Albemarle County Planning Commission
February 13, 2001

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, February 13, 2001 at 6:00 p.m. at the County Office Building, 401 McIntire Road, Charlottesville, Virginia. Members attending were: Dennis Rooker, Chairman; William Rieley, Vice-Chairman; Tracey Hopper, Rodney Thomas; William Finley, Jared Loewenstein; and Pete Craddock. Other officials present were: Joan McDowell, Senior Planner; David Benish, and Jan Sprinkle.

A quorum was established and the meeting called to order.

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

Consent Agenda:

Approval of Minutes – November 28, 2000, December 12, 2000, January 9, 2001 and January 16, 2001.

Resolution of Intent to Change Section 4.2 Critical Slopes Regulations in the Zoning Ordinance (Wayne Cilimberg/Amelia McCulley)

Resolution of Intent to Change Section 4.2 Area Regulations in the Zoning Ordinance (Wayne Cilimberg/Amelia McCulley)

Resolution of Intent to Amend Numerous Sections of the Zoning Ordinance to bring then into conformity with the County's Personal Wireless Service Facility Policy. (Jan Sprinkle)

Review of the Totier Creek Agricultural/Forestal District - Required 10-year review of the Totier Creek Agricultural/Forestal District. The district comprises a total of 7789.622 acres. ***PLANNING COMMISSION RECEIVES APPLICATION.***

Review of the Hatton Agricultural/Forestal District - Required 10-year review of the Hatton Agricultural/Forestal District. The district comprises a total of 645.158 acres. ***PLANNING COMMISSION RECEIVES APPLICATION.***

Review of the High Mowing Agricultural/Forestal District - Required 10-year review of the High Mowing Agricultural/Forestal District. The district comprises a total of 622.44 acres. ***PLANNING COMMISSION RECEIVES APPLICATION.***

SDP 00-107 Townwood Mobile Home Park Preliminary Site Plan - Critical Slopes Waiver, Parallel Parking and One-way Circulation Requests. (Stephen Waller)

Mr. Rooker asked if any members of the commission wished pull any item from the consent agenda.

Mr. Rieley requested that the commission pull the November 28, 2000 minutes from the consent agenda as he has submitted additional changes.

Mrs. Hopper moved approval of the Consent Agenda with changes.

Mr. Loewenstein seconded the motion, which carried unanimously.

Mr. Rooker asked the recording secretary to revise the November 28, 2000 minutes and bring them back before the commission within the next two weeks.

SP-2000-73 Panorama Farms Bicycle Trails (Sign # 46 & 47) - Request for special use permit to allow a commercial mountain bike trail, including competitions, in accordance with Section 10.2.2.4 of the Zoning Ordinance which allows for swim, golf, tennis or similar athletic facilities. The property, described as Tax Map 45 Parcel 1, contains 706.512 acres, and is located in the Rio Magisterial District at 300/333 Panorama Road [Route # 844]. The property is zoned RA Rural Area. The Comprehensive Plan designates this property as Rural Area. (Joan McDowell) ***APPLICANT REQUESTS DEFERRAL TO MARCH 13, 2001.***

Mr. Rooker asked for public comment on the application, there being none, he asked for a motion regarding the request for deferral.

Mr. Loewenstein moved to accept the applicant's request for deferral to March 13, 2001.

Mr. Rieley seconded the motion, which passed unanimously.

SP-2000-54 Albemarle High School Cross Country (Sign #44, 45) - Request for special use permit to allow a cross country track, including competitions with other teams, in accordance with Section 10.2.2.4 of the Zoning Ordinance which allows for swim, golf, tennis or similar athletic facilities. The property, described as Tax Map 45 Parcel 1, contains 706.512 acres, and is located in the Rio Magisterial District at 300/333 Panorama Road [Route # 844]. The property is zoned RA Rural Area. The Comprehensive Plan designates this property as Rural Area 1. (Joan McDowell) ***APPLICANT REQUESTS DEFERRAL TO MARCH 13, 2001.***

Mr. Rooker asked for public comment on the application, there being none, he asked for a motion regarding the request for deferral.

Mr. Finley moved to accept the applicant's request for deferral to March 13, 2001.

Mr. Thomas seconded the motion, which passed unanimously.

SP-2000-34 Spring Hill (Sign #38, 39) - Request for special use permit to allow amendment of earlier special use permits for the purpose of dividing the residue of Spring Hill Farm into one 102 acre lot with 340 acre residue and to create a stream crossing in accordance with Sections 10.2.2.30 and 30.3.05.2.1.2 of the Zoning Ordinance, which allow for residential use and water-related uses such as river crossings. The property, described as Tax Map 58 Parcel 95, contains 442.656 acres, and is located in the Samuel Miller Magisterial District on Dick Woods Road (Route 637) at the intersection with Route # 677. The property is zoned RA Rural Areas. The Comprehensive Plan designates this property as Rural Area. (Scott Clark) ***STAFF REQUESTS DEFERRAL TO FEBRUARY 27, 2001.***

Mr. Rooker asked for public comment on the application, there being none, he asked for a motion regarding the request for deferral.

Mr. Thomas moved to accept staff's request for deferral to February 27, 2001.

Mr. Rieley seconded the motion, which passed unanimously.

SP-2000-38 Spring Hill (Sign #61, 63, 64) - Request for special use permit to allow a new stream crossing to be created in accordance with Section 30.3.05.2.1.2 of the Zoning Ordinance which allows for water related uses such as boat docks, canoe liveries, bridges, ferries, culverts and river crossings of transmission lines of all sorts. The property, described as Tax Map 58, Parcel 95, contains 442.656 acres, and is located in the Samuel Miller Magisterial District on Dick Woods Road, Rt. 637 approximately at its intersection with Rt. 677. The property is zoned RA,

Rural Areas. The Comprehensive Plan designates this property as Rural Area. (Scott Clark) ***STAFF REQUESTS DEFERRAL TO FEBRUARY 27, 2001.***

Mr. Rooker asked for public comment on the application, there being none, he asked for a motion regarding the request for deferral.

Mr. Rieley moved to accept staff's request for deferral to February 27, 2001.

Mr. Finley seconded the motion, which passed unanimously.

SP-2000-80 Colonial Baptist Church (Sign # 43) Request for a special use permit, in accord with provisions of Section 10.2.2.35 of the Zoning Ordinance, to allow the printing and distribution of church literature in a 3,040 square foot building to be constructed adjacent to the existing church on 10.39 acres of land located on Rt. 250 East, .7 miles east of Rt. 744 (Hacktown Road), in the Rivanna Magisterial District. The property, described as Tax Map 94 Parcel 46, is zoned RA Rural Areas, and EC, Entrance Corridor Overlay District. The site is not located within a designated development area. The site is located in Rural Area 2. (Juandiego Wade) ***STAFF REQUESTS DEFERRAL TO FEBRUARY 27, 2001 DUE TO A POSTING ERROR.***

Mr. Rooker asked for public comment on the application, there being none, he asked for a motion regarding the request for deferral.

Mr. Loewenstein moved to accept staff's request for deferral to February 27, 2001.

Mr. Thomas seconded the motion, which passed unanimously.

SP-2000-75 Howell (Triton PCS-CVR 370A) (Sign #60) - Request for special use permit to allow a communication facility including a 98 high steel monopole, flush mounted antennas, and ground equipment on a 30' by 30' leased area of a 154.939 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. A request for the waiver of a site plan, per Section 18.32.3.10 has also been submitted. The property, described as Tax Map 72 Parcel 21, is located in the Samuel Miller Magisterial District at 5726 Wyant Lane, approximately 153 feet south of I 64, and between State Route 635 and Mechums River. 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. (Joan McDowell)

Ms. Joan McDowell presented the staff report.

Mr. Rieley commented that, following a visit to the site, it was noticed there was an obvious error in the survey. The spot elevations were more than 30' different from the contour readings and the spot elevations indicated that the pole was in a hole 8' lower than all the spot elevations around it. He asked if that error had been corrected.

Ms. McDowell said that the error had been corrected or the application would not have gone any further.

Mr. Rieley said that he noticed that from the residential area it looked like the balloon was substantially higher than 10' above the tops of the trees. He asked if that had been corrected as well.

Ms. McDowell stated that it had not, that the tree heights were said to be accurate, it was the base and topo elevations that were so inaccurate.

Mr. Rieley verified that the application had been stamped and signed by a professional surveyor.

Ms. McDowell said that the tree heights were the same.

Mrs. Hopper asked about the color of the fence as stated in condition #11. She asked if Ms. McDowell had talked with the applicant about making the fence a natural color, perhaps a brown to match the equipment inside.

Ms. McDowell said that she had not. Normally, unless it is necessary, she would not recommend fencing in the first place. But because the area is so far within the property and in a cow pasture, fencing is fine in this instance. Barbed wire is consistent with the rest of the property and will not be seen by anyone on the adjacent property.

Mr. Rooker asked for additional questions, there being none, he asked the applicant to address the commission.

Ms. Valerie Long, Triton PCS, stated that the proposal is fully compliant with the county's wireless telecommunications policy manual; Triton PCS is agreeable to all conditions proposed in the staff report, no changes are needed. The facility's design will consist of steel pole painted dark brown and all equipment in the area will be painted the same color. The area is wooded resulting in limited visibility from Interstate 64. During the last view in January very little of the pole was seen. The pole is sighted in a small clearing, limiting the need for removal of trees. The pole will be 10' higher than the top of the tallest tree, or 98'. The architectural review board has granted final approval of the facility. Triton PCS is also requesting site plan waiver and they agree to the conditions stated for that as well. She commented on the height of the trees per Mr. Rieley's question. The surveyor has re-measured the trees and determined that the original measurements are accurate.

Mr. Loewenstein asked if the height requested was the absolute minimum height necessary.

Ms. Long said that the site had been designed as part of a network where the poles are 7' – 10' above the tallest trees.

Mr. Loewenstein asked if it would be possible to limit the height a little further.

Ms. Long responded that Triton PCS tries to keep the height as minimal as possible to mitigate visibility. Given the very tall trees and very limited visibility from the Interstate they feel that this is an appropriate location.

Mr. Rooker asked the staff if there was any reason that this application should be approved at 10' rather than 7' as the last several applications have been.

Ms. McDowell said that the applications do vary, as does the review. Because it is on a large parcel, is internal to that parcel, and is not visible from the Interstate, there was no reason to recommend a lower height.

Mr. Rooker stated that the commissions' standard has been 7'. He asked if Ms. McDowell if she felt that 10' was appropriate in this case.

Ms. McDowell said yes. She stated that a metal pole is fine in this case because of the lack of visibility.

Mr. Rooker stated that applicant's had been going to metal poles because of improved strength.

Ms. McDowell said that there is also a cost factor and a transportation factor.

Mr. Dale Finocchi, Crown Castle, said that the steel pole is preferable for safety and transportation. It eliminates the need for road closings and other problems. This is a good site, the woods creates a problem as far as getting the talk-in signal due to dense vegetation. He stated that the higher the pole, the better, in this case because of the vegetation.

Mr. Thomas asked how difficult it was to view the tower from the Interstate.

Ms. McDowell said that she was unable to get a good look coming west on I-64 due to traffic, but coming east it was not visible.

Mr. Craddock asked if this pole provided coverage for Triton PCS from Charlottesville to Afton.

Ms. Long said that it would connect with the facility on the Herring property that was already approved and the one on the Pastor's property.

Mr. Rooker asked if there would be additional applications in this part of Albemarle County.

Mr. Finocchi said that the Webber application, which goes before the Board tomorrow night, will also build into that network. The only other site on I-64 is a co-location on the Alltel tower at Camp Holiday. He said that there is still the possibility for an additional application pending activation.

Mr. Rooker asked for public comment.

Ms. Lori Boyce spoke regarding the application. Ms. Boyce owns two properties nearby. She said that the tower would be visible from both of her properties, including her current residence. The tree canopy lining the entire length of Wayant Road will come down in the spring to widen the road to DOT standards. Her concern is that, since they are in a rural neighborhood, she wonders if there is another more appropriate site. She stated her opposition to this application. One additional concern is the long easement road being put in to access the site which she fears will lead to development of the property.

Mr. Rooker asked for additional public comment.

Ms. Long reiterated the county's policy that there are no areas restricted for wireless tower as long as they meet the requirements. The distance to the next closest property is 1,458'. Having conducted three balloon tests, in none of those instances was the balloon visible from Wayant Lane, though they did not go onto any of the adjacent properties.

Mr. Craddock asked if it was a low-level stream crossing on the access road.

Ms. Long said that it is a very small stream which is drivable.

Mr. Rooker said that the stream crossing is subject to county review.

Mr. Rooker closed the public hearing.

Mr. Rieley asked Ms. Sprinkle if the County had the capacity to verify the height of the pole after it is built.

Ms. Sprinkle said no. It is a requirement of the applicant to provide a survey showing the heights of the trees and the finished tower.

Mr. Rieley commented that the application came in with survey errors, how do we know it will be built as represented.

Mr. Rooker said that the commission has the same question with regard to every application.

Mr. Rieley stated that this was a general question, not specific to this application only.

Ms. Sprinkle said that it was correct that verification is up to the applicant.

Mr. Finley said that there would be some confidence in state certification.

Mr. Rieley reiterated that the application came in with a 30' error.

Mr. Finley stated that it was corrected.

Mr. Rieley said that they corrected only the things that were brought to their attention.

Ms. Sprinkle said that they could determine a large difference, but a small change of 3'-5' would not be visible from the ground.

Mr. Rooker stated that he thought the County could incur the expense of a surveyor if there was suspicion of an error.

Mr. Rieley said that he believes there are some existing towers that were not built according to the application. He stated that the County needs to develop the capacity to identify and rectify those situations.

Ms. Sprinkle stated that the County could hire a surveyor for verification.

Mr. Rieley said that it would make the commission more comfortable.

Mr. Thomas stated that at the moment the County has no one to do that and it is the responsibility of the applicant.

Mr. Rieley said if that was not reliable the commission needed to figure out a way to rectify it.

Mr. Loewenstein said that he didn't think applications of this specific type were the only instances where these concerns would arise. The commission has to rely on the applicant for accurate information, beyond the County's ability or authority to verify it.

Mr. Rieley stated that he thought there was a difference, engineering reviews applications and investigates to be certain that the work is being done according to regulation. The commission doesn't have something similar with wireless towers. The county needs some enforcement capability for this issue.

Mrs. Hopper stated that the commission saw the need for more funds to work towards enforcement.

Mr. Finley asked Mr. Rieley when he visited the site.

Mr. Rieley said that he thought it was in January.

Mr. Finley asked if he thought that the surveyor had made a mistake in writing the elevations on the drawing.

Mr. Rieley said that there were two mistakes. One was a 30' discrepancy between spot elevations and contours. Additionally, within the survey area itself an 8' foot drop in elevation was shown when the land if relatively flat. With errors of the magnitude, how can the commission have any confidence that the tops of the trees are where they say they are.

Mr. Finley asked which ones were correct, the spot elevations or the contours.

Ms. McDowell showed the initial diagram, which showed that incorrect base elevation for the tower. When she looked at the topographical map, it was evident the measurements were in error.

Mr. Rieley reiterated his concerns. He would like the reassurance that it will be exactly the measurements given.

Mr. Finley asked if they made the changes to the survey after Ms. McDowell had advised them of the error.

Ms. McDowell said yes.

Mr. Rooker said he thought that the County did have a verification problem. However, he was not what the County could do that without retaining a surveyor.

Mr. Rieley said that he thought this qualified as a unique situation in that the initial survey was so inaccurate.

Mr. Rooker stated that the commission did base their approvals on a few feet and any discrepancy can make a big difference.

Mr. Finley asked that when the neighbor spoke of clearing trees, did she refer to something outside of the regulations.

Mr. Rooker said that the neighbor was talking about trees being removed from around the road in order to widen it for VDOT.

Mr. Rieley said that he thought it was in many ways an ideal site. He doesn't think it is an ideal site from the Wayant Lane side in that the pole is skylined from that side. He believes that the tower should be lowered to the 7' height.

Mr. Rooker explained to the speaker that in prior years very large towers were built with multiple antennas on them. That situation is undesirable as one can see on Carter's Mountain. Since that time, the County has been fine-tuning a policy of having multiple sites of monopole towers sited among trees that are unobtrusive. This application meets the requirements as setforth in the County's tower policy manual. The County is trying to avoid single large towers with a lot of things hanging on them. He stated that he also supported approval at the 7' height.

Mr. Thomas also agreed.

Mr. Rooker asked for a motion.

Mr. Thomas moved approval 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 within twenty-five (25) feet of the facility, as measured Above Sea Level (ASL). No antennas or equipment, with the exception of a 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 painted 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 Howell (Triton PCS) and dated 1/19/01.
    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 as follows:
    a. The pole shall be located on the site as shown on the attached plan entitled Howell (Triton PCS) and dated 1/19/01.

4. Antennas shall be attached to the pole only as follows:
    a. Antennas shall be limited to those shown on the attached plan entitled Howell (Triton PCS) and dated 1/19/01.
    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 luminary 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 luminaries. For purposes of this condition, a luminaries 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.

11. A maximum 6-foot high barbed wire fence with a metal gate, as shown on the attached plans entitled Howell (Triton PCS) and dated 1/19/01 shall be permitted around the perimeter of the lease area.

Mrs. Hopper seconded the motion, which passed unanimously.

Mr. Rieley asked about the metal poles used for the field lights at St. Anne's-Belfield. They seem to be much thinner that the poles used for these antennas. He wondered if the commission could require the poles to be thinner.

Mr. Loewenstein said he didn't think the lights were at the heights of the monopoles.

Mr. Rieley stated that they were a lot taller with more mass on top.

Mrs. Hopper asked for comment from Mr. Finnochi.

Mr. Rooker stated that the hearing on this matter is closed and asked for a motion on the site plan waiver.

Mr. Loewenstein moved approval of the site plan waiver 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. Conditions of approval for the waiver and for the special use permit, along with the /project number, SP 00-75, shall be included on the final plans.

5. Staff review and approval shall be required 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.

Mr. Thomas seconded the motion, which passed unanimously.

Mr. Loewenstein moved approval of the request for a waiver of a site plan in accord with the provisions of Section 32.2.2 of the Zoning Ordinance, 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. Conditions of approval for the waiver and for the special use permit, along with the project number, SP 00-75, shall be included on the final plans.
5. Staff review and approval shall be required 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.

Mr. Thomas seconded the motion, which passed unanimously.

ZTA-2000-009 Holly Memorial Gardens To amend Chapter 18, Zoning, of the Albemarle County Code, by amending Section 3.1, Definitions, and Section 10.2.2, Rural Areas District, uses permitted by Special Use Permit. This amendment pertains to the definition and regulation of Cemeteries. (David Benish)

Ms. Jan Sprinkle presented the staff report.

Mr. Rooker asked for questions for the staff, there being none, he asked for public comment.

Mr. Rooker closed the public comment and asked for discussion. There being none, he asked for a motion on the application.

Mr. Thomas moved approval as presented.

Mr. Rieley seconded the motion, which passed unanimously (Mrs. Hopper was not present).

SP-2000-49 Holly Memorial Gardens (Sign #29) -Request for special use permit to make a non-conforming cemetery conform to the Zoning Ordinance, and to allow construction of a mausoleum in accordance with Section 17.2.2.15 of the Zoning Ordinance [Cemeteries]. The property, described as Tax Map 32 Parcels 42G and 42F, contains 30.46 acres, and is located in the Rivanna Magisterial District on Seminole Trail [Route #29] approximately 3/4 miles from the intersection of Proffit Road and Seminole Trail. The property is zoned C-1, Commercial and R-1, Residential 1. The Comprehensive Plan designates this property as Urban Density in the Hollymead Community.

Mr. Benish presented the staff report.

Mr. Rieley asked when the zoning ordinance was amended to require special use permits for cemeteries in rural areas.

Mr. Benish said that it was changed around 1980.

Mr. Rooker asked if the mausoleum site itself was considered to be in the entrance corridor.

Ms. Sprinkle said that the parcel is subject to the ARB and if it is visible they will get to review it.

Mr. Benish stated that it is questionable as to how visible it would be as it sits in a lower part of the site.

Mr. Rooker said that a similar question came up on a previous application on Route 250. A question was raised about certain improvements, which were more than 500' back from Route 250 and thus were not subject to ARB approval.

Mr. Benish stated that it may not be an issue, but the law does apply in this area. Mr. Benish discussed the site plan and the plan for the mausoleum, which may not be the final plan.

Mr. Rieley asked how far the site was from Forest Lakes.

Mr. Benish stated that it is about 300'.

Mr. Rooker observed that it was closer to Forest Lakes than Route 29.

Mr. Benish said that it was about 800' from Route 29. The closest point is to the commercial area at Gateway Townhouses, which is about 100'.

Mr. Loewenstein asked if that was 100' to the property line.

Mr. Benish verified that. With the commercial setback, a 30' buffer is required.

Mr. Thomas asked if there was a vacant lot on the plan.

Mr. Benish said that that property was part of Hollymead and is zoned C-1.

Mr. Rooker opened for public hearing and asked the applicant to address the commission.

The applicant chose not to comment.

Mr. Rooker asked for public comment, there being none, he closed the public hearing.

Mr. Loewenstein said that he thought that the mausoleum would be nearly invisible from Route 29.

Mr. Loewenstein moved approval with the one condition recommended by staff.

Mr. Rooker said that he did not see anything in the conditions requiring the mausoleum to be located according to the submitted plans. Will it be able to be placed anywhere on the site.

Mr. Benish said that the mausoleum would come under a normal site review. He did not think that there was anything precluding requiring use of the current site plan.

Mr. Rooker thought that it would be appropriate to add that condition.

Mr. Loewenstein moved approval with the following conditions:

1. The cemetery and accessory structures shall comply with the minimum yard requirements of Section 21, Commercial Districts.

2. The location of the mausoleum shall be in general conformity to the preliminary site plan dated January 17, 2001, prepared by Valley Engineering and Surveying.

Mr. Craddock seconded the motion, which passed unanimously (Mrs. Hopper was not present).

SP-2000-79 East Belmont Farm (Sign # 99) - Request for special use permit to allow a low-water bridge (stream crossing) in accordance with Section 30.3.5.2.1of the Zoning Ordinance which allows for water related uses such as boat docks, canoe liveries, bridges, ferries, culverts, and river crossing of transmission lines of all types by special use permit within the floodway. The property, described as Tax Map 80 Parcel 1, contains 721.120 acres, and is located in the Rivanna Magisterial District on East Belmont Farm Road, at the intersection of Belmont Farm Road and Route 22. The property is zoned RA Rural Areas. The Comprehensive Plan designates this property as Rural Area. (Scott Clark)

Mr. Clark presented the staff report.

Mr. Rooker asked for questions to the staff.

Mr. Finley asked what happened if changes were necessary to the plans as stated in the conditions.

Mr. Glen Brooks, engineering, said that it depended on the definition of “inadequate”. The only criterion is from a FEMA perspective requiring a raise in elevation of less than one foot. From the administrative viewpoint he has never experienced requiring somebody to tear out a structure that was already built.

Mr. Rooker stated that he thought that if it violated the conditions it should be modified or removed.

Mr. Benish said that the bridge would be required to meet the conditions. The remedy would subject to the enigneering department.

Mr. Brooks said that the argument is usually that any back up is onto the applicant’s property, which is the case with this application.

Mr. Rieley stated that it is hard to argue the constriction of the stream as a liability because it’s essentially functioning as a storm water detention facility.

Mr. Craddock said that if that scenario applies then why go through the expense of doing the computations.

Mr. Brooks said that the condition was included because of previous discussion of making it easier for people to ask forgiveness from the commission.

Mr. Rieley stated he thought that was important.

Mr. Rooker said that it is required beforehand and it would be unfair not to include the condition on something that is already built without a permit.

Mr. Brooks stated that the ordinance speaks only to the FEMA flood plain.

Mr. Finley asked if the corps of engineering department required computations.

Mr. Brooks said that that was at their discretion.

Mr. Rooker asked for additional questions for staff, there being none, he opened the public hearing and invited the applicant to speak.

Mr. Woody Baker, East Belmont Farm, spoke on behalf of the owner, Mr. Archibald Craige. Full text of his comments is attached. He reviewed their reasons for building the structure and asked for relief from condition #2 due to the estimated cost of $5,000-$10,000.

Mr. Rooker asked if there were questions for Mr. Baker.

Mr. Finley asked if Mr. Baker had gotten an estimate for these costs as they seemed awfully high.

Mr. Baker stated that he had spoken to two different engineers and was given the estimate of $5,000-$10,000.

Mr. Finley asked if the 700 acres was all Mr. Craige’s property.

Mr. Baker stated that over 600 acres of it is, the part that is not is up in the mountains.

Mr. Rooker asked for additional questions for the applicant.

Mr. Rooker asked for public comments, there being none, the matter was brought before the commission.

Mr. Rooker asked if the commission had the power to delete that condition.

Mr. Finley stated that another farmer had done the same thing in the past and the commission had been harsh with him.

Mr. Rieley said that the situation a little different.

Mr. Benish stated that it is a normal requirement for review of such a crossing. He did not know if it was waivable or not.

Mr. Rooker suggested sending the application to the board of supervisors with the recommendation of removal of condition #2 if possible.

Mr. Craddock stated that condition #1 would no longer apply if condition #2 were deleted.

Mr. Rooker said that the wording would change.

Mr. Rieley asked Mr. Brooks if the criteria that Mr. Baker referred to was in response to specifications from the engineering department.

Mr. Brooks said that nothing was written out and thought they must be operating from their experience.

Mr. Rieley asked if there was an alternative in which the bare necessities for this kind of computation were stipulated.

Mr. Rooker said that that calls on the engineering department to provide an answer to the applicant before the Board meeting.

Mr. Finley asked if there was liability when engineering approved a structure such as this.

Mr. Brooks stated that if it met the criteria, the applicant would be required to go to FEMA to get a map amendment, which would change the map in that area rather than tear out the bridge.

Mr. Finley said that looking at the plans, it should stay there.

Mr. Craddock asked if the Board of Supervisors would have the authority to waive the condition.

Mr. Rooker stated that the commission did not know and staff would have to investigate.

Mr. Craddock said that he thought that this bridge was much better for agricultural use than just driving through the creek.

Mr. Finley asked what the Corps of Engineers' concerns were in an application such as this.

Mr. Brooks stated that they are typically concerned about impact to the stream itself.

Mr. Finley asked if conditions #1 and #2 were removed, would #3 and #4 still apply.

Mr. Rieley said that the question was whether the commission had the authority to do that.

Mr. Rooker stated that the commission had discussed passing on their comments to the board with the recommendation that condition #2 be eliminated if legally possible.

Mr. Loewenstein moved approval with the following conditions:

1. The applicant must submit all plans, calculations, and documents required in conditions 2 through 4 within four months of the approval of this permit.
2. Engineering Department approval of computations and plans documenting changes to the floodplain. Plans must show floodplain limits and levels before and after constructions. Sections 18-30.3.02.2 and 18-30.3.03.2 allow no increase in flood levels. However, in areas of approximated floodplain, FEMA map accuracy is within 1 vertical foot.
3. Engineering Department receipt of copies of federal and state permits for disturbance of the stream channel and any associated wetlands.
4. Engineering Department approval of a mitigation plan for repair and enhancement of the stream buffer. [17-322]

Mr. Rieley seconded the motion, which passed unanimously (Mrs. Hopper was not present).

The Commission recommended to the Board of Supervisors the removal or softening of condition 2 if possible.

Review of February 7, 2001 Board of Supervisors Meeting:

Mr. Rooker asked Mr. Benish to review the Board of Supervisors meeting.

Mr. Benish stated that he did not have any information on that meeting. He stated that the Board had adopted the Hollymead road improvements. The towncenter would go back to public hearing on February 21st.

Mr. Rooker said that he would give Mr. Benish a copy of the resolution passed on the consent agenda with respect to section 4.2 of the ordinance as there was a typo.

Mr. Rieley asked Mr. Thomas to comment on the Board of Supervisors meeting.

Mr. Thomas said that the Board of Supervisors meeting was tied 3-3. The discussion was very heated. He thought, with regard to the Home Depot issue, that both the Commission and the Board had made the correct decisions.

Old business:

- Mr. Finley will be out of state next week.

- Mr. Rieley asked if, regarding the tower applications, the commission could once again receive diagrams showing the trees in relation to the towers.

  Mr. Benish asked if he was suggesting a vertical cross-section.

  Mr. Rieley said yes.

  Mr. Loewenstein said he thought that was reasonable.

  Mr. Craddock asked to show the diameter of the pole in relation to the trees as well.

Mr. Rooker stated that that was what they were getting away from, as it is difficult to show in relief the trunks of all trees. The drawings which depict the height of trees can be easily done.

Mr. Loewenstein said he had no problem with that.

Mr. Rooker stated that he thought that would be helpful to have with tower applications.

New Business:

- Mr. Benish stated that the County would look at small work session on poles and other items in reference to cell towers.

Mr. Rieley said that he would love to have some additional information about the poles including issues of wind-loading, pole size, and collapsibility.

Mr. Thomas would also like to address the issue of collapsibility.

Mr. Rooker said that he did not know of any case in which a metal pole has fallen.

Mr. Benish asked if there were other issues that the commission would like to address in a work session.

Mr. Rieley asked if anyone on staff had a structural background.

Mr. Brooks said that he did.

Mr. Rieley asked Mr. Brooks to look at the St. Anne's-Belfield light poles to determine if they could be used for the panels.

Mr. Rooker said that the panels do not appear to be very heavy.

Mr. Rieley stated that the poles at STAB held up large banks of lights and thought the same poles would work for the panels.

Mr. Benish said that he would inform Wayne Cilimburg and would work on developing a work session.

Mr. Brooks said that they would need to do outside research and perhaps request that an outside vendor appear.

Mr. Rooker stated that before a work session is scheduled, we should make sure there is some useful information to bring forward.

Mr. Benish said he would do that and it would be at least March or April before a work session could be scheduled due to the commissions workload.

Mr. Rooker asked for other new business, there being none, the meeting was adjourned at 7:50 p.m.

V. Wayne Cilimberg, Secretary

Recorded and transcribed by Lynda Myers, Recording Secretary