Albemarle County Planning Commission
December 12, 2000

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, December 12, 2000 at 6:00 p.m. at the County Office Building, 401 McIntire Road, Charlottesville, Virginia. Members attending were: Mr. William Finley, Chairman; Mr. Dennis Rooker, Vice-Chairman; Ms. Tracey Hopper, Mr. Rodney Thomas; Mr. Jared Loewenstein; Mr. Pete Craddock and Mr. William Rieley. Other officials present were: David Benish, Chief of Planning & Community Development, Mr. Greg Kamptner, Assistant County Attorney; Mr. Juandiego Wade, Transportation Planner, Mrs. Elaine Echols, Principal Planner; Ms. Ms. McDowell McDowell; Planner and Lee Catlin.

A quorum was established and the meeting called to order.

Work Session: Neighborhood Model – Review draft two in anticipation of Comprehensive Plan amendment.

Ms. Catlin reviewed the Planing Commission's action to date on the Neighborhood Model and asked Mrs. Echols to begin taking the Commission through the changes. The Commission made the following changes:

Section 6

Pg. 47 reformat in larger type sizes "it is expected that Master Plans . . . will experiment

Pg. 49 "A pedestrian path is generally"

Pg. 50 Can provide
reword 1st and 2nd sentences, add qualifiers
first bullet - "may also act to calm"

Pg. 49 pedestrian path through wetland or "very steep slopes . . ."

Pg. 50 first bullet - add : instead of comma

Pg. 55 2nd bullet - The median may vary depending on terrain or other landscaping features

Pg. 60 delete last sentence

Pg. 52 where adjacent neighborhoods join

Pg. 57 appropriate locations
Fringes
"suggested speed limit not more than " in all cases

Pg. 60 "Desired" features
Retitle Appropriate to Suggested throughout

Pg. 53 Move Rural Blvd. To Fringe Blvd.

Pg. 58 add period after movements

Pg. 63 orientation of picture Figure 6:21 and 6:22

Pg. 62 Rectilinear Pattern
Add "starting point"
Preferred design of the absence of natural features to prevent its use

Pg. 71 3rd bullet - "can be developed"

Pg. 73 schoolyards are not expected to provide

Pg. 74 2nd bullet - "Generally" squares are relatively flat

Pg. 69 Open space is integral part . . .

Pg. 73 add Meadow illustration

Pg. 77 centers "may contain" anything . . .
Redefine churches as "places of worship"
5 min. walk from all other locations within the neighborhood

Intro Paragraph - Some parts of plan effective immediately upon adoption - add to page 5

Mr. Loewenstein and Ms. Hopper left the meeting.

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

SDP 00-133 Litton Marine Minor Site Plan Amendment Waiver Request - Proposal to construct a building addition, which requires a waiver to allow reduction of service, spaces [4.12.7.2.b].

- Dennis Rooker motioned and Will Rieley seconded approval of the waiver to allow reduction of service spaces {4.12.7.2.b]. This passed unanimously.

SDP-00-125 J W Townsend - Waiver Request for grading of critical slopes for an expansion of business storage on 6.6 acres zoned LI (Light Industrial). (Dan Mahon)

Rodney Thomas had questions regarding how close the residential building is to the buffer. Will this be replaced with new trees and how close is it to the residents?

David Benish suggests on the mobile home park there is existing wooded area that has not been developed. Plus space between the nearest residents is in excess of what would be required for a normal buffer. He wanted to keep in mind the reason for the buffer is for landscaping. It is not a developed area, rather landscaping. David suggested there is possibility of interference but it would be very minimal.

- Dennis Rooker motioned, and Will Rieley seconded, approval of the Waiver Request for grading of critical slopes for an expansion of business storage on 6.6 acres zoned L1 (Light Industrial.) This passed unanimously.

David Benish reviewed the Board of Supervisors Meeting – December 6, 2000.

Jared Loewenstein rejoined the meeting.

Dennis Rooker commented that there was no one on the commission who thought a school would be built on that site. He thinks perhaps the media came across that the board was suggesting that it be used for a school. He does not think that is the case.

William Finley stated he regretted he had to leave the meeting. Had he been there he would have supported the site plan because of his confidence in the school director and building and grounds architect he worked with on the board.

Dennis Rooker said one of the things they were looking for was to get involved with the process a little earlier on. He suggested there should be a work session on each project several months before they come to action.

Will Rieley also said he agreed. He hopes we can learn from this and establish better communication with the schools people so this kind of thing is not facing them in the future. He feels the plan could have been much better but the clock was ticking.

SP-2000-59 Glen Echo Barn Access/Stream Piping (Sign #90, 91) - Request for special use permit to allow a stream crossing in accordance with Section 30.3.05.2.1 (2) and (5) of the Zoning Ordinance which allows for stream crossings and engineered structures in the floodplain. The property, described as Tax Map 47 Parcel 3, contains 406.18 acres, and is located in the Rivanna Magisterial District on Glen Echo Farm Road, located off Route # 649 approximately 3 miles east of the intersection with US 29 North. The property is zoned RA, Rural Areas. The Comprehensive Plan designates this property as Rural Areas. (Scott Clark) ***STAFF REQUESTS DEFERRAL TO JANUARY 9, 2001.***

- Jared Loewenstein motioned and Pete Craddock seconded to accept staff's request for deferral to January 9, 2001. This passed unanimously.

SP-2000-63 Grace Episcopal Church (Sign #65) – Request for special use permit to allow a 4,145 square foot expansion of an existing 3,653 square foot church in accordance with Section 10-.2.2.35 of the Zoning Ordinance which allows for church buildings and adjunct cemeteries. The property, described as Tax Map 065 Parcels 52, 52A, and 85A, contains a total of 11.19 acres, and is located in the Rivanna Magisterial District at 5609 Gordonsville Road [Route # 231] just north of the intersection of Rt. 600. The property is zoned RA, Rural Areas. A site plan waiver has also been requested. The Comprehensive Plan designates this property as Rural Areas. It is also located within an Entrance Corridor District and within the Southwest Mountains Historic District. (Ms. McDowell) ***APPLICANT REQUESTS DEFERRAL TO JANUARY 23, 2001.***

- Will Rieley motioned and Rodney Thomas seconded to accept staff's request for deferral to January 23, 2001.

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 RA, Rural Areas and is within an Entrance Corridor Overlay District. The Comprehensive Plan designates this property as Rural Areas. (Ms. McDowell) ***DEFERRED FROM THE NOVEMBER 28, 2000 PLANNING COMMISSION MEETING.***

Ms. McDowell presented the staff report. She shared copies of photographs of the site for the Commission's review.

William Finley asked if there was a need for setback.

Dennis Rooker asked if David knew when the wireless policy manual was to go before the board. In the write-up it states the "board of supervisors has not yet adopted…"

David Benish noted that this was written weeks before.

William Finley asked who monitors the Telecommunications Act.

Ms. McDowell said the FCC regulates this. They have to stay within the confines of what their license will be.

Rodney Thomas asked if there could be possibility they would have to come back and extend the pole. "Is this a canned version of what you have to say on page 3, Staff Comment – "as trees grow…"" His question is would the applicant have to apply for another special use permit?

Ms. McDowell says they would not have to come back.

Jared Loewenstein asks about the balloon – looking at picture handed out that is labeled 'view from driveway looking south.' He says the balloon is 13 feet higher than the pole. He expressed concern that the picture is puzzling.

Will Rieley asked if there is anything in the conditions that protect the trees between the tower location and SR 53.

Ms. McDowell said there was a condition of a 53-foot non-cutting tree buffer.

Will Rieley says he thinks the screening is very important.

Mr. Rooker made note of page 10, 5 – "**Except for the tree removal expressly authorized by the Director of Planning and Community Development, the permittee shall not remove existing trees within 200 feet of the pole and equipment building**.

Ms. McDowell said they still have to come back and get permission for tree cutting from us.

Rodney Thomas asked if there are any deflectors/isolators on the pole.

Ms. McDowell said they did not ask for isolators so she assumes they do not need them.

Valerie Long addressed some of the questions that were raised. The photo that was referred to was one that was submitted initially with the application. They initially were asking for a lower height when surveyors gave lower heights. After flying the balloons it appeared they would need taller trees. They had surveyors go out and re-measure and they have much taller trees. On the picture presented this was not revised. It was visible through trees but that was the only place. That was only when you pulled into the driveway. It was not visible from the road. The architecture review board has approved this at the revised height. They are working to be more accurate when they file applications.

Valerie Long mentioned the request that grading and clearing of the access road be amended. They feel they could minimize greatly the number of trees that need to be removed.

Dennis Rooker mentioned the application is confusing in that the pole should not be more than 25 feet from the access road. He said that portion of the application could be deleted.

Greg Kamptner said he agreed.

Dennis Rooker suggests that facilities be amended on the application to read, "…the facility shall be located according to the application…" This changes the word pole to facility.

Valerie Long said she felt Ms. McDowell hit on all the issues. The pole is actually 81.5 feet tall. The difference of the top elevation of the pole and the highest tree would be 7 feet.

Jared Loewenstein questioned the picture – he wanted clarification of location – the balloon is only visible from the driveway?

Valerie Long said the only place the balloon is visible is from the driveway. That balloon is no longer used because it is 8 feet long. The balloon they use now is only 2 feet in diameter. Again, at that same location, the day the staff was there they could see it from that location. Other than that, there was no location that they could find the balloon.

Dennis Rooker said he had walked with Ms. McDowell through one of these balloon tests and feels she is extremely accurate with her figures. He would take her word for it.

Jared Loewenstein said he agreed as well. It seemed the balloon was fairly easy to spot from the driveway photograph.

Valerie Long said she felt it would be hard to see the balloon. They did another balloon test for neighbors and Mr. Craddock was there to witness it.

Pete Craddock says the balloon was pretty visible from the driveway but that was it.

Rodney Thomas said he felt they had chosen a good site. He has a question of signal service. He asked if there were going to be any dead spots.

Valerie Long said they certainly hoped not. She shared the Moyer property will be the connection for three locations. There will be a total of 4 facilities between Route 20 and the Fluvanna County line at Route 53. They hope it will provide seamless service..

William Finley shared he understood they planned to remove three trees. He asked if it was due to construction.

Valerie Long stated it was and that they were doing their best to not remove trees unless it was absolutely necessary. They have reiterated importance of tree protection

measures. There is a chance the trees will not have to come down. She feels, in the interest of being up front, there is one tree very close to the pole. The power lines might have to go underneath the tree roots and there could be damage.

Pete Craddock mentioned a neighbors concern was emissions and wondered if they check the site often to make sure they are within the limits?

Valerie Long said they do check once a month on average. They have every incentive to make sure they have no problems. They are very careful about those.

Dennis Rooker asked what the concern was about emission control.

Valerie Long shared there were questions about emissions from all wireless towers, radio towers. Farmers actually focused on the issue and it was a big part of their concern. In effort to address the problem the federal government tried to establish a threshold level. They did that. The emission levels for each facility do not exceed threshold. Her understanding was that their wireless emission was 1/10 of a percent. It is very low. The emissions dissipate rapidly the farther away from the facility you are. The FCC states if you stand at the base of a tower by the time the emission reaches you, 100 feet below, the risk is essentially gone. There are emissions but the experts have determined it is not a risk

William Finley expressed that, since the FCC is addressing this, there is some concern.

Will Rieley commented on the last two presentations. He raised concerns about the cartoon way in which trees are shown. After the last meeting he drew some trees to the proper scale and mailed them to Triton. He felt the pictures were really gross distortions. Mr. Rieley asked why we should not assume this was an intentional device to deceive.

Valerie Long shared they never intended to deceive. They were not to scale – there was a note on the subject that the trees were not to be scale. It was an effort to show the difference in elevation in scale of the trees. Ms. Long reiterated that their applications have been modified as they continue their work. Staff has been to this location on 2 to 3 occasions. They have tried very hard to have people out to this facility and she feels the staff efforts have been true to form.

Dennis Rooker also stated that he felt the tree drawings did not meet their intended purpose.

Will Rieley feels that we need these elevation views for the total impact. A lot of times we do not go to the site but the illustrations need to be reasonable facsimiles of the condition. It is very useful information to have. We need to know what the elevations look like and what the screening capacity is.

Dennis Rooker suggested perhaps in the future showing all of them as poles. Just to show height. Instead of using trees just put poles in there.

Jared Loewenstein shared something that might be worth thinking about in future tower proposals. We have always laid a good deal of emphasis on tree height when considering screening. He thinks that tree height alone does not mean anything. He thinks we need to consider whether or not our policy manual should take into consideration something other than merely height of adjoining trees. Perhaps whether trees are deciduous or evergreen, old trees, poor-condition trees. These would have as much bearing as the height. He would like to see us focus on something other than mere height of pole and the height of the trees in a radius of the next few yards. He thinks the tree canopy needs to be looked at, as the permeability of that canopy is just as important as height alone.

Dennis Rooker felt we were addressing this issue. He felt that was what condition 5 did. We combine inability to remove trees (within 200 foot radius of pole) we take pictures of the site to see how many trees are there in the first place to check for visibility. We then have the staff go out and do balloon tests. It seems to him we are covering that.

Will Rieley feels the site is pretty good. He feels it is good to have these issues so we can get some things on the table like this. He feels the balloon test and staff review are probably the most important piece of this. He will support this in some configuration because of that. He does feel this is not the only point. He feels we need honest information from applicants. He stated how complex he felt these applications can be. Sometimes sites that look good at first turn out not to look so good. He just feels we need as much information as we can get. On the other end of the spectrum, on this application, the ground survey is excellent. All calipers checked out, locations and trees checked out. The weak link is the drawing.

William Finley called for further questions. There were none.

Public hearing was closed.

Mr. Rooker had one point with the first condition. The condition states that the top of the pole as measured above seal level (ASL) shall never exceed seven (7) feet above the top of the tallest tree, at or below the same base elevation as the pole within twenty-five feet of the pole. Mr. Rooker said you don't count a tree that is at a different, higher elevation. Mr. Rooker asked if it would be better to delete "at or below the same base elevation as the pole." Mr. Rooker feels it is unnecessarily complex.

Ms. McDowell stated they were trying their best to get a set of standard conditions. This is a work in progress. Ms. McDowell stated the reason there is mention of the base elevation is if the tree were at a different elevation and higher, we wanted it to have an equal playing field. In other words, do not give it credit for height, which did not mean anything in relation to the tower.

Mr. Rooker stated the last part, in his mind, is unclear. We are using the word "facility" and then the word "pole" and the words "at or below the same base elevation as the pole" come after "facility." Mr. Rooker wanted to know if we were modifying "facility." Mr. Rooker feels it would be easier to understand if we just eliminated "at or below the same base elevation as the pole." The word "facility" Mr. Rooker would change to "pole," because it is used to describe equipment and everything else on the site.

Mr. Kamptner stated he thought the clause was inserted to deal with a situation where you have a pole that is down-sloped, so that the pole can take advantage of the tree within 25 feet up the slope.

Mr. Rooker stated what the Planning Commission really cares about is where the top of the trees are and it is covered by "measured above sea level." Mr. Rooker said it seemed that part of the clause should be eliminated.

Mr. Kamptner stated if a tree is up-slope and behind a pole, and the tree's base elevation is 20 feet above the base elevation of the pole, will the pole be able to take advantage of the elevation difference so that it is within seven feet of the height of the tree. That pole will be unusually tall.

Mr. Rieley stated he felt that was a situation in which the Committee would not apply that standard. We can blanket any tree within a 25-foot radius. Mr. Rieley stated they have often not given approval to trees that had some unusual circumstance. Mr. Rieley stated he did not think we would want to try to write a standard that covers the trees from the back slope, the opposite side of the way the transmission is going. He feels it has to be taken into consideration on an individual basis.

Mr. Finley asked Ms. McDowell if she understood the appropriate changes.

Mr. Benish stated the way in which we were using facilities was for ground equipment. Facilities occasionally indicates anything related to the pole.

Dennis Rooker motioned that the Commission recommend approval of SP-2000-44 to the Board of Supervisors, subject to the following conditions:

1. The top of the pole, as measured Above Sea Level (ASL) shall never exceed seven (7) feet above the top of the tallest tree, as measured ASL, within twenty-five (25) feet of the pole. No antennas or equipment, with the exception of the grounding rod, shall be located above the top of the pole.

2. The pole shall be designed, constructed and maintained as follows:
    a. The pole shall be a wooden pole, dark brown in color;
    b. Guy wires shall not be permitted;
    c. No lighting shall be permitted on the site or on the pole, except as provided by condition number nine (9) herein;
    d. The ground equipment cabinets, antenna, and all equipment attached to the pole shall be dark brown in color and shall be no larger than the specifications as shown on the attached plan entitled "Alltell/I-64 West Site."
    e. A grounding rod, not exceeding two feet above the top of the pole, and with a width not to exceed one-inch diameter at the base and tapering to a point, may be installed at the top of the pole.
    f. Prior to issuance of a building permit, the applicant shall provide a statement to the Planning Department by a licensed surveyor certifying the height of the tallest tree, as identified in condition number one.
    g. Within one month after the completion of the pole, the applicant shall provide a statement to the Planning Department certifying the height of the pole, measured both in feet above ground and also measured Above Sea Level.

    h. The pole can never extend above the top of the tallest tree, except as described in condition number one of these conditions of approval, without prior approval of an amendment to this special use permit.

3. The pole shall be located in accordance with the plan submitted by the applicants, dated November 7, 2000. The facility and the new access road shall be located according to the plan submitted by the applicant, entitled Moyer Property/Wentworth Farm, dated November 7, 2000.

4. Antennas shall be attached to the pole only as follows:
    a. Antennas shall be limited to those shown on the attached plan entitled "Moyer Property Wentworth Farms."
    b. No satellite or microwave dishes shall be permitted on the pole.
    c. Only flush mounted antennas shall be permitted. No antennas that project out from the pole beyond the minimum required by the support structure, shall be permitted. However, in no case shall the antennas project out from the pole more than 12 inches.

5. Prior to beginning construction or installation of the pole or the equipment cabinets, or installation of access for vehicles or utilities, a tree conservation plan, developed by a certified arborist, specifying tree protection methods and procedures and identifying any existing trees to be removed on the site both inside and outside the access easement and lease area shall be submitted to the Director of Planning and Community Development for approval. All construction or installation associated with the pole and equipment building, including necessary access for construction or installation, shall be in accordance with this tree conservation plan. Except for the tree removal expressly authorized by the Director of Planning and Community Development, the permittee shall not remove existing trees within two hundred (200) feet of the pole and equipment building. A special use permit amendment shall be required for any future tree removal within the two hundred-foot buffer, after the installation of the subject facility.

6. The pole shall be disassembled and removed from the site within ninety (90) days of the date its use for wireless telecommunications purposes is discontinued.

7. The permittee shall submit a report to the Zoning Administrator one time per year, no later than July 1 of that year. The report shall identify each user of the pole and certify that the height of the pole is in compliance with condition number one.

8. No slopes associated with construction of the pole and accessory uses shall be created that are steeper than 2:1 unless retaining walls, revetments, or other stabilization measures acceptable to the County Engineer are employed.

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

10. The permittee shall comply with Section 5.1.12 of the Zoning Ordinance. Fencing of the lease area shall not be permitted.

11. The applicant shall enlarge the access driveway entrance on the right side (exiting) to provide a safe access for vehicles turning right onto State Route 53. The finished overall width of the driveway entrance shall be a minimum of fourteen feet and include extensions of drainage, as appropriate. Prior to issuance of building permits, the applicant shall obtain approval of the driveway improvement plans from the Virginia Department of Transportation.

Will Rieley seconded the motion, which carried unanimously.

SP-2000-44 Moyer (Triton PCS CVR361A); Tax Map 92, Parcel 56B1 – Waivers - Will Rieley moved to accept request for waiver of a site plan in accord with the provisions of Section 32.2.2 of the Zoning Ordinance. Approved subject to the following conditions:

1. Approval of an erosion and sediment control plan prior to the issuance of a building permit.
2. Provision of one parking space.
3. A site plan application shall be required if activity on slopes of 25% or greater is proposed.
4. Staff review and approval to ensure that all conditions of the special use permit are reflected in the final revisions of the construction drawings, prior to issuance of a building permit.

- Waiver of the setback regulations in accord with the provisions of Section 4.10.3.1 of the Zoning Ordinance.

Mr. Rooker seconded approval and it passed unanimously.

Jared Loewenstein mentioned he would like to have pictures ahead of time so he could review this.

Ms. McDowell mentioned she could email pictures ahead of time. She agrees the pictures do take in a whole lot of conditions.

Dennis Rooker thought they should be sent through regular mail because download time is so long.

Will Rieley said he has always been very skeptical of applicant photos because they can be altered so easily to give any presentation wanted. He would be in favor of staff pictures that could be given a week early for preview.

Pete Craddock said perhaps an email of the view time could be sent around so others could actually go to the site.

Ms. McDowell mentioned the next photo opportunity time would be this Thursday and she would welcome people to come along.

SP-2000-58 Northside Community Fellowship Church of the Nazarene (Sign #77) - Request for special use permit approval, as set forth in Section 18.10.2.2.35 of the Zoning Ordinance, for an 11,200 square foot church building, to be constructed in three phases on a 9.92 acre parcel. A waiver from the critical slope requirements, as set forth in Section 18.4.2 of the Zoning Ordinance, has also been requested. The site is zoned RA, Rural Areas. The property, described as Tax Map 21 Parcel 11A, is located in the White Hall Magisterial District on State Route 606 (Dickerson Road), west of State Route 29, and south of the border with Greene County. The Comprehensive Plan designates this property as Rural Areas.

Ms. McDowell presented the staff report. She also passed around blueprints and recommendations of staff. She made mention of some minor changes that were made.

Ms. McDowell had changes to the Recommended Action List – see her attached copy.

Ms. McDowell mentioned there was some question about commercial status, even though this is not commercial, for additional buffers for building setbacks. See attachment.

Ms. McDowell shared concern of the applicant with regards to outside lighting issues. This was not on the original application. Applicant also agrees to save trees along the perimeter of the property (Condition 8) of Critical Slopes Waiver. This request states the only clearance around Rt. 606 will be just where disturbance is. However, the minister is concerned about this and wants more visibility from the road. The pastor has agreed to let trees stand within the 25 feet and not the additional buffer area. Ms. McDowell also shared concerns of the pastor of the congregation of not wanting limits of 200 seats as he hopes to expand to perhaps 500.

Dennis Rooker stated that the general practice is that when a proposal is made for a certain size or area of a church, it is conditioned that way. They would need a special use permit to increase the size of the church.

Ms. McDowell shared there were two reasons for tying the congregation size to 200. One, it is in a rural area. This has to be looked at differently than if it were in a development area. Size would not be an issue then because public roads are there. The bigger it gets, the more potential for needed services there would be. The other issue is the road. It is a gravel road. Even though they are willing to dedicate 25 feet for a buffer, they would like the 25 feet all the way across as it is not a good road. There is already a residence across the street. It is a typical rural road. When you put that much traffic on the road at one time (when service lets out) it may be too much for this particular site.

David Benish stated that the water and sewer will need to be evaluated later, as well, to see if they are adequate.

Dennis Rooker suggested it was important at each increment to reevaluate size and space for the facility. We are just giving appropriate measurements for this application.

Ms. McDowell mentioned that action 14 ties them down to not allowing expansion.

They are also requesting a critical slopes waiver.

Dennis Rooker says the reality is the board can, at any time, change conditions. They retain power to approve another application at any time. He questions the purpose behind changing this. He does not understand the need for the second sentence in condition #14.

Ms. McDowell thinks it is not redundant. She states it is a clear statement that states they will not go beyond 200 seats.

Dennis Rooker reiterated the board has it in their power to change anything.

Ms. McDowell expressed the board does have the power but they wanted the message to be out there. This is a very big issue. She feels rather than make ambiguous statements, the statement should fit the bigger picture.

William Finley stated he agreed with Dennis. At the appointed time, when they exceed 200, they can come back.

William Finley called for public comment.

Ray Stark, Pastor of the church, asked for a copy of the recommended changes. He passed out a packet to all board members. In a letter dated December 12, 2000, Mr. Stark shared his clarification of statements and then addressed recommended actions.

Dennis Rooker asked how close the church was to making these changes. He wondered how appropriate it would be for the applicant to bring this back in a week or two. This would give the board members time to review the information. Perhaps final language has not been issued.

William Finley asked what the timing was. Ms. McDowell stated it was scheduled for January 10, 2001. She reiterated that Mr. Stark wanted to get some reassurance in the item of 200 members.

Dennis Rooker said he would like to delete the last sentence in the condition concerning the seating capacity; just not mention any future expansion. He also stated he does not feel comfortable addressing lighting. He asked if Mr. Stark would be interested in deferring this to have time to reconsider the conditions.

William Finley stated he was not in favor of a hard or fast limitation on a church or any other business. He stated there is only one more meeting this year.

David Benish shared that if the board wanted information on seating capacity for Paran Church then it would take more time. To get that information from the Highway Department would take more than two weeks.

Dennis Rooker felt it was not an issue. Mr. Stark felt it was not necessary.

Ms. McDowell shared because there was no mention of lighting, it was not reviewed. If there is no mention of reviewing then they could not have it. She is sure this is something that can be easily changed.

William Finley asked Mr. Stark if he agreed with deferral and he agreed to this.

Dennis Rooker asked how much time it would take to get the information on lighting.

Ms. McDowell felt this was already taken care of. David Benish shared the holidays were going to cause delays.

Call was made for public comments. There were none.

Dennis Rooker suggested deleting the last sentence of #14, so that the condition would read as follows:

14. The number of seats permitted within the area of the largest assembly shall not exceed 200 seats.

- Dennis Rooker motioned to accept deferral for January 9, 2001. Rodney Thomas seconded the motion, which carried unanimously.

SP-2000-65 Andy Spratt (Sign #67,68) - Request for a special use permit to allow a home occupation to design health education videotapes in accordance with Section 10.2.2.31 of the Zoning Ordinance which allows for home occupations. The property, described as Tax Map 87 Parcel 50, contains 2.959 acres, and is located in the Samuel Miller Magisterial District on Burton Road [Route #711] approximately 250 feet from the intersection of Route 29 and Burton Road-Route 711. The property is zoned RA, Rural Areas. The Comprehensive Plan designates this property as Rural Areas 3. (Juandiego Wade)

Mr. Wade presented the staff report.

William Finley opened for public comment.

Applicant Andy Spratt shared comments.

Dennis Rooker motioned to recommend approval of SP-2000-65 to the Board of Supervisors, subject to the following conditions:

1. Not more than two employees except for family members who reside on site;
2. The home occupation shall be limited to the second level of the garage, which is approximately 500 square feet;
3. No signs for the business shall be posted on the property; and
4. Use shall comply with the following provisions of Section 4.14 of the Albemarle County Zoning Ordinance.

- Pete Craddock seconded the motion, which carried unanimously.

Dennis Rooker recommended approval of the waivers for the setback of the garage and for the size of the accessory structure.

- Pete Craddock seconded the motion, which carried unanimously.

ZTA-00-01, UREF Research Park, Inc Signs in Public Rights-of-Way - Ordinance to amend Chapter 18, Zoning of The Albemarle County Code, Section 4.15.05 By special use permit, Section 4.15.06 Prohibited signs, Section 4.15.07.4 Setback, Section 4.15.12.1 Residential and agricultural districts (RA, VR, R-1 AND R-2), Section 4.15.12.2 Residential districts (R-4 and R-6), Section 4.15.12.3 Residential (R-10 and R-15) and planned residential development (PRD) districts, Section 4.15.12.4 Planned unit development (PUD) district, Section 4.15.12.5 Commercial districts (C-1 and CO), Section 4.15.12.6 Commercial (HC) and mixed commercial (PD-SC and PD-MC) districts, and Section 4.15.12.7 Industrial (HI and LI) and mixed industrial (PD-IP) districts; to authorize certain privately owned signs to be installed in or over public rights-of-way by special use permit, to establish the method for measuring the setback

for a sign in or over a public right-of-way, to make corresponding changes in related sections, and to update terminology. (Jan Sprinkle)

Ms. Sprinkle presented the staff report.

Dennis Rooker addressed concern about opening public right of ways. He feels that is a subjective argument that can be made frequently. He feels that the proposed ordinance change goes beyond the resolution intent.

Ms. Sprinkle pointed out that there is a limit where they will put signs temporarily into a right-of-way in front of a business but there is no plan for using this. They do not want to sell that right-of-way. She gave two examples of churches that fall in this category. If VDOT will give them permission temporarily, then we can give a temporary permit.

Will Rieley asked about a sign on Rt. 53, selling apples. He asked if this was a violation of the ordinance.

Ms. Sprinkle stated that she would look into this.
Open to public comments:

Steve Blaine wanted to argue the necessity of VDOT approval before as being unnecessary. He addressed Mr. Rooker's points as being well taken. "Perhaps if you get a variance, then it could be time to address this issue again."

No further comments from the floor.

Mr. Rooker motioned that the Commission recommends approval of ZTA-00-01 to the Board of Supervisors for the following text:

Section 4.15.05 By Special Use Permit

a. Off-site advertising signs.
b. Electric message signs.
c. Signs in public rights-of-way; provided: (1) the subdivision or planned development to which the sign pertains abuts the public right-of-way; (2) the sign is either a subdivision sign or a sign identifying a planned development authorized by sections 19.0, 20.0, 25.0, 25A, and 29.0. (3) the freestanding sign regulations, other than setback regulations, applicable to the lot with the use to which the sign pertains shall apply; and (4) if the sign is located within an entrance corridor overlay district, a certificate of appropriateness is issued by the architectural review board.

Will Rieley seconded the motion, which carried unanimously.

Work Session – Meadow Creek Parkway, Phase 1 – Park and Urban Planning

Issues discussed at the Work Session included:

1. The areas of study included the bottomlands, which is unsuited for roadway but is well suited for park space and run-off from urban development area. It also accommodates flood over-flow (retained water) from upstream. The wooded areas are a higher elevation and are suited somewhat for development. Lack of access is limiting. Another consideration is proximity to railroad lines. This is more suited for transport and parks. The rolling uplands has proximity to Rio Road and has a moderate terrain with good views. This area seems suited for all three aspects (transport, urban development and parks/open spaces.) The difficulty is integrating all three components on this one site. The rolling uplands woodlands have fairly good development potential.
2. Bike paths were presented with pictures in hopes to generate discussion of what people feel appropriate for this corridor. They are looking into a Class I (separate from roadway) and Class II (2 to 3 feet from the edge of the road) bicycle path. For recreational riders and for small children, it may be more pleasant to go with a Class I. The Class II option, especially on high-volume roads, can be dangerous and anxiety causing. There are hazards involved with being so close to traffic.
3. Parks are a series of 4-lane roads. We are designing a 2-lane road for now with the possibility of a 4-lane road in the future. The additional two lanes impact the character of the parkway. We can widen the roads, or possibly narrow the median. Discussion was made of standard parkways and how they exist in both 2 and 4 lanes.
4. Road access to the parks was discussed. John Hossack shared his feeling that traffic would be congested at the Park Street Rio Road junction. This would be over-flow from Melbourne and Rio Roads. Concern was brought on board that the traffic from Rio Road and Melbourne Road would cause traffic problems as this is only a 2-lane road. It was stressed that the county will need to coordinate their efforts with that of the city. This is being done.
5. Vegetation along the roadsides would certainly give the roadway a park-like atmosphere.
6. Discussion was made regarding making connections from Meadow Creek Park to Penn Park. This could certainly be possible in several different areas. The main concern is crossing Rio Road safely.
7. Discussion was made regarding a pond to hold run-off road water. The pond would be a minimum in storage capacity. We will have to also maintain habitat and wildlife of the pond. This would be a great chance to improve the condition of the water that is running off of the roadways in the city and the county. There is also upstream water running down.

Tentative date for next work session is January 30, 2001.

With no further business, the meeting adjourned at 10:30 p.m.

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V. Wayne Cilimberg, Secretary

Recorded and transcribed by Liz Hart, Recording Secretary.