Albemarle County Planning Commission
July 11, 2000

The Albemarle County Planning Commission held a meeting and public hearing on Tuesday, July 11, 2000 in the County Office Building. Members attending were: Mr. William Finley, Chairman; Mr. Dennis Rooker, Vice-Chairman; Mr. Rodney Thomas; Mr. Jared Loewenstein; Mr. William Rieley; Mr. Pete Craddock; Ms. Tracey Hopper. Other officials present were: Mr. David Benish, Chief of Community Development; Mr. Greg Kamptner, Assistant County Attorney, and Joan McDowell, Senior Planner.

Approval of Minutes- June 20, 2000
The Commission moved, seconded, and unanimously approved the minutes of June 20, 2000 as amended.

Other Matters Not Listed on the Agenda from the Public
None were offered, and the meeting proceeded.

Consent Agenda:

SDP 00-072 Four Seasons Learning Center Minor Amendment - Request for waiver of Section 4.12.6.1 of the Zoning Ordinance which prohibits one way ingress and egress onto a public road. This request is associated with a minor site plan amendment to allow for construction of a 630 square foot building addition.

SDP-00-061Crozet Convenience Center Major Amendment – Request for a waiver of the 20 foot buffer adjacent to rural area districts as required by Section 21.7.3 of the Zoning Ordinance.

The Commission moved, seconded, and unanimously approved the Consent Agenda as presented.

Items Requesting Deferral:

ZMA-00-004 Fontaine Research Park (Sign # 57 & 58) - Request to amend Proffer #6 of ZMA 92-03 to expand the 389,000-sq. ft. development limitation to 495,000 sq. ft. The property is located on approximately 53.52 acres zoned C-O (Commercial Office) and FH (Flood Hazard Overlay District). The site is described as Tax Map 76, Parcels 17B & 17B1 and is located on the south side of Fontaine Avenue, east of and adjacent to Route 29. This property is located in the Samuel Miller Magisterial District and is designated in the Comprehensive Plan for Office Service uses in Neighborhood 6.

SP-00- 021 Fontaine Research Park (Sign #66 & 67) - Request to extend the duration of SP 92-13 for uses in accord with the provisions of Sections 23.2.2.11 (supporting commercial uses), 23.2.2.12 (Research and development activities, including experimental testing), and 23.2.2.13 (Laboratories-Medical and Pharmaceutical). *Applicant requests deferral of ZMA 00-004 and SP 00-021 to August 1, 2000.*

MOTION: Mr. Rooker moved, Mr. Loewenstein seconded deferral of ZMA 00-004 and SP 00-021 to August 1, 2000. The motion passed unanimously.

ZMA-99-10 Creekside (Sign #78 & 79) - Request to rezone 22.1 acres from R-1, Residential to PRD, Planned Residential Development, to allow development of apartments and associated recreational facilities. The property, described as Tax Map 91 Parcel 2C, is located in the Scottsville Magisterial District at the intersection of Route 20 South (Scottsville Road) and Route 1150 (Mill Creek Drive). The Comprehensive Plan designates this property as Urban Density Residential, recommended for 6.01 - 34 dwelling units per acre in Neighborhood Four.

SDP-99-148 Creekside Apartments Preliminary Site Plan - Request for preliminary site plan approval for 264 units in 12 buildings of garden apartments on 22.104 acres with existing zoning of R-1 residential, requested for rezoning of PRD Planned Residential District. Applicant requests deferral of ZMA 99-10 and SDP 99-148 to July 18, 2000.

MOTION: Mr. Loewenstein moved, Mr. Rieley seconded approval of deferral of ZMA 99-10 and SDP 99-148 to July 18, 2000. The motion passed unanimously.

SP-2000-15 CFW Intelos--CV206 (Route 654) (Sign #30) - Request to attach telecommunications equipment to an existing VEPCO power pole in accordance with Section 10.2.2.6 of the Zoning Ordinance. The property, described as Tax Map 60, Parcel 81, contains 1.322 acres, and is located in the Jack Jouett Magisterial District. The property is located on Magnolia Drive, off of Montvue Drive (west of) and (north of) Barracks Road [Route 654]. This general area lies approximately one mile west of the intersection of Barracks Road and Georgetown Road. The property is zoned RA, Rural Areas. The Comprehensive Plan designates this property as Rural Area [Rural Area 3]. *Staff requests deferral to July 18, 2000.*

MOTION: Mr. Rooker moved, Ms. Hopper seconded approval of staff's request for deferral to July 18, 2000. The motion passed unanimously.

Public Hearing Items:

SP-2000-12 CFW Intelos—CV 307 (Pantops) (Sign #27 & 28) - Request for a special use permit to attach telecommunications equipment to an existing power pole in accordance with Section 24.2.2.6 of the Zoning Ordinance. The property, described as Tax Map 78, Parcel 15C1, consists of 15.28 acres, and is located in the Rivanna Magisterial District. The site is located adjacent to South Pantops Drive [Route 1140], approximately .10 mile from the intersection of Pantops Drive and River Bend Drive [Route 1116]. The property is zoned HC, Highway Commercial. The Comprehensive Plan designates this property for Community Service use in Development Area Neighborhood Three. *Deferred from the June 20, 2000 Planning Commission meeting.*

Mr. Benish presented the staff report, noting that the existing power line is a non-conforming power line; therefore a special use permit is required in order for an additional use to be made at the tower. The proposed use would be located on a 15-acre parcel adjacent to South Pantops

Drive, just east of its intersection with Riverbend Drive, and is in the Rivanna Magisterial District. The high-voltage power line runs parallel to the Rivanna River in Neighborhood 3, then crosses 250 near the Clean Machine Car Wash. The nearest residential dwellings are Carriage Hill Apartments, which are under construction 1000 feet to the east; the Rivanna Gardens Apartments will be located approximately 1200 feet to the west and slightly south of this site.

Mr. Benish noted that the surrounding area is designated Community Service, and the immediate uses are office uses. He mentioned that the proposed tower is intended to provide service to improve the quality and capacity of wireless coverage in this area of the county; the proposal is to initially install six panels, and eventually nine to be established in a triangular array. Mr. Benish said that the proposed mounting would not require an increase in the current tower height, and there is no monopole proposed within the location. He added that the most significant impact would be from the ground installation of the cabinets; the applicant has proposed a landscape plan for the cabinets, which the county landscape planner has approved.

Mr. Benish said that staff feels the site will accommodate the facility with limited visual impact, and recommends approval with conditions as outlined in the staff report. Staff does recommend painting of the facility so it will be consistent with the color of the tower.

Ms. Hopper mentioned that the condition does not state the color will be the same as the tower.

Mr. Rooker stated that there is not a proposed width for the panel antennae.

Mr. Benish responded that the length is 56 inches, and suggested that the applicant explain.

Mr. Rooker said that he would like a limit on the width of the panels.

Ms. Hopper asked if any other options had been investigated for the equipment to be located underground.

Mr. Benish replied that the parcel is located in a small appendage of the parcel, but there is a limited area close to the footers; immediately east and west of the tower are different properties. “Immediately around the footers from the tower didn’t seem to be a feasible option.”

Mr. Finley commented that the landscape plan would help screen the cabinets.

Mr. Benish said, “It minimizes the impact. It may not be optimal.”

Mr. Loewenstein asked how far away from the tower the excavating would have to be done.

Mr. Benish replied that VEPCO indicated reluctance nearby the tower, but did not define a distance.

Mr. Rooker noted that there is also no limitation on the size of the ground equipment in the conditions.

Mr. Benish said that under Condition #3, the applicant will provide information on the types of cabinets they are going to install with the landscape plan. "That plan is going to dictate the types of equipment they provide."

Mr. Rooker said that the condition is specific about the attachment to the power line tower, and should be broadened. He wondered if a silver cabinet would really be the least visible kind of equipment. "We might want to make the color of the ground equipment something that's going to blend in with the ground more, and the screening."

Mr. Benish responded that the tower is rust-colored, and staff was assuming the equipment would be a brown color. He noted that black blends well given certain locations, so black, green or brown would probably be acceptable. Mr. Benish added that the Clean Machine tower with a monopole is painted brown.

Mr. Loewenstein asked about the lighting, and wondered if it might be wise to add language restricting the power of the lights.

Mr. Benish said that staff could go back to the standard for lumens, although he could not recall the exact standard.

Ms. Hopper said it would be a good condition to require the equipment to be located underground if it could be.

Mr. Benish noted that staff recommends that chain-link fence be prohibited.

Mr. Kamptner asked staff about Condition 5A, and Condition 1, regarding limitation on the number of antennas.

Mr. Benish stated that the plan attached shows construction of six, but the applicant wants approval for nine.

Public comment was invited.

The applicant, Paula Figgit, of CFW Intelos, addressed the Commission. She explained that the antennas are 51 inches long x 9.4 inches x 6.3 inches. Ms. Figgit assured the Commission that the cabinets will not exceed six feet in height; the landscape plan includes trees of seven feet in height.

Mr. Loewenstein asked Ms. Figgit to address locating the equipment underground.

Ms. Figgit responded that CFW has explored this possibility, but VEPCO feels that locating it underground may hinder the tower's foundation. She said that the equipment must be located within 20 feet of the tower. "We have a very narrow strip of land there that we can work with."

Mr. Finley asked if CFW has towers with underground equipment.

Ms. Figgit responded that CFW does not. She explained that CFW is leasing space from VEPCO, and also has an easement from another property owner.

Ms. Hopper asked if Ms. Figgit would object to a condition that stipulates they will attempt to locate the equipment underground before locating it above ground.

Ms. Figgit replied that they will do soil borings once the proposal is approved, but VEPCO has already indicated that they do not want them underground in their right-of-way.

Mr. Finley commented that VEPCO dictates that, since CFW is the one co-locating.

Mr. Loewenstein asked about ongoing maintenance of the site.

Ms. Figgit responded that CFW technicians are mandated to visit the site once a month, and they usually visit for about four hours. She added that if the site goes down, they have to contact VEPCO within 48 hours. Ms. Figgit said that most of the maintenance is done during the day.

Mr. Loewenstein asked if CFW was amenable to a Condition restricting lighting intensity.

Ms. Figgit stated that they probably will not put a light on the site, and could bring temporary lighting if the site had to be repaired at night.

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

Mr. Rieley stated that the landscape plan only included two evergreen species, and asked that it be revised with the direction of the design planner, with 2/3 of the plants being evergreen, and also being taller than the cabinet at the time of installation.

Mr. Rooker suggested adding specifications that the antenna would not exceed 10 inches in width and 7 inches in depth. He asked about specifying color in Condition #2, and suggested specifying that the color be a dark earth tone.

Commissioners agreed.

Mr. Loewenstein said he would like to see a figure included restricting lighting output.

Ms. Figgit commented that there will be six trees that will be seven feet in height, noting them on a map presented. She agreed that Mr. Rieley's suggestion was acceptable.

Ms. Hopper emphasized that she wanted to include a condition about placing the equipment underground if possible.

Mr. Rooker asked if there is specific language that the Commission could come up with.

Mr. Kamptner said that the Commission could ask for "good faith, reasonable effort on the part of the applicant, with review by Planning staff or Zoning staff."

Mr. Finley noted that if it were placed outside, then it might force the applicant to lease more land.

Mr. Kamptner suggested striking A in the introductory language to Condition #5.

Further public comment was invited. None was offered, and the meeting proceeded.

Mr. Finley asked Ms. Hopper if the word "possible" or "feasible" would be sufficient to address her concerns.

MOTION: Mr. Rooker moved, Mr. Thomas seconded approval of SP 2000-12 with the following conditions:

1. The tower shall be limited to a total of nine (9) 5-foot panel antennas mounted no higher than the top of the existing tower (120 feet). No extension above the existing tower height permitted;

2. The antennas, supporting cables, and ground equipment/structures shall be the same color as the existing power line tower;

3. Attachment to the power line tower shall be in accord with the plan titled "CFW Intelos Pantops CV 307," dated 2/25/00 and attached to this report;

4. Landscaping shall be provided in general accord with the Landscape Plan dated 6/19/00 (revised date), but subject to final approval by the Design Planner. No fencing of the ground cabinet equipment;

5. Antennas may be attached to the tower only as follows:

    a. Antennas shall be limited to those shown in a plan titled "CFW Intelos, Pantops CV307,"
    b. Satellite and microwave dish antennas are prohibited.

6. Each outdoor luminaire shall be fully shielded such that all light emitted is projected below a horizontal plane running through the lowest part of the shield or shielding part of the luminaire. For purposes of this condition, a luminaire is a complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply. Outdoor lighting shall be limited to periods of maintenance only;

7. The permittee shall comply with sections 5.1.12 of the Zoning Ordinance. Fencing of the lease area shall be required;

8. The antenna and appurtenant equipment shall be disassembled and removed from the site within ninety (90) days of the date it use for wireless telecommunications purposes is discontinued;

9. The permittee shall submit a report to the zoning administrator once per year, by no later than July 1 of that year. The report shall identify each user of the tower and shall identify each user that is a wireless telecommunications service provider.

The motion passed unanimously.

SP- 00- 020 Olivet Presbyterian Church (Sign #64 & 65) - Request for a special use permit, in accord with the provisions of Section 10.2.2.35 of the Zoning Ordinance, to expand an existing church for office and classroom use; as well as additional parking and an outdoor recreation area on approximately 9.25 acres of land situated just west of the intersection of SR 676 (Woodlands Road) and SR 614 (Garth Road) in the Owensville area. The property, described as Tax Map 43, Parcels 8, 8A, 8B, & 9B is located in the Samuel Miller Magisterial District. The property is zoned RA (Rural Areas) and EC (Entrance Corridor Overlay District), and is designated for Rural Area uses in Rural Area 3 of the Comprehensive Plan. A Site Development Plan (SDP 00-051) has also been submitted with this request.

Ms. McDowell presented the staff report, including a Powerpoint presentation with pictures of the site taken by one of the county engineers. She explained that the church is asking for a 2,400 square foot building expansion for office and classroom space, and also one additional parking area for 20 cars, and an unpaved parking area for 34 vehicles. Ms. McDowell said that the church's 11:00 am service has 139 people, and the sanctuary and balcony hold a total of 207 people.

She said that the church is over 100 years old, with one addition, and the present application would bring it into conformance with the current Zoning Ordinance. Ms. McDowell said that in conjunction with the special use permit, the church has submitted a site development plan that has been reviewed concurrently with this application. She noted that the character of the area is rural, agricultural, and residential. Ms. McDowell presented views of the parking lots, highlighting the screening that would be needed to shield the expansion; she noted that some existing trees have died and not been replaced. Ms. McDowell mentioned that the applicant wants to fill an existing detention pond and put in a paved parking area, adding that one parking area would be used as a basketball/recreation area when not being used as a parking lot.

Ms. McDowell indicated that the applicant has agreed to do additional landscaping along Garth Road, using new planting and planting taking when the parking lot is graded. She said that the applicant has agreed to supply additional landscaping along one edge of the property to buffer the parking from the residential, and has agreed to have the county design planner review the architecture for compatibility with the existing structure. Ms. McDowell noted that the Planning Department recommends approval with the elimination of Condition #8 regarding the entrance tapers, which have been deemed not necessary by engineering because of the low volume of traffic.

Mr. Rooker asked if the split-rail fence shown was on the applicant's property or the neighboring property.

Ms. McDowell responded that she believes it's on the neighbor's side, but isn't sure.

Mr. Rooker asked if it was necessary to replace the detention pond.

Ms. McDowell replied that that would be handled with the site plan, and there has already been quite a lot of discussion about the pond.

Public comment was invited.

Ms. Marcia Joseph, representing the church, addressed the Commission. She addressed concerns about the impact of the new parking area, emphasizing that there would be some transplanting of existing trees. She presented photographs of the area that illustrated the existing screening.

Mr. Rooker asked about the split-rail fence.

The applicant confirmed that it is on the neighboring property.

Ms. Joseph discussed the planned drainage arrangement, indicating that the applicant had worked it out with David Hirschmann and Steve Snell. She noted that they are still in the concept stage, and have not yet submitted calculations for the drainage. Ms. Joseph confirmed that all of the stormwater and drainage would be handled on site.

Ms. Joseph presented photographs showing existing vegetation, noting that they also plan to plant Leyland cypress 12 feet on center. She said that they are creating a flat area for recreation, and are hoping to "balance the site" in terms of clearing and topsoil, etc. Ms. Joseph added that they plan to plant flowering trees so that the asphalt is not so noticeable.

Ms. Jane O'Brien, an adjacent landowner, addressed the Commission. She explained that there is a creek that runs behind her subdivision – Harmony Subdivision – and continues into the Rivanna River. Ms. O'Brien asked if the church's drainage field would impact the creek in any way.

Mr. Rooker responded that the Commission is not addressing the on-site drainage at this time.

Mr. Benish, Mr. Loewenstein, and Mr. Finley indicated that that would be addressed at the site plan level.

Mr. Albert Pinette addressed the Commission, noting that the Olivet facility was just one room until the 1940's. He emphasized that the church needs expanded and updated facilities to enable the church to sustain its mission. Mr. Pinette thanked the Planning Commission and staff for their work on the plan.

Ms. Sue Likowski addressed the Commission. She said that she is a Harmony resident, and also a church member. Ms. Likowski expressed her disappointment that the blue spruces removed during the last addition had not been replaced, and asked that any trees removed or killed this time would be replaced.

Mr. Rooker asked Mr. Benish what the requirement is on replacing trees.

Mr. Benish replied that it would be part of a landscape plan, adding that there is no time limit on the replacement requirement if the trees die later.

Mr. Loewenstein mentioned that there were only three days out of the last 30 that the church was not in use. He noted that there seems to be considerable use outside of Sunday services.

Mr. Rooker commented that the traffic generated from other uses – such as scout meetings, etc. – would be minimal compared to Sunday service traffic. He emphasized that those other uses are community service type uses.

Mr. Craddock asked if the community could use the basketball area.

Mr. Pinette responded that the community can use the basketball court and playground. He said that the new play area would be asphalt.

MOTION: Mr. Rooker moved for approval of SP 00-20, subject to the following conditions:

1. Church development shall be limited to the improvements as shown on the Site Plan dated April 17, 2000, and received by the Planning and Community Development Department on June 27, 2000.
2. The length of time for which the church may begin construction shall be five years, provided all Health Department requirements at the time of the issuance of building permits shall be satisfied.
3. A minimum 30-foot wide landscape screening buffer shall be installed between the driveway/parking area on the northwest portion of the site and Garth Road. Landscape materials shall include materials removed from the parking area site. A final landscape plan and landscape materials shall be subject to approval by the Planning Director or designee.
4. Prior to issuance of building permits, the Planning Director or designee shall determine consistency of the proposed building addition with the existing historic architecture. The new structure shall be designed and sited in harmony with the original structure, to minimize any negative impacts on the architectural integrity of the historic structure.
5. A landscape screening buffer shall be installed along the east and south property lines adjacent to the existing and proposed parking areas. The landscape buffer shall consist of both trees and shrubs. The intent of the buffer shall be to completely screen the adjacent residential property from the asphalt parking areas; therefore, the buffer materials shall be selected and installed to accomplish this effect within a maximum of three years from the approval of this special use permit for the existing parking area and a maximum of three

years from the date of the installation of the proposed parking area within the existing detention pond.

6. No parking lot lighting shall be installed in the proposed parking areas. Only walkway lighting with no more than 3,000 lumens to the parking areas shall be permitted to be installed. The walkway lighting shall be turned on only for nighttime services or meetings.
7. No outdoor recreational/play activities shall be permitted after dark.
8. The sign located at the western entrance shall be moved back out of sight line and off the public right-of-way, prior to issuance of the Certificate of Occupancy.
9. Clearing of trees for the parking area and driveway west of the church shall be kept at the minimum required for the improvements, as determined by Planning staff. Tree protection measures approved by Planning staff shall be employed in order to minimize damage to tree roots.
10. Day care use shall be prohibited unless approved through a special use permit amendment.

Mr. Rieley seconded the motion, which passed unanimously.

MOTION: Mr. Rieley moved, Mr. Rooker seconded approval of the request for a waiver of parking lot paving requirements set forth in Section 4.12.6.3 of the County of Albemarle Zoning Ordinance. The motion passed unanimously.

ZMA-00-005 Albemarle SPCA (New Shelter) (Sign #82 & 83) – The SPCA requests Board of Supervisors approval to rezone the property from R-6, Residential, to C-1, Commercial, to allow the construction of a new facility. The site is located at the existing SPCA Animal Shelter, on 9.1 acres zoned R-6, Residential. Property, described as Tax Map 45, Parcel 86, is located between Woodlands Road and Berkmar Drive Extended, at the existing facility. This site is located in the Rio Magisterial District and Neighborhood 1 of the Comprehensive Plan.

SP-00-022 Albemarle SPCA(New Shelter) (Sign # 68 & 69) – The SPCA requests Board of Supervisors issuance of a special use permit to allow for the construction of a new facility [10.2.2.13].

Mr. Benish presented the staff report, noting that the application is a proposal to rezone approximately 6 acres to accommodate a new animal shelter, which will replace the existing shelter. He mentioned that the existing structure will need to be demolished as part of the Route 29 Western Bypass, and noted that the Comprehensive Plan designates the area as Transitional. Mr. Benish said that the surrounding development is low-density residential, with the property across the road zoned Rural Area; the property to the south is C-1 Commercial, and is the site of a small print shop. Other properties nearby are zoned C-1.

Mr. Benish explained that the current site is accessed from Woodburn Road; Berkmar Drive abuts the adjacent property to the east. The new proposed site would access from Berkmar Drive Extended. He noted that the Transitional Use designation allows for a variety and mix of uses, including Urban Density Residential, Office Service, and Neighborhood Service. He added that the Transitional areas are used as buffers between residential and non-residential areas, or in

locations where flexibility of uses is needed to deal with changing circumstances such as long term public projects – like the Bypass.

Mr. Benish concluded that staff recommends approval of both the ZMA and SP, with conditions as outlined in the staff report. He added that staff also approves of the setback waiver, which would allow a setback reduction from 500 to 100 feet from adjacent residential properties to the south, and 190 feet from the residential property lines to the north. Mr. Benish noted that the property to the north is an undeveloped remnant left from the probable 29 Bypass acquisition.

Mr. Finley asked if there were critical slopes on the property.

Mr. Benish replied that there is no plan to disturb the critical slopes at this time. "The site plan is still under review." He mentioned that under the SP review, the Commission should approve the concept and establish the limits of expectation for acreage being rezoned relative to bypass acquisition. "Should we find that there are critical slopes being disturbed, we would have to come back to you for those waivers, and we can do that under the current review of the site plan."

Mr. Thomas asked about the comment in the staff report that the new construction would be more soundproof than the existing facility, noting an inconsistency in the staff report.

Mr. Benish replied that the staff summary pertains to the outdoor runs, which are currently not soundproofed at all. He stated that the new runs would have concrete walls, thus providing some soundproofing.

Public comment was invited.

The applicant, Dan Meador, President of the SPCA Board of Directors, addressed the Commission. He introduced Kurt Gloeckner, the project engineer, and Carolyn Foreman, Chairman of the SPCA Building Committee. Mr. Meador commented that the suggested condition of a tree conservation plan may obscure the public view of the facility, which helps draws customers to the site. He mentioned that neighbors on Berkmar Drive are not required to have a tree conservation plan. Mr. Meador asked if they could submit a landscape plan and work with staff instead.

Regarding the noise issue, Mr. Meador said they anticipate this shelter to be "significantly quieter" than the existing site. He mentioned that there will be an outdoor courtyard, which will include roof covering for the outside dog runs, and will also have solid partitions in between dogs so that they can't see eachother. Mr. Meador mentioned that once the Bypass is constructed, the noise will probably not be noticeable.

Mr. Meador asked that Condition #5 regarding full frontage improvements be changed to reflect VDOT requirements.

Mr. Thomas asked how far the barks of the dogs will carry throughout the commercial area.

Mr. Meador responded that there has not been a formal noise study, but based on the design of the facility, there will be less noise. "My experience has been that we don't…generally receive complaints….I think the noise is going to be less."

Mr. Finley asked if the EPA-approved incinerator would be moved to the new building.

Mr. Meador replied that the SPCA has purchased a new crematory that will replace the existing incinerator.

In response to Mr. Finley's question regarding existing sheds, Mr. Meador responded that all but one will be taken by the VDOT acquisition, and the other will probably be demolished.

Mr. Rooker asked if this facility would be covered by the noise ordinance.

Mr. Kamptner and Mr. Benish replied that the newly passed noise ordinance would apply to the facility.

Mr. Rooker asked about the existing noise exemption in the ordinance.

Mr. Kamptner said that the new facility would be authorized by the rezoning, and would then be subject to existing regulations. He added that it would not be granted an exemption.

Mr. Benish commented that the Zoning Administrator has indicated that the decibel level would have to be 60 decibels during the daytime, and 55 at night.

Mr. Loewenstein asked about adding a reference to the noise ordinance in the conditions.

Mr. Rooker asked if the tree conservation plan would include conservation of every tree.

Mr. Benish responded that staff is recommending that some existing trees be retained, and a conservation plan is required to ensure that the trees are cared for. He said that this addresses the Open Space plan and the opportunity to preserve the tree line, adding that other sites along Berkmar were not required to do that for various reasons. Mr. Benish mentioned that the Rio Hill Shopping Center was required to preserve their tree line along Berkmar.

Mr. Rooker commented that some of those cases were not rezoning or special use permits, so the Commission could not require conditions.

Mr. Benish said that the intent is to try to keep the integrity of the tree line, but there could be some flexibility.

Mr. Rooker said that the current condition seems to have that flexibility.

Mr. Finley asked about the applicant's concern regarding Condition #5.

Mr. Benish replied that the condition states "as required by VDOT." Mr. Benish added that VDOT is requiring improvements as part of their permit for the frontage. "We assume that it's their minimum improvement." He mentioned that full frontage improvement means edge to edge – 100% of the site frontage.

Mr. Rooker mentioned that there seems to be a "bad matchup of the lanes" at the intersection of Berkmar across to Kroger and Lowe's.

Mr. Benish noted that that road is Woodbrook Extended, and added that staff would mention it at their next meeting with VDOT.

Mr. Meador said that the only setback issues relate to the north and south parcels, which would be unlikely to have residential development. "If they were zoned commercially, then we wouldn't even be subject to those supplementary setback regulation requirements."

Mr. Benish said that the R-6 properties are "practically not developable as residential." He confirmed that the noise ordinance applies regardless.

Mr. Craddock asked if the pet cemetery would be disturbed.

Mr. Meador said that the site plan as it stands may involve some minimal disturbance, adding that he wants to work with staff to push the building back enough so as not to disturb the cemetery. "Our hope is we don't disturb it at all."

Mr. Craddock asked if the existing house would be taken by VDOT.

Mr. Meador replied that if it is necessary to have a night watchman, they will make room for this in the new facility, but they do not plan to have a permanent residence there.

Mr. Rieley asked if the language in Condition #5 stating "the applicant shall install…" would restrict the applicant's negotiating position with VDOT.

Mr. Kamptner said that the wording could be changed to "the applicant shall have installed…."

Ms. Hopper suggested adding language to protect the applicant.

Mr. Rooker commented that he does not feel the condition impacts what the applicant can negotiate from VDOT.

Mr. Finley suggested removing a few words.

Mr. Loewenstein said that he is reluctant to alter condition language that might affect the applicant's negotiation.

Ms. Hopper asked the applicant his feelings about Condition #5.

He suggested that the wording should state, “The applicant shall install all frontage improvements if and to the extent required by VDOT.”

Mr. Kamptner suggested, “All full frontage improvements as required by VDOT shall be installed.”

Everyone agreed.

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

MOTION: Mr. Rooker moved, Mr. Riley seconded approval of ZMA 00-005 to rezone the petitioned 5.88 acres to C-1, Commercial, from R-6, Residential. No proffering is associated with this recommendation. The motion passed unanimously.

MOTION: Mr. Rieley moved, Mr. Loewenstein seconded approval of SP 00-022, subject to the following conditions:

1. Planning Department approval of a tree conservation plan for the area located along the Berkmar Drive road frontage;

2. The proposed use shall not accommodate the seasonal “Rummage Sale” or any other fundraising activities without amendment to this special use permit, or appropriate permitting by the Department of Building Codes and Zoning Services;

3. The site shall be developed in accord with the attached site plan dated May 12, 2000; Revised June 12, 2000 (Attachment B);

4. Animals shall be confined in an enclosed building from 10:00 p.m. to 6:00 a.m.;

5. Full frontage improvements as required by VDOT shall be installed; and,

6. Uses shall be limited to an animal shelter and a veterinary hospital with associated offices only.

The motion passed unanimously.

MOTION: Mr. Loewenstein moved, Ms. Hopper seconded approval of a modification of the setbacks contained in Section 5.1.11 (a), in order to allow for approval of the site plan, The modification of setbacks will allow a building setback reduction to 100 feet from the southern property line and reduction to 190 feet from the northern property line.

The motion passed unanimously.

The Commission took a brief recess.

Worksession

ZTA-99-007 Keswick - Proposed ordinance amendment by Keswick Corporation to Section 10.2.2.27 to allow expansions or enlargements of restaurants and inns to a maximum of 75 additional rooms and for uses and amenities. *Deferred from the June 27, 2000 Planning Commission meeting.*

Ms. McDowell presented the staff report, noting that the ZTA is designed to allow Keswick Inn an expansion of 75 rooms and for ancillary and incidental uses. She explained that the request is from Orient Express Hotels – the current owner of the Inn – and is intended to allow them to add a wing onto the existing wing, as well as adding cottages and improving other uses. Ms. McDowell noted that after a worksession and public hearing in 1989, the Board of Supervisors adopted changes to the Zoning Ordinance to reflect changes made to the Rural Areas section of the Comprehensive Plan. She said that inns were deleted from consideration under the special use permit provision.

Ms. McDowell mentioned that recent considerations of ZTA 99-006 (Althea Hurt) prompted the Commission to defer decision on the matter indefinitely until the Rural Area portion of the Comprehensive Plan could be deleted. She stated that the Plan for the Rural Areas encourage agricultural and forestry, and emphasizes protection of resources. Ms. McDowell said that staff has learned that 402.13 acres is owned by Keswick Corporation, and Lord Ashley owns 155.62 acres, residential lots comprise an additional 99 acres for a grand total of 656.763 acres.

Ms. McDowell stated that staff feels the ZTA is not consistent with the goals and policies of the Comprehensive Plan, and feels that it would encourage commercial enterprise in the Rural Areas and draw a need for support services such as police and fire. She said that during the work on the Rural Areas Chapter of the Comprehensive Plan, additional appropriate uses in the Rural Areas will be addressed. However, at this time, staff recommends indefinite deferral of this issue until the Rural Areas plan can be reviewed and completed.

Mr. Rieley asked if staff had information regarding the subdivision rights on the 402.13-acre portion on this property.

Ms. McDowell responded that she did not, as staff considered the ZTA in the context of the entire county, not just this application. She referenced the Keswick Corporations recommended language changes as distributed.

Mr. Rooker asked if staff had identified any additional properties (beyond the 5 or 6 previously discovered) that would be affected by this ZTA. He mentioned that the Commission had discussed rewording the proposed language so that it would be more limited in terms of the size of expansion, and the demands of such expansions on existing facilities (water/sewer).

Mr. Benish replied that the Keswick site may be the only site of those identified with a “central” water facility. He stated that it is possible to tailor the amendment so that it applies just to Keswick.

Mr. Rooker stated that if the ZTA were passed, Keswick would still have to apply for a special use permit, at which point the Commission could apply conditions. He asked if the Althea Hurt application was an amendment that would allow commercial special event uses by-right. "In that case, I viewed it as having broad applicability throughout the county in the rural areas."

Mr. Benish responded that Ms. Hurt's request for a ZTA would allow weddings and conferences to occur in the rural areas. "That was not a use that was in existence that we were trying to make conforming, or it was not a use currently obviously permitted in the ordinance…I think the biggest difference is that this is an existing use in the rural areas, whereas that was a proposal to allow for a new type of use in the rural areas."

Mr. Rooker said that it seemed she was seeking a general change in the Zoning Ordinance that would be of broader applicability.

Mr. Benish said that staff agreed to look at her request in the context of their review of all the rural areas.

Mr. Rooker asked if there has been any progress on the Rural Areas evaluation since the ZTA came before the Commission in mid-May.

Mr. Benish stated that until the Planning Department is fully staffed, it will be hard to move expeditiously on the request. He said that if staff could begin that review within 6 months.

Mr. Finley asked fellow Commissioners how they wanted to proceed.

Commissioners agreed to allow limited public comment.

Mr. Loewenstein emphasized that the ZTA is not limited to this particular application. "I don't want us to get caught up in the business of looking at this recommended resolution exclusively through the filter of this potential applicant or the application itself."

Mr. Finley commented that Zoning Text Amendments are usually initiated by a specific application.

Mr. Loewenstein said, "It's important that what we consider offers benefit to the community as a whole, and not merely the applicant."

Mr. Rooker stated that the Commission has looked at a number of specific applicants that need relief from the Zoning Ordinance, and have decided on a case-by-case basis as to whether those applications make sense. He cited the parking at GE, and the uses at Michie Tavern as examples.

Mr. Loewenstein said, "I just want to be sure that…we don't put the cart before the horse….I'm very much concerned about piecemeal approval of Rural Area land uses outside of existing regulations before we see the Rural Areas Comp. Plan section as revised." He commented that passing this ZTA at this time could have a significant impact in the Rural Areas.

Mr. Rooker said that the Commission could adopt a Resolution of Intent that would be brought back to them by staff as a ZTA for public hearing, and be passed or not at that time.

Mr. Finley stated that if this discussion is opened up for public comment, it should pertain to the ZTA as a whole, not just Keswick.

Mr. Thomas noted that the Vice-President of Orient Express Hotels is the one who applied for the ZTA.

Mr. Loewenstein said that is usually the case.

Mr. Thomas asked when the Rural Areas study would happen.

Mr. Benish answered that the review should take place within the next six months, reiterating the Planning Staff's current workload issues.

Mr. Finley asked if there would be a committee approach to the Rural Areas.

Mr. Benish said that there has not been consensus on the approach yet, but there needs to be a public input process. He noted that in past CPA considerations, there are numerous worksessions and public presentations.

Mr. Rooker pointed out that it would significantly lengthen the process if there were a committee approach. He mentioned the tower manual, which took over a year to finalize after Commission revisions.

Mr. Benish emphasized that the Commission has established uses in the Rural Areas as the priority item for the CPA review.

Mr. Rooker acknowledged that Planning understaffing has been a problem.

Commissioners agreed to hear brief public comment.

Ms. Marcia Joseph addressed the Commission. She said that it is an important Zoning Text Amendment, stating that it is important to consider the ZTA as it impacts all rural areas, not just this site. Ms. Joseph expressed concern that the rural areas are disappearing.

Mr. Jay Wineberg, representing Orient Express, addressed the Commission and mentioned that the ZTA was put forth by Orient Express in November 1999. He emphasized that adopting the Resolution of Intent merely allows the item to come back before the Commission and the public as a possible amendment. Mr. Wineberg said that this amendment would generate at least 85 jobs in the county, and $1.2 million in taxes for Albemarle County without burdening the county. He added that it will encourage heritage tourism, and complies with the proposed Historic Preservation Plan. Mr. Wineberg urged the Commission to act on the item, so that public input could come forth. He distinguished this use from the Hurt case.

Mr. Thomas asked Mr. Wineberg what the Orient Express' schedule is for expanding the site.

Mr. Winberg responded that they would like to proceed as quickly as possible, because the facility would need to be closed for four months for each phase of the work, and they would like to close it down from December to April.

Mr. Benish distributed comments from the Charlottesville Area League of Women Voters.

Mr. Jeff Werner from the Piedmont Environmental Council addressed the Commission. Mr. Werner stated that the PEC's primary concern is a lot of remaining development potential for residential lots in Keswick, and on other parcels in the rural areas.

Mr. Rooker asked him to clarify what their concerns area.

Mr. Werner said that the undeveloped parcels are of concern, as they may be slated for subdivision.

Mr. Walt Johnson of Keswick Estates addressed the Commission. He referenced SP 99-12, which authorizes the entire development within Keswick Estates, and indicates the location and number of all the lots. "This is not subject to any further consideration as far as I know."

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

Mr. Rooker said that it is not appropriate at this time to discuss the merits of the proposed use of the Keswick property. "The sole thing before us is whether or not to pass a Resolution of Intent that would enable staff to draft a proposed Zoning Text Amendment which could then come back before us and be considered along with a public hearing on that particular Zoning Text Amendment." He added that he would support a Resolution of Intent for that purpose.

Mr. Thomas agreed. "We're just looking at a Resolution of Intent to look at the ZTA."

Mr. Finley also supported the resolution.

Ms. Hopper said that she does not support the resolution, because it is "dangerous" to review a ZTA just to meet the needs of an applicant.

Mr. Loewenstein agreed, adding that there is not enough information about the potential impact of this kind of use in the rural areas. He emphasized that having the Rural Areas section of the Comprehensive Plan completed and presented is critical to making a proper decision.

Mr. Finley said, "Wouldn't a public hearing help staff?"

Mr. Loewenstein stated that the public hearing might focus on a specific application. "Because of the work that's being done by staff on the Rural Areas and the immense amount of input that has gone into that process, we need to see that before we make a decision about a ZTA that could have a broader implication and potential impacts that we really don't have a way to grapple with

right now." He added, "There's always a benefit to having public input, but I think we've got to deal with some of the large issues before we can deal with something as specific as this particular type of Resolution of Intent."

Mr. Craddock commented that he has seen great improvement in Keswick, but once the specific application is taken out of the picture, the amendment has a broad impact on the county.

Mr. Rieley said that while he is not necessarily opposed to expansion of Keswick Hall, he is concerned about getting the ZTA rolling when it is clearly not consistent with the Comprehensive Plan, and Inns were intentionally removed by the Board for consideration of SUP's. "This particular initiative that has instigated this is asking for themselves and everyone else that falls into this category, a huge increase in non-compliant use. It's [260% of] the existing use. I really think that something of this magnitude should be reviewed within the context of the Rural Areas component of the Comprehensive Plan." He added that he is very concerned about how long the process is taking."

Mr. Loewenstein added that both this ZTA and the Hurt ZTA have raised some important questions that must be dealt with. He emphasized that staff should pay careful attention to those particular issues when considering the Rural Areas section.

Mr. Finley said that the Commission could proceed without action.

Mr. Kamptner stated that for the record, it would be helpful for the Commission to take action on the Resolution.

MOTION: Ms. Hopper moved, Mr. Loewenstein seconded approval of indefinite deferral of ZTA 99-007.

Mr. Rooker said that he had hoped staff would articulate a potential Zoning Text Amendment and provide input to the Commission on the proposed impacts that such a ZTA might have. He stated that by not moving this forward, the Commission has denied the public and the applicant the right to providing input.

Mr. Loewenstein responded that he felt it was difficult to deal with the generic issues – not the specific issues of the application – in the absence of the Rural Areas study. "I don't think that a public hearing at this point is going to improve our knowledge in that respect at all."

The motion passed in a 4-3 vote, with Mr. Thomas, Mr. Rooker, and Mr. Finley dissenting.

Old Business

Mr. Rooker distributed copies of editorial articles from the *Roanoke Times*, which reference the good job Albemarle County is doing to implement a tower strategy. He commented that it is nice to have a newspaper from outside the area focusing on Albemarle and the County Planning office.

Mr. Rooker also mentioned that there is a citizen information meeting scheduled for July 19th, regarding the widening of Route 29 from the South Fork Rivanna River to Airport Road. He stated that as part of that, the plans presented will include the access roads on Route 29, noting that the VDOT plan includes 120 feet of right-of-way. Mr. Rooker stated that in 1997, the Planning staff sent VDOT a letter requesting a 120-foot right of way to provide for future expansion. However, recent discussions of Town Center development, have changed this philosophy. Mr. Rooker suggested that the Commission pass a Resolution of Intent requesting that the Board of Supervisors advise VDOT that the county does not want them to proceed under the 120-foot right-of-way scenario.

Mr. Benish said that staff did not specifically recommend 120 feet.

Reading a letter from county staff dated February 11, 1997, Mr. Rooker said that VDOT has interpreted the county's request as asking for 120 feet.

Mr. Benish responded, "That's out of context to what goes before that [the road] should be two lanes, urban design, with bikeways and sidewalks….if you're going to ram it in as four lanes, don't wait for us to try to get through [dedication] of right-of-way. It was never our intent to recommend that they be four lanes."

Mr. Rooker emphasized that VDOT is proposing a two-lane road, but is recommending a 120-foot right of way. "I think we need to send some kind of further communication to indicate that that's not what we have in mind."

Mr. Benish agreed.

Mr. Rieley said, "This is one of the most important things that we're going to act on in our time here. If that [road] gets set down as 120-foot right of way, everything that we've been talking about relative to this Town Center is dead in the water."

Mr. Rooker explained that VDOT will take information at the public information meeting on July 19th, and the hearing itself is scheduled for August 23rd. "This thing is on a fast track, and if it goes through the public information and the public hearing and the county doesn't clarify it's position on this road quickly, I just feel like we might be a position where the Commonwealth Transportation Board could take action on this…"

Mr. Finley said that he got an e-mail from Charles Martin discussing the July 19th meeting, which will be held from 5:00 pm to 7:00 pm.

Mr. Rooker said that the location meeting is scheduled just one month after this initial public meeting. He stated that the county should look seriously on where that road ends coming south from the northside. "If we are serious about our Town Center concept…the county might want to consider deadending that road further to the north than VDOT proposes deadending it because the way that they propose it, it would open up a lot of property potentially for commercial development…that we may not think is appropriate."

Mr. Loewenstein suggested linking into the Albemarle Neighborhood Association network, so that people would turn out for the meetings.

Mr. Finley said that he received many e-mails from the Hollymead neighborhood.

Mr. Rooker stated that usually, VDOT has a public information meeting, then a location hearing, then a design hearing, then it's done. He reiterated the need for a resolution that the Planning staff clarify the kind of roads the county wants as access roads along Route 29.

Mr. Benish said that the Board has been working on specific statements regarding this project as it relates to the primary road public hearing to be held in late July/early August. "The Board of Supervisors has instructed staff…[to make] specific comments at the public hearing on the six-year primary plan allocations as it relates to this roadway." He said that the Board would like Planning to reference the 29 North Corridor study and the recommendations for a management plan, and the recommendations for a neighborhood design.

Mr. Thomas said that the proposed service road for Hollymead goes past the entrance, then cul-de-sacs.

Mr. Rooker stated that the Board is voting on the six-year plan as a whole tomorrow (July 12th), and said it would be helpful to let the Board know how the Commission feels.

Mr. Benish commented that the Board has asked the Planning staff to provide specific statements at the VDOT public hearing. He said that Mr. Cilimberg is working on it.

Mr. Rooker said that the comments made at the pre-allocation hearing don't usually get into the six-year plan, and the specifics of design do not show up in the plan. "We should send some specific communication back that clarifies the county's position on the design features we would like to see on this road, including a lesser right-of-way."

Mr. Loewenstein asked if the Resolution could be taken to the Board tomorrow.

Mr. Benish said that Planning could let the Board know that the Resolution was passed.

Mr. Finley asked Commissioners if they would be attending the July 19th meeting.

Several Commissioners said that they would probably attend.

Mr. Rieley emphasized that the parallel roadways the Commission has been discussing have not been "frontage roads," adding that staff has generated some corridor studies that the Commission has endorsed. He suggested that the Commission go on the record that they advocate specific types of urban design, expressing concern that a perceived "lack of clear vision" could be used to foil their efforts.

Mr. Finley wondered if waiting until after this meeting would be wise.

MOTION: Ms. Hopper moved, Mr. Rooker seconded approval of adoption of a Resolution asking staff to communicate to the Board the Planning Commission's concerns about the proposed configuration of the Route 29 parallel roads and to convey the Commission's opposition to the 120-foot right-of-way width of the three access roads.

Mr. Kamptner suggested that before the August hearing, there could be a second resolution that would clearly state the Commission's concerns.

Mr. Rooker said that perhaps the Board would use this Resolution to craft their own Resolution reflecting the county's position.

Mr. Benish emphasized that the Board can use the Commission's Resolution passed tonight, along with the six-year primary plan comments, to make their specific comments at the public hearing on this project. He did confirm that he would share the Commission's discussion with them.

The motion passed in a 6-0 vote, with Mr. Finley abstaining due to lack of information.

New Business

Ms. Hopper said that at a recent Planning Commissioner's conference, it was discussed that cities and towns are required to have charters, but counties are not. She said that if a county opts to file a charter, they can have some of the powers as well as the obligations of a city. Ms. Hopper said that the county could "trump" VDOT decisions the same way the city can. Mr. Loewenstein said that it would make a good worksession topic, adding that at first blush, it seems to be a positive step.

Commissioners asked Mr. Kamptner to report back to the Commission on the statutes that allow counties to charter, and what the implications are.

Mr. Benish reminded Commissioners that they will begin worksessions on DISC on July 25th at 4:00 p.m. Sandwiches will be provided.

Mr. Rooker asked what would be covered in the worksession.

Mr. Benish responded that the focus would be on the Neighborhood model and vision. He added that Mr. Cilimberg and Ms. Echols would be taking the lead on that.

There being no further business, the meeting was adjourned at 10:00 p.m.

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V. Wayne Cilimberg
Secretary