Albemarle County
Planning Commission
October 17, 2000

The Albemarle County Planning Commission held a meeting and public hearing on Tuesday, October 3, 2000 in the County Office Building. Members attending were: Mr. William Finley, Chairman; Mr. Dennis Rooker, Vice-Chairman; Mr. William Rieley; Mr. Rodney Thomas; Mr. Jared Loewenstein, Ms. Tracey Hopper. Other officials present were: Mr. Wayne Cilimberg, Director of Planning and Community Development; Mr. David Benish, Chief of Community Development; Mr. Ted Glass, Planner; Ms. Joan McDowell, Planner; Mr. Steven Waller, Planner; Mr. Greg Kamptner, Assistant County Attorney.

NOTE: the equipment used to play back recorded Commission meetings malfunctioned during transcription of this session, causing the loss of some statements and comments made during the meeting, especially during the discussion of SP 2000-45 (Triton/Sweeney) and CPA 98-03 (Post Office Land Trust). The essence of Commission discussions of those items is captured in the transcription, but some of the details could not be included.

Approval of Minutes – October 3, 2000
The Commissioners had not had a chance the review the minutes of October 3rd, and agreed to consider them at their next meeting.

Review of Board of Supervisors Meeting – October 11, 2000
Mr. Benish reported that the Board approved SP 2000-40 (Blue Ridge Equine) with conditions as recommended by the Commission; the Board approved 2000-46 (Triton/Winston) with conditions as recommended by the Commission; the Board approved ZMA 2000-06 (Greenbrier Office Park) subject to a signed proffer reviewed by the Planning Commission; and the Board approved CPA 2000-01 (Wireless Design Manual) and directed staff to incorporate several minor changes regarding references to requiring balloon testing within 2 weeks of application, and the intent for other towers and safety antenna features to try to meet the intent of the ordinance where possible. He said the Board plans to adopt the CPA after those changes are made.

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

Review of Board of Supervisors meeting of October 11, 2000
There was no review of the Board meeting presented.

Consent Agenda:
Creekside Critical Slopes Waiver Request – Request for critical slopes waiver for building sites in accordance with Section 4.2.5 of the Zoning Ordinance.

SDP 00-117 Ralston, William & Sheila Site Plan Waiver - Request for site plan waiver for adding a third dwelling to a 14.597acre parcel zoned RA, Rural Area.

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

Items Requesting Deferral:

SP-2000-52 John Adams (Triton PCS) (Sign #61, 62 & 63) - Request for special use permit to allow a personal wireless facility, including a 91 foot high wooden pole, antennas, and ground equipment on a 30' by 30' lease area, in accordance with Section 10.2.2.6 of the Zoning Ordinance which allows for microwave and radio-wave transmission and relay towers. The property, described as Tax Map 59 Parcel 20, contains 140.982 acres, and is located in the Samuel Miller Magisterial District 785 Verdant Lawn Lane, west of Rt. 250 and Rt. 677. The property is zoned RA Rural Area. The Comprehensive Plan designates this property as Rural Area 3. *Applicant requests deferral to November 28, 2000.*

The Commission moved, seconded, and unanimously approved the applicant's request for deferral of SP 2000-52 to November 28, 2000.

SP-2000-44 Moyer (Triton PCS CVR 361A) (Sign #59) - Request for special use permit to allow a communication facility including a 74 foot high wood pole communication tower, a flush mount antenna, and ground equipment on a 30' by 30' leased area of a 8.982 acre parcel with an access road on a 9.25 acre adjacent parcel (Tax Map 92 Parcel 56B1), in accordance with Section 10.2.2.6 of the Zoning Ordinance which allows for micro-wave and radio-wave transmission and relay towers. The property, described as Tax Map 92 Parcel 56B3, is located in the Scottsville Magisterial District at 1863 Thomas Jefferson Parkway (State Route # 53) between Gobblers Ridge and Mountain Brook Drive. The property is zoned Rural Area and is within an Entrance Corridor Overlay District. The Comprehensive Plan designates this property as Rural Area. *Deferred from the September 19, 2000 Planning Commission Meeting. Applicant requests deferral to November 28, 2000.*

The Commission moved, seconded, and unanimously approved the applicant's request for deferral of SP 2000-44 to November 28, 2000.

Deferred Items:

SP-2000-45 Triton PCS CVR 362B (Sweeney)- Request for special use permit to allow a communication facility including a 90 high wood pole, flush mounted antenna, and ground equipment on a 14,747 square foot leased area of a 519.118 acre parcel in accordance with Section 10.2.2.6 of the Zoning Ordinance which allows for micro-wave and radio-wave transmission and relay towers. The property, described as Tax Map 94 Parcel 17, is located in the Scottsville Magisterial District at 2670 Thomas Jefferson Parkway (SR # 53) east of SR # 729. The property is zoned RA Rural Area District (RA) and within an Entrance Corridor Overlay Zone (EC). The Comprehensive Plan designates this property as Rural Area. *Deferred from the September 19, 2000 Planning Commission meeting.*

Ms. McDowell said that Triton has proposed a wireless communications facility that would have flush-mounted antenna and grounding rod on top, in a site that is wooded and agricultural. She pointed out that the balloon test could be seen clearly from adjacent road and adjacent property, and staff recommends that the tower be no more than 3 feet above the tallest tree within 25 feet. She added that staff recommends approval of the site plan and setback waiver as subjected to conditions as set forth.

Mr. Rooker asked if there is an RF isolator proposed for this facility.

Ms. McDowell responded that the RF isolator is part of staff's standard conditions, and would not be applicable if they don't have one.

Mr. Rooker emphasized that towers should not have them unless there is some absolute technical necessity.

Mr. Loewenstein mentioned that the Commission has tried to discourage setbacks that bring the poles closer to the property lines than their height, and wondered if there was a reason it couldn't be done in this case.

Ms. McDowell responded that there is an existing path the applicant is trying to use, and otherwise will have some clear wooded land; the setback waiver would allow the tower to be located in a spot that can be accessed from this path. She added that staff has not received any objection from the adjoining property owner, and received one anonymous letter in objection to the condition of the property.

Public comment was invited.

Ms. Valerie Long addressed the Commission, noting that the tallest tree on the property is 83 feet, and Triton is requesting 90-foot pole, 7 feet above the height of the tallest tree. Ms. Long said that they first flew the balloon at 90 feet, then lowered it to 86 feet. She pointed out that there was a typo in the staff report stating that the tallest tree was 80 feet.

Ms. Long said that when Triton did the balloon test, it was only visible from Route 53 heading east toward Fluvanna County; from Route 53 heading west, they could not see balloon at all. She said that when they stood just off of the VDOT right-of-way off adjacent property owners land, they could see it at a "back angle." Ms. Long pointed out that the ARB has already approved the application at a taller height than what was requested, at 10 feet above height of tallest tree.

As photo simulations were distributed, Ms. Long said that Triton is not asking for the highest height, and is trying to keep the tower as low as possible; however, because the site is located on a sharp bend, the signal has to reach down both sides of Route 53.

Mr. Loewenstein asked about the scale of the simulation, in terms of the thickness of the pole.

Ms. Long responded that the scale in the staff report is accurate.

Mr. Dale Finnochie of Crown Communications addressed the Commission. He stated that the balloon is 30-36 inches in diameter, but they don't always completely inflate it.

Mr. Rooker asked about the technical aspects of coverage, what the difference is between 3 feet and 7 feet above the tree height.

Mr. Frank Wentink, RF Engineer of WFI, an independent contractor working with Triton, said that moving the antenna closer to trees creates more attenuation of signal, and stated that Triton reluctantly accepted a height 90 feet, although the signal "would almost be useless going towards Fluvanna." He stated that in that case, the next site over would pick up the signal, and emphasized that Triton is striving for continuous coverage, hoping to get a certain distance from the recently approved Winston site.

Ms. Long said that they got approval for Winston, adding that Triton has already made a good compromise by keeping their proposed height as low as possible.

Mr. Finley asked what we were settling on in terms of height.

Staff confirmed that they have recommended a height of 3 feet above the tallest tree in the area.

Mr. Rooker pointed out that the Commission has recently considered applications where they approved lower heights, and the Board has approved 7 or 10 feet above the tallest tree.

Ms. Long mentioned that Triton has gone to great lengths to keep the antenna height low while ensuring that the signal will still work, including having a boom truck hang an antenna at a certain height, check the signal, then lower it to see if a signal is still coming through. She added that moving the tower height further down will create a significant problem.

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

Mr. Rieley said that because Route 53 is enormously important, it is important that this particular site be concealed. He stated that you can see the top of the antenna pole where there is no backdrop of trees, noting that the county's most successfully placed towers are on the inside of a curb so line of site is going away from it; this is on the outside of the curb. "This site doesn't work very well aesthetically, and doesn't work very well functionally." He added that the applicant's own comments about the tower not working at certain heights support that this is "not a very good site."

Ms. Hopper agreed, adding that this tower is more visible against the skyline than other applications this year.

Mr. Rooker said that the applicant has done exactly what the policy manual suggests – by locating the facility in a grove of trees, moving it below the tree line, and making the pole wooden. "I don't think we can have a perfect site for every tower, going back to towers we've

already approved." He added, "I don't see the basis for denying this application at the 7 foot level,"

Ms. Hopper pointed out that the applicant has been incredibly cooperative, but the issue has nothing to do with the applicant, just the visibility of the tower. She pointed out that this tower site is in an avoidance area and a rural area.

Mr. Finley said, "Unless I'm looking pretty sharp, I don't pay any attention to them. We have been regularly approving them."

Mr. Rieley stated that the Commission has had a record of looking at these individually, and making judgements based on them individually.

Mr. Rooker mentioned that this site is located in an area where no one is objecting to the location of the pole.

Mr. Rieley mentioned that the Commission has made mistakes with some approvals in the past.

Mr. Thomas pointed out that the ARB reviewed and recommended approval at 10 feet above.

Mr. Rieley stated that in review of the wireless policy manual, there should be a criteria that a backdrop of trees is important, adding that he hopes the Board will get it in there. He noted that there is a big difference between the Bell Air and Red Hill towers, stating that while wooden poles are certainly better than big gridded ones, not individually siting them carefully is simply a mistake.

Mr. Rooker mentioned that the policy manual is just that – a manual of policies, and this case illustrates how one individual facility is viewed within that framework.

Ms. McDowell commented that the county, through its policy manual, is not interested in proliferation, but is interested in visibility.

MOTION: Mr. Rooker moved, Mr. Thomas seconded approval of SP 2000-45. The Commission failed to approve SP 2000-45 in a 3-3 vote, with Mr. Finley, Mr. Rooker, and Mr. Thomas voting in favor, and Mr. Rieley, Ms. Hopper, and Mr. Loewenstein voting against. The Commissioner recommended that should the SP be approved by the Board, conditions should be modified to recommend a tower height of seven feet above the tallest tree level (1), and removal of the condition referencing the RF isolator (2f). The Commission moved, seconded and recommended approval of a site plan waiver in a 5-2 vote with conditions recommended by staff, with Ms. Hopper and Mr. Loewenstein dissenting.

The Commission moved, seconded and recommended approval of a setback waiver in a 5-2 vote with conditions recommended by staff, with Ms. Hopper and Mr. Loewenstein dissenting.

Public Hearing Items:

CPA-98-03 Post Office Land Trust/Theater –Request to amend the Comprehensive Plan designation for approximately 180 acres within the Community of Hollymead (an existing development area). The area is located on the west-side of Rt. 29N (Seminole Trail), south of Rt. 649 (Airport Road), and bounded on the south and west by an unnamed stream (which crosses 29 just north of the Route 29/Hollymead Drive intersection). The proposal is to change in land use designation from Industrial Service, Office Service and Regional Service to a mixed-use Town Center Designation.

Mr. Benish presented the staff report, noting that the proposal is to amend the land use designation for approximately 180 acres in the Hollymead Development Area west of Route 29, south of Airport Road, to a new Town Center Designation from Regional Service, Office Service, and Industrial Service. He reported that the Planning Commission previously held a public hearing on June 27th and received public input; they also had a worksession on September 12 to further discuss the proposal. Mr. Benish presented revisions based on concerns raised from those prior meetings.

Mr. Benish pointed out that staff has made draft comments regarding improvements to the 29 North Corridor which fall outside of the 180-acre advertised for the Town Center designation. He mentioned that the Commission cannot take action on that until it is properly advertised. Mr. Benish added that staff needs to advertise with a broader description of the 29 North Corridor changes, noting that the Commission cannot recommend those changes shown on pages 7 and 8.

Public comment was invited.

Mr. Kutrah Roell, the applicant, addressed the Commission. Mr. Roell said that he feels this CPA is moving along effectively, and he complimented staff on their hard work on the project.

Mr. Finley asked if there are other property owners working on the planning for this property.

Mr. Roell responded that he has communicated with Mr. Steve Runkle and Mr. Wendell Wood in an attempt to do some master planning.

Mr. Bruce Appleyard of the Southern Environmental Law Center addressed the Commission, stating that SELC strongly supports the Town Center development concept which presents vibrant, mixed-use, pedestrian-friendly, appropriately scaled, easily accessible communities. He added that SELC supports the DISC model and developers who work with county and the community on achieving this model. Mr. Appleyard commented that this proposal, coupled with VDOT's plans for widening Route 29, will have a tremendous impact on growth and traffic in this part of the county.

Mr. Appleyard said that the SELC hired a nationally-known transportation engineer (Walter Koulash) to review VDOT's plans in the context of this CPA. He commented that the SELC has furnished the Commission and the Board with copies of Mr. Koulash's report. Mr. Appleyard stated that the CPA goes a long way supporting a walkable environment, and their consultant recommends additional grade-separated crossings of Route 29, as this could reduce the need for widening of Route 29.

Mr. Appleyard stated that county staff should examine the current zoning ordinance to see if it can accommodate these changes, and should use other local and state examples, including those from Charlottesville and Suffolk. Regarding transportation elements of the CPA, Mr. Appleyard noted that they recommend block links of only 250 to 300 feet.

Mr. Rooker asked if the consultant recommended how far south the parallel roads should run.

Mr. Appleyard said that their consultant recommends the road terminating at the Hollymead West Extension, adding that SELC also recommends terminating the eastern parallel frontage road at Ashwood Boulevard.

Mr. Rooker asked if the consultant had any recommendations on the optimal number of crossovers for Route 29, for pedestrians and bicycles.

Mr. Appleyard said that the consultant is still working on specific recommendations, and is looking at several places where underground roadways could accommodate pedestrians and bicycles.

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

Mr. Loewenstein asked about the school site recently acquired by the county on the eastern edge of the Hollymead Development Area, noting that the 55-acre site may be intended for other public facilities. He asked about the transportation network in connection with this CPA, and how it would be tied into transportation to the school site, which immediately flanks the CPA boundary area. "Now that the school site is a reality, it complicates things."

Mr. Rooker commented that the Commission is pulling the transportation part of this CPA, and there is no specific recommendation for location of crossovers. He suggested considering the general aspects of the CPA at this meeting and consider transportation specifics at a later time.

Mr. Cilimberg noted that the comprehensive plan amendment calls for improvements to Proffit Road in the Development Area, which would bring those improvements to the school site, as recognized at the time of the school siting. In the plan, the county is also working on pedestrian access to adjacent neighborhoods.

Mr. Rooker asked about a reference to a future "crossover" located west of the Post Office.

Staff clarified that the term crossover refers to grade-separated crossings, not actual "crossovers."

Mr. Rieley commented that the roads would be crossing across traffic, not going above it.

Mr. Benish said that staff would clean up the language to make it clearer.

Mr. Cilimberg clarified that what is being referenced is future planned intersections, approved with the Airport Road designs, one for UREF and the other for west of the post office. He suggested calling them intersections.

Mr. Rooker commented that an intersection can be 3 sides.

Mr. Benish clarified that there would be no crossing intersection of Route 29.

Mr. Cilimberg acknowledged that staff needs to spend some more time looking at planned intersections and crossings.

Mr. Rieley suggested adding a reference to vehicular/bicycle/pedestrian connections, to show the intent to serve different forms of travel.

Mr. Loewenstein said that the section referencing public facilities should say "could be provided" rather than "should be provided."

Mr. Cilimberg suggested "would be appropriate" for the wording just to establish that this location is a good one.

Ms. Hopper asked if the 12 principles of DISC should be referenced here, and wondered if the transect concept should be mentioned here.

Mr. Rooker noted that the Commission had eliminated the mandatory aspect of the transect model in their DISC worksessions.

Mr. Benish said that the transect model had caused some concern, and he used the phrase "may be used" just to ensure that it would not be perceived as mandatory.

Mr. Finley asked if the editing and changes made in the worksessions would be included in this CPA.

Mr. Benish responded that the intent is to keep the references and illustrations to DISC as it relates to the Town Center model.

Mr. Rooker stated that he did not feel it would be necessary or appropriate to include the pages from DISC in the recommended Comprehensive Plan change language for the Hollymead Town Center, as they will ultimately end up in the Comprehensive Plan. Mr. Rooker suggested including a general reference to the 12 DISC principles as they were approved by the Board.

Mr. Benish said that staff has relied on DISC for descriptions of road standards, and has relied on definitions of "neighborhood street" and "residential boulevard," emphasizing that staff wants to have something definitive to take to VDOT.

Mr. Rieley pointed out that those terms are definitional, and the county is essentially adopting definitions laid out in the DISC report, although they are not yet part of the Comprehensive Plan.

Mr. Rooker stated that using the definition of terms taken from DISC for convenience should be incorporated in some form. "If we're talking about using definitions from the DISC report, we should pull out those definitions and make them part of this Comprehensive Plan Amendment."

Mr. Finley commented, "Sounds like what I'm hearing is that Volume 1 will not be part of the Comprehensive Plan, but the definitions that were agreed upon in the 12 principles will be."

Mr. Rooker said, "We'll pull out such pages as are necessary in order to provide guidance and clarification as to what those terms mean."

Mr. Cilimberg clarified that the Commission wants to include in this CPA a statement that says "The Town Center designation should generally follow the following 12 principles…..[list DISC principles]."

Mr. Rooker added that references to specific terms such as avenue and boulevard should include pages from DISC with illustrations.

Ms. Hopper said that for this specific CPA, parts of DISC could be used in that way.

Mr. Cilimberg asked if there is a need – for definition purposes – in the fourth bullet, to have a DISC reference there.

Commissioners agreed that it is not necessary there, because densities are defined.

Mr. Cilimberg pointed out that the terms were intended to actually define road systems and blocks.

Mr. Rooker said that another reason not to refer to the DISC document is that someone reading the Comprehensive Plan should not have to pull out the DISC report and search for what is referenced.

Commissioners agreed to remove the introductory bullet on Page 3, and end the sentence after the word "process."

Referencing Page 5, 4th bullet from the bottom, Mr. Loewenstein suggested using terminology from DISC regarding street types.

Mr. Cilimberg suggested having an attachment that just spells out the definitions, which originated from DISC.

Mr. Finley asked if the Comprehensive Plan could include statements of general intent and guidance, such as the Wireless Policy Manual does.

Mr. Benish responded that with the Plan, more affirmative language is usually used.

Mr. Finley asked if there would be Regional Service in the Town Center covered by this CPA.

Mr. Benish responded that Regional Service is a category of uses currently in the Comp. Plan., and would need to be considered per application, as it is with other rezoning applications.

Mr. Rooker asked if industrial service should be removed.

Mr. Cilimberg cautioned that sometimes research and development might need industrial zoning, such as with high-tech industries. He pointed out that in Peter Jefferson Place, one research company was prohibited from production activity because of the Zoning Ordinance.

Mr. Finley asked if there would still be zoning such as residential, office commercial, etc. in the Town Center.

Mr. Benish replied that what is hoped for is a rezoning application as part of a larger plan, or planned development.

Mr. Cilimberg commented, "The best case scenario is that we would have the bulk of this land submitted under a PUD, because they you can establish much of what we're trying to do through the Comprehensive Plan change, rather than piecemeal different zoning categories."

Mr. Rooker commented that several applicants could join together and present a plan.

Mr. Cilimberg commented that there are currently ZTA discussions underway to deal with parking issues.

MOTION: Mr. Loewenstein moved, Mr. Rooker seconded approval of CPA 98-03 (pages 3-6) with modifications as presented to staff at the meeting. The remaining pages will be considered at a later meeting, as the CPA was not fully advertised.

The motion passed unanimously.

Mr. Rooker commented that he agrees the parallel roads should cut off at Hollymead as opposed to being extended down as indicated on the map provided with the CPA application. "I'd like to see it changed to be consistent with that." He added that there is a reference in the CPA that implies the Meadowcreek Parkway will cross Route 29, and suggested that be removed.

Mr. Rieley reiterated the importance of vehicular connections across from east to west across Route 29, adding that the network be viewed as something that 29 goes past, but doesn't necessarily intersect at each crossing.

Mr. Cilimberg pointed out that dropping the Ashwood connection will make the eastern parallel road more central by providing a way for local traffic to get to Hollymead Drive and go across to the Town Center area without using Route 29.

Mr. Benish pointed out that there is an error on the map, which shows a big fork at Earlysville Road and Dickerson Road, which should be presented as a minor "T" intersection.

Mr. Rooker commented, "Well, it's not proposed that this map be a part of the Comprehensive Plan."

Mr. Cilimberg replied, "Yes, it will be."

Mr. Rooker commented that it is not wise to include a map as part of the Comprehensive Plan, because it implies exactly where the roads are going. "I wouldn't want this to go to VDOT as part of our Comprehensive Plan. What you show here is one high-speed north/south road, and then another road off of that, and you show no overpasses or underpasses, etc. I think the text is a whole lot more meaningful in this case then a map which is a lot less precise than the text."

Mr. Cilimberg stated that because there is no official map for the county, the Comprehensive Plan is the next best thing, and including a map is important.

Ms. Hopper stated that the map gives more substance to the guidance the county is trying to give VDOT, but acknowledged that there is a lot missing from this map.

Mr. Rooker suggested that staff bring back the map when the remaining pages (7 and 8) are brought back.

Mr. Cilimberg said, "Our Comp. Plan is the map and the text together, and the Land Use map is supposed to represent the text, and the text defines what's on the map. Because of the scale of these maps, obviously you're not going to get the precision on the map that you might get when you have a road plan done." He suggested that staff bring back another map during the next meeting on this CPA.

Mr. Rooker suggested including a larger map that could show more detail.

Mr. Thomas said he would prefer to have a map included to add some substance to the application.

Mr. Rooker clarified that he is suggesting that the map come back with transportation components from Page 7 and 8 included.

Staff agreed to work on the map.

The Commission took a brief recess, then reconvened.

SP-2000-53 Limited Service Hotel (Sign #36 & 37) - Request to: 1) extend the approval period; and, 2) modify the conditions of approval for SP 98-47, approved by the Board of Supervisors on January 13, 1999. SP98-47 was approved for a hotel with restaurant in accordance with Section 22.2.2.7 of the Zoning Ordinance, which allows for hotels, motels, and inns. The property, described as Tax Map 32, Parcel 41D contains 37 acres (proposal is on 4.5 acres of), and is

located in the Rivanna Magisterial District on Route 29, just west of the intersection of Route 29 and Timberwood Parkway. The property is zoned C-1, Commercial with proffers. The Comprehensive Plan designates this area for Regional Service use in the Hollymead Development Area.

Mr. Benish presented the staff report, stating that the Board originally approved SP 98-47 for a limited service hotel not to exceed 100 rooms; the location is in the general Town Center area just discussed. He said that the applicant is requesting extension of the special use permit, and the property is subject to a Comprehensive Plan review as previously discussed. Mr. Benish noted that because of the CPA review, the applicant has not been able to move forward with the development plan for the property. He added that staff feels there has been no major change in circumstance that would warrant a reconsideration of the prior approval.

Mr. Benish pointed out that the applicant is requesting relief from the condition that states that a final site plan for the hotel will not be approved until a Planned Development for the entire parcel 41 B (37 acres) is approved. He said that the operator of the hotel has indicated that they might lose the franchise before a Planned Development is approved. Mr. Benish reminded Commissioners that they had originally approved that condition to ensure that there would be a coordinated development of the property, and staff sees no rationale in removing that condition now. "We feel like a planned development for the entire site is necessary."

Ms. Hopper asked if the extension of the SP could be made subject to the terms of the CPA as passed.

Mr. Kamptner pointed out that if the CPA were passed now, the Special Use Permit is still in effect. "If you decide not to, it will be a race against the clock for the applicant to establish that they have commenced their used within that period."

Mr. Benish said that the plan of development is going to have to be in harmony with the Comprehensive Plan. He stated that there has not been a development plan presented for the entire area.

Mr. Rooker wondered if the Special Use Permit could be exercised prior to the CPA being passed, as Condition #3 seems to preclude the SP from being exercised without an overall development plan.

Mr. Cilimberg replied, "Condition 3 would actually necessitate that they submit a rezoning for the balance of the property that's not C-1 and give us a development plan for the whole property…this special use permit is tied into a rezoning process for the balance of the land, and that of course that will come under the review of accordance with the Comprehensive Plan. I think that was your intent when you recommended that condition to the Board of Supervisors."

Mr. Rieley said that the Commission's action tonight "makes that condition more important, not less important."

Mr. Finley asked if the applicant had to pay another fee for this extension.

Mr. Benish said that because staff has been in the CP process, it has created a tentative status in this area, and it is unlikely staff would recommend approval of rezoning request until the CPA process is complete. He acknowledged that the area under consideration has become much larger than originally intended.

Public comment was invited.

The applicant, Mr. Win Bishop of Southeastern Associates, addressed the Commission. He stated that they would like to build a first class, limited service, suites hotel of 84 rooms, but Condition #3 makes this impossible. Mr. Bishop said that it is expensive for his company to wait for all of the details of the CPA to be worked out, emphasizing that they are convinced that a hotel is appropriate in the area, regardless of what the plan for the area is. He noted that they haven't heard any negative feedback from the community regarding the use of the property, and mentioned that they have made two applications for the preliminary site plan. Mr. Bishop pointed out that the CPA has expanded from 37 acres to 180 acres in the course of 2 years.

Mr. Bishop quoted the CPA language that states, "approval of development plans for a portion of the Town Center area may be necessary and appropriate in certain situations," emphasizing that the hotel plan meets that criteria and should be allowed to move forward.

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

Mr. Rooker said that the Commission should approve the extension with conditions in place as before, as the CPA appears to be moving forward and will be considered by the Board by December. He said that if it is passed, and it is appropriate to consider a separate site within the development area, then that can be done at that time. Mr. Rooker said there is no reason to eliminate that condition now.

Mr. Cilimberg clarified that when the CPA gets approved, the Land Use Plan change will be in place, but the applicant – under Condition #3 – will need to submit a plan for the entire area (37 acres).

Mr. Rieley commented that the 37 acres is a portion of the overall 180 acres.

MOTION: Mr. Rooker moved, Ms. Hopper seconded approval of the extension of SP 2000-53 with continuation of conditions as presented.

Mr. Finley asked if there are any legal implications to continuing all conditions.

Mr. Kamptner responded that Condition #3 was reasonable at the time it was originally imposed, to address a planned, coordinated development of the entire parcel. He commented that in this case, the Commission is granting the applicant additional time to work on the project.

Mr. Finley asked what kind of time frame is in effect for approval of the SP.

Mr. Cilimberg replied that at such time that the Board approves a CPA guiding the land use development in that area, staff would be able to review a rezoning application with a full plan of development that includes this hotel, and would be on the Commission 90-day schedule for action.

Mr. Rooker pointed out that even if the Board didn't pass the CPA, the applicant could apply with a development plan for the entire parcel, including a rezoning.

Mr. Finley commented that there are a number of property owners "blocked in" by the CPA.

Mr. Rooker stated that this applicant could have proposed a plan for the 37 acres and brought it forward a year and a half ago with an application for related rezonings. "For whatever reason, they haven't done that….they haven't chosen to do that."

Mr. Finley noted that Condition #3 refers to the 37 acres, not the entire 180 acres.

Mr. Benish emphasized that there is a practical decision of how the Commission would have evaluated the rezoning, given the pending CPA.

Mr. Bishop re-addressed the Commission, stating that as hotel developers, they have no plans to develop the property. "We have no control, no way we can submit any plans on the rest of the property, nor does the property owner because it's all based on the users for that property. So what the Commission is saying is that until we get 37 acres of users that all want to go simultaneously with their development, then no part of that property can be developed." He added, "We just want to build our hotel…"

Mr. Rooker disagreed, stating that at any time the owners/applicants could bring in a plan for the 37 acres. "You don't have to have users in place to propose building a retail/commercial center of some kind." He added, "I don't agree that a coordinated plan of development for the 37 acres requires that they have users standing there ready to go in the day after they get the approval."

Mr. Rieley commented that it wouldn't be unusual to receive approval and come back and have the uses modified.

The motion as previously presented passed unanimously.

SP-2000-047 Pantops Convenience Center (Sign #86) - Request for special use permit to allow a Drive-through window in accordance with Section [18.22.2.(10)] of the Zoning Ordinance which allows for Drive-in windows serving or associated with permitted uses. The property, described as Tax Map 78 Parcel 76, contains 1.5 acres, and is located in the Rivanna Magisterial District on Richmond Road [Route # 250] at the intersection of Rolkin Road and Richmond Road. The property is zoned PD-MC, EC [Planned Development - Mixed Commercial, Entrance Corridor]. The Comprehensive Plan designates this property as Regional Service in Development Area 3.

SDP 2000-092 Pantops Convenience Center Preliminary Site Plan - Waiver - Request for preliminary site plan approval for Convenience Store of 7,347 square feet on 1.50 acres zoned PD-MC, EC [Planned Development- Mixed Commercial, Entrance Corridor]. The property, described as Tax Map 78 Parcel 76 is located in the Rivanna Magisterial District on Richmond Road [Route # 250] at the intersection of Richmond Road and Rolkin Road. The Comprehensive Plan designates this property as Regional Service in Development Area 3.

Mr. Glass presented the site plan, noting that the SP application is for a drive-through window in association with a restaurant use in the principal building on this site; there is also a waiver request for one-way circulation and one-way ingress. He explained that the proposal is for a combination gas station with 12 pump islands, a restaurant (fast-food) with a drive-through, and a mini-mart type store. The second story of the building will have office space.

Referencing a map presented, Mr. Glass pointed out the location of the site. He said that the property joins the nearby Amoco station and is an outparcel of the Kroger/PDMC development. Mr. Glass said that some of VDOT's concerns about traffic stacking due to the pump aisle/canopy arrangement and an exit; the applicant has modified his plan to accommodate these concerns. He noted that the applicant has split the canopies so that vehicles have more room as they enter the canopies, and pointed out the drive-through and car-wash traffic flows. Mr. Glass noted that the office entrances are on the other side of the building, as well as the parking for the office employees, and he pointed out the access to the Kroger site.

Mr. Glass reported that this parcel is subject to ZMA 98-20, which is fairly restrictive regarding screening requirements from the Monticello viewshed. He added that the applicant is proposing to plant additional trees to help with the screening requirements.

Mr. Rooker asked if the only decisions before the Commission are the waivers.

Mr. Glass confirmed that the Commissions is to consider waivers only, and not uses.

Public comment was invited.

Mr. Frasier White of Virginia Oil Company, which will own the business, addressed the Commission.

Ms. Hopper asked if the drive-through window itself impacts the Monticello viewshed.

Mr. Glass responded that the window is on the far side of the building from Monticello, adding that the site engineering has worked to point car headlights away from Monticello, as the drive-through window is open 24 hours.

Mr. Cilimberg noted that the business will be similar to the Wendy's on the corner of Route 250 and Route 20. He mentioned that this applicant is also opening a Dairy Queen in Crozet with a similar operation.

Staff confirmed that this application is subject to ARB approval.

MOTION: Mr. Loewenstein moved, Ms. Hopper seconded approval of SP 2000-47 as presented; there were no conditions imposed. The motion passed unanimously.

MOTION: Mr. Rooker moved, Mr. Thomas seconded approval of waivers for one-way circulation, one-way ingress and waiver of site plan with conditions as presented. The motion passed unanimously.

SP-2000-51 David Pastors (Triton PCS) (Sign # 51) - SP 00-051 David Pastors (Triton PCS)- Request for special use permit to allow construction of a personal wireless facility with a 99-foot tall wooden monopole (7 feet above the height of the tallest tree within 25 feet) in accordance with Section [10.2.2.6] of the Zoning Ordinance which allows for microwave and radio-wave transmission and relay towers in the Rural Areas. The property, described as Tax Map 55/Parcel 93, contains approximately 21 acres and is located in the White Hall Magisterial District on Half Mile Branch Road (Route 684), at Yancey Mills, approximately 1/8 mile north of the intersection with Hillsboro Lane (Route 797). The property is zoned RA (Rural Areas) and EC (Entrance Corridor). The Comprehensive Plan designates this property as Rural Area 3.

Mr. Waller presented the staff report, noting that the applicant is proposing a personal wireless service facility with a wooden monopole to extend 7 feet above the tallest tree within 25-feet, with the total height of approximately 99 feet. He said the facility would include flush-mounted antennas, and all ground equipment would be constructed to blend in with the natural surroundings. Mr. Waller said that staff feels the applicant has worked to meet the requirements set forth in the Wireless Policy Manual, and recommends approval of the SP with conditions as presented.

Mr. Waller noted that the applicant is also requesting setback and site plan waivers for the site; the adjacent property is also owned by the owner of the subject parcel.

Mr. Loewenstein asked for clarification of the tower height.

Staff confirmed that the height is 99 feet.

Public comment was invited.

Ms. Valerie Long, representing Triton PCS, addressed the Commission. She indicated that Mr. Waller seemed to cover most of the issues relating to the application. Ms. Long emphasized that the parcel is heavily wooded and has an existing path.

Mr. Rieley pointed out that the trees don't seem to the drawn to scale.

Ms. Long agreed, noting that they're just presented to give an idea of trees in the area.

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

In response to Mr. Cilimberg's question, Mr. Waller clarified that there would not be an RF isolator.

Mr. Waller said that there would not be an RF isolator.

Mr. Cilimberg commented that staff has worked on formulating standard conditions for use with tower applications.

Mr. Rooker stated that the Commission would like some technical information on the purpose of the RF isolator to determine if the device is necessary for the operation of antennas. He added that he would prefer not to include them as part of standard conditions, unless they are an absolute technical necessity.

Mr. Cilimberg stated that there should be a condition relating to the flush-mounting of antennas.

MOTION: Mr. Rooker moved, Mr. Rieley seconded approval SP 00-051 with conditions modified as follows:

Change spelling of "luminaries" to "luminaires" throughout document.

1. Add: "No antennas or equipment, with the exception of the grounding rod, be located above the height of the pole"

2. (g & h) should be reversed in order

2. (i) – the pole shall cannot extend above the top of the tallest tree, except as described in condition number 1 of this special use permit.

3. The facility shall be located as shown on the attached plan entitled "Yancey Mills"

4. (c) remove, as this is now stated in condition #1

5. Add: "A special use permit amendment shall be required for any future tree removal within the 200-foot buffer after the installation of the subject facility.

The motion passed unanimously.

The Commission moved, seconded, and unanimously approved a setback and site plan waiver for SP 00-51 with conditions as presented by staff.

Old Business

There was no old business presented.

New Business

Mr. Cilimberg noted that the Commission will not meet the next two Tuesdays. Ms. Hopper presented information on a Virginia Continuing Legal Education course on Land Use Law.

There being no further business, the meeting adjourned at 9:30 p.m.

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V. Wayne Cilimberg
Secretary