Albemarle County Planning Commission
August 29, 2000

The Albemarle County Planning Commission held a meeting and public hearing on Tuesday, August 29, 2000 in the County Office Building. Members attending were: Mr. William Finley, Chairman; Mr. Dennis Rooker, Vice-Chairman; Mr. William Rieley; Mr. Pete Craddock; Mr. Rodney Thomas; Mr. Jared Loewenstein. Other officials present were: Mr. Wayne Cilimberg, Director of Planning and Community Development; Mr. Steven Waller, Planner; Ms. Joan McDowell, Planner; Mr. Juandiego Wade, Transportation Planner; Mr. Jeff Thomas, County Engineering; Absent: Ms. Tracey Hopper.

DISC Work Session – Review of Principles 7 & 8 [*Relegated Parking; Mixture of Uses*].
The Commission held a worksession on DISC Principles 7 and 8.

Regular meeting

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

Item Requesting Deferral:

SP-2000-43 Rodgers Residence (Agricultural/Tutorial) (Sign # 23 & 24) - Request for a special use permit to allow a private school in accordance with Section 10.2.2..5 of the Zoning Ordinance, which allows for private schools. The property, described as Tax Map 94 Parcels 31A, 31B, 31C, and 31D, contains 12.17 acres is located in the Rivanna Magisterial District on Union Mills Road [Route 616] at the intersection of Union Mills Road and Richmond Road [Route 250]. The property is zoned Rural Areas [RA]. The Comprehensive Plan designates this property as open space in Rural Area 2. *Applicant requests deferral to October 3, 2000.*

The Commission moved, seconded, and unanimously approved deferral of SP 2000-43 to October 3, 2000 as requested by the applicant.

Deferred Item:

ZMA-00-004 Fontaine Research Park (Sign #57 & 58) - Request to amend ZMA 92-03 to expand the 389,000 sq. ft. development limitation to 495,000 sq. ft., to modify the approved application plan, and to amend proffers. 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, 17B2, 17B3, 17B4, 17B5, 17B6, 17B7, and 17BX 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. A Special Use Permit request (SP 00-021) has also been submitted with this request. *Applicant requests deferral to September 5, 2000.*

The Commission moved, seconded, and unanimously approved deferral of ZMA 00-004 to September 5, 2000.

Public Hearing Items:

SP-00-048 South Fork Soccer Fields (Sign #40) – Request to extend to the approval period for SP 98-18, South Fork Soccer Field, approved by the Board of Supervisors on September 9, 1998. SP 98-18 was approved to locate 5 soccer fields, a 2,000 square foot storage building, and 216 parking spaces on approximately 72 acres. This activity required a special use permit in accord with Section 10.2.2.4 of the Zoning Ordinance. The property, described as Tax Map 46, parcel 22 and 22C, is located on the south side of Route 643, Polo Grounds Road, approximately 1.1 mile east of Route 29 in the Rivanna Magisterial District. The property is zoned RA, Rural Area and is not in a designated Development Area of the Comprehensive Plan.

Mr. Benish presented the staff report, noting that this request is just for a time extension, and staff recommends approval. He mentioned that the conditions originally imposed by the Board of Supervisors would remain applicable.

The applicant, Bill Mueller, addressed the Commission. He said that they have worked for the last two years trying to meet the condition of completing an archeological survey.

Mr. Finley asked how long it has taken to do the survey.

Mr. Mueller replied that it has taken almost the entire two years.

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

MOTION: Mr. Rooker moved, Mr. Loewenstein seconded approval of SP 2000-48 with conditions as previously approved by the Board.

Mr. Rieley commented that it is great to see cooperation among the soccer program, the Commission, and the Board.

The motion passed unanimously.

SP-00-017 CV-R-318 Mt. Jefferson (Sign #34 & 35) – Request for approval to construct a 115 foot tall wooden telecommunications pole in the Bellair Subdivision. The property, zoned R-1, Residential (1 dwelling unit/acre) and EC, Entrance Corridor, and described as Tax Map 76C Section 2 Parcel 2, is located on the west side of the Route 29 bypass (Monacan Trail), approximately one half mile south of the intersection of Routes 29 and 250 West (Ivy Road) in the Samuel Miller Magisterial District. This site is located in Neighborhood Six, and recommended for Neighborhood Density Residential (306 dwelling units/acre) in the Comprehensive Plan.

Mr. Waller presented the staff report, distributing pictures used in previous reports. He highlighted information and requested the last time this item was considered and deferred. Mr. Waller said the applicant is requesting approval to allow construction of a personal wireless communications facility with a wooded monopole that is 115 feet tall. The proposal for this

monopole is considered under the Tier Three of the wireless policy manual. He noted that the applicant is requesting that the Commission considered trees farther away than 25 feet from the facility. Staff believes that approval of this monopole at 115 feet would be out of line with previous similar approvals; staff has reviewed the application for its compliance with the Zoning Ordinance, and recommends approval of the special use permit with amended conditions that limit the tower height to 115 feet without the option of increasing the height to take into consideration future growth of trees. Mr. Waller noted that the applicant is also requesting approval of a site plan and setback waiver.

Mr. Thomas asked what the distance of the tower is from the Route 29 Bypass, and asked if the tower was collapsible.

Mr. Waller responded that the pole is not collapsible, and said he wasn't sure how far the tower is from Route 29.

Mr. Thomas commented that it appeared the tower would land in the middle of the highway if it fell.

Mr. Riley noted that the planting plan wasn't addressed in the conditions of approval, and asked if it was dealt with elsewhere.

Mr. Waller responded that the planting plan is addressed through ARB conditions, adding that the applicant has amended the plan to show the screening material.

Referencing Condition No. 2, Mr. Rooker asked about uniform language used for certification of tower height. He asked if it would be possible to use that language as established one week prior. Mr. Rooker also suggested eliminating Condition No. 6, as had been done last week.

Mr. Rieley suggested adding a condition that increases the size of the hollies to six feet and the size of bayberries to three feet. He agreed that alternative evergreens would be acceptable, but may not do as well in the shade.

Mr. Craddock noted that at one point in the staff report, the tower height says 128 feet.

Mr. Waller confirmed that the 115 feet would be noted in the site plan.

Mr. Craddock also asked about the size of the panels, which appear to be 8 feet, although the report says 5 feet.

Mr. Waller noted that the panels are not drawn to scale.

Mr. Riley said that there are number of inconsistencies between what is in the report and what is in the drawings.

Mr. Cilimberg pointed out that in previous weeks, the Commission had dealt with certification of the height of the tallest tree within 25 feet of the tower, and in this case it there is an absolute

tower height given. "I think it's a little different in this case." He suggested that a condition be imposed with language stating "within one month after the completion of the tower, the applicant shall provide a statement to the Planning Department certifying the height of the tower."

Commissioners agreed.

Mr. Finley wondered about using a metal pole instead because of its collapsibility.

Mr. Waller responded that the ARB had recommended use of a wooden pole, but left the to the option of using metal or wood.

Mr. Rooker commented that there is no known record of wooden poles falling down anywhere, and mentioned that there are number of trees as tall as the proposed tower near Route 29 that are as likely or more likely to fall over.

Mr. Riley asked if the balloon test as presented used the 128 foot height.

Mr. Waller replied that the test used 115 feet.

In response to Mr. Rooker's question, Mr. Waller confirmed that the existing tower at Bellair is 97 feet high. He added that that tower was allow to be seven feet higher than the tallest tree, but the tree used for that measurement was knocked down by a recent tornado.

Mr. Thomas asked if co-location refers to locating on the same tower, or same piece of property.

Mr. Waller replied that the wireless manual refers to both, but the language in the staff conditions refers to use of that same pole for co-location.

Mr. Rooker noted that a co-locator would have to come back before the Commission. "There would be another special use permit application to amend the restrictions on the antennas on the tower." He emphasized that the Commission had eliminated the condition regarding co-location so it wouldn't appear that they were necessarily encouraging co-location. "It depends on the circumstances and the visibility of the proposed co-location."

Public comment was invited.

The applicant, Valerie Long of Triton, addressed the Commission.

Ms. Long explained that the monopole would be located 29 feet from the property line, and an additional 37.2 feet from the property line to the edge of the guard rail. She stated that the wood poles are far stronger than trees, adding that they are secured in 15 feet deep concrete. Ms. Long said that Triton would be happy to use a steel pole painted brown if preferred. She stated that the total height of the panels would be 8 feet (96 inches).

Ms. Long said that the site would be accessed by using the property owners existing driveway, which was slightly extended by the other carrier when they received approval for their facility.

She mentioned that the property is heavily wooded, and Triton has no plans to remove any trees. Ms. Long said that the tallest tree – a 111-foot poplar – is directly in the path of Triton's coverage objective. She asked the Commission for some flexibility in allowing the 118-foot tower height.

Mr. Rooker asked if topping the large tree would allow Triton to achieve their coverage with a shorter pole.

Ms. Long responded that it probably would, and Triton would be willing to consider that, although the tree is in the VDOT right-of-way.

Mr. Rooker mentioned that the issue came up in a tower application one week ago, and it sometimes makes sense to top one tall tree.

Ms. Long said that many other trees in the area are 95 – 99 feet tall.

Ms. Long pointed out that the ARB suggested six-foot tall pine trees to screen the ground equipment.

Mr. Rooker suggested to Ms. Long that the screening be in line with the equipment height with all applications.

Mr. Loewenstein asked what the length of the driveway extension would be.

Ms. Long replied that she can only approximate from the drawing, adding that the stretch would be graveled.

Mr. Finley asked what the size of the leased area is.

Ms. Long responded that the space is 10'x15'.

Mr. Rooker asked if a lightning rod is proposed, and how high it would be above the pole.

Ms. Long confirmed that there would be a lightning rod, adding that a two-foot height would be sufficient.

Mr. Rooker pointed out that the Commission had imposed limitations on the size and width of lightning rods in previous recent tower applications.

Ms. Long presented some photo simulations.

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

Mr. Rieley commented that this application is another example of a few tall trees "skewing" the tree height comparisons for pole height. He suggested a lower pole height coupled with the

authority to prune the trees down no more than seven feet below the elevation of the top of the pole.

Mr. Cilimberg read the conditions used in tower applications at the Commission's August 22nd meeting.

Commissioners agreed that it was important to be consistent with applicants.

Mr. Waller asked if there were any conditions needed to obtain VDOT permission to shorten the tree height.

Mr. Rooker noted that the topping of the tree would be subject to VDOT's permission, emphasizing that the tree would be shortened to the height of the tallest tree within the 25 foot radius.

MOTION: Mr. Rooker moved, Mr. Rieley seconded approval of SP 00-017 with conditions presented by staff modified as followed:

1. **(Modified) No portion of the tower, including the antennas, shall extend more than five feet above the highest part of the tallest tree within 25 feet; a grounding rod whose height shall not exceed two feet and whose width shall not exceed one inch diameter at the base and tapering to a point may be installed at the top of the pole.**

2. **(Modified) Within one month after the completion of the tower, the applicant shall provide a statement to the Planning Department certifying the height of the tower.**

6. **Elimination of Condition #6.**

8. **This condition will be modified prior to the Board of Supervisors September 22nd meeting to allow for a reduction in the height ("topping") of the 96-foot poplar tree.**

14. (New) Holly trees of no smaller than six feet in height and bayberry trees of no smaller than three feet shall be used for screening.

The motion passed unanimously.

MOTION: Mr. Rooker moved, Mr. Rieley seconded approval of the site plan and setback waivers associated with SP 00-017; the motion passed in a 4-2 vote, with Mr. Loewenstein and Mr. Thomas dissenting.

Mr. Thomas commented that he is not really happy with the variance methods used at the present time.

SP-2000-42 Triton PCS CVR 350C (Bailey) (Sign #42 & 43) - Applicant seeks approval to allow construction of a 115 foot tall wooden telecommunications pole, in accordance with Section [10.2.2.6] of the Zoning Ordinance. The property, described as Tax Map 58-Parcel 54,

contains approximately 2.2 acres, and is located in the Samuel Miller Magisterial District on Old Turner Mountain Road approximately 1/4-mile northeast of the intersection with Tilman Road [Route 676]. The property is zoned RA, Rural Areas, and the Comprehensive Plan designates this property as Rural Area 3.

Mr. Waller presented the staff report, noting that the applicant is requesting construction of a wooden monopole at a height of 5 feet above the tallest tree within 25 feet of the pole; the applicant has provided the tree heights in the site plan. He reported that staff recommends approval of the request; however, staff feels that the tower may be visible from various angles, including from a driveway at the intersection of Old Turner Mountain Road and Tillman Road. Mr. Waller said that at 115 feet of height, the visibility impact is greater; staff recommends approval of a 110-foot pole if the applicant can still achieve their coverage objective.

He added that no trees would have to be cleared for preparation of the road, and no trees would have to be cleared in preparation for the tower site itself. Mr. Waller noted that there is a site plan and setback waiver with this application.

Mr. Rooker asked if the visibility would be better shielded if the 112-feet tree were topped, and the tower were moved down accordingly.

Mr. Waller agreed that this would help with shielding, using the average height of all the trees in the area.

Public comment was invited.

Ms. Valerie Long of Triton addressed the Commission. She said that the area is an existing access road, leading from Old Turner Mountain Road into the lease area. She emphasized that Triton selected this site because of the existing access road and the clearing. Ms. Long noted that the visibility of the proposed tower is minimally visible, stating that there are VEPCO power lines nearby.

Ms. Long stated that Triton would be willing to reduce the tree height, and the pole height accordingly.

Mr. George Bailey, the property owner, addressed the Commission, stating that it would be acceptable to him if the tree were topped.

Mr. Craddock asked Ms. Long to clarify the panel sizes.

Ms. Long confirmed that the outside face of the pole to the outside face of the panel would not exceed one foot.

Mr. Dale Finnochie of Crown Communications addressed the Commission. He explained that Crown will design this site to Triton's specifications.

Mr. Rooker said that using antennas that were more flush mounted would be helpful.

Mr. Finnochie said that attaching the antenna safely and getting the coax down the pole require mounting with brackets, which cause the panels to protrude slightly.

Mr. Loewenstein recalled that the Commission in the past has imposed limitations on how far the antenna panels stick out.

Ms. Long stated that Triton would make sure that the antennas were mounted as closely as possible.

Further public comment was invited.

Mr. Wayne Knight, a resident of Glen Air subdivision, addressed the Commission. He presented a petition (Attachment "A") signed by 128 residents who live near the proposed tower site. The petition encouraged Commissioners to deny the application, citing concerns, and asked Triton to consider alternative locations. Mr. Knight pointed out that St. Paul's Episcopal Church, located on the corner of Owensville Road and Route 250 West, has let it be known that their steeple tower is available for locating communications towers. He asked audience members in opposition of the tower to stand; approximately 25 people stood up.

Ms. Leslie Wilcox, who lives on the property adjoining the Bailey parcel immediately to the east, addressed the Commission. She stated her objections to the proposed tower, noting that the Bookers (also adjacent property owners) oppose the tower. Ms. Wilcox read a letter from Ms. Wilcox (Attachment "B"), which cited concerns about future co-location and expansion of the tower site.

Ms. Anne Rudig of Turner Mountain Road addressed the Commission, stating her objection to the application. Ms. Rudig read a short statement from Micki Bright, her neighbor (Attachment "C"), also opposing the tower because of bad precedent, future co-location, and possible other commercial enterprises.

Mr. George Bailey addressed the Commission. He stated that several property owners on Turner Mountain Road had indicated an interest in having the tower located on their land, but Triton found no other sites acceptable.

Mr. Allen Cohen addressed the Commission. Mr. Cohen said that he has lived in several communities that were gradually overrun with cell towers. He stated that he lives in a preservation district, and bought his home there because of the protection that designation offered.

Mr. Mark Gibson of Turner Mountain Road addressed the Commission. Mr. Gibson stated that he understands that the county allows cell phone towers to project no more than 5 feet taller than the height of trees within 25 feet, and in this case, most surrounding trees create a skyline except for one exceptionally tall tree. He urged Commissioners to deny the application.

Mr. David Carr of the Glen Air neighborhood addressed the Commission. He said that while the applicant claims that this tower will facilitate emergency communications, there is already co-location opportunities in the tower of St. Paul's Church. Mr. Carr urged the Commission to deny the application, but said that if they should decide to approve it, they should require antennas to be flush mounted, and do balloon tests when leaves are off the trees.

Mr. Harvey Wilcox, who owns the property adjacent to the east, addressed the Commission. Mr. Wilcox presented a petition of 130 residents (Attachment "C") who oppose the project. He said that this monopole isn't just another telephone pole, but the beginning of a commercial operation. Mr. Wilcox said that once "a foot is in the door," the rural nature Ivy is changed forever. He added that the tower will affect neighboring properties, and emphasized his objection to the setback waiver.

Mr. John Murphy of 823 Turner Mountain Lane, adjacent to Mr. Bailey's property, addressed the Commission. Mr. Murphy noted that the site is not as densely wooded as the applicant indicates, and the installation of the site will preclude regeneration of trees in that area, as will the road leading to the site. He asked that if the plan is approved, the original plan for a road from Mr. Bailey's property be used.

Mr. Jeff Werner of the Piedmont Environmental Council addressed the Commission (Attachment "E"). Mr. Werner said that without protection from soil compaction and trunk damage, the trees providing shielding may be temporary. He complimented the neighbors on their organized opposition to the tower as presented.

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

Mr. Loewenstein asked Ms. Long to return; she did so.

Mr. Loewenstein asked if Triton pursued co-location alternatives in that vicinity.

Ms. Long replied that Triton is not aware of any co-location options in the immediate area, and using shorter wooden poles requires more precise location and closer placement of facilities. She indicated that Triton has mapped out an entire network of coverage area, and there were no existing structures found in that area, adding that Triton was not aware of the church site.

Mr. Loewenstein asked what the nearest tower facility is to this one.

Ms. Long responded that there is not really anything in this area. "It is a complete dead zone." She noted that there is a co-location on a VEPCO facility on Barracks Road, and confirmed that Triton's primary interest is achieving coverage on the 250 West corridor.

Mr. Loewenstein asked if Triton will be seeking additional sites along the 250 West corridor to improve coverage.

Ms. Long replied that Triton has submitted another application for a facility closer to town, directly adjacent to this one.

Mr. Thomas asked if Triton was partnering with any other carriers in the area.

Ms. Long responded that Triton does partner with Alltel, but there is no co-location coverage of any kind in the area. She emphasized that the facility is in compliance with the proposed wireless manual, and agreed that Triton could lower the tower height to be more in keeping with most surrounding trees. Ms. Long said that she contacted all adjacent neighbors, and did not receive any objections until tonight's meeting.

Mr. Thomas asked, "Would you work with the neighbors if possible."

Ms. Long replied that Triton always works with neighbors, and believes that the visibility of this site is very minimal, mitigated by its siting and design. She said that the brown, slender pole would blend in well with the surrounding trees.

Mr. Rooker asked about the prior plans mentioned for an access road.

Ms. Long replied that it was thought that VDOT might not approve access, because it is on a blind curve, but because Old Turner Mt. Road is private, the site distance requirements would not apply. She said that Triton chose the access road because it is already there, and would require no clearing; using the driveway would require some clearing because it is on the other side of the site, with trees in the way.

Mr. Rooker asked how often Triton officials would be visiting the site.

Ms. Long responded only one time per month, only to maintain it and make sure everything was in working order.

Mr. Finley pointed out that the church is about 1¼ miles from this site.

Ms. Long said that shifting the location could skew the signal pattern.

Mr. Loewenstein asked if it would be possible to utilize different sites to connect the signal if this site were moved. "It might be worthwhile looking at the design of the coverage for that corridor as a unified plan rather than doing it piecemeal, and if that were the case, it might predicate some different sites all together."

Ms. Long responded that Triton is proceeding with its network plan, and is proceeding with applications as fast as possible based on their ability to obtain lease agreements with landowners, and their abilities to get surveyors out to get tree heights surveyed.

Mr. Finnochie pointed out that they currently have seven applications on file with the county, with a coverage objective for along Route 250, I-64, and down Route 53. He said that Triton bumped their applications off of the agenda which also had the Alltel items, but bumped them off so that meeting wouldn't be any longer.

Mr. Loewenstein asked if is it possible to make geographic shifts within the unified plan.

Mr. Finnochie responded that from a pure engineering perspective, there is very little flexibility with the short wooden poles. He said that many of the neighboring properties were candidates, but the RF engineers chose the Bailey property because it gave a better location and functioned better than other properties a few hundred yards away. Mr. Finnochie added that the church site would probably overshoot another planned site within the network.

Mr. Craddock asked how far away the electricity would be run from.

Ms. Long said it would tie into the existing VEPCO pole, and the lines would be underground. She said that the VEPCO pole is next to the lease area within the trees, and the lines might come up through access easement.

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

Mr. Riley commented that lots of good issues have been raised, but generally this site complies with the kinds of areas targeted by the county for location. He said that the height is "way too tall," which could be adjusted, and said that the driveway location is a particular problem, which could also be mitigated. Mr. Rieley said that it was very important to particular attention to the screening of ground equipment because of the number of nearby houses.

Mr. Rieley emphasized that the one issue that does not have a mitigating solution for is the setback, noting that the Commission has never approved setback waiver in which the adjacent property owner did not approve. Mr. Rieley said that the pole could be relocated closer to the driveway.

Mr. Thomas agreed with the setback issue, and said that a relocation might solve this problem.

Mr. Loewenstein said he can't support a setback waiver, adding that this application is in a more rural area, and doesn't have the same character as the area in the previous application. He stated that the top of this fixture also seems to be more visible.

Mr. Finley asked how many feet would be needed toward the driveway to achieve the full setback.

Mr. Rooker noted that the waiver request is for 45 feet, but if the tower height were reduced, the setback would not need to be as great.

Mr. Rieley said that upon review of the application, it appears that there is a better way to locate the tower and achieve the setback.

Mr. Rooker commented that the Commission has been dealing with towers for a number of years, and originally considered towers like the 150-foot tower that was turned down in the Ivy area. He noted that there were many towers approved that are highly visible in the county. In response to those problems, the county and Commission has spent several years coming up with

the Wireless Policy Manual that would reflect the community values, and reflect the desire to have facilities that are not highly visible. He said that the manual, which is approximately 80 pages long, recommends allowing more towers that are less visible. Mr. Rooker added that localities are prohibited by federal law from preventing cellular service from being exercised by carriers who own frequencies, citing the Dudley Mountain tower, which was lost at the Federal District Court level and eventually won at the Fourth Circuit level. "We do have to allow towers that seem to meet our detail policy as set out in the policy manual."

Mr. Rooker noted that he would oppose this particular application because of the setback waiver and accompanying objection from which the setback is required. He noted that this application meets the requirements of the policy manual, and if it came back with a location that didn't require a setback waiver with reduced height and a wooden pole to minimize visibility, "I would be hard pressed not to vote in favor of it."

Mr. Rieley asked how much time the Commission had before voting on the item, and asked Ms. Long if Triton would be willing to defer.

Ms. Long said that they would accept a deferral if they could keep their Board date, and suggested using a steel pole to collapse within itself to stay within the boundary area.

Mr. Rooker stated that his objection to the setback waiver is not limited to the pole falling.

Mr. Cilimberg suggested deferral to the October 3rd Commission meeting date, and the next October Board meeting after that could be met.

Ms. Long agreed, and requested deferral as such.

MOTION: Mr. Rooker moved, Mr. Craddock seconded approval of deferral of SP 2000-42 to October 3, 2000 at the applicant's request. The motion passed unanimously.

Regular Item:

SDP-2000-068 Farmington Country Club Short Game Practice - Proposal to construct a short hole golf course, which includes slight alterations to the existing golf course. Property described as Tax map 60E2, Parcel 1 (part of), is located within the existing Farmington County Club. The site is located directly off Wood Lane and is zoned RA, Rural Areas and EC, Entrance Corridor. The property is located in the Samuel Miller Magisterial District and is not located within a designated growth area.

Mr. Wade presented the staff report, noting that this application was originally denied by the Planning Commission on March 16, 1999, due to lack of turnaround facilities for golf course, and the fact that the golf cart path was not completely independent of Wood Lane. At that time, staff requested the applicant to reach agreement with the residents of Wood Lane; the applicant resubmitted the same proposal with some changes to the proposed alignment with Wood Lane in May of this year.

Mr. Wade said the current proposal has a turnaround space near the intersection of Wood Lane and Farmington Drive, and is separated from Wood Lane except for approximately 125 feet. Staff recognizes that this proposal does not satisfy the residents of Wood Lane; the applicant did meet with the residents of Wood Lane in order to reach an agreement. However, the meeting was unsuccessful. Mr. Wade said that staff recommends approval of SDP 2000-068 with conditions noted in the staff report, and also recommends approval of a critical slopes waiver as requested by the applicant.

Mr. Finley asked Mr. Wade about the term "completely independent" as it relates to the golf cart path.

Mr. Wade responded that the applicant initially had a proposal with a modified curb, but it was not acceptable to the residents of Wood Lane, and was removed by the applicant. The applicant has since removed the top portion of the golf cart path away from Wood Lane, and it ties back in for approximately 125 feet; then it will go into the golf course area.

Mr. Rooker announced that he would not participate in the discussion and vote on this matter, as he is a member of Farmington Country Club and is a golfer.

Mr. Thomas stated that he is also a member of the club, but feels that he can treat the application fairly.

Public comment was invited.

Mr. George McCallum, attorney, addressed the Commission on behalf of Farmington. Mr. McCallum introduced Farmington's Board of Directors, Golf Committee, and Greens Committee. He also introduced Jo Higgins, a development consultant to Farmington on this issue. Mr. McCallum stated that Farmington has made changes to the site development plan with respect to the access, which should satisfy the concerns the Planning Commission had at the original hearing; he noted that the Commission had previously approved a critical slopes waiver, and this request for the same critical slope waiver results from the expiration of the one previously approved.

Mr. McCallum noted that the short-game practice area is a by-right use. The only issue that brings the matter before the Commission is the issue of the internal traffic flow on the private roads, specifically zoning code section 32.3.1, which addresses conflict of vehicular traffic. Mr. McCallum mentioned that a short-game practice range is a place where golfers can practice their short pitching and chipping strokes from 60-70 yards in; this particular facility has two target greens and one putting green. He said that golf course architect Bill Love carefully chose this area within the course, and the plan now presented addresses all of the original concerns about traffic conflicts.

Mr. McCallum presented a diagram showing Wood Lane and the location of the proposed course, noting that the revised proposal has a new golf cart path that converges from Wood Lane and comes back in parallel to Wood lane for 125 feet. He noted that the pavement widening has

been increased to 23 feet – 6 feet for the golf cart path and 17 feet for the motor vehicle travelway. He noted that the club has put a painted line instead of a curb to separate the two.

Mr. Fred Payne, representing Dr. Deering Johns and Mr. Harry Lewis of Wood Lane, addressed the Commission. Mr. Lewis is President of the Farmington Property Owners Association. Mr. Payne emphasized that the changes are not acceptable to many – if any of the Farmington property owners. "It doesn't accomplish what the Commission told the club to do last year…this plan was unsafe or year ago and it's still unsafe."

Mr. Payne stated that the club does own the land underlying the road; however, this road is subject to a 60 foot easement in favor of these property owners. Furthermore, the club does not maintained this road; the obligation to maintain the road is with the property owners association. Mr. Payne said that the Commission stated one year ago that the golf cart path and roadway should be separated; a physical barrier is necessary. He said that the curb is unacceptable to the neighbors, and other solutions have been recommended. Mr. Payne added that there need to be measures to prevent people from accessing Wood Lane at both ends; and access needs to be blocked off from the snack bar.

Mr. Finley asked what width of road the homeowners association maintains.

Mr. Payne responded that it varies, but the width of pavement he measured in one spot was 15 foot, 8 inches.

Mr. Wade pointed out that installing a curb would prevent two passing vehicles from getting past each other.

Mr. Rieley asked about Mr. Payne's suggested solutions about something other than curbs.

Mr. Payne responded that several property owners had suggested a barrier such as wooden posts, which would not interfere with drainage.

Mr. Loewenstein asked about the width of the average golf cart.

Mr. Payne responded that it is 3 feet, 6 inches.

Mr. Jim Skeen, an attorney representing Mr. Schrank, who owns the property immediately across the road from the affected area, addressed the Commission. Mr. Skeen said that he concurs with Mr. Payne, and stated the southernmost 40 or 50 feet where the cart path adjoins Wood Lane is the area of most concern. Referencing the site plan, Mr. Skeen said that this area outside of Mr. Schrank's driveway serves as ingress and egress to their property, and acts as a turn-around for vehicles that come part way down Wood Lane and don't want to go any further. "We view that as a highly critical area from a safety point of view, and believe that there is a risk of vehicles coming out that may not see carts coming onto Wood Lane….or as carts come onto Wood Lane, that drivers may not be attentive to vehicles that are coming out of the driveway."

Mr. Skeen added that without physical separation and only a white line, the opportunity for an accident is very high. "We believe that the only way to solve that problem is to create a physical separation at that point and at least some distance to the north." Mr. Skeen suggested a grass shoulder strip with a physical barrier next to the cart path to keep the carts from going into the road. Mr. Skeen noted that the slope in the southern area is "more gentle," and there is more distance between the road and the golf course elements; there is also the possibility of raising the cart path to a grade that is higher than the road. He mentioned that Mr. Schrank has agreed to allow Farmington to widen Wood Lane on his side of the road.

Mr. Thomas asked how much land Mr. Schrank would need to provide.

Mr. Skeen responded that the land just before going into the driveway would be needed, and said Farmington should come forward with the first part of their land.

Mr. Craddock asked why the additional pavement was put in, noting that it appears somewhat patchy.

Mr. Skeen responded that the road was originally even narrower, and the pavement was put in to widen the road. He added that his client feels that 16 feet is sufficient for the road if there is a shoulder, and the extra could be used in part to form a median that would form a visual barrier and inform drivers that they are off the road.

Ms. Deering Johns addressed the Commission. She read a letter from her neighbor, Charles Miller, Professor of Orthopedic Surgery at U.Va. (Attachment "E"). Dr. Miller expressed concern about the mix of automobile traffic, golf carts, and pedestrian golfers forced together on a narrow road with blind curves. Dr. Miller said that adding the short game practice area will only increase the traffic on Wood Lane.

Mr. Will McNeely of Wood Lane addressed the Commission. Mr. McNeely stated that he is concerned about the lower portion of the road with the cart path, and said that Farmington could give another 3 feet to separate the path.

Mr. Ed Wells, a resident of Wood Lane, addressed the Commission. He said that as the parent of three sons, he is concerned about flying golf balls, and the positioning of the golf cart path right next to the road. He stated that there is no distinction made on the plans between the two target greens (50 yards from the road bed) and the putting/chipping green. Mr. Wells said that there would be golfers firing directly toward Wood Lane.

Ms. Susan Rinehart, a 16-year resident of Wood Lane, addressed the Commission. Ms. Rinehart said that Farmington residents understand the need to expand the golf course, but know that it will create more traffic. She emphasized that the golf cart path needs to be completely independent from the road. "Safety is something that cannot be compromised." Ms. Rinehart emphasized the importance of complete visual and physical separation.

Ms. Jo Higgins, consultant to Farmington, addressed the Commission. She noted that the blind curb and site distance problems "have been completely eliminated." Ms. Higgins said that under

this plan, the golf carts at the 125-foot separation can actually see each other so they do not have to enter the travelway for the cars. Ms. Higgins said that the width of the driveway is inviting for a turnaround, but upon leaving the driveway, you have a clear view of the 125 feet where a golf cart would enter or leave the path. She said that the points of access to the golf cart path are well defined on the plan, and signage will be provided to prevent the traffic from coming through; a second access point from the snack bar will be barred so that carts cannot pass at that point. Ms. Higgins added that the golf cart path is six feet wide, and will be separated from the vehicular travelway unlike any other area in Farmington. She said that the average speed on Wood Lane is 17½ mph, and the line painting that would occur is similar of that used to separate automobiles and bikes that share roads. Ms. Higgins noted that a grass strip would need to be four feet wide to be viable.

Mr. Thomas asked Ms. Higgins if two carts would fit in passing on the cart path the way it is now.

Ms. Higgins replied that two golf carts could not pass but the distance was shortened so that a clear site line is established.

Mr. Thomas asked if the road and cart path could be wider.

Ms. Higgins said that some people don't want it wider, as it might put carts closer in the path of flying golf balls.

Mr. Thomas asked which direction the golf balls would be flying in.

Mr. McCallum presented an illustration showing in what direction the balls would be flying.

Mr. Bill Love, the golf course architect, addressed the Commission. He clarified that the Farmington course was built in 1927.

Mr. Rieley asked him about the standard width used for layout of golf cart paths.

Mr. Love responded that most modern courses use 8 feet, but 6 feet is a second standard. "The wider it is, the easier it is to pass."

Mr. Rieley asked about the hazards mentioned of locating the golf cart path behind the existing ninth green.

Mr. Love replied that modifying the bunkers is a concern for people using the path anyway, and the two bunkers where most missed shots go will be modified to try to shrink their size, adding plantings that are higher to further protect Wood Lane from errant shots. "Now that the path is going there, there will have to be some construction work done on the bunkers." Mr. Love added that putting green shown as part of the short game practice area was specifically not designated a target green.

Mr. Rieley asked if shoulders are typically put in on the sides of golf cart paths.

Mr. Love responded that if you have a good budget, then curbs are put in on tees and greens.

Mr. Rieley suggested putting a one-foot stabilized turf shoulder on each side.

Mr. Wells re-addressed the Commission, and asked about the statement that the green would be a chipping/putting green.

Mr. Love clarified that the chipping allows golfers to get off the putting surface and get into the collar of the green to hit shots, but you won't actually back off the complex because of the rough grass and the configuration.

Ms. Melinda Wells addressed the Commission. She noted that she has 3 sons, and expressed her concerns about safety. Ms. Wells said that the barriers or two-foot strip would not be sufficient, because when faster, large vehicles, come out, the only way to make it is to move up to 6 feet off the road. She stated that it would be difficult for young drivers to make a decision about what to do in a bottleneck situation.

Mr. McCallum re-addressed the Commission. He said that as part of the access of Wood Lane, the club is going to restrict access so that only the first 145 feet in from Farmington Drive will be used as it has been; from where the new cart path starts to the end of Wood Lane, over 1700 feet will be barred by signage. Mr. McCallum said that barring traffic to all except Wood Lane owners will help reduce turnarounds on Mr. Schrank's driveway, and limit overall trips on the road.

Mr. Finley asked if there could be compromise on either side.

Mr. McCallum said, "We have a 23-foot wide footprint."

Mr. Rieley stated, "That's an invented number. That's not what is out there now, nor is it the only thing that could be there."

Mr. McCalllum pointed out that the width is limited on the Schrank side with a deed restriction, and on the golf course side by a desire to protect existing bunkers and the protection they provide Wood Lane. Mr. McCallum suggested a width of pavement with a 16-foot travelway for motor vehicles, a 5 ½ foot wide cart path (one way), and two feet for a barrier (hard curb).

Mr. Rieley said the Blue Ridge Parkway has 500 miles of stabilized turf and shoulders so that grass can grow right up to the edge of pavement, and nobody sinks off into mud when they go off the edge of the pavement. "It does not make any sense that you can't have a grass strip between two pieces of pavement. It's done all the time."

Mr. Rieley suggested 16 feet of pavement plus a median of 2 feet that has grass and stabilized turf, plus an attractive physical barrier like a timber rail, then a 6 foot wide cart path. "We're talking about 1 foot difference, and your bunkers have to be rebuilt anyway."

Mr. McCallum said that Rick Carter, President of Farmington Country Club, has indicated that that design standard would be acceptable.

Mr. Loewenstein noted that residents of Wood Lane may not agree.

Mr. Loewenstein emphasized that in March of 1999, when the item came before the Commission, they decided that the path needed to be completely independent of Wood Lane, and said that an agreement would need to be reached with the residents. "If it's not agreeable to all parties, then it isn't completely independent, and that's the reason we unanimously denied it a year and a half ago."

Mr. Cilimberg noted that the Commission is voting on a site plan, and is taking an action on those provisions of the zoning ordinance. "It's in your hands to decide if in fact, what the plan is before you, meets the requirements of the ordinance, or if you want to make a recommended change to that plan as a condition that will satisfy that. It's not a popularity contest…it's about what meets the requirements of the ordinance."

Mr. Thomas said that he would like to see the road widened and moved toward Mr. Schrank's property, and wondered if the deed restrictions could be lifted. He also agreed with Mr. Rieley's proposed solution.

Mr. Loewenstein stated that a six foot golf cart path is far from ideal.

Mr. Rieley said that it seems to be a matter more of convenience than safety.

Mr. Craddock noted that he likes Mr. Rieley's proposal as a compromise.

Mr. Rieley acknowledged that over ¼ mile of this is open to golf cart traffic that goes into the golf course, and two access points will be closed up. "That alone is going to improve the safety of this substantially." He added that moving the golf cart path around the cemetery for most of the length of the upper part is substantial. Mr. Rieley noted that when this was last considered, the main access was golf carts running down Wood Lane, and said that the outstanding issue of the125-foot section and how to separate it will be helped with a minimum width of 16 feet of road, a minimum width of 2 feet stabilized turf, and a minimum width of 6 feet of width for golf cart path."

MOTION: Mr. Rieley moved, Mr. Craddock seconded approval of SDP 2000-068 including a grading on critical slopes waiver with staff recommended conditions and modifications as follows:

1. Correction of typographical errors in this condition (delete words "until tentative approvals")

A condition regarding the road/path design including:
- A minimum width of 16 feet;
- A minimum width of 2 feet of stabilized turf;

- A minimum width of 6 feet for the golf cart path itself;
- A barrier in the median, the design of which will be determined in the final plan stage.

The motion passed in a 4-1-0 vote, with Mr. Loewenstein dissenting and Mr. Rooker abstaining.

Work Session:

ZTA-00-02 Thomas Jefferson Memorial Foundation – Proposal to allow historic sites with accessory activities.

Mr. Cilimberg explained that the Commission is just being asked for a resolution at this point.

Mr. Loewenstein asked about the applicability of this to the University of Virginia property.

Mr. Kamptner noted that U.Va. is owned by the University, and is not subject to county regulations.

Ms. McDowell pointed out that Monticello is considered a nonconforming use, and this amendment would allow them to be a conforming use, and would allow them to further their long-range plans. She said that the properties owned, leased, or connected in some way with the foundation would be affected with the proposed amendment. Ms. McDowell noted that no additional visitors are anticipated as a direct result of this amendment, and most uses are already taking place.

Mr. Rieley stated he would not participate in the discussion and vote, as the Foundation is a client of his firm.

Mr. Finley asked about the limited scope of historic properties open to the public, and those recognized as National Historic Landmark.

Ms. McDowell said that at present, only Monticello and Shack Mountain would qualify.

Mr. Loewenstein wondered if other historic properties will remain not in compliance.

Ms. McDowell acknowledged that they would not be a part of this consideration, which was done deliberately. She stated that those properties would be considered when staff is redoing the rural portion of the Comprehensive Plan.

Mr. Rooker asked about the size of the historic designated component of the Monticello property, the size of the adjoining properties, and the size of the associated properties affected.

Ms. McDowell said that the Foundation owns 2,100 acres.

Mr. Rooker asked what the total acreage included in the amendment would be.

Ms. McDowell responded, “No, we don’t know that.”

Mr. Loewenstein asked if it would all be contiguous acreage.

Mr. Rooker asked if the 2,100 acres is the site, not including the adjoining or associated properties.

Mr. Cilimberg replied that he is not sure if all 2,100 acres is open to the public and recognized as a historic landmark.

Mr. Rooker said, "We're talking about an amendment that would encompass three different things."

Ms. Kat Imhoff, CEO of Monticello, addressed the Commission.

Ms. Imhoff explained that the 2,100 acres is recognized on the National Register; associated uses are those such as the Thomas Jefferson Parkway and Kenwood. She added that Shadwell and Tufton are included in the 2,100 acres considered Monticello; recent additions such as the parkway and Kenwood are not included.

Ms. Imhoff said that the ZTA is to address the nonconforming uses in the rural area, and in no way impacts the proposed Monticello Gateway and Jefferson History Center, which will eventually be on a corner of the Blue Ridge property site. Those items will fall in the growth area, and will require a ZTA, and Comprehensive Plan Amendment, a rezoning, a site plan, and possibly special use permits. "I don't want there to be any confusion that somehow this was a back door way of talking about the Monticello Gateway." Ms. Imhoff confirmed that the gateway is not an associated property. She added that this ZTA is only dealing with the rural area, and future discussions will include the building of a visitors center in the growth area.

Ms. Imhoff stated that the reason Monticello is going forward with the ZTA is to bring uses into conformity, and to improve existing visitor amenities. "While we've been there since 1923, and we've been having all these uses and serving all these people, we are not recognized by the Zoning Ordinance."

Mr. Loewenstein asked if Kenwood is affected by this ZTA.

Ms. Imhoff replied that Kenwood is affected, but the Blue Ridge property is not because it is not in Monticello's control, and it is in a growth area.

Mr. Cilimberg noted that the Blue Ridge property is zoned Rural Area, and would fall under associated property when Monticello has whatever interest they will have in the property, until it got rezoned; then it would no longer be rural area, so it would no longer be affected by this ZTA. However, during the time it is rural area and the zoning text is amended and is an associated property, it will be affected.

Ms. Imhoff asked if that could be gotten around by stating that the ZTA could not apply to areas in a designated growth area. "It's not our intent to address the Blue Ridge Visitors Center…this

is really to talk about all the uses that we have and have developed over time that are not recognized in the rural area."

Mr. Rooker asked if any of the uses are permitted by special use permit.

Mr. Cilimberg replied that Kenwood has a special use permit.

Mr. Rooker expressed concern that no line is drawn by the ZTA as proposed. "I don't have any problem when we're talking about the site, which is a defined area and might be expanded if they acquired it and became part of the landmark designation. But we've got a whole list of uses that may or may not be appropriate….I would hate to participate in passing an amendment to the Zoning Ordinance that gave a whole laundry list of potential uses by-right over an undefined area in the Rural Areas."

Mr. Cilimberg noted that that issue troubled the Zoning Department, because they will have to interpret where associated properties are, and adjoining becomes its own issue also.

Mr. Finley expressed concern about uses at the University of Virginia.

Mr. Kamptner pointed out that state activities on U.Va. property are not subject to the Zoning Ordinance.

Mr. Finley commented that the ZTA recently discussed for Keswick was mentioned in terms of the whole county, and this amendment is "specific, it seems, for Monticello."

Ms. Imhoff mentioned that the uses now exist at Monticello, and they provided a complete list to staff of all current activities, including those currently permitted by-right in the Rural Area. "This is rural in character…what we don't want is to keep having a lot of non-conforming, non-recognized uses."

Mr. Loewenstein said that the troublesome aspect of this is defining associated uses.

Mr. Kamptner said that between Zoning and the County Attorney's office, a lot of time will be spent on that definition so that the parameters of the area are well-defined.

Mr. Rooker stated that he would be in favor of limiting the area under consideration to the site, which is 2,100 acres. He added that uses on the adjoining properties are "inappropriate." Mr. Rooker said he is not concerned about existing uses, but is concerned about future uses. He stated he would be in favor of an amendment that pertained to the site, and included a number of items by special use permit.

Mr. Cilimberg reviewed the proposed Resolution of Intent Language. He emphasized that the change speaks to section 10.2, and does not distinguish activities permitted by-right or by special use permit. Mr. Cilimberg suggested changing the language "historic properties" to "National Historic Landmark properties," and said that the Commission could delete the reference to associated/adjoining uses.

Mr. Loewenstein asked if other properties in Virginia had dealt with this.

Ms. McDowell responded that uses at Mount Vernon comply with its zoning – residential.

Mr. Craddock wondered about putting things at Shack Mountain.

Ms. McDowell replied that the intensity of visitors at Shack Mountain would probably never be equal to Monticello. She suggested narrowing the definition further to state "World Heritage List," which only includes Monticello and the University of Virginia Lawn.

Mr. Rooker proposed changing the reference as such, and removing adjoining and associated properties.

Mr. Loewenstein said that removing that wording would exclude Kenwood, but would not exclude Shadwell and Tufton.

Mr. Rooker added that some uses will require special use permits anyway.

Ms. Imhoff clarified that the 2,100 acres is on the National Register as a Landmark Historic Property, and includes the setting of Monticello, Shadwell, and Tufton. She noted that the World Heritage list just cites the properties, and said that specifying "National Landmark Property" and "World Heritage List" site should nail it down.

Mr. Cilimberg said, "By that combination, it would be just Monticello."

Commissioners agreed.

Ms. Imhoff clarified that it would include Jefferson-owned property that Monticello now owns. She added that the Parkway, Kenwood, and Jefferson Lakes would not be included.

Mr. Craddock asked if future purchase properties once part of the original acreage would be included.

Ms. Imhoff replied that they would have to amend their National Register status.

Mr. Finley asked if there were any other historic property worthy of this consideration. "Is there no other historic property in our county open to the public that could probably be included in this resolution."

Ms. McDowell responded that those properties would be looked at as part of the Rural Areas section of the Comp. Plan.

Mr. Cilimberg said that historic properties is very broad, open to the public narrows it more.

Mr. Rooker said that he is prepared to pass the resolution as it applies to Monticello, and deal with other properties at a later time after further study.

Mr. Cilimberg pointed out that staff has done an analysis of Monticello, and doing a broader study is best done within the Rural Areas review in the Comp. Plan.

Mr. Loewenstein said some other properties in the county have been designated on state and national registers. "In the absence of the Rural Areas study, and the absence of a firm commitment by the county to the Historic Preservation Plan and ordinance at this point, I'd rather start with Monticello and open this up as we go along."

MOTION: Mr. Rooker moved, Mr. Loewenstein seconded approval of adoption of a Resolution of Intent as follows:

Whereas, Section 10.0, Rural Areas, of the Zoning Ordinance establishes the district regulations applicable to the Rural Areas zoning district; and

Whereas, it is desired to amend Section 10.2 to authorize certain prescribed uses of **National Landmark and World Heritage Historic properties** that are open to the public.

Now, therefore be it resolved that for purposes of public necessity, convenience, general welfare and good zoning practices, the Albemarle County Planning Commission hereby adopts a resolution of intent to amend Section 10.0 of the Zoning Ordinance as described herein; and

Be it therefore resolved that the Planning Commission will hold a public hearing on this resolution of intent, and make its recommendation to the Board of Supervisors at the earliest possible date.

The motion passed in a 5-1-0 vote, with Mr. Finley dissenting and Mr. Rieley abstaining.

Old Business

There was no old business presented.

New Business

Mr. Loewenstein mentioned that he has agreed to serve on the county's groundwater committee, which will provide advice and recommendations for drafting of hydrological testing standards for the new development proposals in the Rural Areas. The first meeting will be held October 4th, and the committee hopes to be done within 6 months.

Mr. Cilimberg reminded Commissioners that they have another DISC worksession next week.

There being no further business, the meeting was adjourned at 10:50 p.m.