

**King & Queen County
Planning Commission Minutes
May 10, 2010**

The King & Queen County Planning Commission met on Monday, May 10, 2010, at 7:12 p.m. in the King & Queen County Courts and Administrations Building in the Courtroom with the Board of Supervisors for a joint public hearing.

Planning Commission Members Present:

Donna Thompson	John Roane
Hunter Richardson	Milton Watkins
James “Jimmy” Guess	Wallica Gaines
Robert “Bob” Taylor	David Campbell
William “Frank” Herrin	

Also in Attendance:

Donna Sprouse, Assistant Zoning Administrator

Call to Order

Chairman, Robert Taylor called the meeting to order.

Roll Call/Determination of Quorum

Secretary, David Campbell took roll call and determined that a quorum was present.

During this time, Chairman Robert Taylor informed Board of Supervisors Chair, Doris Morris that there was a quorum present. Mrs. Morris opened the floor for public comment, hearing none, public comment was closed.

Mrs. Morris asked Assistant Zoning Administrator, Donna Sprouse to please review the first item on the agenda for joint public hearing.

IN RE:

ZA10-02, Zoning Text Amendment – Article 4, Table 4.1

Mrs. Sprouse explained that this is a zoning text amendment request by the King & Queen County Planning and Zoning Department. Mrs. Sprouse explained that this request is to allow for radio communication towers in the General Business Zoning Districts by approved Conditional Use Permit and Level 3 Site Plan. This text amendment is required in order to move forward with the Conditional Use Permit & Level 3 Site Plan request for the Courthouse Tower that is placed before the Board tonight. The property which is proposed for the replacement radio communications tower is zoned General Business as are the parcels for the Health Department, Circuit Court, Registrar, Tavern Museum and Administration Building. The same requirements will apply for the placement of towers within the General Business zoning district as it currently does for Agricultural and Industrial. They are as follows....

1. The height of any such tower shall be no greater than the distance from the base of the structure to the nearest property line
2. Such towers shall be adequately secured from access by non-authorized persons
3. Such towers shall not result in hazards to air navigation.

Any and all request to construction a tower within any district as permitted by the ordinance will also have other requirements to comply with as outlined in Article 8 and 8.1 of the King & Queen County Zoning Ordinance.

Mrs. Morris asked Chairman, Robert Taylor what was the Planning Commission's pleasure. Mr. Taylor asked the Planning Commission if they had any questions or comments, hearing none, Mr. Taylor stated that he would entertain a motion to approve or deny the text amendment request. A motion was made by Mrs. Gaines and seconded by Mr. Watkins to recommend approval of ZP10-02.

Voting For: Guess, Herrin, Taylor, Watkins, Roane, Thompson, Gaines, Richardson, Campbell

Voting Against: None

Abstain: None

Mrs. Morris asked the Board of Supervisors if they had any questions or concerns, hearing none a motion was made by Ms. Alsop and seconded by Mr. McDuff to approve Zoning Text Amendment ZP10-02 as presented. The vote was ratified by all saying "Aye".

Mrs. Morris asked Assistant Zoning Administrator, Donna Sprouse to please review the next item on the agenda for joint public hearing.

IN RE:

CU10-01 & SP10-01, Frances G. Fogg, C/o American Tower Corporation

Mrs. Sprouse stated that the Planning and Zoning Department received an application dated March 2, 2010 from Jack Barber on behalf of Frances G. Fogg C/o American Tower Corporation requesting approval of a Conditional Use and Level 3 Site Plan to allow the construction of a new 300' tall self supporting wireless communications tower and a 100' x 100' fenced compound area for the tower and associated equipment. King & Queen County will house its new radio equipment for E-911 communications on the proposed tower. She noted that the property is located on State Route 721, Newtown Road, in the Newtown Magisterial District, County Tax Map Parcel No. 1632-77R-691, located just behind 8770 Newtown Road.

Mrs. Sprouse added that the property is zoned Agricultural. Other surrounding land uses include agricultural and residential uses.

Mrs. Sprouse noted that considering this is an important necessity for the public safety and welfare of King & Queen County and the citizens of King & Queen County, approval is recommended. The tower site will be well screened or buffered by natural mature trees and will be over 600' from Route 721.

During the April 19, 2010 Board of Zoning Appeals meeting, the Board voted 3-0 to approve their variance request from Article 8, Section 3-174 requesting a 95 foot variance that will allow for a 505 foot setback from an existing off-site residential structure as opposed to 600 feet.

Mrs. Sprouse stated that staff suggests the following conditions upon approval...

- New tower must meet or exceed current standards and regulations of the FAA
- Tower shall be designed to collapse within the lot lines in case of structural failure.
- Tower shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness
- No advertising of any type shall be placed on the tower or accompanying facility

Mrs. Morris asked Chairman, Robert Taylor what was the Planning Commission's pleasure. Mr. Taylor asked the Planning Commission if they had any questions or comments, hearing none, Mr. Taylor stated that he would entertain a motion to approve or deny Conditional Use Permit CUP10-01 & Level 3 Site Plan SP10-01 as presented. A motion was made by Mrs. Gaines and seconded by Mr. Guess to recommend approval of CUP10-01 & SP10-01 with staff's recommended conditions.

Voting For: Guess, Herrin, Taylor, Watkins, Roane, Thompson, Gaines, Richardson, Campbell

Voting Against: None

Abstain: None

Mrs. Morris asked the Board of Supervisors if they had any questions or concerns, hearing none a motion was made by Ms. Alsop and seconded by Mr. Simpkins to approve CUP10-01 & SP10-01 as presented with staff's recommended conditions. The vote was ratified by all saying "Aye".

Mrs. Morris asked Assistant Zoning Administrator, Donna Sprouse to please review the next item on the agenda for joint public hearing.

IN RE:

CU10-02 & SP10-02, King & Queen County, C/o American Tower Corporation

Mrs. Sprouse stated that the Planning and Zoning Department received an application dated March 2, 2010 from Jack Barber on behalf of King & Queen County C/o American Tower Corporation requesting approval of a Conditional Use and Level 3 Site Plan to allow the construction of a replacement 300' tall self supporting wireless communications tower and a 100' x 100' fenced compound area for the tower and associated equipment. King & Queen County will house its new radio equipment for E-911 communications on the proposed tower.

Mrs. Sprouse noted that the property is located on State Route 681, Allens Circle, in the Stevensville Magisterial District, County Tax Map Parcel No. 1624-54R-35, located just behind 216 Allens Circle. She added that the property is zoned General Business. Other surrounding land uses include government Office buildings, a civic organization, residential single family uses & a church.

Mrs. Sprouse noted that considering this is a replacement tower (though on another parcel) and is an important necessity for the public safety and welfare of King & Queen County and the citizens of King & Queen County, this request is considered essential.

During the April 19, 2010 Board of Zoning Appeals meeting, the Board voted 3-0 to approve the variance request as submitted to allow for a rear yard setback of 55' as opposed to 300' and a right side yard setback of 172' as opposed to 300'. The Board of Zoning Appeals also approved their

variance request from Article 8, Section 3-174 requesting a 25 foot variance that will allow for a 575 foot setback from an existing off-site residential structure as opposed to a 600 foot setback.

Mrs. Sprouse stated that staff suggests the following conditions upon approval...

- New tower must meet or exceed current standards and regulations of the FAA
- Tower shall be designed to collapse within the lot lines in case of structural failure.
- Tower shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness
- No advertising of any type shall be place on the tower or accompanying facility
- At a facility site, the design of the buildings and related structures shall, to the extent possible, use materials; colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and surrounding structures
- Tower facilities/compound shall be landscaped with a buffer of plant materials that effectively screens the view of the support buildings from the adjacent property. The standard buffer shall consist (at a minimum) of a landscaped strip of evergreens at least four feet tall and placed four feet apart outside the perimeter of the compound.

Mrs. Morris asked Chairman, Robert Taylor what was the Planning Commission's pleasure. Mr. Taylor asked the Planning Commission if they had any questions or comments. Mr. Richardson stated that it was a good idea to maintain a vegetated buffer around the compound and asked who would be responsible for maintaining the plantings on the Courthouse grounds. Mr. Swartzwelder stated that the county grounds and maintenance staff would be responsible for the upkeep of the plantings as the grounds are currently maintained. Mr. Taylor asked if there were any other comments, hearing none, Mr. Taylor stated that he would entertain a motion to approve or deny Conditional Use Permit CUP10-02 & Level 3 Site Plan SP10-02 as presented. A motion was made by Mrs. Gaines and seconded by Mr. Watkins to recommend approval of CUP10-01 & SP10-01 with staff's recommended conditions.

Voting For: Guess, Herrin, Taylor, Watkins, Roane, Thompson, Gaines, Richardson, Campbell

Voting Against: None

Abstain: None

Mrs. Morris asked the Board of Supervisors if they had any questions or concerns, hearing none a motion was made by Mr. McDuff and seconded by Ms. Alsop to approve CUP10-02 & SP10-02 as presented with staff's recommended conditions. The vote was ratified by all saying "Aye".

Mrs. Morris asked Assistant Zoning Administrator, Donna Sprouse to please review the next item on the agenda for joint public hearing.

IN RE:

CU09-02 & SP09-07, Middle Peninsula Regional Airport

Mrs. Sprouse stated that the Planning and Zoning Department received an application dated October 2, 2009 from C. E. Yeager with KCI Technologies Inc. on behalf of property owner Middle Peninsula Regional Airport requesting approval of a Conditional Use and Level 3 Site Plan to construct, operate and maintain wireless communications facilities related to FAA's SBS-A DS-B Program for NextGen Air Traffic Control System. The proposed communications tower will be 100' vertical and will be 108' from the base of the tower to the red FAA light at the top of the tower.

Mrs. Sprouse noted, as shown on the plan, there are no guy wires and the compound area will be fenced by an 8' chain link fence with 3 strands of barbed wire atop. Inside the compound will house an equipment cabinet and 10KW propane generator & propane tank all on a concrete slab in addition to the proposed monopole tower. The proposed towers base ground elevation is 8.5'.

The property is located on State Route 643, Airport Road, at 1000 Airport Road in the Buena Vista Magisterial District, County Tax Map Parcel No. 1623-165R-465 and is zoned Industrial.

Mrs. Sprouse stated that staff suggests the following conditions upon approval...

- New tower must meet or exceed current standards and regulations of the FAA
- Tower shall be designed to collapse within the lot lines in case of structural failure.
- Tower shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness
- No advertising of any type shall be placed on the tower or accompanying facility

Mrs. Sprouse noted considering FAA approval and DEQ approval has been granted, it is recommended that the application request known as CUP09-02 & SP09-07 is approved with the suggested conditions.

Mrs. Morris asked Chairman, Robert Taylor what was the Planning Commission's pleasure. Mr. Taylor asked the Planning Commission if they had any questions or comments, hearing none, Mr. Taylor stated that he would entertain a motion to approve or deny Conditional Use Permit CUP09-02 & Level 3 Site Plan SP09-07 as presented. A motion was made by Mr. Richardson and seconded by Mr. Watkins to recommend approval of CUP09-02 & SP09-07 with staff's recommended conditions.

Voting For: Guess, Herrin, Taylor, Watkins, Roane, Thompson, Gaines, Richardson, Campbell

Voting Against: None

Abstain: None

Mrs. Morris asked the Board of Supervisors if they had any questions or concerns, hearing none a motion was made by Mr. Simpkins and seconded by Mr. Milby to approve CUP09-02 & SP09-07 as presented with staff's recommended conditions. The vote was ratified by all saying "Aye".

Mrs. Morris thanked the Planning Commission and asked Mr. Taylor to adjourn his meeting. A motion was made by Mr. Watkins, seconded by Mrs. Thompson to adjourn. The vote was ratified by all saying "Aye".

Robert Taylor, Chairman