Albemarle County Planning Commission
March 13, 2001

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, March 13, 2001 at 6:00 p.m. at the County Office Building, 401 McIntire Road, Charlottesville, Virginia. Members attending were Tracey Hopper, Rodney Thomas, William Finley, and Pete Craddock. Other officials present were Margaret Doherty, Planner, Greg Kamptner, Assistant County Attorney and Wayne Cilimberg, Director of Planning and Community Development.

In the absence of Mr. Rooker, Chairman, Mr. Cilimberg established a quorum and the meeting was called to order.

Mr. Cilimberg asked for a nomination for a chair for this meeting.

Mr. Thomas nominated Mr. Finley

Ms. Hopper seconded the nomination, which passed unanimously.

Other Matters Not Listed on the Agenda from the Public:

Mr. Finley asked for other matters not listed on the Agenda, there being none, the meeting proceeded.

Review of Board of Supervisors Meeting – March 7, 2001:

Mr. Cilimberg reviewed the Board of Supervisors meeting of March 7, 2001. The Board discussed the neighborhood model and its recommendations. They scheduled work session for their April day meeting. The Board does not feel they need to go into detail in their discussion, but want to focus on big discussion points and thinking about implementation. Everyone, who spoke, spoke favorably. The Board may have more than one work session.

Consent Agenda:

Mr. Finley opened discussion on the consent agenda.

Mr. Thomas moved for approval of the consent agenda as presented.

Mr. Craddock seconded the motion, which passed unanimously.

Item Requesting Deferral:

a. **SP 00-076 Verulam Farm Limited Partnership Property (Crown Communications) (Sign #30 & 31)** - Request for special use permit to allow the construction of a personal wireless facility with an 89-foot tall steel monopole (approximately 7 feet above the height of the tallest tree within 25 feet), in accordance with Section 10.2.2.6 of the Zoning Ordinance which allows for microwave and radio-wave transmission and relay towers in the Rural Areas. The property, described as Tax Map 74, Parcel 14B1 contains approximately 1.046 acres and is located in the Samuel Miller Magisterial District on Dick Woods Road (Route 637), at the Ivy Exit off of I-64. The property is zoned RA (Rural Areas) and EC (Entrance Corridor). The Comprehensive Plan designates this site as Rural Area. (Stephen Waller) ***APPLICANT REQUESTS DEFERRAL TO APRIL 10, 2001.***

Mr. Finley opened the item for public comment. There being none, he closed the discussion.

Ms. Hopper moved to accept the applicant's request for deferral to April 10, 2001.

Mr. Craddock seconded the motion, which passed unanimously.

b. **SP-2000-33 Keswick (Sign #62, 67, 68, 69) -** Request for special use permit approval to allow an expansion of a resort hotel in accordance with Section 10.2.2 (27) of the Zoning Ordinance which allows for expansion of existing restaurants and inns. This expansion request includes 75 additional guestrooms, additional parking, an outside pool, and the relocation of the gatehouse. This proposal includes a reconfiguration of the residential lots approved with SP 95-12 that will result in a decrease of ten single family residential lots. In conjunction with a preliminary site plan application, SDP 00-63, the following zoning ordinance waivers have been requested: Section 4.12.6.1 related to one-way ingress and egress; Section 4.12.6.2 related to one-way internal circulation aisles; Section 4.2.3.2 related to developing on slopes of 25% or greater; Section 4.12.6.5.c. related to curvilinear and parallel parking; and Section 5.1.16(a) related to a required 75' setback for a swimming pool. The property is described as Tax Map 80, Parcel 9 - Keswick Hall; Parcel 8Z - Keswick Club, the portion on the west side of Club Drive, approx.17.5 acres and the small portions being added to Parcel 9 for the pool and wing expansion; Parcels 8, 61, 62, 62A, 62B, 62C, 62D, 70A, 90, 95, 96, 97, 98, 100, 106 and 109A. The property is located in the Rivanna Magisterial District at 701 Club Drive on the south side of State Route 731 (Keswick Road) and west of State Route 616 (Black Cat Road) and on the north side of I-64. The property is zoned RA Rural Area District. The Comprehensive Plan designates this property as Rural Area. (Joan McDowell) ***APPLICANT REQUESTS DEFERRAL TO MARCH 20, 20001.***

Mr. Finley opened the item for public comment. There being none, he closed the discussion.

Mr. Thomas moved to accept the applicant's request for deferral to March 20, 2001.

Mr. Craddock seconded the motion, which passed unanimously.

Deferred Items:

a. **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) ***DEFERRED FROM THE FEBRUARY 13, 2001 PLANNING COMMISSION MEETING.***

b. **SP-2000-54 Albemarle High School Cross Country (Sign #44, 45) -** Request for special use permit to allow a cross country tract, 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. (Joan McDowell) ***DEFERRED FROM THE FEBRUARY 13, 2001 PLANNING COMMISSION MEETING.***

Ms. Joan McDowell presented the staff report on items SP-2000-73 and SP-2000-54.

Mr. Craddock asked if it was a double print within the report on page 14 and 15.

Ms. McDowell said that was correct.

Mr. Thomas asked about condition #8 regarding the bathroom facilities.

Ms. McDowell stated staff recommended a small building be constructed on the property.

Mr. Finley asked if that would require a septic field.

Ms. McDowell said yes, a septic field would be required.

Mr. Finley asked how it would be sized, considering the events that would take place on the property.

Ms. McDowell stated that she assumed the applicant would supplement the bathroom building with Porta-Potties.

Mr. Craddock asked if Foxfield has bathrooms.

Ms. McDowell stated that she did not know.

Ms. Hopper asked about condition #3 in the report regarding the parking areas. Would the applicant be required to have 35 or 70 parking spaces?

Ms. McDowell stated that 35 spaces total were okay for both applications.

Mr. Finley asked if the cross-country trail was only for Albemarle High School.

Ms. McDowell said that the High School would use it for practice and events and have control over the property.

Mr. Finley asked Ms. McDowell to verify that no statewide events would be held.

Ms. McDowell stated that the invitation would be the largest event and would not be statewide.

Mr. Finley asked if that was the same on the bike trails.

Ms. McDowell said yes.

Mr. Finley asked if the no sales permitted requirement was an ordinance restriction.

Ms. McDowell said that they wanted to be careful it did not become a shop, though, naturally, the booster clubs will have sales at events, but there would be no permanent place.

Mr. Thomas asked for clarification of the staff comment page 5 requiring that the site plan be submitted on U.S.G.S. quadrangle maps. He asked if that was in lieu of the site plan.

Ms. McDowell stated that the County needed the trails on these types of maps in order to ascertain placement.

Mr. Finley asked Ms. McDowell to verify that no site plan would be required.

Ms. McDowell stated that they would have to present a final site plan.

Ms. Hopper asked about the erosion issues, she noted that the trails were already in use at the time of the application. She also noted that the engineering department would oversee management and maintenance procedures. She asked if there were any additional erosion issue.

Ms. McDowell stated that she has walked part of the trails, and was pleased to note the use of wooden materials to protect the trails, especially in the lower areas. As they sink, they are replaced with wood; the engineering department will look at the trails to assure standards

Mr. Kamptner asked Ms. McDowell if she wanted to reword condition #6 to require that secondary emergency access be provided.

Ms. McDowell said yes.

Mr. Cilimberg stated that the condition should probably specify that the access would be provided from Loftlands Drive.

Mr. Finley asked if that was to be added.

Mr. Kamptner said that some language reflecting that condition should be included.

Mr. Finley opened that public hearing, inviting the applicant to come forward.

Drew Murray, the applicant for the bike trail, thanked the staff and the commission for their work. He stated that he wanted to make a few comments on the staff report. He prefaced those comments with the observation that Walnut Creek Park compares to Panorama Farms in that they are both large pieces of property located in the rural area that have similar activities. He stated that he would use Walnut Creek Park as a benchmark for comparison. He pointed out that both the everyday and periodic activities at each site were the same. He asked the commission to examine the final paragraph in the summary of the staff report, on page 11, which states that the intensity of the competitive events proposed for these applications, if left unmitigated, could present undue impacts on the rural area. He said that that statement begs the question “how”, in what way, as compared to what, does it have an undue impact on our rural area. He stated that the commission should look at Panorama Farms in terms of what is possible there and what is going on in other parts of the rural area. He asked if this “undue impact” referred to the activities themselves, or the traffic. He stated that this use would increase traffic on Panorama Road, which is classified as a secondary road by VDOT, has the necessary width, and is the same kind of road found in front of Walnut Creek Park, Mint Springs Park, etc. There is no restriction on the number of cars that traverse these roads. He pointed out that they are trying to get the speed limit on Panorama Road lowered to 35 mph. He hopes to have a posted speed limit on that road in the near future. He addressed the parking issue. He stated that the applicants close the facility when it is wet.

Mr. Finley asked if there was any specific restriction related to this paragraph.

Mr. D. Murray stated that there was not, he just wanted to make some observations regarding the tone of the staff report. He stated that perhaps the commission should examine the real problem in the rural areas, in the subdivisions. Wells, septic fields, houses, parking and driveway areas, and new roads have a larger impact on the rural areas.

Ms. Hopper pointed out that the applicant would have rebuttal time in which to address the issues in the staff report. The issues that are not addressed by the commission would not need rebuttal.

Mr. D. Murray stated that he thought this addressed the overall concept of the proposal. He commented on the conditions for approval. In item 1A, which states that the number of users present on the trails shall not exceed a total of fifty at any one time, Mr. Murray asked that that

number be stricken from the conditions as it is an arbitrary number. In reference to Item 1B requiring no statewide or national level events, he asked why these types of events were permitted at Walnut Creek Park and would not be at Panorama Farms. He asked the commission to strike as a double standard. He stated his opposition to Item 1D, as he does not see the need for it, he suggested that signs could be placed at the road announcing the event. In reference to Item 1E, which requires no more than two competitive events per year, he requested that that number be increased to at least 6 per year as he has had requests from several different organizations. A map is already provided, he sees no need to provide the County with anything more as required in Item 2. The applicant stated that he would be happy to provide an update with the locations for the Porta-Johns.

Mr. Finley asked Mr. Kamptner if the commission should grant the applicant extra time as he was already over the 10 minutes allotted.

Mr. Kamptner stated that the commission would have to provide the same courtesy to all other speakers that evening.

Ms. Hopper suggested that the commissioners be allowed to ask the applicant questions at this point.

Mr. Finley asked the applicant to cover his remaining concerns regarding the conditions in the next minute.

Mr. D. Murray disagrees with the requirements in Item 4 as the same is not required in Walnut Creek Park, he believes that these trails are built better than any other trails in the County. In reference to Item 8, he believes that porta-johns should work just fine. At Walnut Creek Park, the only restroom available during winter is one porta-john.

Mr. Finley reminded the applicant that he would have five minutes of summary at the end.

Ms. Hopper asked the applicant if he routinely had more than 50 users on the trail at one time.

Mr. D. Murray stated that he did not usually have that number of users and did not know that he ever would. He asked where the number came from and how to enforce it.

Ms. Hopper asked if he had discussed his concerns with staff.

Mr. D. Murray stated that he had not because he had just recently received the report.

Mr. Finley asked if the applicant was proposing some kind of check-in, perhaps a season ticket.

Mr. D. Murray stated that the control would be some type of sticker on the bumper or back window of the car.

Ms. Hopper asked the applicant if he would agree to add a condition stating that trail is shut down in rain.

Mr. D. Murray said that he would agree to that, as it is his current practice. His current standard is the condition of the creek on the property, if it is not running clear, the trail does not open. Generally he allows 24 hours after every inch of rain.

Mr. Finley asked if cross-country trails held up in the rain.

Mr. D. Murray said that they would as the runners travel only one lap on a grassy trail. He reminded the commissioners that he was speaking directly to the mountain biking issue.

Mr. Thomas pointed out that the code ordinance allows for swimming, golf, tennis, and other athletic events, he asked if the applicant had other plans for the property.

Mr. D. Murray stated that he did not.

Mr. Thomas stated that he agreed with the applicant on the mitigation issue from page 11.

Mr. Kamptner pointed out that that was the planner's opinion and had no meaning in the long run for the applicant.

Ms. McDowell pointed out that the mitigation are the conditions.

Mr. Finley asked the applicant if he had had discussions with the health department about restroom facilities.

Mr. D. Murray stated that he had not. He reiterated his opposition to permanent restrooms stating that it went counter to the concept of reversibility. He would be required to put in a septic field, dig a well, bring power in to light and heat the structure for a minimal use. He again stated that he thought a couple of porta-johns would serve this purpose.

Mr. Craddock asked if that was a requirement.

Mr. Cilimberg referred the commission to attachment H on page 85, second paragraph, which is the basis for the condition.

Ms. Hopper asked if he was referring to the memorandum from the health department.

Mr. Cilimberg said yes. He said that there is some flexibility in that the commission can simply alter the condition to reference health department approval, which is a requirement.

Ms. Hopper said that she would agree to that because it is implicitly subject to health department approval because of the site plan.

Mr. Cilimberg pointed that it is a Virginia Health law requirement rather than a requirement of the site plan.

Mr. Craddock asked if the commission should delete Item 8.

Mr. Cilimberg replied that they would need to replace it with language stating the health department requirements.

Ms. Hopper verified that they would be replacing condition 8.

Mr. Cilimberg said yes.

Mr. D. Murray said that they would supplement existing toilets for events.

Mr. Kamptner rephrased the condition to "Toilet facilities shall be provided as required and approved by the Thomas Jefferson Health District".

Mr. Craddock asked if there was a reason for the limit being set to 50 participants.

Ms. Hopper stated that she thinks it makes sense at this stage, to see how 50 works, come back and ask for an amendment, if 50 will not constrict what you have been doing. She prefers to be more conservative at this point. She asked if the commission further defined statewide/national events, if that would satisfy the applicant.

Mr. D. Murray stated that when he plans and event, he tells a local bike shop and through the Internet, the information spreads to cycling community within a few days. Should he turn away someone who comes from Roanoke? He would like to have the same professional level event at Panorama Farms that's currently being held at Walnut Creek Park.

Mr. Finley asked if there were a maximum number of participants in a racing event due to safety considerations.

Mr. D. Murray explained the anatomy of an event, which includes rolling starts, so there are not large numbers of people on the trail at any one time. People are coming and going slowly throughout the time of the event.

Ms. Hopper asked if instead of limiting statewide or national events, is there some capacity to limit the size of the event instead. She asked the applicant if he knew what an event's maximum might be.

Mr. D. Murray stated that 200 participants is the standard at Walnut Creek.

Ms. Hopper asked about the number of participants in the cross-country event.

Mr. Kamptner pointed out that that matter should be addressed separately.

Mr. Murray said that the racing events are much smaller in terms of participants.

Mr. Finley asked for further questions.

Mr. Steve Murray, applicant for cross-county application, chose to defer comments until after the public comment.

Ms. Ann Mallek, Earlysville Residence League, supports the motion. Her letter is attached.

Mr. Lance Wizen, Cross Country coach at Albemarle Co. High School, thanked the Murray Family for providing this facility. Some of his reactions are similar to Drew Murray's in that the numbers seem arbitrary. On page 1, which requires that only Albemarle would host such events; he does not understand why other County groups should be barred. Due to the loss of running space at Western Albemarle, it might be necessary for them to hold a meet at this facility.

Ms. Hopper pointed out that that was not one of the conditions specified.

Mr. Wizen stated if the total number of participants was kept at the current 50 he would probably have to cut his squad or have to choose to leave folks behind because their numbers would total over 50. The runners frequently travel in vans or buses so parking would not be an issue. He would love to have a national level or state meet at the location, perhaps the state meet or regional meet. AHS invitational would be the largest meet at the site, while state meets are limited to 7 per team. Distinctions need to be made between large and small scale events. Dual meets, between 2 different schools, are very small. Invitational meets draw about 1,000 people. He has little control over the schedule, so it would be difficult to meet the requirements set out in condition 1C. These events generally don't draw large crowds. Two weeks between any event is not realistic or necessary. Sometimes pickups are used for setup or golf carts are used to transport injured athletes, which does not meet the requirements of condition 5.

Mr. Finley asked about a recommendation for Item 1A.

Mr. Wizen answered as many as he can get out. 10 miles of trail can handle a tremendous amount of foot traffic. He does not believe that there should be a limit.

Mr. Thomas asked about the number of runners that would fit on the starting line.

Mr. Wizen replied approximately 225.

Mr. Finley asked Mr. Wizen if the trail could handle statewide or national events.

Mr. Wizen stated that the limitation was the starting area in terms of how many people can participate. Generally, he does not like to have more than 250 people at an event. What would happen in a larger meet is the set up of more divisions.

Mr. Finley asked if condition 1C would be a constraint.

Mr. Wizen stated that he thought it would be great to hold the statewide event, it provides a tremendous advantage to the team, adds community prestige, and helps him recruit new athletes. People who come to look at the location are in awe of the facility.

Mr. Thomas asked if they could get a temporary permit for a larger meet.

Mr. Kamptner stated would have to get a separate special use permit or amend this condition.

Mr. Wizen stated that the commission needs to distinguish between types of competition. And the fact that a golf cart can be used.

Ms. Hopper asked if was speaking directly to condition 1F when he talked about dual meets.

Mr. Wizen replied that he was addressing Item 1C.

Debbie Ripley, an Earlysville resident with a son on the cross-county team, supports the Item and appreciates the contribution of the Murray family. She is happy that there is such a safe facility for the runners. She stated that she is excited that they are thinking of doing this with their farm rather than further development.

Bruce Barkley, former bicycle race promoter, pointed out the bike racing is a second-tier sport. Generally, there are field limits of 200-250 racers per event. At most there would 30-50 people on the trail at one time. There is minimal impact distributed over the day.

Jeff Werner, Piedmont Environmental Council, supports the Item. His comments are attached.

John Boyle, Charlottesville Area Bicycling Alliance, strongly endorses the mountain bike trail plan. The group believes it is an excellent alternative to development and farming. The group would like to see the restriction of two events per year eased somewhat.

Tara Rowen-Boyd, Cycling Club at UVA, offered her support of the plan. Many of her teammates have used the site for competition and practice.

Guy Cullem, adjacent property owner, stated that he did not know about the cross-country events because it was so quiet. He said that it is actually more peaceful and quiet since the cows are gone. He can't imagine anything better to do with the property. He said that he has seen perhaps 6 mountain bikers and 1 cross-country runner.

Monterey Mix, whose son runs on AHS cross-country team, thanked the Murrays for the generosity. She stated that she can't think of a better place for the kids to run. It is an excellent facility that prepared the children to run on the state level in a competitive way.

Mr. Finley asked if she saw problems with the conditions.

Ms. Mix replied that sometimes the meets happen two weekends in a row, they are usually short with just a few runners. It is a grassy track, which could grow back to nature in a short time with very little impact on the land. Otherwise, the team would have to run on Georgetown Road on concrete, which can cause injuries.

Sue George, Earlysville resident and mountain bike racer, offered her support for the Item and information should the commission request it. She is part of group that runs trail maintenance efforts at Walnut Creek.

Mr. Craddock asked if the group maintained the trails at Walnut Creek, or was that the County's responsibility.

Ms. George stated that the group maintains the trails under the authority of the County Parks and Recreation Department.

Mr. Craddock asked if they were closed for inclement weather.

Ms. George said that, unfortunately, they are not closed for inclement weather. She supports the Murray's ability to close the trails when needed. The greatest damage to the trails is usually a result of the conditions of the race rather than the number of runners.

Mr. Thomas asked if Ms. George had raced at Panorama Farms.

Ms. George stated that she has never raced at Panorama, she does ride there an average of twice per month and leads group rides there occasionally.

Mr. Thomas asked if she had been there during a meet.

Ms. George said that she had.

Mr. Thomas asked if she had been there during a cross-country meet.

Ms. George said that she had not.

Mr. Thomas asked Ms. George about her experience with clean up after the event.

Ms. George said the in her experience, there was nothing to clean up. Cycling events in general bring out people who are not likely to litter or destroy property. Regarding the use of bathroom facilities at races, the standard method is to bring porta-potties.

Michael Delano, GT Bicycles, Richmond, voiced his support for the item. He stated that the lack of places to ride is an issue in cycling. Fewer places to ride results in fewer sales for the local bicycle shops. Mr. Delano sells bicycles to all of the bicycle shops in Charlottesville. He said that he is pleased that the land will not be used for additional housing.

Mr. Steve Murray, the applicant for the cross-country item, his son runs AHS cross-country. He stated that it would not be good for the course to have more than 2 large meets every 14 days. He challenged some of the conditions. On page 1, second paragraph, which states that the cross-country trails are a single-wide track of compacted soil is not accurate. They are actually grass trails, set out by a tractor a finish mower; virtually no dirt shows anywhere. The training trails are 6-feet wide; the competitive 5K course is wide at the start, funneling down to 12 feet wide over a span of 600 meters. It is entirely grass, which minimizes injuries. The 6 competitive events is somewhat arbitrary, the season is only 8 or 9 weeks long so you can't hold 6 meets if you hold them every 14 days. He asked what would happen if another local school called to use the facility during the season. There are perhaps 25 cars and buses that travel to a dual- or tri-

meet, so there is not a huge impact from the smaller events. He read from page 21 a line from comprehensive plan, in the 4th bulleted paragraph, that it is the County's intent that development and other human activities should adapt to the natural environment. He thinks that these activities are prime examples of those that do not unnecessarily modify the natural environment. He pointed out that on page 10, paragraph 1, which states that it should be noted, however, that approval these application should not be intended as precedent-setting for other properties in the rural area, is inaccurate in that this exactly what the applicant is trying to achieve. These applications are viewed from the Murray family perspective at preservation activities. He stated that the County should embrace these types of activities.

Mr. Finley asked if he would prefer to have one or two meets per 14 days.

Mr. S. Murray said that he would like to see the restriction removed. Traditionally, dual- or tri-meets are held on weekday afternoons. The restriction of every 14 days is a limitation from the high school perspective. He would be willing to see it modified to no more than two meets with over 3 teams. From the landowner's standpoint, he is not sure if they want more than two major events, on the scale of the Albemarle Invitational (32 teams) held at the facility. The regional meet, which had only 16 teams, seemed minor in comparison. He stated that he doesn't think they want more than two major events over a two week period of time. The dates are already scheduled, the 13th of October for the Albemarle and November 1st for the Regional meet.

Ms. Hopper asked about motorized vehicles.

Mr. S. Murray addressed the issue of state and national events. He stated that he is not sure the trails could accommodate that size event and that it would require an entirely different traffic pattern.

Mr. Craddock asked how many meets were held at Darden Towe Park.

Mr. S. Murray stated that on average 12 meets per season are held at that site.

Mr. Finley asked Mr. Drew Murray if he would like to summarize.

Mr. D. Murray stated that the application are really in lockstep with many of the requirements of the comprehensive plan. They provide watershed protection, open space preservation, maintenance of the rural character of the area, protect if not enhance bio-diversity, and protect the contiguous habitat. He encouraged the commission to step forward and embrace ideas that provide so many solutions at such a negligible cost. He encouraged the commission to approve the item.

Mr. Finley asked if cross-country runners could come out in the afternoon if they want to practice, he asked if they needed some type of identification.

Mr. D. Murray stated not currently.

Mr. Finley asked if the cross-country activities generated revenue.

Mr. D. Murray said that they do not as yet, but if this item is approved, it is hope that they will.

There being no further comment, Mr. Finley closed the public hearing and brought the matter back to the commission.

Mr. Thomas asked to hear the changes that were made especially condition 1A.

Mr. Cilimberg stated that nothing had been done as yet.

Ms. Hopper interested in hearing from staff about the comments in general.

Ms. McDowell stated that the numbers were specifically in the information given by the applicant, the numbers in the report were calculated according to the applicant's numbers. She cautioned that as the number of events and spectators increases, it is most likely that paved parking will be required. She heard differently at tonight's meeting for the first time.

Ms. Hopper verified that if the numbers were changed this evening without benefit of further calculation the commission could inadvertently bump the requirements to a paved parking lot.

Ms. McDowell said that was correct.

Mr. Cilimberg clarified that the parking requirements allow for something other than paved parking as long as vehicle trips remain at or below 350 per week. As you go up in number of participants on a daily basis you increase that weekly count and can push it into a requirement that the applicant does not want. We need to calculate this carefully with the engineering department.

Ms. Hopper stated that was an interesting point. She recalled Mr. Murray stating that he had not talked had a chance to talk with staff. She suggested that the applicants consider deferring briefly in order to talk with staff about this issue.

Mr. D. Murray pointed out that there had been no mention of a pad used for composting from November to June, which would hold approximately 225 cars. This area is wide open during the cross-country season. He thought this was the overflow area spoken of in the application. The composting pad, made of 6 inches of rock dust, was designed because the City's vehicles are towing a vacuum unit.

Mr. Finley suggested that perhaps staff and the applicant could come up with an optimal number rather than a deferral.

Ms. Hopper stated that she thought it would be a complicated calculation.

Mr. Finley said that the parking lot would have to be approved as part of the site development plan.

Ms. Hopper the parking, whether paved versus natural surface, will depend on the limitations put in the conditions. She stated that the commission should either accept staff's conditions tonight or defer for recalculation.

Mr. Thomas asked if the compost pad was part of the calculations.

Ms. McDowell said that was not part of the calculations. She stated that she does not have enough information about that area or if it meets the standards for paved parking.

Mr. Finley asked the applicant if the area was pave.

Mr. S. Murray stated it was rock dust, not gravel.

Mr. Finley asked Ms. McDowell if she thought it warranted a deferral.

Ms. McDowell stated that she would not be prepared to recalculate this evening, as the previous calculations required some significant creativity.

Mr. Kamptner pointed out that another option is to recommend approval with changes as discussed and direct staff to re-examine the issues in the conditions and make further

recommendations to the Board of Supervisors. This item will not appear before the board until April 18.

Mr. Thomas stated that he thought most of the commissioners agreed that this was a good use of the land. He said that he would not like to see this item die because of numerical requirements.

Mr. Finley asked what the commission thought about Mr. Kamptner's proposal.

Mr. Thomas stated that he thought that was a good idea.

Ms. Hopper said that she was comfortable with that.

Mr. Craddock added that it was nice to see private individuals step up to provide this type of use.

Mr. Finley agreed with the rest of the commission.

Ms. Hopper said that she made distinctions between the bike trails and the cross-country trails. She stated that she would like to add as a condition that the trails are shut down during rain, particularly the bike trails.

Mr. Thomas said that he thought it was a good condition, even though the applicant would likely not allow that to happen.

Mr. Cilimberg asked if she would consider that a condition for just the bicycle trails.

Ms. Hopper said that she was thinking only of the bike trails. She asked the applicant if that would be acceptable to them.

Mr. S. Murray said that they are policing that area anyway.

Ms. McDowell added that the day she was out there was cold and the trails had been closed because they were extremely muddy. She pointed out that more than just rain affects the condition of the trails.

Mr. S. Murray stated that they have total control over the facility, they are the stewards, and allowing activities to go on in adverse conditions would ruin the trails.

Mr. Finley verified that changes were made on conditions 6 and 8.

Mr. Cilimberg suggested clarifying condition 8 by adding, "as required".

Ms. Hopper stated that it seemed to her that on the cross-country trails, the prohibition of vehicles seems to not apply. She asked staff to comment on that issue.

Ms. McDowell said that she went by what the applicant had provided. She believes that the purpose is that no large vehicles drive the trails in order to avoid erosion.

Mr. S. Murray said that he has no interest in taking any vehicles on the cross-country trail, it is not necessary. He pointed out that one 4-wheeler takes care of the entire trail.

Mr. Thomas said that he did not think that was an issue since it was a maintenance vehicle.

Ms. S. Murray said that the maintenance vehicle is a tractor and the 4-wheeler.

Mr. Craddock assumed motor-cross vehicles were the intended target of the condition.

Mr. S. Murray agreed that might have been the intent. He said that he is adamant about protecting the grass surface and even chases cyclists off the trails.

Mr. Thomas moved for approval of SP-2000-54 with conditions as modified.

Mr. Craddock seconded the motion, which passed unanimously.

1) Albemarle High School Cross-Country (SP 00-54) shall operate in accord with the following:
   a) Users present on trails shall not exceed a total of fifty (50) at any one time, except during competitive events.
   b) No statewide or national level events shall be permitted under this special use permit.
   c) Races and/or other events shall not exceed a total of one per 14 calendar days in frequency.
   d) Competitive events with more than a total of 100 participants and spectators shall require traffic control personnel at the intersection of SR 844 (Panorama Road) and SR 743 (Earlysville Road).
   e) No more than a total of six competitive events (competitions/meets/races) per year shall be permitted.
   f) No more than one event at a time on the subject property shall be permitted.
2) A site development plan on a U.S.G.S. Quadrangle map for the restroom, parking lot, access road and trails shall be required.
3) The parking areas shall be constructed and maintained with wood chips or a similar material subject to approval by the Engineering Department (Section 4.12.6.3).
4) Trail construction and maintenance specifications shall be submitted to the Albemarle County Engineering Department for approval. All trails shall be constructed and maintained according to these specifications.
5) No motorized vehicles other than farm equipment or equipment needed for construction, maintenance or emergency purposes shall be permitted on the trails.
6) **Secondary emergency access from Loftlands Drive shall be provided as approved by the Engineering Department.**
7) No sales of refreshments shall be permitted at any time, other than during competitive events.
8) **Toilet facilities shall be provided as required and approved by the Thomas Jefferson Health District.**

Mr. Thomas moved for approval of SP 00-73 with conditions as modified.

Ms. Hopper seconded the motion, which passed unanimously.

1) The Panorama Farms Bicycle Trails (SP 00-73) shall operate in accord with the following:
   a) Users present on trails shall not exceed a total of fifty (50) at any one time, except during competitive events.
   b) No statewide or national level events shall be permitted under this special use permit.
   c) Races and/or other events shall not exceed a total of one per 14 calendar days in frequency.
   d) Competitive events with more than a total of 100 participants and spectators shall require traffic control personnel at the intersection of SR 844 (Panorama Road) and SR 743 (Earlysville Road).
   e) No more than a total of two competitive events (competitions/meets/races) per year shall be permitted.
   f) No more than one event at a time on the subject property shall be permitted.
2) A site development plan on a U.S.G.S. Quadrangle map for the restroom, parking lot, access road and trails shall be required.
3) The parking areas shall be constructed and maintained with wood chips or a similar material subject to approval by the Engineering Department (Section 4.12.6.3).

4) Trail construction and maintenance specifications shall be submitted to the Albemarle County Engineering Department for approval. All trails shall be constructed and maintained according to these specifications.
5) No motorized vehicles other than farm equipment or equipment needed for construction, maintenance or emergency purposes shall be permitted on the trails.
6) Secondary emergency access from Loftlands Drive shall be provided as approved by the Engineering Department.
7) No sales of refreshments shall be permitted at any time, other than during competitive events.
8) Toilet facilities shall be provided as required and approved by the Thomas Jefferson Health District.

The Commission recommended approval of both SP-00-54 and SP-00-73 with the understanding that conditions regarding the number of participants, frequency of events and number of events would be reviewed with the applicants as relates to parking requirements and modified as possible before the Board of Supervisors meeting without creating the need for impervious parking. An update of the modified condition will be prepared prior to the April 18, 2001, Board meeting.

Ms. Hopper pointed out that the commission was trying to keep an unpaved parking lot while maximizes the use of the facility.

c. **ZMA-2000-007 Mill Creek North – Village Homes II (Sign #71) –** Request to rezone 7.1 acres to amend the existing Mill Creek PUD to increase the allowed number of dwelling units. The property, described as Tax Map 90C, Parcels D&E, is located in the Scottsville Magisterial District on Stoney Ridge Road on the south side of the Southern Parkway. The Comprehensive Plan designates this property as Neighborhood Density, recommended for 3 - 6 dwelling units per acre in Neighborhood 4. (David Benish) ***DEFERRED FROM THE FEBRUARY 20, 2001 PLANNING COMMISSION MEETING.***

Mr. Benish presented the staff report.

Mr. Finley asked if subdivision agent meant director of planning and who actually reviews the architectural design.

Mr. Benish said that the County would ensure that the covenants provide for that requirement of consistency. The County would not actually enforce the covenants, only make sure that they have been established.

Mr. Kamptner said that the zoning administrator would assure that the proffers were complied with.

Mr. Thomas said that he had talked about the location of the houses in regards to a pad area and the slopes. He asked if that had been addressed in the report.

Mr. Benish said that it had.

Mr. Finley asked if three motions were needed on this item.

Mr. Cilimberg said that the zoning map amendment, the site development plan with critical slope waiver, and the approval of private road would each need separate action. He stated that this item has already been through public hearing.

Mr. Craddock asked redemption through the County should the drainage pond silt.

Mr. Cilimberg said that Mr. Kamptner should address that issue as the engineering department has been looking at new policies regarding stormwater facilities.

Mr. Jeff Thomas, Engineering Department, stated that the pond is privately owned and is subject to Homeowner's Association maintenance.

Mr. Craddock verified that the pond was the Association's responsibility even though the silt can come from somewhere else.

Mr. J. Thomas stated that it is their responsibility because it is an impoundment on a live stream and is subject to siltation naturally.

Ms. Hopper pointed out that since the applicant needs the cooperation of the Homeowner's Association, they could strike a deal wherein the applicant would remedy the situation should the pond become silted up.

Mr. J. Thomas said that it is hard to track where sediment comes from.

Mr. Craddock said that he was interested to see if the County had any standing in it.

Mr. Benish said that it is unclear at this time whether the applicant has any right of access to the pond, there has been no evidence that they have the right to use. The remedy would be to obtain that approval or provide an alternative facility that meets the approval of the engineering department.

Mr. Cilimberg gave clarification that the original hearing on this item was back in December, there was full consideration at that time with deferral of the item. There was an additional deferral of that item later in which the public hearing was opened and closed. He said that he wanted to make sure that there was no additional public hearing requirement.

Mr. Kamptner said he assumed that the public hearing was closed at the end of the meeting in January.

Mr. Cilimberg said the original hearing was in January.

Mr. Finley said he would take staff's advice on this issue.

Mr. Kamptner pointed out that there are people here to speak on this item and it is routine to open hearing on similar issues. He suggested opening the hearing for comment.

Mr. Finley opened the public hearing on this item.

Mr. Steve Blaine, applicant, appreciated that staff's clarification of the use of the pond. He stated that they are not asking the commission to determine their right to use the pond. Engineering would have to be satisfied that stormwater management could be maintained on-site or off-site at an alternative facility. The applicant believes that there is a clear ability of the Homeowner's Association to use the pond.

Kevin Martin, member of the board of directors of Mill Creek Homeowner's Association, said that the applicant had been working with them to address their concerns regarding vegetative screening and architectural consistency. The applicant has adequately addressed their concerns with vegetative screening through proffers and amendments to the newly submitted site plan. In response to concerns over architectural consistency as well as those of the planning commission, the applicant has recently submitted proffered language to address this issue. The language provides for harmony with the establishment of an architectural review board. The applicant has

also entered into a written agreement with adjacent homeowner's associations regarding architectural style. It is his desire that style consistency be included in the proffered language.

Paco Hope, president of the Mill Creek Homeowner's Association, said that the issue of the applicant's right to use the pond was a recent discovery. The applicant proposes to run stormwater through bio-filter, which then runs into our pond. He pointed out that engineering is satisfied that establishes the water quality. Their concern is not concerned with only the new development, Mill Creek, Village Homes I, Village Homes IV also drain into this pond, the Homeowner's Association does all the maintenance with no monetary input from other developments.

Mr. Finley pointed out that there was a requirement for evidence of permission to use the pond, which give an opportunity for mutual agreement on the terms.

Mr. Hope said that the applicant does have an easement granted as a requirement for the Southern Parkway construction. The issue is still being clarified so it is not known at this time whether or not the Homeowner's Association has the right to grant permission.

Ms. Helen Merrick, also on the Mill Creek board, their biggest concern is that the pond silting up and they have responsibility for it.

There being no further comment, Mr. Finley closed the public hearing.

Mr. Thomas asked if it was possible to make a recommendation that the pond be examined for future expansion of the County water control system or should it be left to the two parties to make their agreement.

Mr. Kamptner said the commission could make that recommendation or suggest that the Homeowner's Association approach the engineering department to address the issue.

Mr. J. Thomas said that he doesn't know of any written procedure for this type of issue, he suggested that the Homeowner's Association contact Bill Moyer in the office to make a request.

Mr. Cilimberg stated that this issue came under the Stormwater Fund their determination as to how to use that. He said that he thought it would be the best approach to speak with Mr. Moyer directly.

Ms. Hopper asked Mr. Benish if he had any problem with the slightly different language proposed by Mr. Blaine.

Ms. Hopper moved for approval of ZMA-2000-007 with changed proffers.

Mr. Thomas seconded the motion, which passed unanimously.

Ms. Hopper moved for approval of the preliminary site plan, critical slopes waiver and private road, with conditions as modified.

- Site grading will be as shown on the preliminary site development plan.

Mr. Craddock seconded the motion, which passed unanimously.

8. Public Hearing Items:
   a. **SP 00-077 Orrock Property (Triton PCS) (Sign #34 & 35) -** Request for special use permit to allow the construction of a personal wireless communications facility with an 80-foot tall steel monopole, in accordance with Section 10.2.2.6 of

the Zoning Ordinance which allows for microwave and radio-wave transmission and relay towers in the Rural Areas. The property, described as Tax Map 92, Parcel 5A, contains approximately 15.61 acres and is located in the Scottsville Magisterial District off of State Route 53, approximately 1/8 mile west of the intersection with Milton Road (Route 732). The property is zoned RA (Rural Areas) and EC (Entrance Corridor). The Comprehensive Plan designates this site as Rural Area. (Stephen Waller)

Mr. Waller presented the staff report.

Ms. Hopper noticed that the ARB would be willing to review with direction from the Planning Commission.

Mr. Waller said that as it is so far away from the entrance corridor, the ARB deferred to the Planning Commission.

Ms. Hopper clarified by asking if the ARB saw any need to review the proposal.

Mr. Waller said that they saw no need to take a look at it, they asked for additional direction from the commission should it ask them to review.

Mr. Finley, asked if there was a correction on page 7, Item 1 on the recommended conditions from “shall exceed” to “shall not exceed”.

Mr. Waller said that was correct.

Ms. Hopper questioned the condition, noting that this proposal was different in that the nearest trees are further away that 25’. She pointed out that on page 15, 1st paragraph, second question, there is discussion about the trees around the monopole which states that it is the tree that is 38’ away that determines the height of the pole. She stated her concern that the height limit definition was not consistent with what the commission had done in the past. She asked if there was any way to correct that.

Mr. Finley asked for clarification.

Ms. Hopper asked to make specific reference to the trees.

Mr. Waller said that the applicant would have liked to see this happen, but he was concerned about tying the height to the size of the trees as they can grow or be removed so he determined a specific height.

Ms. Hopper asked if it could be included in the condition that the item be reevaluated should one of the two tallest trees die or be removed.

Mr. Finley pointed out that that could happen anywhere with any application.

Mr. Cilimberg said that they would be in violation of the condition if something happened to one of those trees, conversely, the applicant could return should the trees grow to limit coverage.

Ms. Hopper said that she would like to have a condition that required reexamination should something happen to those two trees.

Mr. Cilimberg said that he would have to yield to Mr. Kamptner on the enforceability of that kind of condition.

Mr. Kamptner stated that the commission could add a condition that ties it to a maximum height above one or both of the tallest trees.

Ms. Hopper said that she would like require that the item come back before the commission should one or the other of those trees no longer exist for any reason.

Mr. Kamptner said that could be done.

Ms. Hopper said that she would like to do that, as this application is unique in its requirements.

Mr. Cilimberg suggested that the commission change the distance requirement to include the two trees and keep the standard language.

Mr. Finley asked for the distances to those trees.

Mr. Waller said that the one at a higher elevation is 63' away. He said that his main concern was the visibility of the monopole.

Mr. Finley agreed with Mr. Waller in that the idea is to have the pole in best location to satisfy the applicant's needs and provide concealment.

Mr. Thomas asked what the visual distance was of the pole was from Route 53.

Mr. Waller said the pole was about 500 feet from 53.

Mr. Thomas asked what difference the radius would make if the pole is that far from a visual point.

Mr. Waller said he did not think it would make any difference.

Mr. Finley stated that the area is wooded all the way around according to the survey.

There being no further questions for staff, Mr. Finley opened the public hearing.

Ms. Valerie Long, Triton PCS, clarified that the applicant is fine with leaving the condition height specific. The applicant recognizes that this is a unique property given the proximity to an important historical landmark. She said that the application has been submitted to the ARB who determined that they did not have jurisdiction. She pointed out the base of the pole has been shifted slightly resulting in the height being 6.8' above the height of the tallest tree.

Ms. Hopper clarified that the pole was now only 6.8' above the height of the tallest tree. She said that she felt more comfortable with that.

Ms. Long stated that the distance from the pole to the edge of the pavement on Route 53 is 1100 ft. The closest residence is within a 2000' radius.

Mr. Thomas asked what was behind the tower.

Ms. Long said that there is a backdrop behind the tower and pointed out that the tower was only slightly visible from two vantage points along the route.

Ms. Hopper said it would be helpful for the commission to remember that the antennas would be 12 inches away from the pole and would affect the visibility issues.

Ms. Long stated that 12" is the maximum in the application and according to County regulations, it is also a condition. The distance is necessary to provide room for the brackets to hold the antenna.

Ms. Hopper said she remembered it being 6" or 9" and was confused about that point.

Mr. Thomas asked if they had the technology to locate the antennas inside the pole.

Ms. Long was not aware of that.

Mr. Thomas asked if this would complete the pattern.

Ms. Long stated that it would at this time. The area was challenging for the engineers to design a plan that works. She stated that the applicant is agreeable to the conditions as drafted. She also pointed out that the applicant located the pole exactly where it is because they thought it was the best location for both viability and low visibility.

Mr. Dale Finucchi, Crown Communication, said that as with any of our applications, we are required to submit an application to the state historic preservation office. They have determined that there is no effect.

Ms. Long said she was happy that the balloon was barely visible from Monticello with the naked eye.

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

Mr. Thomas said the pole was camouflaged nicely against the trees.

Ms. Hopper stated that it was great that the applicant was creative in their determination of an appropriate site.

Ms. Hopper asked if the commission should approve the conditions as written and note that staff would be examining it to make a new recommendation.

Mr. Cilimberg said that depended on the wishes of the commission as the applicant agrees with the condition as written. He reminded the commission of the small change discussed earlier.

Mr. Thomas asked Ms. Hopper if she thought a 40' radius would be necessary.

Ms. Hopper said that she thought that 70' would be too broad and that it was important to keep the ceiling limit of 80'.

Mr. Waller said there were several trees around the site, but these two were the tallest.

Mr. Thomas asked what the difference would be if either of those trees fell.

Mr. Cilimberg pointed out that the commission was looking at sight lines, which are very distant.

Ms. Hopper agreed that there was so much acreage and tree cover around the location that the sight lines would not be affected by the status of the two tallest trees.

Mr. Thomas moved for approval with conditions as corrected.

1) As shown on the construction plans, the top of the monopole shall **not** exceed a total height of 80 feet, nor shall it exceed a top elevation of 712.8 feet, as measured Above Sea Level

(ASL). No antennas or equipment, with the exception of the grounding rod, shall be located above the top of the pole.

2) The facility shall be designed, constructed and maintained as follows:
   a) The metal pole shall be painted a brown that is consistent with the color of the bark of the trees;
   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, antennas, concrete pad and all equipment attached to the pole shall be dark brown in color and shall be no larger than the specifications set forth in the attached plan entitled "Orrock (Triton PCS)";
   e) A grounding rod, whose height shall not exceed two feet and whose width shall not exceed one-inch diameter at the base and tapering to a point, may be installed at the tope of the pole;
   f) Prior to issuance of a building permit, the applicant shall provide a statement to the Planning Department by a registered surveyor certifying the height of the two trees that have been used to justify the height **of** the monopole.
   g) Within one month after the completion of the pole installation, the applicant shall provide a statement to the Planning Department certifying the height of the pole, measured both in feet above ground level and in elevation above sea-level (ASL);
   h) The pole shall be no taller than the height described in condition number 1 of this special use permit without prior approval of an amendment to this special use permit.
3) The facility shall be located as shown on the attached plan entitled "Orrock (Triton PCS)".
4) Equipment shall be attached to the pole only as follows:
   a) Antennas shall be limited to the sizes shown on the attached plan entitled "Orrock (Triton PCS)";
   b) No satellite or microwave dishes shall be permitted on the monopole;
   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 pad, 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 pad. A special use permit amendment shall be required for any future tree removal within the tow 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 shall identify each user that is a wireless telecommunication service provider.
8) No slopes associated with construction of the pole and accessory uses shall be created that are steeper than 2:1 unless retaining walls, revetments, or other stabilization measures acceptable to the County Engineer are employed.
9) Outdoor lighting shall be limited to periods of maintenance only. Each outdoor luminaire shall be fully shielded such that all light emitted is projected below a horizontal plane running through the lowest part of the shield or shielding part of the luminaire. For the purposes of this condition, a luminaire is a complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.

10) The permittee shall comply with section 5.1.12 of the Zoning Ordinance. Fencing of the lease area shall not be permitted.
11) The applicant shall submit a revised set of site drawings to the Department of Planning and Community Development. Prior to the issuance of a building permit for construction of the facility. Planning staff shall review the revised plans to ensure that all appropriate conditions of the special use permit have been addressed in the final revisions of the construction plans.

Ms. Hopper seconded the motion, which passed unanimously.

Ms. Hopper moved for the waiver of a site plan with conditions.

1) Approval of an erosion and sediment control plan prior to the issuance of a building permit;
2) The applicant shall provide adequate area for one parking space;
3) The applicant shall submit a revised set of site plans to the Department of Planning and Community Development. Prior to the issuance of a building permit for construction of the facility, Planning staff shall review the revised plans to ensure that all appropriate conditions of the special use permit have been addressed in the final revisions of the construction plans.

Mr. Craddock seconded the motion, which passed unanimously.

b. **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)

Mr. Michael Barnes presented the staff report.

Mr. Finley asked if the sidewalk along the unnamed driveway is the entrance to the athletic center.

Mr. Barnes stated that there are so many facets outstanding in the development of the site. He said that staff wanted to make sure that the interconnection was planned during the site plan stage so that the walkable town center would be achieved.

Mr. Finley asked if the athletic center building was located on that road.

Mr. Barnes said that there would be two entrances.

Mr. Finley asked if staff was asking for sidewalks on both sides.

Mr. Barnes stated at this point just one, it's a very narrow run.

Mr. Barnes said that one of the conditions asked for was to create visibly appealing walkway.

Mr. Finley asked if tonight we can offer water line stabilization all the conditions would be met.

Mr. Barnes said that at this stage some items can't be resolved without further a higher degree of engineering. He said that there are obvious impacts to this site, particularly the stream and the sight lines of the hike/bike trail.

Mr. Thomas asked Mr. Barnes to talk further about the critical slopes.

Mr. Thomas verified that the building would be built back into the hill.

Mr. Barnes said that it would. He suggested that the commission examine the applicant's response to the staff report.

Mr. Finley verified that staff was recommending 3:1 slopes.

Mr. Barnes said yes, in consideration of the stream and aesthetic issues.

Mr. Finley opened the public hearing.

Ms. Valerie Long, representing the applicant, thanked staff for his presentation. Starting with the pedestrian access, the applicant revised its charts in the last few days to show new areas of pedestrian walkways. She stated that the aesthetics along the hiking and biking trail were important to ACAC as well as the trail will be used in their programming efforts.

Ms. Long stated that originally, this face of the building was much closer to the road but has now been shifted slightly.

Mr. Finley asked what the setback was in that area.

Ms. Long said the building would be 8' from the edge of utility easement line and water line itself would be further away.

Mr. Finley asked if it was about 14' from the water line.

Ms. Long said that was what the applicant was proposing. It achieves the same goal of an attractive streetscape while protecting the water line.

Mr. Thomas asked if the building were moved back, would the water line still have to be reinforced or would it sustain itself.

Ms. Long said that they would use a combination of things such as sheet piling that would provide some stability for that soil at the 45 degree angle. She is confident that the applicant can figure out the remaining issues as we go along with the site plan process. She stated that the slopes were always proposed to be at 2.5:1, but staff had asked them to show 3:1. As you flatten out your slopes, the toe is moving closer to the stream, the applicant is trying to design the slope to minimize impact to the stream. She stated that the existing lake is adequate to provide stormwater management. She pointed out that the stream would be maintained in its natural state where it is not being piped. Flattening out the slope in this area would require the building of a retaining wall.

Mr. Finley asked if the applicant had been communicating with engineering regarding the slopes and the retaining wall.

Ms. Long stated that they had not yet because the information is very recent.

Ms. Hopper stated that she feels uncomfortable with the late-breaking information. She has concerns about the retaining wall and the length of it, concerns about pedestrian access, the stream, etc. She feels rushed to make a decision and would like more information.

Ms. Long said that the applicant had tried to identify some boundaries or general principles, and work out more of the specific details at the site plan level. She believes that the applicant has provided all that staff has asked for.

Ms. Hopper stated that it was certainly not for a lack of cooperation. She is concerned that this information comes up at the last minute and changes things drastically. (Inaudible)

Mr. Thomas asked if that didn't just create another engineering problem.

Ms. Hopper said it is not just and engineering or water problem, but there is an overall problem in connecting all of the solutions.

Mr. Finley pointed out that in moving the building, it is no closer to the stream than before. He understood that the 2.5 is not a last minute thing.

Ms. Hopper said it was not a list minute thing, but a discovery, which shifted the plan drastically.

Ms. Long stated that the toe of the fill slope shifted only about 5' towards the stream. The real change is the retaining wall. This is a common way to address slopes in the development area. There is also a possibility of breaking it up in the area and not having all of the slopes at 3:1 or 2.5:1.

Mr. Chris Shust stated that the longest section of the wall is in the 1' – 4' range. He believes that a good bit of that wall will not be necessary. She said that if the applicant is allowed a little bit of leverage in the slopes, he minimize the overall height of the wall.

Ms. Hopper asked for the height of the wall all around.

Mr. Shust that in the steepest part of the wall it gets to a 10' section.

Mr. Shust said that he might be able to do away with the wall by looking at the grades a little more closely.

Ms. Long stated that the applicant would be willing to discuss the conditions.

Mr. Finley asked if the applicant had agreed to a door on the back side of the building, which would actually be the street side.

Ms. Long said they would not actually be entrances, but emergency exits.

Mr. Finley pointed out that if the building was used differently, it could be considered an entrance.

Ms. Lori Garrett addressed the issue of the water line. There have been some preliminary conversations regarding the water line. They have realized that they would need to move back the central portion of the building. The applicant is proposing to move the building back 14'.

Mr. Shust explained the service authority standard details, showing that they will install sheet piling as a limit of construction for the building. This will prevent any movement from occurring in the consolidated soil area.

Mr. Finley asked if the driving of the sheet piling and the compaction of the soil would cause problems with the water line.

Mr. Shust said that as long as there is undisturbed soil, the integrity of the thrust block should not be disturbed. The closest they want to get to the actual pipe is 5'3".

Ms. Hopper asked if Pete had seen this new plan.

Mr. Barnes said he was unclear whether Pete had seen it or not, he said Pete thought that staff could adequately represent him.

Mr. Finley verified that the applicant was confident that the fill and slopes would do no damage to the water line.

Mr. Shust said yes.

Ms. Hopper said that if Pete were going to look at this and determine this is what he was looking for, it seems that if it was brought back at a later day these questions could be answered. The latest development about the slopes and the changes to the retaining wall still concerns her. She said that she likes the idea of the project, but does not like being rushed on an issue, especially one from her district, and would prefer to have all of the information. She asked if the applicant thought it would be a problem to defer as she is not sure if staff had an opportunity to review the slope issues.

Mr. Cilimberg pointed out that the issue would not go to the Board of Supervisors until late April so there would be plenty of time to do that without impacting the final outcome.

Mr. Finley asked how long it would take to meet with the applicant and come to an agreement.

Mr. Barnes stated that many of the things that the applicant set out tonight meet the concerns of staff.

Mr. Finley verified that Mr. Barnes was not willing to recommend approval of this proposal.

Mr. Cilimberg said they have come close if not met the conditions outlined in the report.

Mr. Finley asked if would be more appropriate to defer a week or two.

Mr. Cilimberg said that an additional two weeks would be appropriate to cover the points.

Ms. Hopper expressed her concerns about the wall and limiting the aesthetic impact.

Ms. Long pointed out that this site will not have the rip rap, it will be a natural stream.

Ms. Hopper requested that when the slope issue is brought back before the commission, that they be made to look as attractive as possible.

Mr. Finley asked about the cross-section.

Mr. Shust stated that it was showing the limits of excavation necessary.

Mr. Thomas asked about the location of the existing rip rap.

Mr. Shust showed its location and stated that no rip rap will be used with this plan.

Ms. Long stated that ACAC recognizes that the aesthetics of the stream area are important as well as maintaining the natural flow of the stream.

Ms. Long said that they are aware of the retaining wall aesthetics landscaping issues and hope to address them at the site plan stage. She stated that the applicant is confident that staff would agree that this was a good start.

Mr. Finley asked what staff needed from the water authority.

Mr. Cilimberg said they would need confirmation from them, which could be obtained within the two-week period.

Mr. Finley asked what the applicant was thinking at this point.

Ms. Long stated that the applicant would agree to that if the commission would be more comfortable.

Mr. Shust stated that he would like the commission to be confident in its decision. He pointed out that at this point they were focusing on site plan issues at the special use permit stage.

Ms. Hopper believes that the two-week timeframe could give the applicant time to get staff's approval of these concerns.

Mr. Bruce Stouffer stated that he wants the commission to be comfortable, but believes they are focused on site plan issues rather than special use permit issues. He asked the commission to consider approving the special user permit tonight with the agreement that Pete has signed off on the conditions.

Mr. Finley stated that the commission would like to hear our engineering and planning staff agree that they have solved all of the problems brought up in the staff report.

Ms. Hopper said that the applicant was being reasonable, but that her concern was that everything was connected and thus became a special use permit issue.

Mr. Cilimberg suggested the commission was in the position of recommending to the Board of Supervisors an action and conditions. If you believe that the design and concept achieve what you want to achieve you can recommend the proposal with the conditions, based on a location that will not negatively affect the water line. You could say that you would only recommend approval if the service authority were to say that it was appropriately located.

Ms. Hopper stated that she does not feel comfortable with that.

Mr. Thomas stated that he thinks they have a good plan and has confidence that they will do everything they plan to do. He said he could support approval with Mr. Cilimberg's suggestion.

Ms. Hopper said this was different from not letting developers use their creativity.

Mr. Thomas pointed out that they were delaying the building and increasing costs.

Mr. Finley stated his confidence that they would be able to solve this problem, he said he was willing to go along with Mr. Thomas' plan.

Ms. Hopper pointed out that the water line was not the only problem, the slopes on this land are also a problem. She is still concerned about the last minute change in information that the staff has not had time to digest.

Mr. Finley asked if she thought they would not work it out.

Ms. Hopper said that the staff said they would have more information in two weeks.

Mr. Cilimberg said that in a week's time staff would have confirmation from the service authority regarding the water line and the building, engineering's review of what they've given, and discussion with their engineer about the best condition to deal with what happens between the parking lot and the stream. He said that the commission could also condition the proposal to achieve the same thing.

Mr. Finley already if he already had conditions.

Mr. Cilimberg pointed out the 4 conditions on pages 10 and 11. The recommendation for denial was based on the water line being an unresolved issue. Complete confirmation would be provided by the service authority.

Mr. Craddock said that the commission often gets last minute information just before the meeting. He agrees with Ms. Hopper that some of these issues should be examined further. With Mr. Cilimberg's condition, it almost opens the door to everyone coming in with last minute changes.

Mr. Finley pointed out that the idea is to try to get the job done.

Mr. Craddock said that staff had not had the opportunity to review the new information.

Ms. Hopper said she feels bad about the circumstances of the commission being short 3 members. She doesn't feel like she has all the information she needs.

Mr. Finley asked Mr. Craddock if he would vote with Ms. Hopper.

Mr. Craddock said he would and asked for a two-week deferral on this issue.

Mr. Finley pointed out that there would be a tie in the vote at this point.

Mr. Cilimberg said that it would be better for the applicant to request a deferral tonight because of the tie vote.

Mr. Finley said that everything that has come in has come as a result of discussions with staff.

Mr. Barnes said that the item was pushed back in the first month of review dealing with the open space question.

Ms. Long asked the commission to identify more specific boundaries of additional information needed for the next meeting. She asked if the discussion could be limited to the water line issue.

Ms. Hopper stated that there are inter-linking conditions, she would like to know how the new slope issues impact the streams.

Mr. Thomas pointed out the intermittent status of the stream and runoff pond already in place.

Ms. Long asked if Ms. Hopper was concerned about the distance of the fill slope, the proximity of the edge of the fill slope to the stream, or does she want staff to comment.

Ms. Hopper said she does want staff to comment on the issue.

Ms. Garrett suggested that one of the ways to resolve the problem is for the building footprint to change.

Ms. Hopper said that if it were possible to change the design to minimize the impact on the stream, it would solve the existing problems.

Ms. Garrett said she feels as if they are being asked to design a portion of the building without all of the information, as an integrated system.

Ms. Hopper said that if it was examined as a special use permit issue, it might be turned down because of the complications on the site. She believes the commission is stretching to reach an agreement because of their belief that it is a good use of the land.

Ms. Long asked if the applicant could submit the new information for staff comment.

Ms. Hopper said if both are acceptable she would agree. It would be great to get an answer to the water question within two weeks that would be great.

Ms. Long stated she thought they had maintained the same level of protection and integrity of the stream in both options.

Mr. Cilimberg said they would try to reflect through special use permit conditions what is intended here.

Ms. Hopper said they are not talking about specifics at this point.

Ms. Long stated that she would like to make sure the applicant has some flexibility, regarding what's the best combination, they would hate to be locked into a boundary or alignment when other options might be preferable.

Ms. Long said the specifics of the building design will in a sense drive the parking lot and the slopes issue.

Mr. Barnes stated that staff's intention was to meet the goals of protection. Staff had proposed to hold the total slope as shown on the plan. That basically solves the problem that the commission brought up.

Mr. Stouffer said he would prefer to use the total slope that is in the existing plan.

Mr. Finley asked for additional comments, there being none, the public hearing was closed.

The applicant requested deferral to March 27, 2001.

Ms. Hopper moved to accept the applicant's request for deferral to March 27, 2001.

Mr. Craddock seconded the motion, which passed unanimously.

9. Regular Item:

    a. **SUB-01-028 Rebecca Rush Private Road Standards Waiver Request** - The Applicant seeks relief from Section 14-514, *Standards for private roads*, to allow a three-lot subdivision without having to construct a private road to County standards. The Applicant would like to maintain the existing 25-foot access easement; in it's present condition, as the means of access for the subdivision. (Margaret Doherty)

Ms. Margaret Doherty presented the staff report.

Mr. Finley asked when the original family division was made.

Mr. Cilimberg stated that the mother did original family division in 1991.

Ms. Doherty said that the property was willed to her daughter.

Mr. Finley verified that the code does not allow family division to give to her sister.

Mr. Cilimberg said that if you go by the current regulations, the only option is to change the subdivision ordinance.

Ms. Hopper if there was some creative way to achieve the goal, if there was someone else she could convey the property to.

Mr. Cilimberg said that the property could convey to sons, daughters or parents.

Mr. Finley asked what process could be used.

Mr. Cilimberg said that you really could not.

Ms. Doherty asked Mr. Kamptner to verify what affidavit would be needed.

Mr. Kamptner said the affidavit would state that it's not for purposes of circumventing the subdivision ordinances.

Mr. Cilimberg said that there is nothing in the ordinance that provides for a waiver based on hardship.

Ms. Doherty said the regulation specifically states that it cannot be waived based on proprietary interests.

Mr. Craddock verified that the application is for just this one road to these properties.

Ms. McDowell pointed out that there would be three total properties.

Ms. Hopper asked if there was another development right on the land.

Mr. Cilimberg said that you could put another house on the property, it has been discussed recently whether the creation of the second house or the creation of the lot triggers the private road requirements. He pointed out that the bottom line is that she is trying to divide the property for her sister.

Mr. Finley asked for the length of the road.

Ms. Doherty stated it was over 700'.

Mr. Finley asked for the required width of the road.

Ms. Doherty stated it was 14' of travel-way with shrub on either side. She added that the road does not currently meet those requirements.

Mr. Finley asked if they would have to acquire additional property to get that width.

Ms. Doherty said that they would, and that there are power lines in the area. She said it would take in excess of $10,000 to bring the road in line with regulations.

Mr. Craddock asked if safety equipment would be able to negotiate the existing road.

Ms. Doherty said she thought that some of them would.

Mr. Cilimberg said he was sure that some rescue vehicles would be able to traverse the road.

Ms. Hopper verified that an ordinance change would be the only way to address this issue.

Mr. Cilimberg said he thought that a lesser design standard could be applied without waiving all standards.

Ms. Doherty stated that the lesser design standard would theoretically be the two-lot standard, which would require bringing the road up to what an engineer would consider passable. Mr. Jeff Thomas thought that with some regrading, straightening, and a layer of gravel the road could meet that standard.

Mr. Finley asked if there were already 3 lots.

Ms. Doherty said the proposal would make it three.

Mr. Finley asked how many houses are located on the property.

Ms. Doherty stated that there are two houses there today.

Ms. Finley verified that the road is fine as is for the current family division.

Ms. Doherty said that the road has not been maintained very well so it is theoretically permissible.

Mr. Cilimberg stated that the two lots created under family division require no road standard.

Ms. Hopper asked if Mr. Cilimberg suggested that there might be another standard for lowering the design standard.

Mr. Cilimberg said that engineering had agreed that a road that meets engineering requirements could be provided at a lesser standard.

Ms. Hopper if there was anything in the ordinance that would allow the commission to do that.

Mr. Cilimberg said it was the same set of criteria.

Ms. Hopper pointed out that it might meet the definition unusual conditions or significant degradation.

Ms. Doherty stated that it would take large amounts of property from the adjacent owners as there is only a 25' easement at this time, so it would affect the adjacent property owners.

Ms. Hopper said then that the variation would not be detrimental.

Mr. Cilimberg suggested that the commission might be able to grant the waiver of section 14-514 if the waived road were to be certified by an engineer or surveyor. The applicant should understand that there would likely be some improvement necessary, but not at the level of the original regulations.

Ms. Hopper stated that it would not be as much of a financial burden.

Mr. Cilimberg said an engineer or surveyor would certify the road.

Ms. Hopper asked if the commission could impose conditions on the waiver. She stated that she feels comfortable with the waiver with the significant impact and degradation of the adjacent property.

Mr. Finley said she has no problem with the others.

Mr. Cilimberg said it should meet all three standards.

Mr. Finley opened the public hearing on the application, there being none, the public hearing was closed.

Ms. Hopper moved that the waiver of Section 14-514, *Standards for private roads*, be approved with condition.

1) The Engineering Department will certify that the road standard is up to that of the two-lot standard.

Mr. Thomas seconded the motion, which passed unanimously.

10. Old Business.

There being none, Mr. Finley asked for new business.

11. New Business.

There being none, Mr. Finley adjourned the meeting at 11:30 p.m.

V. Wayne Cilimberg, Secretary

Recorded and transcribed by Lynda Myers, Recording Secretary.