Albemarle County Planning Commission
January 18, 2000

The Albemarle County Planning Commission held a meeting and public hearing on Tuesday, January 18, 2000 in the County Office Building. Members attending were: Mr. William Finley, Chairman; Mr. Jared Loewenstein; Ms. Tracy Hopper; Mr. Pete Craddock. Other officials present were: Mr. David Benish, Chief of Community Development; Mr. Eric Morrisette, Senior Planner; Mr. Greg Kamptner, Assistant County Attorney. Absent: Mr. Dennis Rooker; Mr. Rodney Thomas; Mr. William Rieley.

Review of Board of Supervisors Meeting – January 12, 2000

Mr. Benish provided a brief overview of the Board's last two meetings, stating that the six-year secondary road plan was reviewed and will move forward to public hearing on February 16th; also, the Board held their public hearing on ACE at their January 12th meeting, and 45 members of the public spoke on the item.

Other Matters Not Listed on the Agenda from the Public

Mr. Bob Watson, Government Affairs Director of the Charlottesville Area Legislative Action Coalition, addressed the Commission. He presented the Commission with CALAC's position paper, containing their critique of the Historic Preservation Plan and the ordinance itself. (Attachment "A")

Public Hearing Items

SP 99-71 Thomas Jefferson Memorial Foundation – Request for special use permit to allow expansion of an existing gift shop in accordance with Section 10.2.2.36 of the Zoning Ordinance which allows for gift, craft, and antique shops. The property, described as Tax Map 78 Parcel 22, contains 592 acres, and is located in the Scottsville Magisterial District on Thomas Jefferson Parkway (Route 53), approximately 2 miles form the intersection of Route 20 and Route 53. The property is zoned RA, Rural Areas. The Comprehensive Plan designates this property as Rural Area, in Rural Area 4.

Mr. Benish presented the staff report, noting that the applicant is proposing a 470 square-foot expansion to the existing gift shop adjacent to Monticello – for 350 square feet of retail space and 120 square feet of office space; the existing shop contains approximately 1500 square feet of retail and office space. He said that the existing gift shop predates the requirement for a special use permit for a gift, craft, antique shop, and is therefore considered an existing non-conforming use. In order to expand the shop, a special use permit is needed from the Board of Supervisors. Staff has reviewed the request for compliance with the provisions of the Ordinance and the Comprehensive Plan and has recommended approval with one condition limiting the total square footage to 2000 square feet.

Mr. Finley asked if the parcel is situated within a larger group of land parcels.

Mr. Benish said that it does; there are several parcels that make up over 100 acres on the property. This site sits in the center of the Thomas Jefferson Memorial Foundation parcel.

Mr. Loewenstein noted that throughout the staff report, the property is incorrectly described as being located on 250 West in the Samuel Miller District.

Mr. Benish corrected the mention of the property's location on Route 250 West in the staff report, noting that the staff report contains an incorrect citation of a Tax Map and Parcel number.

Public comment was invited.

Mr. Mike Miriam, Director of Facilities, Planning & Construction for the Thomas Jefferson Memorial Foundation, addressed the Commission. He explained that the addition to the museum shop will provide much needed additional revenue to support the foundation's activities of preservation and education.

There being no further public comment, the matter was placed before the Commission.

MOTION: Mr. Loewenstein moved, Mr. Craddock seconded approval of SP 99-71 with one condition as presented by staff. The motion passed unanimously.

SP 99-62 CFW CV 160 Route 638/Interstate 64 – Applicant seeks approval to construct a wooden pole telecommunications facility at treetop height. The property is zoned RA, Rural Areas and consists of a total of 34 acres. Property described as Tax Map 72, Parcel 43B, is located on the northern side of Interstate 64, approximately 1 mile east of State Route 635. This property is located in the White Hall Magisterial District and is not located within a designated growth area.

Mr. Morrisette presented the staff report, noting that the application is for a wooden pole tower. He explained that wooden pole towers look like utility poles, except they are a lot taller; the CFW pole currently proposed is 95 feet in height. Mr. Morrisette said it has been the tendency of staff, the Commission, and the Board of Supervisors to support the majority of such tower requests. He explained that if there is a cellular facility need, staff's first goal is to try to find a collocation site on an existing tower, water tank, etc. Mr. Morrisette said the other alternative is to erect a fairly tall tower to gain coverage, which staff discourages as much as possible because of their high visibility. He noted that ideally, staff prefers the wooden pole towers to be located in a forested area where the antennae will only extend 10 feet above the tree level; in this application, the antenna will only extend 5 feet above the tallest tree in the grove.

Mr. Morrisette offered to take new Commissioners out to see the location of cellular towers throughout the County.

Mr. Morrisette explained that CFW is requesting a 90-foot tall tower to be located away from I-64 by about 1100 feet; the elevation would be approximately the same as the road height, but a rise in the topography would provide screening for the tower's utilities. He mentioned that there has been quite a bit of clearing on the site that the owner of the property has done, and is unrelated to the tower request itself. Mr. Morrisette added that there are about 8 trees remaining, with the tallest standing about 90 feet. He mentioned that staff has recommended flush mounting of the antennas to the pole itself, noting that this antenna would not exceed the height of the pole. Mr. Morrisette added that staff agreed for wooden fencing of a 10'x10' area to protect the equipment. Staff feels there is minimal impact to adjacent property owners, as the nearest adjacent property owner is approximately 2000 feet away; because the area is forested and differing in elevation, the landowner not be impacted.

Mr. Morrisette further explained that the tower is located along I-64, and Entrance Corridor, and staff therefore relies heavily on the opinion of the Architectural Review Board (ARB). He said that the applicant has presented the plan to the ARB, which found no conflict with the proposal because of its forested surroundings, its distance from I-64, and fairly substantial underbrush in the interstate right-of-way. Mr. Morrisette said he included the ARB's conditions in his staff conditions. He noted on the map where the site would be accessed, stating that the site is already cleared; there is also a utility corridor already on the site.

Ms. Hopper asked him to point out where Route 638 is located in relation to the access road.

Mr. Morrisette illustrated this on the map.

Mr. Loewenstein asked about the omission of the condition that "no trees within 200 feet of the facility shall be removed."

Mr. Morrisette said it was included within Condition #6.

Mr. Finley asked him to confirm whether the antenna would be lowered to be even with the height of the pole.

Mr. Morrisette said that the antenna should not exceed the height of the pole.

Mr. Craddock asked him where exactly on I-64 the site is located.

Mr. Morrisette explained that heading towards Afton on I-64, the site appears as soon as you cross the Mechum River bridge.

Mr. Kamptner asked if there are trees within 25 feet of the tower.

Mr. Morrisette said there are trees within 25 feet, and added that the applicant has indicated that the property owner's intent is to replant some of the site previously timbered.

Mr. Finley asked if there is incoming power underground.

Mr. Morrisette said that they would tap into the existing utilities in the corridor.

Mr. Craddock asked if the tower was exclusively for CFW.

Mr. Morrisette said that CFW has been the leader in this type of tower facility in the county, and there have not yet been other telephone-type tree pole facilities by other applicants.

Mr. Kamptner emphasized that the permit in this case runs with the land, so if CFW decided not to use the site, another provider could use it.

Mr. Morrisette noted that collocation is encouraged, but the wooden pole facilities are not sturdy enough to hold as much as a metal pole; an engineering analysis would need to be done to determine the pole's collocation ability. He added that probably at least one additional provider could collocate.

Mr. Benish commented, "It's a little more difficult to collocate, but it's not prohibited."

Public comment was invited.

Mr. Steve Yancey of CFW addressed the Commission. He stated that all CFW sites are open for collocation, but with this pole just 5 feet above the trees, another company would have to locate below that, and that would put them in the trees.

Mr. Finley asked if there were any existing towers of this type with collocation.

Mr. Yancey replied that there are not any currently with collocation, nor have there been any requests.

Ms. Hopper asked if CFW had flush mounted antennas before.

Mr. Yancey responded that all of their antennas are now flush mounted.

Mr. Craddock asked if the pole near Waynesboro on Afton Mountain was CFW's.

Mr. Yancey replied that that pole belongs to Crown, a site management company – and that pole is for Triton Communications.

Mr. Craddock commented, "I like your idea a lot better than that one."

Mr. Loewenstein asked if the CFW site proposed would be for a repeater signal.

Mr. Yancey confirmed this.

There being no further public comment, the matter was placed before the Commission.

MOTION: Mr. Loewenstein moved, Ms. Hopper seconded approval of SP 99-62 with conditions as presented by staff. The motion passed unanimously.

MOTION: Mr. Loewenstein moved, Ms. Hopper seconded approval of a site plan waiver in connection with SP 99-62 with two staff conditions as recommended. The motion passed unanimously.

ZMA 99-12 Airport Road Office Complex – Request to rezone 1.637 acres from R-4 Residential to CO Commercial Office to allow for commercial offices. The property, described as Tax Map 32C Parcel 3-1 is located in the Rivanna Magisterial District on Airport Road [Route #649] at the intersection of Airport Road and Deerwood Drive. The Comprehensive Plan designates this property as Neighborhood Density, recommended for 3-6 dwelling units per acre in the Hollymead Community. Applicant requests deferral to February 15, 2000.

Public comment was invited.

There being no public comment, the matter was placed before the Commission.

MOTION: Mr. Craddock moved, Ms. Hopper seconded approval of deferral of ZMA 99-12 to February 15, 2000. The motion passed unanimously.

Old Business
There was no new business presented.

New Business
Mr. Kamptner asked Commissioners if they had had a chance to review the Resolution of Intent for the proposed amendments to the Subdivision Ordinance.

Mr. Loewenstein asked about the timetable for the item. Mr. Benish said that they had tentatively scheduled the item for February 8th, at which time staff would like to have a public hearing.

Mr. Kamptner noted that it is largely a housekeeping matter, and there were a couple of provisions inadvertently omitted; also, some provisions need revision to keep up with changes in state law.

Mr. Benish commented that staff was not anticipating a lot of public comment.

Noting the absence of several Commissioners, Mr. Loewenstein suggested waiting until their January 25th meeting prior to taking action on the Resolution of Intent.

Staff noted that this would push the time back a week or so, but there was no critical time period for action. Mr. Benish said he would make sure all Commissioners had a copy of the ordinance and the resolution prior to their taking action on the item.

Commissioners unanimously agreed to defer action on the Resolution of Intent for the proposed amendments to the Subdivision Ordinance to give all Commissioners time to review the resolution and make comments. The public hearing on the item will be moved forward to accommodate the review time.

Mr. Loewenstein thanked staff for changing the cover on the agenda.

There being no further business, the meeting adjourned at 6:35 p.m.