Albemarle County Planning Commission
March 27, 2001

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, March 27, 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: Greg Kamptner, Assistant County Attorney; Joan McDowell, Senior Planner; David Benish, Michael Barnes, and Scott Clark.

Mr. Rooker established a quorum and called the meeting to order.

Other Matters Not Listed on the Agenda from the Public
Mr. Rooker asked for other matters from the public, there being none, the meeting proceeded.

Consent Agenda:

a. **SUB 01-052 Church Hill Final Subdivision Plat** – Request for plat approval to create five (5) lots on an internal public road and internal private road to serve three (3) of the lots. (Yadira Amarante)
b. **SUB 01-034 Beaver Creek Preservation Waiver Request** – Request for waiver of Section 14-505, Access from lot onto public street or private road, which requires a joint driveway (private road) for lots created by subdivision. (Yadira Amarante)
c. **SDP 2000-073 Wilco Convenience Center Rehearing Preliminary Site Plan** – Request for a waiver to disturb critical slopes, with an additional request for a waiver to allow parallel parking. (Dan Mahon)
d. **Review of High Mowing Agricultural/Forestal District; Review of Totier Creek Agricultural/Forestal District and Review of Hatton Agricultural/Forestal District** - Planning Commission must refer to Advisory Committee. (Scott Clark)
e. **Approval of Minutes** – February 20, 2001.

Mr. Rooker asked if any of the commissioners wished to pull any item from the consent agenda.

Mr. Finley moved for approval of the Consent Agenda.

Mr. Thomas seconded the motion, which passed unanimously.

Items requesting deferral:

ZTA-2001-001 Sign Ordinance – Ordinance to amend Chapter 18, Zoning of the The Albemarle County Code, Section 4.15 (by repealing existing Section 4.15 and adding a new Section 4.15); Section 5.2.2 Home Occupation Signage; Section 21.7.1 Sign Setback; Sections 30.6.2, 30.6.3.2 and 30.6.5 Sign Regulations in the Entrance Corridor Overlay. Ordinance pertains to the regulation of signs in all districts (Section 4.15), related regulations pertaining to signs in commercial districts (Section 21.7.1) and the entrance corridor overlay district (sections 30.6.2, 30.6.3.2 and 30.6.5), and related regulations pertaining to Home Occupations, Class B (Section 5.2.2). (Amelia McCulley) ***STAFF REQUESTS DEFERRAL TO APRIL 10, 2001.***

Mr. Rooker opened the item for public comment, there being none, the hearing was closed.

Mr. Loewenstein asked if the commission would be receiving a new staff report prior to that meeting.

Mr. Benish said he would make sure the commission received the latest copy of the staff report.

Mr. Loewenstein moved to accept the Staff's request for deferral to April 10, 2001.

Mr. Finley seconded the motion, which passed unanimously.

Deferred Items:

a. **SP-2000-82 University of Virginia Real Estate Foundation (Sign #72, 73, 74)** – Request for special use permit to allow a fitness and wellness center in accordance with Section 27.2.2.15 of the Zoning Ordinance which allows for indoor athletic facilities. The property, described as Tax Map 32 Parcel 6A, contains 503 acres, and is located in the Rivanna Magisterial District on Lewis and Clark Road approximately 1 mile from the intersection of Lewis and Clark and Route 29 North. The property is zoned Planned Development Industrial/Research Park (PD-ID). The Comprehensive Plan designates this property as industrial service in the Hollymead Community. (Michael Barnes) ***DEFERRED FROM THE MARCH 13, 2001 PLANNING COMMISSION MEETING.***

Mr. Michael Barnes presented the staff report.

Ms. Hopper asked Mr. Barnes about the water main situation, regarding the toe of the fill slope. She asked if there was any other concern about the shifting to accommodate the water line.

Mr. Barnes stated that the concern was the possibility of the shifting of the building. It appears they have tackled that, but that is the purpose of condition #5, which requires a special use permit.

Mr. Rieley stated that the exhibit plan was not the preliminary site plan. He would like to call the preliminary site plan back before the commission, and would like to see the actual realization of the design. He would like to see more definitive information about the water line.

Mr. Rooker opened the public hearing.

Mr. Valerie Long, the applicant, said she was pleased to have worked out an arrangement with the staff that the applicant hopes will meet the concerns of the Planning Commission. Individuals from the Foundation and ACAC are here this evening. Any specific questions can be addressed to the experts. Applicant is pleased with the central location of the facility within the park. Additionally, this is the first building in the Town Center component of the park. Eventually, there will be numerous buildings nearby. The applicant is agreeable with the conditions, as they've been modified.

Ms. Hopper acknowledged the work of the applicant and staff to address the Commission's concerns. She asked if the applicant had any objection to agreeing not to have the high retaining walls.

Ms. Long said that the preference will be used for a series of shorter retaining walls with a terraced design rather than one large wall. 3:1 slopes are the preference. She would like to avoid boxing the applicant into a set standard. They have tried to accommodate that desire, saying that they would use 3:1 if they can, but not if its going to mean a taller wall or encroachment into the no-grading zone.

Ms. Hopper stated that if it comes back in preliminary site plan, it would be something that we could review again.

Mr. Rooker pointed out the third sentence in condition #4 which addresses that issue.

Mr. Rieley said that the trade-off between 3:1 slopes and retaining walls is non-existent. The real trade-off is between big retaining walls and a series of shorter walls. There is no reason to accept tall retaining walls.

Mr. Rooker asked if he was happy with the condition as it was.

Mr. Rieley said that he was.

Mr. Hopper thanked the applicant for working so hard in addressing the commission's concerns.

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

Mr. Thomas moved for approval with conditions as set forth in the March 27, 2001 report from staff.

1. Approval of this special use permit shall be in general accord with the updated Application Exhibit plan, prepared by Draper Aden Associates and dated March 2, 2001 (Attachment A). The following conditions (2 through 5) are deemed additional elements to the Application Exhibit and must be included on an approved site plan.
2. The applicant shall provide for pedestrian access in the following locations:
    a. Pedestrian access shall be provided between the Fitness Center and the planned Hike/Bike trail shown on the Open Space System Phasing Plan (Exhibit 6.1 of ZMA 95-04). This pedestrian access shall be completed prior to the issuance of a Certificate of Occupancy for the Fitness Center.
    b. Pedestrian access shall be provided along the full extent of the unnamed driveway. The driveway is shown on the plan between the Qual Choice building and the Fitness Center and connecting Lewis and Clark Drive to the Fitness Center. This pedestrian access shall be completed prior to the issuance of a Certificate of Occupancy for the Fitness Center.
    c. Pedestrian access shall be provided across the full extent of frontage and completely around the Fitness Center building. The pedestrian access shall provide access from Lewis and Clark Drive to the building's entrance, which is planned to face the parking lot on the lower level. This pedestrian access shall be completed prior to the issuance of a Certificate of Occupancy for the Fitness Center.
    d. The final building design shall provide an entrance facing onto Lewis and Clark Drive. This entrance may be closed or used as emergency access while the building is used for the proposed Fitness Center use.
    e. Pedestrian access between the Fitness Center and Town Center shall be provided in a manner that encourages pedestrian traffic in an efficient and inviting manner. This pedestrian access shall be provided either at the time of construction of the Fitness Center or during the construction of the Town Center's parking areas. The Agent shall approve that this pedestrian access between the Fitness Center and the Town Center meets the intent of condition 2-e.
3. The applicant shall provide stream bank stabilization along the remaining exposed, natural stream. Furthermore, this stabilization shall occur in a naturalized manner and shall be supplemented with additional plantings in sufficient enough quantity to provide protection for the stream. The County's Water Resources Manager shall certify that the intent of this condition is met.

4. All reconstructed slopes shall be at 3:1 or 2½:1 slopes (with the use of 2½:1 slopes to be restricted to areas where a 3:1 slopes would either necessitate the excessive use of retaining walls or would cause the fill slope toe to encroach into the "No Grading Zone"). These reconstructed slopes shall be designed to allow for the revegetation of the fill slopes with a mix of trees, shrubs and groundcover. If retaining walls are utilized as part of the fill slope design, preference will be given to a terraced design with series of shorter walls instead of a single, large wall. Special consideration will be given to both screening the Hike/Bike Trail from the negative aesthetic impacts of the fill slope and/ or its retaining walls and to protecting the stream from water quality impacts through the use of the aforementioned revegetation. The County's Landscape Planner and Water Resources Manager shall certify that the intent of this condition is met.

5. The design of the building and/or site shall accommodate the concerns of the Albemarle County Service Authority relative to the proximal waterline and thrustblock. Furthermore, if the building's redesign is significant enough to cause the fill slope's toe to encroach closer than five (5) feet from the "No Grading Zone", which is depicted on the Schematic Grading Plan, prepared by Draper Aden and dated February 28, 2001 (revised March 16, 2001) (see Attachment D), this encroachment shall cause the applicant to seek an amendment to this special use permit.

Ms. Hopper seconded the motion, which passed unanimously.

Mr. Finley moved for approval of the critical slopes waiver

Mr. Loewenstein seconded the motion, which passed unanimously.

The Planning Commission recommended the applicant appear before the commission for review of the preliminary site plan.

b. **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 Route # 637 at the intersection with Route #677. The property is zoned RA Rural Areas. The Comprehensive Plan designates this property at Rural Area. (Scott Clark) ***DEFERRED FROM THE FEBRUARY 27, 2001 PLANNING COMMISSION MEETING.***

c. **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 443.656 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) ***DEFERRED FROM THE FEBRUARY 27, 2001 PLANNING COMMISSION MEETING.***

Mr. Rooker stated that the public hearing would be held on both items together.

Mr. Rieley pointed out that his firm did the first two phases of Spring Hill which abut this land, and the residual property which is part of this application. That was many years ago so there is no longer any financial interest on his part.

Mr. Scott Clark presented the staff report.

Ms. Hopper asked why it had to come before the commission for a special use permit originally.

Mr. Clark stated that at the time this property was a part of Ivy Village, there were size requirements on the lots in that area.

Mr. Rieley stated that it was the first subdivision after the new ordinance in 1980.

Mr. Finley asked Mr. Rooker about his comment on retaining the status quo.

Mr. Rooker pointed out that the existing parcel could not be divided without an amendment to the special use permit, at the time they did not reserve the right of the original parcel to be divided with an amendment.

Mr. Clark said that was the intent, but the language was not clear. I implied that we were severing all future subdivision.

Ms. Hopper referred to page 3, second paragraph, under the subsection preservation of agricultural and forestal lands; it seems to suggest that if the open space was put under conservation easement, it wouldn't run with the land. She asked if that was correct.

Mr. Clark stated that was mainly a tax issue.

Ms. Hopper pointed out that last week an applicant agreed to a condition to put some open space under easement.

Mr. Loewenstein said if it's not voluntary the Virginia Outdoors Foundation cannot accept the easement; if they can't accept the easement there is no tax benefit.

Ms. Hopper asked to verify that the easement would run with the land.

Mr. Kamptner said that the easement would run with the land.

Mr. Loewenstein said that the last statement in the paragraph is incorrect.

Ms. Hopper pointed out that there are other organizations that can accept a conservation easement.

Mr. Rooker said there were not many.

Ms. Hopper stated that it is important to her that some serious consideration be made to place the remaining property in a conservation easement voluntarily.

Mr. Finley verified that 50% of the stream-crossing would remain open during construction.

Mr. Clark said that was correct.

Mr. Finley stated that attachment L stated that we do not anticipate significant impact on the mussel. Was the written before the culvert was proposed. Is this referring to the construction of the culvert.

Mr. Clark stated that the point of this indicated that there was no habitat in that area of the stream.

Mr. Rooker pointed out that the habitat that might be impacted is 1.5 to 2 miles downstream.

Mr. Rieley said it seems that this is misstating that there is no in-stream disturbance. He asked if the in-stream restrictions were reflected anywhere in the conditions.

Mr. Clark said they are in condition #2.

Ms. Hopper questioned homesite 1 and homesite 2.

Mr. Clark said that homesite 1 is the better location.

Ms. Hopper asked if there was a suggested homesite on the residue.

Mr. Clark stated that there was no specific site identified.

Ms. Hopper asked if there were limitations on the number of dwellings on the residue.

Mr. Clark said they were leaving it open to future permit requests.

Mr. Rieley said it appears that is an area that could provide access to this parcel without requiring stream crossing. He asked if that access point was explored with the applicant.

Mr. Clark stated that it was the subject of several discussions, VDOT did not feel that was a safe entrance due to the curvature of the road, that the bridge area had greater sight distance onto Dick Woods Road.

Mr. Rooker opened the public hearing.

Mr. Ethan Miller, Blue Springs Land Corporation, the heavy black line was the original Spring Hill Farm boundary. The property was developed for subdivision in 1980. The overall density would be one dwelling unit per ten acres. In 1981 the first permit was applied for. The by-right question has confused people since then. The by-right issue did not apply if the land was in two different areas, the issue remains significant because of the question, how many lots are there by-right? Prior to this afternoon the first reading of this report would have said there would be no division at all of the residue. That issue has been cleared up. What remains today is lot buffer, the only parts left that can be developed are parcels A, B, and C. Tonight we are looking only at parcel A. The applicant will accept all of the conditions presented, but will not accept and did not proffer any restrictions at all on the residue of the property. Condition #5 also needs to be changed, regarding riparian buffer easements on all streams as it currently exists before division. Further division of the property would require amendment to the special permit. Similarly, condition #8 should be deleted because that paragraph relates to that only one house on the property. One other point in condition #7, the land clearing is to be limited to no more than two acres, he would like to add the word horticulture, since that is also a permitted use.

Ms. Hopper stated that the rational connection to the stream buffer is the impact on the watershed from building and other activities.

Mr. Miller said he was referring to streams that were in the residual.

Ms. Hopper pointed out that the other parcels would not be developed at this time.

Mr. Rooker stated that it might be appropriate to impose that requirement at such time as they are developed.

Ms. Hopper asked if the applicant would be willing to consider a voluntary conservation easement on the proposed parcel.

Mr. Miller asked what conservation easement she had in mind.

Ms. Hopper said the easement that basically restricts development, but that would allow agricultural and forestal uses.

Mr. Rooker said that there is a condition, condition #7, that addresses that.

Mr. Miller stated that condition #1 says that there will be no further development of the property. He said he would voluntarily agree to the easement. Does not think there is a need to place the property under conservation easement to do that. Should that be a requirement, he would be happy to do so. There is no tax benefit to be lost. He is not versed on the issues of easements.

Mr. Rooker does not think that any tax benefit is being lost, the development of the parcel is already limited.

Mr. Finley stated it was clearly the owner's decision.

Mr. Miller stated that given the proximity of this parcel to the Ivy village and sighting from Rts. 250 and 64, it becomes extremely difficult to continue with commercial forestry in this area.

Mr. Rooker said he thought that was especially true where you have limitations on clearing along with limitations on division and sites to be developed.

Mr. Miller said that the fragmentation of this property was done in 1981. There were two agricultural parcels deeded in the center of the subdivision originally. The previous owner was forced to stop by the residents because of the spraying of pesticides and fungicides resulting in the loss of the grape crop. An area of loblolly pine that was clear-cut due to the pine bark beetle.

Mr. Finley asked if the applicant had any problem with the two acre limitation in condition #7.

Mr. Miller said he had no problem with that. The owner of the property may clear-cut the timber and use it for agriculture. It is unenforceable to prohibit cutting trees for development.

Ms. Hopper said that raised a good point. She didn't think that the staff was encouraging forestry; she thought the staff laid that out as one option. Staff also laid out the option of subdivision. Mr. Rooker said the forestal property is there for the purpose of harvesting trees.

Mr. Miller said that the stream buffer easement will protect the streams from the impacts of logging. Virginia law imposes less strict regulations on logging and agricultural activities, which would cause more damage to the stream. The land will be at less risk with the development. Large-lot residential may be the best use of the property.

Mr. Rieley addressed the question about the driveway, it doesn't look much more curvy, does have the disadvantage of lining up with the state road. He asked if there was some way to clear and grade to obtain the required sight distance.

Mr. Miller stated that he dealt with VDOT on this in great detail. At Ivy Creek, where we propose to put the entrance, the banks are quite deep, they would have to build a fairly substantial bridge, a culvert would fit. The Fire department folks required that a fire truck would be supported on it. They investigated having a secondary emergency entrance at the site the commission proposed. VDOT does not like that sight, perhaps because of the bridge abutment or the steep slope. One thing that does come out on this project is that it will increase public safety in that sight distance on the road itself would be improved.

Mr. Finley asked if the applicant did not agree with condition #5.

Mr. Miller said he would agree to the particular parcel in question, not on the residue.

Ms. Hopper asked if he would object to the condition saying that the buffer would extend to the residue if it were developed.

Mr. Benish said there is no such thing as a one-lot subdivision. The residue becomes a new lot. The SP runs with the entire property.

Mr. Rooker stated there were two ways to view it, today they could put one house on the property; this application enables them to put one more house on the property.

Ms. Hopper verified that only one dwelling unit could be placed on the property.

Mr. Benish stated that the land cannot be further subdivided.

Ms. Hopper asked about dwelling units.

Mr. Miller said it did not address dwelling units; you can put as many dwelling units as you'd like.

Mr. Benish said nothing in the special permit speaks to dwelling units.

Mr. Kamptner stated that the zoning department has interpreted it to allow multiple dwellings on the property.

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

Mr. Finley asked they could divide and build a house, or would there be restrictions.

Mr. Benish stated that Mr. Kamptner might be able to address that, there will be some issues.

Mr. Finley asked Mr. Benish if he felt item #5 should stay in the application.

Mr. Benish said that the rural area is not intended to be a subdivision area. In order to permit the subdivision, there should be an improvement over the total parcel. It provides protection on all the streams in the property.

Mr. Finley asked if the tree-planting plan would only affect the new parcel.

Mr. Benish said it would only affect the new parcel.

Mr. Rooker said where the riparian buffers extend less than 100'.

Mr. Rieley said the application stipulates Ivy Creek.

Ms. Hopper asked if it was true that there are no limits on commercial forestry or agriculture, no matter how it might impact the watershed or issues of erosion.

Mr. Benish stated there are mechanisms in place to encourage best management practices.

Mr. Finley said no permit is required to harvest the forest.

Mr. Rooker stated that he primary area of debate is in conditions 5 and 8. Should we limit 5 and 8 to the 102 acre parcel.

Mr. Rieley said that on the residue there could be substantially more than one building site. We are looking at conditions for two new parcels.

Mr. Rooker pointed out that the 102 acre parcel cannot be divided.

Ms. Hopper said that accessory buildings would have to be within that two-acre area.

Mr. Rieley said it does not make sense to remove the stream protection language because the impact on the residual parcel could be greater.

Ms. Hopper stated that she would like to take the items separately.

Mr. Rieley said he thinks Mr. Miller has a good point.

Mr. Rooker asked at what point does that become applicable if you include the tree-planting plan.

Mr. Rieley said he thought it restricts it somewhat by making it clear that it applies to Ivy Creek only. The buffer area goes all the way down to the road.

Mr. Finley stated that the buffer is everywhere. You can't build within that buffer.

Mr. Rieley said his question was with the tree-planting plan.

Mr. Finley said seems like a cost he should not have to contend with at this time.

Ms. Hopper suggests that the tree-planting plan apply to the small parcel. If the applicant develops on the other parcels, that condition would be triggered.

Mr. Rieley said that his recollection is that the other streams are already wooded, the only question is Ivy Creek.

Mr. Rooker verified that Mr. Rieley thinks this only applies only to the 102-acre parcel.

Mr. Rieley stated that it seems out of scale and unreasonable.

Mr. Clark stated that the intent was for the tree plan to apply only to the 102-acre parcel.

Mr. Rooker said that was not clear. He questioned what this would add to the ordinance.

Mr. Kamptner stated that the ordinance requires that you do certain maintenance and that you not remove certain things.

Mr. Rooker addressed condition #8. It seems reasonable to apply this only to the 102-acre parcel.

Mr. Kamptner said he did not believe it was necessary to apply condition #8 to the 102-acre parcel. The two-acre requirement in condition #7 achieves that goal.

Mr. Loewentstein asked how the commission felt about adding the word "horticulture" to condition #7.

Mr. Rooker said he thought that was appropriate.

Mr. Kamptner suggested inserting "the proposed 102-acre parcel" in place of "the new parcel".

Mr. Finley moved for approval of SP-2000-34 with conditions as revised.

1. No further division of the proposed 102 acre parcel allowed by this shall be permitted. Nor further division of the residue of Parcel 58-95 shall be permitted without an amendment to SP 81-01 and 81-55.
2. The new parcel shall be created through application for a rural division.
3. If an application for a rural division of Parcel 58-95 is not filed with the Planning Department within 18 months from the Board approval date, this permit amendment will expire.
4. Only one dwelling unit shall be permitted on the new parcel.
5. Riparian buffer easements extending at least 100 feet from each bank (to be held by the Thomas Jefferson Soil & Water Conservation District) shall be placed on all streams on Parcel 58-95 as it currently exists, before division, including a tree-planting plan to be approved by the Planning and Engineering departments and executed along Ivy Creek where existing riparian buffers extend less than 100 feet from each bank for that portion of the stream located on the 102 acre parcel. The final plat creating the new parcel shall not be signed until these easements have been reviewed and approved by the Planning Department. (limit to the 102 acre parcel)
6. The building site shall be limited to the area labeled "Homesite 1" on the applicant's "Preliminary Site Study," drawn by Gloeckner Engineering/Surveying Inc. and dated July 19, 2000.
7. Land clearing for this residential development site (including accessory structures such as sheds or pools) shall be limited to no more than 2 acres (includes 1.05 acres required for the 35,000-square-foot building site and 10,000-square-foot septic site). This condition is not intended to limit agriculture, horticulture or forestry on the parcel.

Mr. Craddock seconded the motion, which passed unanimously.

Mr. Thomas moved for approval of SP-2000-38 with conditions as presented.

1) The applicant shall secure the following approvals before removing vegetation or beginning work on the stream crossing:
   a) Engineering Department approval of structural computations for the entrance and stream crossing, include structural design computations that demonstrate the bridge can safely carry the vehicles that will access the residence (including all emergency vehicles).
   b) Fire & Rescue Department approval of the entrance design.
   c) Engineering Department approval of computations and plans documenting changes to the floodplain. Plans must show floodplain limits and levels before and after construction. Sections 18-30.02.2 and 18-30.03.2 allow no increase in flood levels. On the plan sheet, indicate the FEMA panel and designation (Community-Panel # 510006 0215 B) and that this section of Ivy Creek is a detailed study area.
   d) Engineering Department receipt of copies of federal and state permits for disturbance of the stream channel and any associated wetlands.
   e) If the Engineering Department, after review of the hydraulic computations, finds that the floodplain will be changed, the applicant must obtain a map revision from FEMA.
   f) Engineering Department approval of an erosion and sediment control plan. [17-203] A water protection (E&SC and SWM) bond must be posted and a pre-construction conference held prior to the issuance of a grading permit.
   g) Engineering Department approval of a mitigation plan for repair and enhancement of the stream buffer. [17-322] Please include planting of trees to widen the Ivy Creek stream buffer.
   h) Virginia Department of Transportation approval of the entrance design, including provision of adequate sight distance.
2) In order to protect downstream habitat of the endangered James Spiny-mussel, the applicant must adhere to the following conditions recommended by the Virginia Department of Game & Inland Fisheries:
   a) Instream work for constructing either entrance shall not occur from May 15 to July 31 of any year.

b) Any cofferdams used in instream work for isolating the bridge construction area shall be no-erodible.
c) In-stream construction work shall block no more than 50% of stream flow at any given time.
d) Excavated material shall be removed from the floodplain to prevent reentry of that material into Ivy Creek or its tributaries.
e) Where they have been altered by construction or vegetation removal, the original streambed and streambank contours shall be restored.
f) Areas where vegetation has been removed for bridge construction shall be replanted with similar species (except in the area occupied by the bridge), or must be included in the tree-planting plan required as a condition of SP 00-34.

3) The existing farm entrance shall be permanently closed upon completion of the new entrance.
4) The applicant shall grant the County the right to periodically enter the property for the purpose of inspecting this stream crossing in order to verify no additional fill has been placed and the stream crossing remains stable.

Mr. Craddock seconded the motion which passed unanimously.

Public Hearing Items:

a. **ZMA-2001-005 Klockner Stadium/County (Sign #82, 97)** – Request to rezone 30.4 acres from having no zoning district to R-1 Residential District. This ZMA is being processed in conjunction with00-84. The property, describes as Tax Map 76A Parcel J3 is located in the Jack Jouett Magisterial District on 2306 Ivy Road and contains Klockner Stadium, University Hall and the Frank McCue Building. The Comprehensive Plan designates this property as Development Area with the Public/Semi-Public U (University of Virginia) designation. (Joan McDowell)

Ms. McDowell presented the staff report on item ZMA-2001-005.

Mr. Loewenstein asked what most of the parcels were being used for.

Ms. McDowell said she couldn't characterize mostly.

Mr. Benish said that a good portion of the North Grounds is zoned R-1.

Mr. Rooker said the comprehensive plan designates is as being in the development area.

Mr. Benish said that was correct.

Mr. Rooker asked if our zoning regulations applied to this property.

Mr. Benish said that it was state property and would be exempt from local regulations. The R-1 zoning is the least intensive zoning regulation we have.

Mr. Rooker asked if the public hearing should be opened on this item as a separate item.

Mr. Kamptner said yes.

Mr. Rooker opened the public hearing on ZMA-2001-005, there being none, the public hearing was closed.

Mr. Thomas clarified that the ZMA would have to be passed before the commission could examine the SP.

Mr. Finley moved for approval of ZMA-2001-005.

Mr. Loewenstein seconded the motion, which passed unanimously.

b. **SP-2000-83 EEC Tower/County (Sign #70)** – Request for special use permit to allow a communication facility including a 110 foot high monopole communication tower, 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 60 Parcel 30F, is located as 2306 Ivy Road in the Jack Jouett Magisterial District. The property is zoned Residential R-1. The Comprehensive Plan designates this property as Neighborhood 6, Public/Semi-Public Institutional. (Joan McDowell)

c. **SP-2000-84 Klockner Stadium/County (Sign #75 & 76)** – Request for special user permit to allow two antennas on an existing 105 foot high stadium light pole and equipment cabinet, 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 antenna would be positioned at approximately 75' and 100' on the pole. A Zoning Map Amendment, ZMA 01-05, is being concurrently processed to establish an R-1 Residential District on this property. The property, described as Tax Map 76A Parcel J3, is located in the Jack Jouett Magisterial District at Klockner Stadium. The Comprehensive Plan designates this property as Institutional/Neighborhood 7. (Joan McDowell)

d. **SP-2000-085 Fan Mountain/County (Sign #80 & 81)** – Request for special use permit to allow a communication facility including a 120' high self-supported, lattice communication tower, replacing at 120' guyed tower and antenna, ground equipment and a 12' by 26' building on a 50' by 50' fenced area of a 111.5 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 109 Parcel 60, is located in the Scottsville Magisterial District on Fan Mountain Road, past the University of Virginia's Fan Mountain Observatory. The property is zoned Rural Area District (RA). The Comprehensive Plan designates this property as Rural Area. (Joan McDowell)

e. **SP-2000-86 Bucks Elbow/County (Sign #83 & 84)** – Request for special use permit to allow a 20' increase in the height of an existing 100' communication tower, in accordance with Section 10.2.2.6 of the Zoning Ordinance which allows for micro-wave and radio-wave transmission and relay towers on a 100' by 100' fenced area. The property, described as Tax Map 39 Parcel 1B1, contains .23 acres, and is located in the White Hall Magisterial District on Buck's Elbow Mountain and accessed from Jarman's Gap Road. The property is zoned RA Rural Area 1. The Comprehensive Plan designates this property as Rural Area. (Joan McDowell)

f. **SP-2000-87 Peters Mountain/County (Sign #85 & 86)** – Request for special use permit to allow as 125 foot high lattice self-support communication tower, ground equipment, and a 12' by 26' building in accordance with Section 10.2.2.6 of the Zoning Ordinance which allows for micro-wave and radio-wave transmission and relay towers on a 60' X 60' leased area. The property is accessed through property, described as Tax Map 50 Parcel 1A; the lease area is located on Tax Map 50 Parcel 2A. The site is located in the Rivanna Magisterial District on Peter's Mountain on Peter's Mountain Road. The property is zoned Rural Area 2 RA. The Comprehensive Plan designates this property as Rural Area. (Joan McDowell) ***APPLICANT REQUESTS WITHDRAWAL OF PETITION.***

Petition was withdrawn from consideration.

g. **SP-2000-88 Carters Mountain/County (Sign #94 & 96)** – Request for special use permit to allow a communication facility consisting of a 250 foot high lattice tower and a 12' X 26' building, in accordance with Section 10.2.2.6 of the Zoning Ordinance that allows for

microwave and radio wave transmission and relay towers on a 60' by 70' lease area. The property, described as Tax Map 91 Parcel 28, contains 234.165 acres, and is located in the Scottsville Magisterial District on Carter's Mountain and accessed from State Route 53. The property is zoned RA Rural Area 4. The Comprehensive Plan designates this property as Rural Area. (Joan McDowell)

Ms. McDowell presented the staff report on items SP-2000-83 – SP-2000-88.

Mr. Rooker asked if there was inquiry made into the feasibility of a lower profile tower array.

Ms. McDowell stated that the system networks each other, you have to reach a certain height in order to make those connections because of the topography in the County.

Mr. Rooker said that there microwave connections one to the other as well as radio signals.

Ms. McDowell stated that it is quite complicated, there are people here who are better able to address the technical issues of the system.

Mr. Rooker verified with Ms. McDowell that her recommendation regarding planning, pretty much met the ARB.

Ms. McDowell said absolutely, the ARB has denied the application, but they were focused on what it looks like and its visibility from Rt. 250.

Mr. Finley asked about the recommendation on page 25 which addresses only SP-2000-83. He said that he assumed she met all of them.

Ms. McDowell stated that she took each item separately so there is a different section for each SP.

Mr. Rooker said that the only thing that is not contained within each recommendation is whether or not they are recommended for approval.

Ms. McDowell stated that they all are recommended for approval

Mr. Rooker said they all are recommended for approval, but the conditions are listed separately.

Mr. Craddock asked about the pulled site. How will it affect the feasibility of the entire plan.

Mr. Wayne Campagna, project coordinator for the emergency communications center, stated that all sites are part of the system and must work together. The fact that the permit request has been pulled from Peters Mountain does not meet that they do not want to be there. They will pursue another alternative site on the Mountain.

Mr. Craddock asked if it affected the timetable.

Mr. Campagna stated that it affected the timetable in that it delayed return for the other special use permit and getting approval for that site. The intention is to still move forward with the plan for six sites with the selected vendor. The sixth site would be the last to be developed.

Mr. Thomas asked about the FCC timeframe.

Mr. Campagna said that it does not effect the system in that way. The general requirement is to be operational on the system. We may have to add the sixth site at a later time.

Mr. Rieley has heard some concerns about the Peters Mountain Site, he is concerned that if we approve the other five, we are, in effect approving the Peters Mountain site as well.

Ms. McDowell said she is not concerned about that. She is concerned that it would leave a whole in the coverage, but at least it would get the system operational within the FCC timeframe. We will see an alternative site to replace the Peters Mountain site and complete the system. Without the Peters Mountain site some coverage would be lacking.

Mr. Thomas stated that there will there be dead spaces in the radio.

Mr. Foley said that the system without Peters Mountain will be better than the system we have now.

Mr. Thomas asked him if they were still working to get the other site up.

Mr. Foley said that they very good system design, we are down to a decision on one site, and are trying to figure out the best alternative. Peters Mountain would be the preferred site.

Mr. Loewenstein asked if there was a reasonable amount of flexibility in siting that 6th location.

Mr. Foley stated that it depends on the elevations and where the site is moved. He doesn't think there is much variation needed to get the desired coverage. One other possibility is being examined beyond Peters Mountain.

Mr. Campagna said that Peters Mountain provides coverage of the Northeastern Quadrant of the County in a single site. To get similar coverage without Peters Mountain, we would need two sites.

Mr. Foley stated that we cannot cover both sides of the mountain without the Peters Mountain site.

Mr. Loewenstein stated that the loss of the site, assuming the others are approved, will affect residents on the eastern side of the southwest mountains.

Mr. Foley said they are trying of determine if there is there another alternative to provide coverage, it would have to be a separate thing outside of the system.

Mr. Thomas said we are unfortunate in that we don't have flat land for this use.

Mr. Foley said that was the challenge.

Mr. Rieley asked why should we not require the same thing of a public entity that we would ask of a private entity. He recalls that it would be enormously expensive. He asked what justification there was for approving an application that runs counter to those approved for private entities.

Mr. Foley said he recalled that response. Money is a factor, but that is not all there is to it. He addressed the coverage and different points of failure with multiple sites.

Mr. Rooker stated that the question was asked in the work session. He recalled that there were concerns about the redundancy and cross-signal paths. That is not a concern with cell phone towers.

Mr. Jim Morgan, RCC Consultants, stated that the system design is about a million dollars per site. With lower towers, the number of sites increases, but it does not guarantee the same level of coverage. There is a physical limitation as to the number of sites that can be integrated. In this case, the limit is 11. A simulcast system transmits the same frequencies from the same

locations at same time. Our signal cannot overlap, the more sites, the more risk of interference. The more sites, the more points of failure.

Mr. Rooker asked Mr. Morgan to address the need for redundancy throughout the system.

Mr. Morgan stated that Peters Mountain, without question is the best location. Right now we are at the threshold of public safety performance. The level of coverage from Peters Mountain provides some overlap of coverage in case of the failure of one of the other sites. The other technical issues is overcoming the signal strength of some of the private carriers.

Mr. Finley asked if there would be two sites needed without Peters Mountain.

Mr. Morgan said there is not a finite number that can be put on that at this time. The topography can impact of microwave path, its hard to say. We are looking at sites around the current site within 2000'.

Mr.Rooker asked if the cell towers were concerned about microwave paths.

Mr. Morgan said that in some cases, yes. They would then face the same issues we are in line of sight issues.

Mr. Finley asked about the possibility of reaching agreement with AT&T on Peters Mountain.

Mr. Foley stated that they had done everything possible, there really are no options with AT&T at this point. They have come to the conclusion that they cannot continue that process.

Mr.Rieley asked what the technology is likely to be replaced by.

Mr. Morgan said this technology has been in use for many years, yes. He does not know how long will it take before it's replaced, it's being installed to meet the needs for the next 15 years. The better question would be, when will it be obsolete from a computer standpoint. From the functionality and performance perspective, it's not a problem. It will meet the needs for the next 15 years with regular maintenance.

Mr. Morgan stated that there are various designs, 800 MHz is too general a term.

Mr. Rieley asked for the distinction between the way this system would operate and a commercial operation. He verified that both systems use microwaves.

Mr. Morgan said yes. Private users can use microwaves to integrate their sites.

Mr. Rieley said that the other thing he thought he heard was that this system did not have overlap but there's does.

Mr. Morgan stated that both have overlap, the real difference is in how the system designs integrate that overlap. Simulcast controls the signals. Multicasting, as for cell towers, allows for roaming from site to site. The signals are on multiple frequencies.

Mr. Rieley, if cost were not an issue, and you were to design a system with treetop poles, you could use as many as you needed to get the coverage, how many sites would you need, but do not exceed 7' above the trees.

Mr. Morgan said that it would be very difficult to do at that height, the line of sight would be an issue for the microwave towers. It could be done, but it would be very expensive, not sure that it would provide the same level of coverage.

Mr. Thomas said you would still have to go over the mountains.

Mr. Morgan said yes, over or around.

Mr. Rooker pointed out that he said earlier that they were limited to 11 sites.

Mr. Morgan stated that there is a finite number of sites that can be put in with the electronics that they have.

Mr. Rooker asked if that was due to the simulcasting.

Mr. Morgan said that is partially the reason, the other is a technical limitation on the equipment. It is fairly common in the industry.

Mr. Finley said that with lower heights they could exceed 11.

Mr. Morgan stated that there would be a minimum of two sites to replace Peters Mountain, more likely three.

Ms. Hopper said that there was an earlier mention of the public safety standard threshold, and that even with this new system we are still just exceeding that threshold.

Mr. Foley said that we cannot achieve it without the Peters Mountain site.

Ms. Hopper asked if the public safety standard could be met with the lower towers.

Mr. Morgan said they could with the four that are proposed currently.

Ms. Hopper rephrased, asking about Mr. Rieley's question.

Mr. Morgan said that propagation analysis would be needed to determine an answer to that question.

Mr. Rooker pointed out that they are limited to 11 sites.

Mr. Rieley said that's with one vendor.

Mr. Morgan said all vendor's have limitations. The other alternative would be to go to a non-simulcast design, like the private service providors.

Mr. Rooker verified that would not allow them to talk to each other simultaneously.

Mr. Morgan said then you need more frequencies then you currently have.

Mr. Rooker stated that his understanding is that every vendor has a limit on the number of sites their system can support.

Mr. Morgan said most vendors won't exceed a certain number and none reach 50.

Mr. Thomas asked Mr. Morgan to explain "barely hanging onto the twenty channels".

Mr. Morgan pointed out that they have until September of 2002 to have the system operational. That deadline has already been extended once. If we are not operational in two years, we could lose the frequencies.

Mr. Rooker asked if there was a presentation by the applicant, there being none, he opened the public hearing.

Mr. Kamptner stated that the commission could open the public hearing on all items at the same time.

Mr. Rooker opened the public hearing on all of the items.

Mr. Jeff Werner, Piedmont Environmental Council, said that many people were concerned about the Peters Mountain site. The Peters Mountain site is within a historic district. The historic resource process that would be required has not even begun. He would like the public to be included in the discussion of Peters Mountain.

Ms. Valerie Long, Triton PCS, found the comments interesting. She hopes the commission will have a greater level of appreciation and understanding for private carriers, including the level of interconnectivity. Any shift in the location or reduction in height affects service. She added that there was no condition that would require the private carriers to co-locate, she would suggest that the County consider that.

Mr. Rooker said that the commission raised that in their work session and the response was that it would interfere with their systems.

Ms. Hopper asked Ms. Long about the ground equipment.

Ms. Long said that the County requires that the ground equipment be minimal, be buried or appropriately landscaped, with no fencing and not located in a shelter, in an effort to keep the footprint as small as possible. There is a liability risk with the fencing issue.

Mr. Rooker asked Ms. Long if she would acknowledge that there is a difference between a private cellular system and the public safety system.

Ms. Long said that private carriers provide safety as well. There are similar issues and benefits provided by the private carriers.

Mr. Thomas feels that there is a distinct difference between public and private carriers.

Mr. Rooker asked for additional public comment, there being none, he asked staff to comment on the ground equipment standards.

Ms. McDowell said that security is a very big concern which is why all will be fenced.

Mr. Rooker asked if there was anything in the policy manual that specifically mentioned fences.

Ms. McDowell said she did not know, but fences had been allowed in the past for cellular equipment.

Mr. Rooker asked if the staff or the board had rejected an applicant's request to use a fence.

Mr. Benish said they have recommended in several instances the withdrawal of the fence. One of the issues is the concept of public safety, we need to protect areas from sabotage because they are the lines of communication for police, fire, etc.

Mr. Rooker asked Mr. Campagna to address that issue.

Mr. Campagna reiterated the issues Mr. Benish raised. He stated that there is a difference between a private commercial system and a public safety system. We need the communication system to be as efficient, secure and functional as possible.

Mr. Rooker asked if it would be possible for someone to shut the system down if the equipment were not fenced in.

Mr. Campagna said if the true intent is to disable your site, it could be done. We are trying to make the site as secure as possible. Fencing and a locked building gives some deterrent without going to an extreme.

Mr. Benish stated that the one approach they have been successful with is vaulting. This equipment would probably not be able to be vaulted.

Mr. Campagna said the buildings would be 12' x 26' facilities, are bullet resistant, and sealed from the weather. The expense of going underground would be prohibitive.

Mr. Rooker asked for additional questions.

Mr. Thomas pointed out that the city, county and UVA have worked very hard for a number of years on this project. It is really in the public's interest for the commission to approve these permits, because the FCC is breathing down their neck.

Mr. Rieley asked if all of Peters Mountain were off-limits, how would that effect the adjacent sites. He said he thought there would have to be some reconsideration.

Mr. Foley said they are also considering other alternatives to Peters Mountain, we have to look at the best alternatives out there. Along with considering the pathway to the other sites. If there is no site on Peters Mountain, we will likely have to determine another site.

Mr. Rieley asked how that would affect the other sites.

Mr. Foley stated that they can come up with another site that will improve coverage and that will not impact the other sites.

Mr. Loewenstein asked if some of the alternatives are outside that historic area entirely.

Mr. Foley said yes. Whether they are effective, provide coverage and meet the cost benefit is still to be determined. There would be the need for a second site on the eastern side of the mountains.

Mr. Rooker asked if the applicant wanted to go forward with those other five sites at this time with the Peters Mountain site still to be determined.

Mr. Foley said yes.

Mr. Rooker pointed out that even if you don't get a site on Peters Mountain, you would want these five sites approved and would then make do in that area of the County, given the limitations.

Mr. Foley said yes.

Mr. Rooker asked staff to take a hard look at the ground equipment to ensure that the policies are being followed, we should not assume that none of the facilities can be buried.

Ms. McDowell just reviewed again that correspondence from Ms. Long regarding the Weber tower site. In that use they could not underground the equipment because if the equipment ever failed it would have to be excavated. The same thing would happen with this application.

Mr. Rooker asked if any site has been approved for Triton with the requirement to bury the equipment.

Mr. Benish said that the commission encouraged the undergrounding of a site on Pantops, but they were unable to do it safely.

Ms. McDowell stated that the other reason is that the equipment would interfere with the tree roots.

Mr. Benish said that we can add to that for the Board.

Mr. Rooker asked about preservation of trees.

Ms. McDowell said the same condition is applied to the cellular towers.

Mr. Rooker said that he would like the issue of the ground equipment examined. He would prefer the use of screening if the facilities could not be buried.

Ms. Hopper asked about using natural colors, and suggested on each separate application it should address the visibility of the ground equipment.

Mr. Benish stated that most of the sites are remote, but we did address those issue, we will make sure we give that more coverage with a summary to the Board.

Ms. McDowell said that the two sites with a visibility problem, were Klockner and ECC. It is her understanding that the University mandated the color in the case of Klockner. In the case of ECC, the equipment is inside of the building.

Mr. Loewenstein said he had a much broader concern, we have a multi-million dollar system designed for six sites, but we only have five sites, he is concerned about having the sixth site. It is hard to give approval with an essential component missing.

Mr. Finley pointed out the fact that they requested withdrawal and because of the time constraints, he feels confident that we should move ahead.

Mr. Loewenstein agreed that since it was an important issue for public safety, he hopes that it will be resolved properly.

Mr. Rooker stated that each time they were asked they said they could make the system work with five if need be and could add more sites to provide the coverage. Will need these five sites regardless.

Mr. Loewenstein said his concern was that 2 or 3 more sites would be needed. If those sites are not located, it would prohibit full service to a large piece of the County's population.

Mr. Rooker sees it the other way around, if we do not deal with these five sites, we could deny the entire County the use of the public safety system.

Mr. Rieley said his main concern was the impact it could have on some of the ones that are up for approval. He has some concerns about one of these, will we be taking these individually.

Ms. Hopper said that at the private level we have to take each application individually. She understands Mr. Loewenstein's concerns, but the applicant could come back if they find they need to change the configurations.

Mr. Rooker said Mr. Loewenstein's concerns were well stated. The Board would have to do the cost-benefit analysis should there be a need to redefine the system.

Mr. Thomas pointed out that the new system will better, and the old one is obsolete and undependable.

Mr. Rooker opened the discussion on SP-2000-83.

d. **SP-2000-83 EEC Tower/County (Sign #70)** – Request for special use permit to allow a communication facility including a 110 foot high monopole communication tower, 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 60 Parcel 30F, is located as 2306 Ivy Road in the Jack Jouett Magisterial District. The property is zoned Residential R-1. The Comprehensive Plan designates this property as Neighborhood 6, Public/Semi-Public Institutional. (Joan McDowell)

Mr. Finley moved for approval with the conditions recommended by staff.

Mr. Thomas seconded the motion.

Mr. Rieley said this was the item that caused him the most concern. He would like to hear the alternatives to this site and the reason they are not before the commission.

Mr. Campagna asked if he was looking for alternatives for the ECC site specifically.

Mr. Rieley said he had heard they were exploring the potential to put the tower further back at the shoulder of Lewis Mountain.

Mr. Campagna stated that was one alternative among several highlighted in the report. All of those have been explained in the report, with the exception of the one asked about. We attempted to look at that, provided the same situation in trying to move the tower to the top of Lewis Mountain, we would be looking at a higher tower height at that location than at the ECC facility. There is an issue with moving off the parcel of land on which the ECC is located. There would be additional requirements with University officials. The University's administration thought it would be difficult to get consideration for a location at the base of the mountain.

Ms. Hopper asked about the towers being a natural color.

Ms. McDowell said that because these towers extend above the tree line, painting them a natural color would make them much more noticeable.

Mr. Rieley stated that he sees no condition requiring removal of the facility upon termination of use.

Ms. McDowell said it's part of the ordinance so she saw no reason to include it in the conditions.

Ms. Hopper stated that there a several conditions that are normally imposed on commercial entities and asked Ms. McDowell to address those.

Ms. McDowell said it seems from listening to the commission that providing a bulleted list would be helpful. Most of what is being asked is included in the report, but it is buried among many other facts. She agreed to provide a bulleted list to the Board.

Ms. Hopper said she read this, but it was a lot to digest.

Mr. Rooker asked if it was fair to say she started out looking at the standard conditions, and kept the ones that were applicable.

Ms. McDowell said that some things just are not applicable to this use, looking at the importance of this for public safety.

Mr. Rooker said he hopes that in terms of tower height we are proposing the minimum tower heights that can adequately provide this service.

Ms. McDowell stated that height was a primary concern. The consultant has assured staff that they are as low as they can go.

Ms. Hopper asked Ms. McDowell to state in the report for each application her analysis of the height issue and visibility issue. Also, could you explain why a wooden pole is not appropriate.

Ms. McDowell stated that the typical wooden pole, with the tower loaded, would never survive that kind of load.

Ms. Hopper said it was important to note that.

Mr. Rieley said he wanted to state his reasons for not supporting the ECC site. He thinks this is a well-conceived system that is badly needed. But he thinks there is a better location nearby in the case of the ECC site, but there is a lack of cooperation from adjacent landowners that happen to be one of the three parties involved in the system. This is just in an entirely different category. This sight is in a highly visible entrance corridor. He thinks the only way to get to a better site is to recommend disapproval of this site.

Mr. Finley said he has been impressed with Ms. McDowell's responses. This issue is public service and public safety, we are having to do some compromising on this applcation.

Mr. Rooker stated that would support this application for a lot of the same reasons. He agrees with Mr. Rieley that they continue to look for another site and an alternative to the ECC site. He will support the application with a strong request that it continues to be examined.

Ms. Hopper asked if that could be included in the conditions.

Mr. Kamptner pointed out that it is in the record.

Mr. Rooker asked if there could now be a roll call vote.

Mr. Finley moved for approval with conditions.

1. The site development shall be in substantial compliance with the plans titled ECC Site Plans and Elevations, prepared by Rivanna Engineering, dated 1-23-01.

2. Landscape screening consisting of evergreen and deciduous trees shall be installed alongside and parallel to the Route 250 right-of-way, between the ECC building and the westernmost property line, subject to the approval of the Planning Director or designee.

3. This special use permit shall be contingent upon approval of a variance from provisions set forth in Section 4.10.3.1 of the Albemarle Zoning Ordinance.

4. Prior to beginning construction or installation of the pole or the equipment cabinets, or installation of access for vehicle 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 (300) 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.

Mr. Thomas seconded the motion, which passed 6-1 with Mr. Rieley voting no.

Mr. Loewenstein moved setback and site plan waivers, with conditions.

1. Approval of an erosion and sediment control plan prior to the issuance of a building permit.
2. A site plan application shall be required if activity on slopes of 25% or greater is proposed.
3. 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.

Mr. Finley seconded the motion, which passed 6-1 with Mr. Rieley voting no.

c. **SP-2000-84 Klockner Stadium/County (Sign #75 & 76)** – Request for special user permit to allow two antennas on an existing 105 foot high stadium light pole and equipment cabinet, 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 antenna would be positioned at approximately 75' and 100' on the pole. A Zoning Map Amendment, ZMA 01-05, is being concurrently processed to establish an R-1 Residential District on this property. The property, described as Tax Map 76A Parcel J3, is located in the Jack Jouett Magisterial District at Klockner Stadium. The Comprehensive Plan designates this property as Institutional/Neighborhood 7. (Joan McDowell)

Mr. Thomas moved approval with conditions as presented.

1. The site development shall be in substantial compliance with the plans titled Klockner Stadium, prepared by Harris Corporation, dated 10-18-00, and included as Attachment E.

2. This special use permit shall be contingent upon approval of a variance from provisions set forth in Section 4.10.3.1 of the Albemarle Zoning Ordinance.

3. This special use permit shall be contingent upon approval of ZTA 01-05.

Mr. Loewenstein seconded the motion, which passed unanimously.

Mr. Finley moved for approval of the site plan waiver with conditions.

1. Approval of an erosion and sediment control plan prior to the issuance of a building permit.
2. A site plan application shall be required if activity on slopes of 25% or greater is proposed.
3. 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.

Mr. Loewenstein seconded the motion, which passed unanimously.

d. **SP-2000-085 Fan Mountain/County (Sign #80 & 81)** – Request for special use permit to allow a communication facility including a 120' high self-supported, lattice communication tower, replacing at 120' guyed tower and antenna, ground equipment and a 12' by 26' building on a 50' by 50' fenced area of a 111.5 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 109 Parcel 60, is located in the Scottsville Magisterial District on Fan Mountain Road, past the University of Virginia's Fan Mountain Observatory. The property is zoned Rural Area District (RA). The Comprehensive Plan designates this property as Rural Area. (Joan McDowell)

Mr. Rieley moved for approval with conditions as presented.

1. The site development shall be in substantial compliance with the plans titled Fan Mountain Site Plan and Elevations, prepared by Rivanna Engineering, dated 1-23-01.

2. Prior to beginning construction or installation of the pole or the equipment cabinets, or installation of access for vehicle 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 (300) 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.

Mr. Finley seconded the motion, which passed unanimously.

Mr. Loewenstein moved for approval of the site plan waiver with conditions.

1. Approval of an erosion and sediment control plan prior to the issuance of a building permit.
2. A site plan application shall be required if activity on slopes of 25% or greater is proposed.
3. 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.

Mr. Thomas seconded the motion, which passed unanimously.

e. **SP-2000-86 Bucks Elbow/County (Sign #83 & 84)** – Request for special use permit to allow a 20' increase in the height of an existing 100' communication tower, in accordance with Section 10.2.2.6 of the Zoning Ordinance which allows for micro-wave and radio-wave transmission and relay towers on a 100' by 100' fenced area. The property, described as Tax Map 39 Parcel 1B1, contains .23 acres, and is located in the White Hall Magisterial District on Buck's Elbow Mountain and accessed from Jarman's Gap Road. The property is zoned RA Rural Area 1. The Comprehensive Plan designates this property as Rural Area. (Joan McDowell)

Ms. Hopper moved for approval with conditions as presented.

1. The site development shall be in substantial compliance with the plans titled Bucks Elbow Mountain Site Plan and Elevations, prepared by Rivanna Engineering, dated 1-23-01.

2. Prior to beginning construction or installation of the pole or the equipment cabinets, or installation of access for vehicle 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 (300) 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.

Mr. Rieley seconded the motion, which passed unanimously.

Mr. Thomas moved for approval of the site plan waiver with conditions.

1. Approval of an erosion and sediment control plan prior to the issuance of a building permit.
2. A site plan application shall be required if activity on slopes of 25% or greater is proposed.
3. 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.

Mr. Finley seconded the motion, which passed unanimously.

f. **SP-2000-87 Peters Mountain/County (Sign #85 & 86)** – Request for special use permit to allow as 125 foot high lattice self-support communication tower, ground equipment, and a 12' by 26' building in accordance with Section 10.2.2.6 of the Zoning Ordinance which allows for micro-wave and radio-wave transmission and relay towers on a 60' X 60' leased area. The property is accessed through property, described as Tax Map 50 Parcel 1A; the lease area is located on Tax Map 50 Parcel 2A. The site is located in the Rivanna Magisterial District on Peter's Mountain on Peter's Mountain Road. The property is zoned Rural Area 2 RA. The Comprehensive Plan designates this property as Rural Area. (Joan McDowell) ***APPLICANT REQUESTS WITHDRAWAL OF PETITION.***

Petition was withdrawn from consideration.

g. **SP-2000-88 Carters Mountain/County (Sign #94 & 96)** – Request for special use permit to allow a communication facility consisting of a 250 foot high lattice tower and a 12' X 26' building, in accordance with Section 10.2.2.6 of the Zoning Ordinance that allows for microwave and radio wave transmission and relay towers on a 60' by 70' lease area. The property, described as Tax Map 91 Parcel 28, contains 234.165 acres, and is located in the Scottsville Magisterial District on Carter's Mountain and accessed from State Route 53. The property is zoned RA Rural Area 4. The Comprehensive Plan designates this property as Rural Area. (Joan McDowell)

Mr. Finley moved for approval with conditions as presented.

1. The site development shall be in substantial compliance with the plans titled Carters Mountain Site Plan and Elevations, prepared by Rivanna Engineering, dated 1-23-01.

2. Prior to beginning construction or installation of the pole or the equipment cabinets, or installation of access for vehicle 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 (300) 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.

Mr. Loewenstein seconded the motion, which passed unanimously.

Mr. Rieley moved for approval of the site plan waiver with conditions.

1. Approval of an erosion and sediment control plan prior to the issuance of a building permit.
2. A site plan application shall be required if activity on slopes of 25% or greater is proposed.
3. 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.

Ms. Hopper seconded the motion, which passed unanimously.

Ms. McDowell added that the commission should save their attachments in case there is another tower to discuss.

Old Business:

Mr. Rooker asked if there was any old business.

Mr. Thomas said that his neighbors in Carrsbrook and Woodbrook would like to have some news about the Home Depot application.

Mr. Benish stated that he would check on the status.

New Business:

Mr. Rooker asked if there was any new business.

Mr. Loewenstein reminded the commission that there would be no meeting next week.

Mr. Benish said that there is a memo from Rivanna Water and Sewer Authority which is a matrix showing all of the agencies involved in review of water and wastewater issues. Staff will be examining it, and providing comments back to them. The commission address comments directly to them or to staff.

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

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V. Wayne Cilimberg, Secretary