Albemarle County Planning Commission
April 10, 2001

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, April 10, 2001 at 6:00 p.m. at the County Office Building, 401 McIntire Road, Charlottesville, Virginia. Members attending were: William Rieley, Vice-Chairman; Rodney Thomas; William Finley, Jared Loewenstein; and Pete Craddock. Other officials present were: Amelia McCulley and Wayne Cilimberg, Director of Planning and Community Development.

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

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

Report of Board of Supervisors Meeting of April 4, 2001

Mr. Cilimberg gave the report on the Board of Supervisors meeting. He said that in the ongoing effort to implement recommendations of the historic preservation plan, the Board accepted a list of priority recommendations for the next year. This does not include an ordinance at this time, but does include the appointment of a standing historic preservation committee.

The Commission will soon see a resolution of intent to provide for amendments to the zoning ordinance that would remove the need for variance when a tower for public safety purposes is over 100' tall in a residential district. This would also amend the section regarding certificate of appropriateness to allow the appeal to be considered on the grounds of public safety.

Mr. Loewenstein asked if the staff report would include some indication of the discussion of the Board of Supervisors.

Mr. Cilimberg said the resolution of intent describes their reasoning, but there was no discussion of the item.

There was adoption of a six-year secondary road plan. Patterson Road has been removed from the priorities and been replaced with improvements that will be done in spot locations along the road. The road as a paving project has been removed from the priorities

There is an ongoing effort to deal with concerns regarding through truck traffic on routes 222 and 231. The County has asked VDOT to move forward with an origin/destination study on those routes. On the Rio to Free State Road connector, that project went to the Board last week for their endorsement of an alternative. They endorsed the option that would have the road, as it runs north from Rio, run towards the railroad tracks, and head north paralleling the tracks until it reaches Free State Road.

The David Webber tower was deferred again to complete some conditions. The Board asked the applicant to provide some type of sheltering or screening of the ground equipment as it sits in an open area. The applicant has provided a shed-like structure in which the ground equipment would be located. The Board will act on the item next week.

There is some work underway on the lighting ordinance provisions, a number of them will be under review. The Board of Supervisors adopted a resolution of intent to consider amendments to various sections of the lighting ordinance to deal with some of the issues raised by County staff. Glare and spillover are included.

The Board has approved a list of six properties for acquisition of conservation easement to be appraised. The ACE program is moving forward with that priority list of properties. Finally, in the second work session on the Neighborhood Model, the Board got about halfway through the

principles. With the completion of the work session the Neighborhood Model will go to public hearing with the Board.

Consent Agenda

Mr. Rieley asked if any commissioner wished to pull an item for review.

1. **Addition to Batesville Agricultural/Forestal District** – Planning Commission receives application. (Scott Clark)
2. **SUB 00-Indian Springs Estates Preliminary Subdivision Plat** – Request for two (2) lots to be served by a private road. (Yadira Amarante)
3. **SUB-01-063 Robert I. and Mary E. Webb Building Site Waiver Request** – Request for a waiver of Section 4.2.2.1 (a.), *Area Regulations*, to allow the dimensions of the building site on one of the lots within a proposed two lot subdivision, to exceed the dimensional ratio requirements. (Margaret Doherty)
4. **SDP 2000-120 Pantops Place Final Site Plan.** Request for disturbance of open space under Section 4.7.2 of the Zoning Ordinance. (Elaine Echols)
5. **Approval of Minutes** – February 27, 2001

Mr. Thomas moved for approval of the consent agenda.

Mr. Finley seconded the motion, which passed unanimously.

Items 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 Wood Road (Route 637), at the Ivy Exit off of Route 64. The property is zoned RA (Rural Areas) and EC (Entrance Corridor). The Comprehensive Plan designates this site as Rural Area. (Stephen Waller) ***DEFERRED FROM THE MARCH 13, 2001 PLANNING COMMISSION MEETING. APPLICANT REQUESTS INDEFINITE DEFERRAL.***

Mr. Loewenstein moved to accept the applicant's request for deferral.

Mr. Thomas seconded the motion, which passed unanimously.

b. **SP-2000-52 John Adams (Triton PCS) (Sign #51, 52, 53)** – Request for special use permit to allow a personal wireless facility, including a 91 foot high wooden pole, antennas, and ground equipment on a 30' by 30' lease area, in accordance with Section 10.2.2.6 of the Zoning Ordinance which allow for microwave and radio-wave transmission and relay towers. The property, described as Tax map 59 Parcel 20, contains 140.982 acres, and is located in the Samuel Miller Magisterial District 785 Verdant Lawn Lane, west of Rt. 250 and Rt. 677. The property is zoned RA Rural Area. The Comprehensive Plan designates this property as Rural Area. (Joan McDowell) ***APPLICANT REQUESTS DEFERRAL TO MAY 1, 2001.***

Mr. Rieley opened the item for public comment, there being none, he closed the public hearing.

Mr. Finley moved to accept the applicant's request for deferral.

Mr. Thomas seconded the motion, which passed unanimously.

c. **SP-2001-003 T.E. Wood (Triton PCS) (Sign #92, 93)** – Request for a special use permit to allow construction of a personal wireless facility with a 97-foot tall wooden monopole (87 feet above the height of the tallest tree within 25 feet), in accordance with Section 10.2.2.6 of the ZO which allows for microwave and radio-wave transmission and relay towers in the Rural Areas. The property, describes as Tax Map 88, Parcel 26, contains approximately 71.34 acres and is located in the Samuel Miller Magisterial District on Arrowhead Valley Road (Rt. 745), just east of 29S. The property is zoned Rural Area and EC and is designated as Rural Areas in the Comprehensive Plan. ***APPLICANT REQUESTS DEFERRAL TO MAY 1, 2001.***

Mr. Rieley opened the item for public comment, there being none, he closed the public hearing.

Mr. Loewenstein asked if this was a site for which the sign was already posted.

Mr. Cilimberg said that it should be.

Mr. Loewenstein moved to accept the applicant's request for deferral.

Mr. Craddock seconded the motion, which passed unanimously.

Deferred Item

a. **ZTA-2001-001 Sign Ordinance** – Ordinance to amend Chapter 18, Zoning of The Albemarle County Code, Section 4.15 Signs (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). ***DEFERRED FROM THE MARCH 27, 2001 PLANNING COMMISSION MEETING.*** (Amelia McCulley)

Ms. McCulley presented the staff report.

Mr. Loewenstein said that the ordinance text seemed reasonable to him, that it seemed to reflect the intent.

Mr. Finley asked if a business were having four sales per year, would they need to come back each time.

Mr. McCulley said that they would.

Mr. Finley asked if they would need to do that even if all four sales were scheduled in advance.

Ms. McCulley said they could do it in advance, but it would need to be reviewed each time.

Mr. Finley stated that if it all complies and they use the same sign each time, that seems rather cumbersome.

Mr. Cilimberg said they could get all four at one time.

Ms. McCulley said they would do whatever they could to administer them all at one time, but typically, the applicant is not ready to do that.

Mr. Thomas asked if they could use one fee for all four periods.

Mr. Finley asked what the objective of this ordinance was.

Ms. McCulley said temporary signs can be a major manpower consumer in terms of enforcement. The paper trail is necessary for review.

Mr. Finley asked if the objective was to keep from cluttering the neighborhood.

Ms. McCulley said the objective was to limit the amount of time the signs were used and to ensure that they are anchored properly.

Mr. Finley mentioned that there are churches who have been putting up the same banner for years, who would now have to get a permit to put up that sign.

Mr. Rieley asked if that was required now.

Ms. McCulley said that it is required now.

Mr. Finley said they are oblivious to any code at this time. He asked what would be gained by this regulation.

Ms. McCulley suggested that the commission might want to lean toward some kind of exemption, though not a wholesale exemption because, particularly in a commercial sense, these are some of our most frequent violators.

Mr. Loewenstein said if you receive a complaint, without the paper trail there is no way to determine whether or not the sign is in compliance.

Mr. Finley said that they are not intentionally breaking the law, they just don't know about it the law.

Mr. Rieley said they could discuss this further when they review the provisions of the ordinance.

Ms. McCulley discussed recommendations for design guidelines for temporary signs.

Ms. McCulley presented recommendations for regulation of exposed neon signs.

Mr. Rieley said he thought he was the one who raised this issue. He deferred to staff on this issue.

Mr. Thomas asked is this pertained to neon lighting inside of a building.

Ms. McCulley said that, generally, any type of sign or lighting inside a building is not considered a sign and is not subject to a sign permit. However, there are provisions for the ARB to address it.

Mr. Kamptner said that the draft states that the ARB would look at window signs.

Mr. Craddock asked is these were signs that were on the back wall that were still within view on the street.

Mr. Thomas stated that these were signs in the windows. He asked if this also applied to "open" signs in the windows.

Ms. McCulley asked if he was suggested that should be regulated.

Mr. Thomas said that he was not. He asked if it was regulated now or could it be.

Ms. McCulley said it was hard to determine the line, should you regulate any sign seen from outside or just those hanging in the window.

Mr. Thomas said the ARB would probably be the best place to review this.

Mr. Kamptner stated that we still want to narrow the scope. Right now, we are just looking at window signs.

Mr. Rieley asked the status of this item.

Mr. Kamptner said this is the public hearing on this ordinance. Suggested revisions will be incorporated.

Mr. Rieley asked if the issue of inside signs would be included.

Mr. Kamptner stated that this regulation needs to be further refined.

Ms. McCulley said that the way the ordinance is now written, the authority would be through a review of the site plan by the ARB.

Mr. Rieley asked if that was the staff recommendation.

Ms. McCulley said that until we find a better way, she is not sure how to do it yet.

Mr. Rieley opened the item for public comment, there being none, he closed the public hearing.

Mr. Loewenstein stated that it was his understanding that the impetus for restoring the height requirement to 30 feet was the number of variance requests being brought forth. With the idea of reducing visual clutter, rather than increasing the height 10 feet, could we not specify a longer period of time. He wondered why there were so many variances being approved. He asked if this was a staffing issue.

Mr. Kamptner stated it was really a requirement of the Virginia Code that triggers examination of ordinances generating variance requests. It may be an indicator that this ordinance is impractical or burdensome.

Mr. Loewenstein asked how many of these did we get over the last couple of years, how many were approved, and how long did it take. He stated that the proposal looks like a retrograde step.

Mr. Kamptner said there were 4 or 5 per year. The other reason that generated some requests were in buildings that are two stories, so that the signs could be located above the second story windows.

Ms. McCulley stated that she could only think of one request that had been denied in the last couple of years. She said that the original goal was to decrease the size of the signs, particularly in the residential areas.

Mr. Rieley stated that he is a little uncertain of the degree to which these applications are considered infeasible or impractical, as opposed to the fact that our sign ordinances are a little more stringent than surrounding areas. He is inclined to support this because of the origin of the request as well as the location of signs on a two-story building.

Mr. Cilimberg said that we may be seeing more of the multi-story buildings.

Mr. Loewenstein asked about political signs, the ordinance states that political expression is given that same rights as commercial expression. He pointed out that case law allows political the

same rights as non-commercial expression, but in this ordinance, we are allowing the to be the same size as commercial expression. He asked if that was correct.

Mr. Kamptner said that political expression is given as much square footage as anybody else, whether commercial or non-commercial.

Mr. Loewenstein said that cleared it up for him.

Mr. Kamptner pointed out the section on sign content, a one sentence section, which allows non-commercial copy to be placed any sign.

Mr. Rieley said he is impressed with the thoroughness of this application and the clear attempt to balance the needs with the public's interest.

Mr. Finley said he had a question on page 13, regarding banners. He asked if the use of a banner would be regulated as a temporary sign.

Ms. McCulley stated that you can't use a banner as a permanent sign, but it can be used as a temporary sign

Mr. Finley asked if a banner could be authorized.

Ms. McCulley said it could be authorized as a temporary sign.

Mr. Finley asked if the maximum would be 24 square feet.

Ms. McCulley said that was correct.

Mr. Rieley pointed out that most of the signs that go up above Market Street in Charlottesville would be in violation.

Mr. Finley pointed out that he could put up a sign saying "beans for sale" at home, but he can't put one up at church advertising bible school without a permit. He suggested there should be some type of consideration for those types of organizations.

Mr. Craddock asked if there was a waiver of the fee process.

Mr. Kamptner said the fees would apply to every organization.

Mr. Rieley said he thought that was a legitimate point in that agricultural use is specifically exempted but not ecclesiastical use.

Mr. Finley said there are all kinds of ecclesiastical viewpoints, not all are non-profit.

Mr. Rieley said the advice from counsel is that we can't legally treat these applications differently.

Mr. Kamptner said that was correct.

Mr. Loewenstein asked what would happen to Mr. Finley's bean sign or a sign for a car for sale.

Mr. Finley said it was exempt because of farm use up to four square feet.

Mr. Rieley asked if there was additional discussion.

Mr. Thomas moved for approval as presented.

Mr. Loewenstein seconded the motion, which passed unanimously.

b. **ZTA-2000-10 Appeal of Waivers, Modifications or Variation** – Ordinance to amend Chapter 18, Zoning of The Albemarle County Code, Sections 4.2.5 Modification of regulations; Section 4.10.3.1 Exceptions -–excluded from application; Section 4.12.7 Required off-street loading space; Section 4.17/5 Modification, waiver or variation; Section 4.18.07 Modification, waiver or variation; Section 5.1 Supplementary regulations; and Section 32.3.10 Waiver, variation; substitution. The amendments are regarding appeal of waivers, modification or variances by the Planning Commission to the Board of Supervisors and regarding waiver standards in Section 4.2.5 Modification of Regulations. (Wayne Cilimberg) ***DEFERRED FROM THE JANUARY 23, 2001 PLANNING COMMISSION MEETING.***

Mr. Cilimberg presented the staff report.

Mr. Rieley clarified that this was the change that Mr. Rooker had requested, attachment D reflects the language he had requested and attachment C reflects current staff recommendations.

Mr. Cilimberg said that was correct, and that attachment C was the original that went to public hearing.

Mr. Rieley asked if there was a deadline on this.

Mr. Cilimberg said there was not, but they are hoping to get it to the Board on May 9th, which is the current schedule.

Mr. Rieley opened the item for public comment, there being none, he closed the public hearing.

Mr. Loewenstein stated that he had some concern that Mr. Rooker was not here to review the application. He asked if this could be postponed until he returned.

Mr. Cilimberg said that if the commissioners felt comfortable with what was in C originally they could forward that section onto the Board and defer attachment D.

Mr. Loewenstein stated that he thought that was something to be considered at the same time.

Mr. Rieley asked if it could be placed on the next agenda in its entirety. He said that he would feel more comfortable with Mr. Rooker here.

Mr. Kamptner asked if it was possible to delay two weeks, as he would be out of town next week.

Mr. Cilimberg said that the meeting in two weeks is a joint city/county planning meeting.

Mr. Rieley asked if it would be appropriate to schedule an item prior to the joint meeting.

Mr. Cilimberg said we could ask them to attend at 6:30 p.m., which would give the commission a half-hour to discuss the item.

Mr. Rieley said he thought that would be appropriate.

Mr. Cilimberg verified that the commission wanted to defer it all.

Mr. Loewenstein verified that the Board would conduct a hearing.

Mr. Finley asked if Mr. Rooker requested deferral.

Mr. Loewenstein said he had not.

Mr. Finley asked about Mr. Cilimberg's suggestion.

Mr. Rieley said he can't see that it makes any difference, since it won't affect the timing.

Mr. Loewenstein moved to defer ZTA-2000-10 to April 24, 2001.

Mr. Thomas seconded the motion, which passed unanimously.

Public Hearing Items

a. **STA-2000-01 Subdivision of Ordinance** – STA-2000-01 would amend the Albemarle County Subdivision Ordinance (Chapter 14 of the Albemarle County Code) by amending Section 14-206, Subdivisions, and Section 14-213, General, to establish procedures for reviewing and approving subdivisions that would result in not more than two (2) lots with the Rural Areas (RA) and Village Residential (VR) zoning districts. (Wayne Cilimberg)

Mr. Cilimberg presented the staff report.

Mr. Rieley opened the public comment on the item, there being none, he closed the public hearing.

Mr. Loewenstein verified that there would be no requirement for abutting property owner notification.

Mr. Cilimberg said that there would not be, and that there had not been in the past.

Mr. Thomas moved for approval.

Mr. Craddock seconded the motion, which passed unanimously.

Old Business:

Mr. Rieley asked for any old business, there being none, the meeting proceeded.

New Business:

Mr. Cilimberg said that beginning very soon is the new review of the regional transportation plan for the city and county, which will now be known as CHART. There is a slot on the CHART committee for a County planning commissioner. He would like to have a volunteer or a selection for this committee. Meetings will begin soon. There is an initial review of an interim plan to be approved before June 1, 2001. There will additional meetings over the next year or more for the 2025 plan. It would be somewhat of a commitment. The 2025 study is due by 2005, but the intent is to do it more quickly. He proposed discussing it at the next meeting.

Mr. Rieley said that was a good idea to wait until the full commission was present.

There being no further business, the meeting adjourned at 7:25 p.m.

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V. Wayne Cilimberg, Secretary

Recorded and transcribed by Lynda Myers, Recording Secretary