DRC process when they allowed the developer to donate funds to be used anywhere in the County.

Joe Poole felt a donation to the Sidewalk Fund made a great deal of sense especially when we were asking the applicant to put in a premature segment when we don't have any knowledge of the bigger picture. He said he would be very supportive of something that would adjust condition #2.

Peggy Wildman made a motion to amended condition #2 to read that the applicant could donate the cost of the sidewalk to the Sidewalk Fund to be used in lieu of putting the sidewalk in front of the property.

John Hagee asked what would that do and would it end up precluding any type of sidewalk in front of the church.

Marvin Sowers said that ideally the County would ask for both the contribution and the right-of-way. He said that way the County would have the ability to put in the sidewalk. He said if the Commission was more comfortable there could be a sunset provision that, if the County determined after a certain amount of time the sidewalk was not needed, the right-of-way would go back to the church.

Leo Rogers stated that this was a Special Use Permit in which the Commission and County were imposing conditions, which would require the dedication of real property and cash. He stated that was not something that we were generally permitted to do. His suggestion was to make a requirement that a sidewalk be installed or bonded and then provide an alternative prior to site plan approval that these dedications or temporary dedication of right-of-way be done as an alternative to sidewalk installation.

Joe Poole stated there was a motion on the floor with those adjustments to condition #2. He asked for a second.

Joe McCleary seconded the motion.

In a roll call vote, motion passed (7-0) AYE: Wildman, McCleary, Hagee, Hunt, Kale, Billups, Poole (7); NAY: (0).

10. CASE NO. SUP-18-01. WALTRIP CELLULAR TOWER

Paul Holt presented the staff report stating this case was deferred from the January 14, 2002, meeting in order for the applicant to obtain additional information. He stated that the FAA and the VA Department of Aviation determined that the proposed communication facilities would not constitute an air hazard to airport operations. He noted that no additional balloon test was conducted by the applicant since the last balloon test on October 10, 2001. Staff found that this application failed to demonstrate the need for facilities that are 165 feet in height and believed that adequate coverage for a primary carrier may be obtained with towers that were much lower. Staff continued to find that the proposed towers were not consistent or compatible with existing surrounding structures an zoning and the Comprehensive Plan. Staff recommended that the Commission recommend denial of this application.

Joe Poole opened the public hearing.

Vernon Geddy gave a brief history stating the concept for this application came about when the Larry Waltrip was looking and analyzing his radio needs for his businesses, Waltrip Recycling and Waltrip Express Mulch Blower. He stated the applicant had always had radio communications noting there use to be a 150' radio tower at his office off Marclay Road. He said that, in looking at various alternatives, the applicant realized the property was strategically located and that a tower could fill the gap in service along Route 199. He stated that there were four wireless carriers that expressed a strong interest in locating on a facility on this location. He also stated that the applicant had spoken with the James City County Radio Communications Department about potentially locating its facilities on such a tower. He said the issue, as with any other tower, was visibility versus the ability to provide the service. He stated the applicant held a balloon test in October as required and had meetings with the adjacent property owners in Williamsburg Landing. He stated the applicant also made several attempts to contact the Kingspoint Association to arrange a meeting. He felt it was not accurate to state that the applicant has refused to conduct an additional balloon test since that was one of the topics about which the applicant wanted to speak to the Kingspoint Association. He said, that based on the most recent balloon test, the tower would not be not be seen from anywhere along the Colonial Parkway, The Williamsburg Winery, Lake Powell Road, College Landing Park, or Port Anne Subdivision in the City. He said that approximately one-quarter of the tower would be visible to traffic traveling westbound on the Route 199 bridge. He said it would be visible from the waterfront properties in Kingspoint and from parts of Williamsburg Landing. He said the FAA and the VA Department of Aviation had approved the proposed height of 165' noting it did not constitute any hazard to aviation. He concluded his presentation stating that citizens were becoming more and more dependent on wireless communications noting that this was a very important and busy corridor in the County. He asked the Commission to recommend approval of this application.

Tim Murphy representing the Kingspoint Homeowners Association spoke on its behalf stating that this application was not proposing one tower but two towers and that was clearly anticipated in the original proposal of the applicant. He noted that the application by the landowner was to accommodate her business but, clearly the application contemplated a commercial venture to rent out the space on the tower in order to accommodate the need for cell phone coverage between Jamestown Road and Route 64. He stated the need to accommodate those customers drove the tower height to 165' noting that if the tower was needed only to accommodate the Waltrip Recycling business, it would not need to have a tower of that height. He asked, in this priceless setting at a significant social cost to the quite enjoyment of the property owners of Kingspoint and surrounding areas, if the Commission was

prepared to accommodate, a private landowner with twin cell towers for financial profit to meet the needs, not of the landowner, but of the private cell phone companies.

Laura Holmes Jost of 2640 Jockey's Neck Trail spoke on the importance of the reception for cellular phones and supported this application.

Forrest Williamson of 142 Kingspoint Drive commended the Commission and staff for the hard work that went into creating the 1998 Performance Standards for Wireless Communications Facilities. He said many people will see these towers and to permit such visual intrusion in the Community certainly would not meet the goals of the Performance Standards of the County.

Mark Sexton of Eight Prestwick commented on both applications, the Waltrip tower at the airport and the VoiceStream tower at Rochambeau and Croaker Roads. He stated that according to staff the two current applicants had failed to comply with the performance specifications or were in violation of the Comprehensive Plan and specific communications facilities ordinance and thus should be rejected.

Cliff Nordyke representing VoiceStream Wireless spoke in support of this application and stated that VoiceStream has always tried to look at co-locating noting that at present 86% of its sites were co-located. He felt this application would provide coverage in an area that VoiceStream would eventually have to provide coverage and this would be a great opportunity to provide service.

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

Joe Poole said he knew how this Commission labored over the development of the Performance Standards for Wireless Communication Towers and said he could appreciate the desire of the applicant for a use at the location. He felt that the ordinance was cognizant of the unique land use, zoning, and aesthetic qualities of this community and yet recognized the desire for wireless service. He said it was clear that the County was willing to sacrifice shorter towers with more frequency and encouraged co-location. He said this application did not meet the standards of the County and could not support a recommendation of approval.

Joe McCleary agreed with Joe Poole and staff noting there were serious flaws in this application and he could not support it.

Don Hunt stated that he considered the aesthetics as important, in some respects, as the communication towers but, he could not see sacrificing service in an area that did not have sufficient service at this time. He supported this application.

John Hagee asked how the Commission could support this application given the number of violations with the County policy. He could not support this application.

Peggy Wildman also noted that she could not support this application since it did not adhere to the standards of the County's communications facilities policy or the Comprehensive Plan.

Joe McCleary made a motion, seconded by Peggy Wildman, to deny this application.

In a roll call vote, motion to deny was approved (6-1). AYE: Wildman, McCleary, Hagee, Kale, Billups, Poole (6); NAY: Hunt (1).

11. POLICY COMMITTEE REPORT

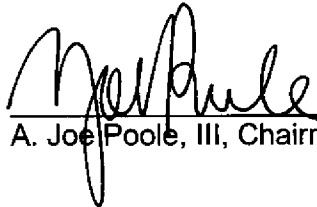
Wilford Kale stated the Policy Committee had met prior to tonight's meeting to begin the process of the Capital Improvements Program (CIP). He noted that on February 12, 2002, the committee would be meeting to hear presentations from the Parks and Recreation, the schools, and the Fire Department relating to some of their requests.

12. PLANNING DIRECTOR'S REPORT

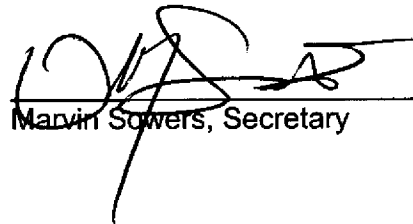
Marvin Sowers stated that VDOT had received a federal grant to construct an interpretative site at the intersection of Route 5 and Greensprings Road and would be holding a meeting public meeting on February 20, 2002, at 7 p.m. at the Jamestown High.

13. ADJOURNMENT

There being no further business, the February 4, 2002, meeting of the Planning Commission was adjourned approximately at 10:10 p.m.



A. Joe Poole, III, Chairman



Marvin Sowers, Secretary