Albemarle County Planning Commission
July 18, 2000

The Albemarle County Planning Commission held a meeting and public hearing on Tuesday, July 18, 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. Daniel Mahon, Planner; Mr. Jeff Thomas, County Engineering; Mr. Bill Fritz, Department of Zoning.

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

Consent Agenda:

Addition to Kinloch Agricultural/Forestal District -- Proposal to add 8.85 acres in two (2) parcels to the Kinloch Agricultural/Forestal District. The properties described as Tax Map 65, Parcels 95 and 95A, are located on the southeast side of Rt. 231, approximately 1.3 miles northeast of the Rt. 600/Rt. 231 intersection in Cismont.

Addition to Batesville Agricultural/Forestal District -- Proposal to add 38.499 acres in one (1) parcel to the Batesville Agricultural/Forestal District. The property described as Tax Map 85, Parcel 3, is located approximately one quarter mile northwest of Rt. 635, 1.5 miles southwest of Rt. 635's intersection with Rt. 692 in Batesville.

(SDP 00-071) Pounding Brook Golf Club Final Site Plan - Request for final site plan approval with conditions to construct an 18-hole public golf course, with associated club house and driving range, on a total of 319 acres zoned RA, Rural Areas.

MOTION: Mr. Thomas moved, Mr. Rooker seconded approval of the Consent Agenda as presented. The motion passed unanimously.

Items Requesting Deferral:

SP-00-025 Woolen Mills Warehouse (Sign #45) - Proposal to amend SP 97-039 for additional fill in the flood plain of Moores Creek to accommodate an altered warehouse site. The site is 7.903 acres and is zoned LI, Light Industry. This property, described as Tax Map 77, Parcel 40R, is located on the south side of Franklin Street, between the Charlottesville City Limit and Moore's Creek. This property is located in the Scottsville Magisterial District and is recommended for Industrial Service in Neighborhood 4. *Staff requests deferral to August 1, 2000.*

The Commission moved, seconded, and unanimously approved deferral of SP 00-025 to August 1, 2000.

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]. *Applicant requests deferral to August 1, 2000.*

The Commission moved, seconded, and unanimously approved deferral of SP 2000-15 to August 1, 2000.

SP-00-036 Barbara J Fried Physical Rehab Therapy, LLC (Sign #60) - Request for special use permit to allow a physical therapy business in a home in accordance with Section [10.2.2.31] of the Zoning Ordinance which allows for home occupations Class B. The property, described as Tax Map 14, Parcel 4 contains 318 acres, and is located in the White Hall Magisterial District at the end of Route 765. The property is zoned RA Rural Area. The Comprehensive Plan designates this property as Rural Area. *Applicant requests deferral to August 1, 2000.*

The Commission moved, seconded, and unanimously approved deferral of SP 00-036 to August 8, 2000.

Public Hearing Items:

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 to PRD Planned Residential District. *Deferred from the July 11, 2000 Planning Commission meeting.*

Ms. Echols presented the staff report, noting that the development will be located on property near the Willow Lakes subdivision and Monticello High School on Route 20 and Mill Creek Drive. Referencing slides and maps presented, Ms. Echols explained that the rezoning for "Creekside" would create a multi-unit dwelling complex that would resemble "Lakeside," which was also built by this developer. She said that the PRD includes proffers: dedication of additional right-of-way for Route 20 widening; establishment of a stream buffer on the portion of the creek shown as intermittent on the maps; planting of evergreen trees for screening between

the Willow Lake development; and retention of existing trees along the tributary to Moore's Creek.

Ms. Echols indicated that the ARB has reviewed the project, and has recommended landscaping and material use – but not redesign. She said that the design itself is similar to other apartment complexes in Albemarle, but has more amenities including curb and gutter, sidewalks, street trees, some recreational facilities, and a large lake in front which is also used as a drainage basin. Ms. Echols noted that staff's primary concern has to do with slopes of the site itself, which has 15% critical slopes, many of which were reconstructed from the Tandem School Road that goes around the property. Ms. Echols said that staff has discussed the disturbance of the slopes with the applicant, who has brought back the plan several times with modifications such as additional landscaping and benched retaining walls. She explained that the applicant has also pulled the exterior buildings towards the middle and put parking underneath them, which will create the appearance of very tall buildings going up the slope. Ms. Echols noted that the ARB was satisfied with the applicant's drawings and cross-sections; Engineering believes the critical slopes waiver should be granted.

Ms. Echols said that staff has reviewed the proposal against the Comprehensive Plan and the twelve principles of the Neighborhood Model. She emphasized that there is a stream going through property, with a lake serving as retention basin; Willow Lake residents have expressed concern about the potential impacts to the lake and to the tributary to Morse Creek. Ms. Echols stated that staff has reviewed this proposal extensively, and believes that this housing type is needed in the county, and will promote preservation of the development area boundaries. She added that staff feels the applicant's provisions for dealing with slopes should be adequate to help preserve the slopes, and as much as the applicant can use 3 to 1 instead of 2 to 1 slopes will be better for the site. She concluded that staff recommends approval of the rezoning with proffers, including the critical slopes waiver in accordance with the proffered plan and the proffered screening on the slopes adjacent to a low lake.

Mr. Thomas asked Ms. Echols to explain the 100-foot creek buffer, which is mentioned as two buffers.

Ms. Echols responded that the buffers refer to the two sides of the stream, noting that on the left of the driveway going through the parcel there is a voluntary stream buffer; on the right, there is a mandatory 100-foot stream buffer.

Mr. Finley asked if the site plan waiver would address the applicant's disturbance of designated open space.

Ms. Echols responded that the plan for disturbance would need to be approved, explaining that PRD's require 25% open space; the Zoning Ordinance states that in those districts, it needs to be undisturbed unless approved by the Planning Commission. She noted that in most cases, the Commission's approval of a plan that includes disturbance of open space approves the actual disturbance; it then becomes "common open space," a technicality very important to the Zoning Department.

Mr. Rooker noted that there are two sets of proffers, signed by different people.

Ms. Echols explained that the ones on page18 are the actual proffers, the ones on page 25 contain the applicant's explanation of why the proffers are there and why they are important. She emphasized that the page 18 proffers are the ones that are binding; the second letter is an explanation of those proffers.

Mr. Rooker asked about the apartments that are closest to Route 20, which contain parking in the front of the building.

Ms. Echols responded that the applicant intended to have the buildings face the pond, because of the amount of traffic on the road. She said staff felt that the ARB would likely require the applicant to put the buildings against the street, with the parking behind. Ms. Echols said that the ARB suggested berming and natural features in the front, instead of moving the buildings to the front. "We left that design feature then to the ARB."

Mr. Rooker noted that the ARB has not approved the final plan, but has just provided comments.

Ms. Echols said that the ARB would have asked to changes in the plan if they had concerns about particular elements of the plan. "They will see a final plan with elevations."

Mr. Loewenstein asked what the probable price range of these apartments would be.

Ms. Hopper asked if pedestrian access to Willow Lake was explored.

Ms. Echols noted that it has not been explored, but there are two places where it could potentially take place. She said that it would be slightly steep to get a path in, but it may be possible to get access along the street to the Willow Lake property.

Ms. Hopper asked if there was an option for interconnection for vehicular access as well as pedestrian access.

Ms. Echols replied, "Only if the cul-de-sac were extended."

Mr. Benish stated that staff has requested that Route 20 be upgraded to include pedestrian pathways and bike paths.

Mr. Rieley asked what time frame the upgrading is under.

Mr. Benish responded, "It is in the plan for study, but there is not funding for construction yet….it's a high priority for us."

Mr. Craddock asked how many car trips exist on Route 20 now, and how many would be generated onto Route 20 from this complex.

Ms. Echols said that the calculations were not yet available, but mentioned that the multiplier for this type of development is 7, to be multiplied by 264 units.

Mr. Craddock stated, "1,848 – almost 2,000 trips."

Mr. Craddock asked if the land to the left of Mill Creek Drive is part of this parcel.

Ms. Echols replied that it is not, although the original proposal did include the six acres of land on the other side.

Mr. Craddock asked if the dwelling units per acre was calculated on the entire parcel, or the parcel less open space.

Ms. Echols responded that the entire parcel is used to establish dwelling units per acre. "It is safe to say that the density on the land that is not in open space is fairly high."

Mr. Rooker asked Ms. Echols to clarify the amount of acreage that will be in open space.

Ms. Echols replied that 2/3 of the land will not be built on, but said that she had changed one figure at the last minute. The applicant confirmed that 37% of the land is covered by buildings.

Mr. Rieley indicated that he would like to see a context map that shows the topography and the surrounding buildings, as well as the massing of the proposed new buildings. He also noted the absence of elevational drawings and building illustrations.

Ms. Echols commented that they were not provided to the ARB or to Planning staff.

Mr. Rieley said that if a proffered development plan is offered, staff should encourage applicants to supplement plan view drawings with elevational drawings, sections, or computer simulations.

Ms. Echols responded that staff does have some sections.

Ms. Hopper asked about the document from Jeff Thomas, including the note regarding dedicating the proposed drainage easements for public use, and asked if it needed to be included as a condition.

Ms. Echols replied that staff would normally handle that as an administrative action because it has not been called up for Commission review.

Mr. Jeff Thomas of County Engineering addressed the Commission. He explained that dedication for public use is normally part of the site plan approval process through engineering.

Ms. Hopper stated her concern about critical slopes issues, retaining walls, safety issues, and asked how it was explored.

Ms. Echols responded that staff has been concerned about the slope re-grading, and has worked with the applicant to make suggestions about different ways to treat the slopes. She said that they have asked the applicant to look at ways to reduce some of the problems related to the slopes; the applicant came back with the benching, heavy landscaping, and the plan to pull in the buildings and add subterranean parking. Ms. Echols emphasized that engineering reviewed the 2 to 1 slopes, focusing on the maintenance and stability.

Ms. Hopper noted that there are two issues – disturbing of existing slopes and the reconstruction of slopes.

Ms. Echols said that staff report should show the existing critical slopes as well as the resulting critical slopes.

Mr. Rooker asked staff to discuss the retaining walls, and wondered if the large retaining wall could be tiered.

Mr. Thomas responded that at the map scale it is difficult to tell, but there is some concern regarding safety, noting that at least the pedestrian safety on the high school side needs to be addressed with fencing or railing.

Ms. Echols said that there is some tiering, but even with that there is a big drop of 13 feet. "There is not sufficient room with the density that's being proposed on here to expand that out to get additional benching in there."

Ms. Hopper asked what the slope next to the high school is like now.

Mr. Jeff Thomas responded that there is a natural grade down to the creek that is interrupted by the existing school access road.

Mr. Echols said that there is already some vandalism on the old Tandem School Road.

Mr. Finley asked if engineering has recommended approval of retaining walls.

Mr. Jeff Thomas replied that they have not approved them yet, and would have to review the retaining wall design with the final site plan. He added that retaining walls over 5 feet require plans that are signed and certified by an engineer. Mr. Thomas said that the structural aspects can be addressed; the safety and appearance are the biggest concerns.

Mr. Craddock asked if this proposal would create a situation similar to Calvary Church, where it is an "island" between Food Lion and Lakeside Apartments.

Ms. Echols said that this has been addressed with fencing, and there are also plans for "unfriendly vegetation" to discourage kids from going near the boundary. "It will be a fairly significant difference between Monticello High School and the retaining wall that drops off here."

Mr. Loewenstein asked what the liability issues are in connection with this retaining wall.

Staff did not have a response.

Mr. Loewenstein asked about the stream buffering, and wondered if there was any more detailed analysis of the potential impact on the lake.

Mr. Hirschmann responded that the lake at Willow Lake is not on the stream; it is separated by a berm. He said that the issues of flows in the stream have been addressed that with applicant, and could be worked out through local augmentation in the design of this lake. He emphasized that the Willow Lake is "offline," fed by springs that are below the hill of that development.

Mr. Hirschmann said that the stream buffering is "a little tricky" because the code ties where there is a mandatory stream buffer to the USGS line, and engineering had to determine where the mandatory buffer began and ended. He noted that the applicant has proffered to extend the stream buffer. Mr. Hirschmann acknowledged that the buffer is not going to be the same as it was pre-development, adding that the lake seemed like one of the only reasonable things to do to handle the runoff from the site and handle the buffer. "It seemed to be a pretty good solution, but obviously it's not preserving the pre-development stream buffer."

Mr. Loewenstein asked about the maintenance of the lake and drainage basin.

Mr. Hirschmann said that in an effort countywide to clarify easements, the Board adopted a policy that all new drainage easements would be dedicated to public use. He added that there will probably be a management association that will do the lion's share of the actual maintenance. "The easement will give us the ability to make necessary repairs if that eventuality came to pass." He confirmed that the county will inspect the site periodically.

Mr. Rooker said that the lake is described as an amenity for residential uses, and asked if it is being built so that it really is an amenity and not just a water detention basin.

Mr. Hirschmann responded that the developer could make it an attractive lake, and also meet stormwater requirements. He cited Hollymead/Forest Lakes and Lakeside as examples. "It certainly could be done with some design finesse." Mr. Hirschmann confirmed that this lake will be online in a 775-acre watershed.

Mr. Thomas asked where the water will go during a large storm.

Mr. Hirschmann replied that there is a berm that separates Willow Lake, and up to 10-year storm, the bodies will be separated to some extent, above that "it's just a wash out" in the road (Route 20) because the creek is right against the road.

Mr. Craddock noted that even before the development, that part of Route 20 floods periodically. He asked if this drainage basin would add to the problem or alleviate it.

Mr. Hirschmann responded that the impervious cover would add to it, but the added impoundment would mitigate some of that. "It has the potential to do both. Even with that lake, you're not going to be providing a whole lot of inline detention."

Mr. Thomas asked what the plans are for upstream stormwater detention.

Mr. Hirschmann said that the county is currently working on the drainage area master plan, including Moore's Creek. He mentioned that it has been difficult given the topography to locate other feasible detention, except in Biscuit Run. Mr. Hirschmann added that there are also a lot of obstructions in that waterway, providing a flooding hazard.

The applicant, Denise Lacouer, addressed the Commission. She explained the criteria she used in selecting this site, including its location in the designated growth area, its access to a good network of roads, and its proximity to shopping and schools. Ms. Lacouer discussed some of the amenities her development contains, including sidewalks, tot lots, clubhouse, swimming pool, a full and half basketball court, walking trails, and two putting greens.

Ms. Lacouer noted that a stream buffer is not technically required, but they have voluntarily placed a 100-foot buffer from the midline of the stream, and will retain hardwood streams to create screening from Route 20. Ms. Lacouer explained that they will have two entrances – one on Route 20, and one on Mill Creek Drive. She stated that 37% of the site constitutes impervious surface; 63% is non-impervious such as open space.

Ms. Lacouer pointed out that more than 15% is currently critical slopes, much of which is manmade. She explained that the critical slopes were created with the construction of the road to Tandem School and Mill Creek Drive itself. Ms. Lacouer said that in her original application, they had planned to include the 7 acres near Tandem School for Phase III of their project, but school officials were not in favor of the plan, so they relinquished their option on the property. She noted that the 13-foot retaining wall is needed because they cannot grade in that spot due to location of a water line.

Ms. Lacouer said that they have given a voluntary 40-foot buffer along the Willow Lake boundary, even though the Zoning Ordinance only requires a 25-foot setback. She mentioned that they have voluntarily dedicated a 75-foot right-of-way measured from the midline of Route 20 for future expansion of Route 20, and have also done a 35-foot voluntary setback. Ms. Lacouer added that her landscape architect is working to make the area near the retaining wall "pedestrian unfriendly."

Mr. Rieley asked how long ago Lakeside was developed.

Ms. Lacouer responded that they built their first apartments in 1994, with Phase II in 1996.

Mr. Finley asked if a permanent dam would be constructed.

Ms. Lacouer responded that it will be, and they are working with Engineering on that.

Mr. Rooker asked if staff's recommendation for vegetation of the 2 to 1 slopes to provide screening and stabilization had been met.

Ms. Lacouer replied that they have tried to get wooded vegetation that will stabilize the soil, provide a nice visual impact, and discourage any type of traffic over the retaining walls.

Mr. Rooker asked if the applicant's proposed landscaping meets staff recommendations.

Ms. Echols replied that staff has not looked at anything yet, but the applicant has proffered the additional screening. She added that where it is visible from the Entrance Corridors, the ARB will review it; along the sides between Willow Lake, staff has asked that they meet the zoning requirements for screening and use trees rather than just vegetation.

Mr. Rooker commented that it is not part of the proffer.

Ms. Lacouer said that she is willing to make it part of the proffer, although she cannot commit to a specific plant type.

Mr. Loewenstein asked the approximate depth of the pond at its deepest point.

She answered approximately 7 feet.

Mr. Loewenstein asked the likely price range for the dwellings.

Ms. Lacouer replied that the apartments will be in the $500-600 range, depending on construction costs and interest rates. She confirmed that they will be considered luxury apartments with just one bedroom, comprised of all brick earthtones.

Mr. Finley asked why she switched from affordable to luxury.

Ms. Lacouer responded that the apartments are more affordable than buying a single-family home.

Ms. Hopper asked if securing a grading easement would allow them to create a more reasonable slope, working with the school.

Ms. Lacouer replied that it would, but would also for not as steep a slope.

Mr. Rieley asked about the "voluntary" 40-foot setback, noting that the applicant is grading within that area, which also contains an existing water line.

Ms. Lacouer confirmed that they could not closer to the line than that anyway.

Ms. Hopper asked if she had experimented with any ideas to get the parking off of Route 20.

Ms. Lacouer replied that putting the parking underneath the buildings forces them to raise up, creating more of a visual impact. She mentioned that their Lakeside parking is between the road and the building, and is not very noticeable, adding that the current plan has close to 40% of the parking is underneath.

Mr. Rieley commented that this project was already underway before DISC principles were put forth.

Mr. Rooker asked if staff was satisfied with the screening on Route 20.

Ms. Echols replied that staff defers to the ARB on that issue, and trust that they will take care of it.

Mr. Loewenstein mentioned that the ARB will also look at the final site plan.

Mr. Rieley commented that there are lots of good things about this proposal that were pointed out, complimenting Ms. Lacouer on her presentation. He commented that the parking under the buildings is terrific, and utilizing the detention pond as an amenity makes lots of sense, and could be designed so that it deals with the increased runoff from the development, and possibly provide a "bonus" upstream, while contributing significantly to the quality of water downstream.

Mr. Rieley stated that he does have some concerns, as the proposal is not organized according to what the county is promoting for its development areas. He noted that the plan has no orthogonal orientation, and there is no utilization of the buildings to create plazas, greens, or open spaces. While acknowledging that DISC criteria has just recently been passed by the Board, the principles have been "kicking around a long time." Mr. Rieley expressed disappointment in seeing a plan that looks like Lakeside, but is even less well organized than Lakeside. He commented that this project is highly visible and offers such a good opportunity for development in the growth areas. Mr. Rieley expressed concern that the low to moderate income housing has disappeared.

He commented that the separation from this facility from the High School with a retaining wall and a fence runs counter to the principles espoused in the Neighborhood model. Mr. Rieley added that the proffers are "surprisingly inadequate" to deal with the impact of a project of this magnitude.

Mr. Rieley said that this is a really difficult site, and either has to be really well designed or less dense. "It may be that with this particular approach that this is just trying to get too much onto this site, as much as we want to maximize the development potential within the growth areas." He added that when we end up with another project with parking lots, steep slopes, and buildings, and nothing else except open space at the bottom of the hill, "I don't think we're moving sufficiently in the right direction." Mr. Rieley said he would like to see another stab at this.

Mr. Rooker asked about the topography's effect on planning for this site.

Mr. Rieley responded that it is a very difficult site, but mentioned that there are fabulous [multi-family houses] around the world that are on steep sites.

Mr. Thomas noted that the terrain throughout the county is difficult, adding that this is a nice project and the terrain could be worked with. He stated that the water runoff is bothersome, and hopes that the county engineers can work with it. Mr. Thomas said that the density proposed, and the fact that it is in the growth area.

Ms. Hopper commented that the site is particularly difficult, but could be worked with. "But I don't think we have that before us yet." She emphasized that she would like to see more information about how the buildings are going to look on the site, and would like to see if the grading easement might be explored with the school. Ms. Hopper said that she thinks the plan is "on the right track," but some revisions based on Commissioner comments are needed.

Mr. Loewenstein agreed with Ms. Hopper, adding that design is the critical aspect of this application because of the nature of the site, the use and the density. He expressed concern that there is information lacking that the Commission has been asking for from staff and applicants for the last few months. "I think it would be much easier for us to act if we have that information up front." He mentioned that Ms. Lacoeur's information was extremely helpful.

Mr. Loewenstein stated that while he would ideally like to see things come with adherence to the newly adopted Neighborhood models, they will have to make some allowances for time differences between when this plan started, and when it came to the Commission. He added that while he is concerned about the distance from the DISC model, there may have been timing factors that made it difficult to adhere to that model. Mr. Loewenstein concluded that he would like to see the plan come back to the Commission with additional information as mentioned by other Commissioners.

Mr. Finley commented that staff has made an analysis based on the Neighborhood model, and mentioned in the staff report that the 12 principles are not binding. "I don't see how we can hold this up for that reason at all." He asked fellow Commissioners how they wish to proceed.

Mr. Rooker mentioned the items the Commission had requested be included with rezoning applications, acknowledging that not every application would include every suggested item. Mr. Rooker emphasized that this particular application is very important, involving rezoning of a large property, and asked Mr. Rieley to review what items not yet presented should be brought forth. "I think it would be helpful if we're going to talk about a possible deferral tonight to give the applicant some clear guidelines as to what it is we would like to see them bring back."

Mr. Rooker said that the 12 general principles of DISC that have been adopted do not really incorporate any design standards, and the neighborhood model itself does not make clear how big of an area is to be considered. He indicated that the applicant has made some effort to explain how this development would fit into an overall context of the surrounding properties.

Mr. Rooker asked what leeway the Commission has if they were to defer the item.

Ms. Echols said that the item is scheduled for Board of Supervisors consideration on August 9th, and said she is unsure as to what the legal requirements are for acting.

Mr. Rooker mentioned that the Commission has not requested deferral of this item before, but the applicant has previously requested deferral.

Mr. Benish and Ms. Echols said that they would need to go back and look at the original submittals to determine the possibility of proper deferral.

Mr. Finley asked other Commissioners what additional information they feel is necessary in order to make a decision.

Mr. Rieley responded that if the Commission were to look at the project in a frame that included the adjacent properties, they would probably be less comfortable with the current application. "I would like to see this redesigned in a way that is more sympathetic to it's adjacencies, and ends up with a plan that deals with housing on steep sites in a better way than this one does….my feeling based on what we've seen so far is that this needs more work."

Mr. Craddock said that he would like VDOT information regarding existing traffic levels, and the added impact of this development.

Mr. Rieley said he would like to see an elevational drawing from Route 20.

Mr. Thomas stated that he would like to see more information on water/runoff.

Ms. Echols confirmed that based on the 90-day action limit, the applicant would have to request deferral, or the Commission would have to make a recommendation to the Board.

Mr. Rooker asked the applicant if she would consider deferring for a few weeks.

Ms. Lacouer readdressed the Commission. She asked what would happen if she deferred, and asked for a detailed list of what the Commission would like to see.

Mr. Rooker summarized the items needed: a context map, an elevational drawing from Route 20, discussion with Monticello High School regarding an easement that might alleviate the need for a retaining wall and possibly provide pedestrian access, traffic information/level of service (staff), and a computer generated model which shows what the massing of buildings will look like on site.

Mr. Loewenstein added that provision of planting information and elevations in reduced size would also be helpful.

Mr. Rieley commented that although the DISC principles have just been adopted, as long as two years ago, the Commission was leaning on developers in Crozet to design projects that were orthogonal, with green spaces, etc. "We wouldn't rezone until they did…it."

Mr. Loewenstein commented, “Those were different types of sites, too.”

Mr. Craddock added that he would like to see a consolidated list of proffers also.

The applicant asked how long it would be before the item was reconsidered if she deferred.

Ms. Echols said that it would probably be 5 weeks before it reached the Board of Supervisors, given the amount of work that needed to be done in the meantime.

Ms. Lacouer agreed to deferral, emphasizing that she would try to get all necessary information. “Some of [the information] is almost like a total redesign.”

Staff suggested an indefinite deferral.

MOTION: Mr. Rooker moved, Mr. Loewenstein seconded approval of indefinite deferral of ZMA 99-10 and SDP 99-148, with the stipulation that the item would come back to the Commission within the next five weeks. The motion passed in a 6-1 vote, with Mr. Thomas dissenting.

Commissioners asked that the following information be provided to them from the applicant and/or staff before their reconsideration:

- A context map showing other buildings in the area;
- An elevational drawing from Route 20;
- Discussions with Monticello High School regarding the easement that might alleviate the need for the retaining wall, and possibly allow pedestrian access;
- Information regarding traffic generation and the current levels of service on Route 20;
- A computer-generated model that shows the massing of buildings on the slope;
- Illustrative information on plantings and elevations in reduced size; and
- A consolidated list of the proffers.

Mr. Rieley asked other Commissioners to what they were interested in moderate-income housing, and how that would affect their support.

Mr. Finley responded, “How much can we dictate to the developer what type of housing they want to put on it.”

Mr. Thomas commented, “It’s their property.”

Mr. Rooker mentioned that about one month ago, Mr. Kamptner found the definition of moderate-income housing to include owner-occupied dwellings. “I’m not certain that in an apartment complex it even comes into play.” He added that there is “somewhat of a tension” between the degree of requirements that may be imposed upon an applicant with respect to a development in terms of aesthetics, and the extent to which the applicant can then afford to incorporate moderate-income housing. “I think we need to be sensitive to that tension.”

Ms. Hopper commented that it would be helpful to have a definition of "affordable rent."

Mr. Rooker stated that it would be helpful to have a specific definition in order to evaluate applications that provide this type of housing.

SP-00-035 Roslyn Ridge Office (Sign #99) Request for special use permit to allow a two story plus attic and basement mixed use building with professional office and residential use in accordance with Section 17.2.2.11 of the Zoning Ordinance which allows for professional offices. The property, described as Tax Map 61 Parcel 13a, contains .7 acres, and is located in the Rio Magisterial District on Hydraulic Road [Route #743] and is north of Garden Court and south of Union Ridge Church. The property is zoned Residential 10 (R-10). The Comprehensive Plan designates this property as Neighborhood One.

Mr. Mahon presented the staff report, noting that the applicant plans to locate a maximum 8,000 square foot, 2-story office building with approximately 29 parking spaces in a parcel that was once a gas station. The building would house several small business offices and would collectively employ 10 persons; the attic would be used for 2 one-bedroom apartment units; the basement would be unfinished and would house mechanical equipment for the building. The hours of operation are anticipated to be 8:00 a.m. to 6:00 p.m.

Mr. Mahon reviewed the recommended conditions of approval, correcting an error in Condition #1: the recommended buffer is 15 feet, not 25 feet.

Commissioners asked if the building was two stories or three.

Staff responded that the building is two stories with an attic.

Mr. Thomas asked about the recommended 15-foot buffer between Garden Court and the building.

Mr. Benish responded that the property is zoned R-10, with a normal sideyard setback of 15 feet; this proposal would allow for a buffer area comprised mostly of the existing vegetation.

Mr. Thomas expressed concern that the buffer may not be adequate.

Mr. Rooker said that this plan's orientation to Garden Court is more favorable than the previous arrangement, where the parking was planned to be right up against Garden Court. He noted that the Garden Court Neighborhood Association supported the prior design, and would probably support this one since it is slightly more favorable.

Mr. Benish mentioned that the issue of the dumpster location would be dealt with at the site development plan level.

Mr. Loewenstein said was having trouble matching the elevation view with the plan view.

Staff helped him resolve the issue.

Mr. Craddock asked if there were still heating oil tanks on the property.

Mr. Benish responded that he believes the tanks have been removed. He noted that the site plan is currently under review, but has not been approved yet.

Mr. Loewenstein asked about the building height, and asked if the language stipulating a structure no more than 2 stories in height is sufficient.

Mr. Benish responded that before the Board of Supervisors, there needs to be clarification of how the Zoning Department will interpret the attic as to whether or not it counts as a third story. He said that the applicant is intending to keep with the original concept.

Mr. Rooker asked if there is there anything that ties the approval of the proposal to the elevation of the buildings. "We want to make certain that we're approving something that is substantially the same as the design submitted." He also noted that there is no limitation on square footage.

Mr. Benish said that 8,000 maximizes the site, and the actual building planned is just over 7,000. He added that the ARB will review the site because it is in the Entrance Corridor, and likes to dictate the design.

Mr. Rooker stated that because this building will be surrounded by residential properties, it is important to include some reference to the illustration presented.

Mr. Rieley suggested a condition stating that the design substantially in accord with the design titled "Roslyn Ridge Offices" dated July 11, 2000.

Noting Jan Sprinkle's comments (Department of Zoning) recommending a six-foot high opaque fence between the parking lot and the Townwood units, Ms. Hopper asked if staff supported this recommendation.

Mr. Mahon stated that staff does agree with Ms. Sprinkle's recommendation for a fence around the parking area.

Ms. Hopper suggested adding Ms. Sprinkle's suggestion "all outdoor lighting shall be shielded to reflect light" to Condition #2.

Public comment was invited.

Mr. Woody Parrish, working as an architect on the project, addressed the Commission. He said that they have relocated the entrance since the original plan, noting that both site plans make maximum use of the property. He said that they plan to have a 7,000 square foot building of two-story street elevation, with dormer windows for the attic apartments. Mr. Parrish said that the previous SP required the fence only on the Townwood side; the Garden Court property already has a privacy fence. Mr. Parrish stated that there may be more than 10 employees in the

office, and parking is now provided at one space for every 200 square feet. He confirmed that the 15-foot buffer would be undisturbed buffer. Mr. Parrish added that he is still working on the location of the dumpster.

Mr. Finley asked when they might start.

Mr. Ivo Romanesko responded that the earliest time would be Spring 2001.

Mr. Jim Morris, the original applicant, addressed the Commission, stating his partner, Ken Rogers, was killed, and the plans for the site were then abandoned. Mr. Morris stated that he has a letter of closure on the Department of Environmental Quality evaluations. He reported that they thought they had found some fuel contamination, but it was found to be just a trace amount; the tanks were removed long ago. Mr. Morris stated that the current site plan has solved a lot of the original problems with the plan, and is a superior plan.

Mr. Steven Landis, resident of Garden Court, addressed the Commission, stating that the location of the dumpster is right in his back yard. He expressed concern about the possible loss of vegetation within 15-foot buffer, especially some fairly fully-grown trees that may be eliminated. Mr. Landis said that if the trees are taken down, this could cause increased visibility of the building, as well a lot more noise, and lessened security.

Mr. Rooker replied that the 15-foot buffer area is not going to be disturbed.

Commissioners agreed to add a condition regarding review of a landscaping plan.

Mr. Lane Buckner, the applicant, addressed the Commission. He indicated that David Starmer, President of the Townwood Homeowners Association, authorized him to say that they are in support of the site plan and elevation.

Mr. Thomas asked if he is considering moving the dumpster.

Mr. Buckner replied that they are planning to move it to the Townwood side because of the turn radius.

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

Mr. Rieley commented that this is better in almost every way than the previous scheme.

MOTION: Mr. Rooker moved, Mr. Loewenstein seconded approval of SP 00-035 with conditions modified as follows:

- Condition #1: An **undisturbed** buffer strip of minimum **fifteen** feet in width shall be maintained along both abutting property lines, with landscaping and screening to be approved with the site plan in accordance with Section 32.7.9. **To the extent feasible, the existing vegetation shall be retained on the site.** The buffer strip abutting Garden Court shall be undisturbed, with existing trees within the buffer

preserved and incorporated into the landscape plan. A six-foot high opaque fence shall be placed between the parking lot and the Townwood units.

- Condition #2: All exterior lighting shall be full cutoff luminaires if the lamps emit 3,000 or more lumens. **All outdoor lighting shall be arranged or shielded to reflect light away from adjoining residential districts and away from adjacent streets.**

- Condition #3: The building shall be no more than **three** stories in height and designed in keeping with the character of the area, **and consistent with the sketch plan named "Roslyn Ridge Offices" dated 7-11-00, including the trees illustrated along Hydraulic Road.**

- **Condition #4: Building square footage shall be limited to 8,000 square feet.**

The motion passed unanimously.

Old Business

CPA-2000-01 Wireless Policy

Mr. Fritz reviewed the history of this CPA, noting that the process had been going on for several years. He mentioned that other localities have picked up on Albemarle's plan, and are beginning to work on their own policies.

- Mr. Fritz stated that there are still some errors in the document, pointing out the duplication of pages 52 and 53.
- He added that Item #14 on Page 65 gets removed.
- Mr. Fritz noted that staff has recognized the difference between cellular and PCS, especially the equipment shelters. Staff now recommends that the smallest possible equipment be used.
- He said that the setbacks for height and zoning districts are now broken out into separate pages.
- Staff has made it clear in the policy that burying equipment is a last resort, acknowledging that it can be very costly.
- Staff has made it clear that when the Zoning Text Amendment is adopted for the three tiers the appeal for a Tier Two from the Planning Commission be to the Board.
- Mr. Fritz said that they have removed some of the requirements regarding information the applicant would have to submit upon filing.
- He concluded that the underlying issue throughout the policy is the visibility of wireless communications facilities.

Mr. Fritz said that the policy is going to a Board worksession on August 2nd, and is going to the Board on August 9th.

Mr. Benish added that staff would also like to make a text amendment to the Comprehensive Plan Land Use section. He noted that there is a section entitled "Other Utilities," and the Executive Summary of the Wireless Policy could be added there.

Mr. Finley asked if the distorted/exaggerated photos in the manual, as referenced in Dick Gibson's letter, have been taken care of.

Mr. Fritz acknowledged that the photo simulations are intended to be illustrative.

Mr. Finley asked if applicants have found the policy manual useful.

Mr. Fritz replied that wireless service providers continue to be concerned about the manual, and don't agree with everything in it; however, they have benefited from it because it has provided them with some guidance. "They're able to fill out their applications, submit their applications with some reasonable anticipation as to what the outcome of their application is going to be." He added that staff finds it very useful.

Mr. Finley mentioned the positive press in the *Roanoke Times*.

Commissioners complimented Mr. Fritz on his work on the policy manual.

Mr. Rooker commented that the tiered system does not take the avoidance area concept into consideration.

Mr. Fritz replied that the tiered system simply refers to what process the applicant follows when applying.

Mr. Rooker noted that in some cases, existing towers in avoidance areas may be collocated on. "I think it's good that…the approval process doesn't necessarily change if the visibility factors are met."

Mr. Finley mentioned that the pine poles seem to be widely accepted now.

Mr. Fritz said that there are 14 wireless applications pending now, and of those the vast majority are wooden poles.

Ms. Hopper stated that she has two substantive changes:

1. Page 49…..She does not agree that due to high cost, burying equipment should be considered only as a last resort.

Mr. Fritz replied that the application could be denied if the impacts are too great. "We wanted to acknowledge that burying equipment is expensive."

Mr. Rooker agreed with Ms. Hopper, suggesting deletion of the sentence. Other Commissioners agreed.

2. Page 21…..Ms. Hopper stated that she did not agree with the wording "co-location should be discouraged when it adds to visibility."

Mr. Rieley agreed with the way the manual is worded; fellow Commissioners agreed.

Mr. Rooker suggested changing the wording to "co-location should be discouraged where it significantly changes visibility."

Fellow Commissioners agreed.

Mr. Finley agreed to accept public comment.

Ms. Valerie Long, an attorney for Triton PCS, addressed the Commission. She stated that her concern is the ARB and BZA encourage collocation, and there are a lot of conflicting messages about whether the county wants collocation or not. She indicated that recently, the ARB considered 9 applications, and as a condition of approval, they stipulated the applicant must work cooperatively with companies who want to collocate.

Mr. Rieley said his opinion about collocation has changed. He explained that he initially felt that it was a good thing, but once he saw what collocation entails, he feels that most of the time it is a bad thing because it increases visibility.

Mr. Benish said that staff feels it always comes back to visibility, and applicants need to know that just because they are collocating, doesn't mean that their application is automatically accepted.

Mr. Rooker said that collocation itself is not good or bad, but is just an issue of visibility.

Mr. Rooker asked for clarification of the definition of collocation.

Mr. Fritz explained that collocation can mean locating on the same site, not necessarily on the same pole. He added that there can be "horizontal collocation, such as treetop towers, away from eachother. "The basis of evaluation is the visibility increase caused by the additional tower…does it have a positive or negative effect."

Mr. Jeff Werner of the Piedmont Environmental Council addressed the Commission, emphasizing that the special use permit process should remain regardless of tiers, to allow for public input.

Commissioners discussed the manual's reference to avoidance areas.

Mr. Fritz explained that the avoidance areas will be treated similarly to the Entrance Corridor overlay districts, with mention that a given proposal is located in an "avoidance area."

Mr. Loewenstein commented that the manual should include reference to locations where certain wireless facilities should not be located.

Mr. Fritz said that pages 23 – 25 address avoidance areas. He added that some non-mapped areas may be in avoidance areas, such as historical properties not eligible for national registry.

Mr. Loewenstein asked what happens when staff reviews such an area. "Is it clear your going to be able to tell?"

Mr. Fritz responded that the Planning and Zoning staff would review such applications using individuals with expertise and insight in those areas.

Mr. Benish said that other than documents and through surveys, they would consult with design planner. He cited the Ivy Creek Methodist Church as an example of a site that has not been identified historic, but is considered historic because of its obvious character.

Mr. Fritz added that often architectural features or building character give a fairly clear indication of properties that are historic.

He also noted that there has been a recent approval of a wireless facility in an Agricultural/Forestal District.

Mr. Rieley commented that he is concerned about the exaggerated illustration on Page 9 of a 600-foot tall tower, deeming it unnecessarily incendiary when there are perfectly good real-life examples of absurdly high lattice towers in Rockbridge County. He also mentioned that the comment on Page 11 that "Pantops has successfully blended development with environmental quality" is editorial, and not necessary, adding that the photo shown is of Charlottesville (City). He suggested that there be a process to confirm that construction is compliant with approvals. "It doesn't hurt to stipulate that field visits are a part of the process."

Mr. Loewenstein asked about the 500-inch reference to equipment area on Page 49.

Mr. Fritz replied that that refers to the equipment itself.

Noting Mr. Werner's concerns, Mr. Rooker asked if there is any procedure for notification of adjoining landowners in Tier Two applications.

Mr. Fritz said that Tier Two will be similar in process to the existing Rural Preservation Development, with public notification, and a Planning Commission process "very similar to that."

MOTION: Mr. Loewenstein, Mr. Rooker seconded approval of CPA 2000-01 incorporating the text of the policy into the Comprehensive Plan as submitted to the Planning Commission with changes as discussed and agreed upon by the Commission and provided to Mr. Fritz. The motion passed unanimously.

Old Business

Mr. Benish reminded Commissioners that they had a DISC worksession on Tuesday, July 18th at 4:00 p.m., followed by their regular meeting. He noted that their regular meeting is a joint worksession with the City Planning Commission.

New Business

Mr. Loewenstein mentioned that he and Ms. Hopper had recently discussed the need for an Executive Session in the near future. He indicated that he had not yet discussed this with Mr. Cilimberg and Mr. Kamptner, but would soon.

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

_____

V. Wayne Cilimberg
Secretary