October 23, 2001

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, October 23, 2001 at 6:00 p.m. at the County Office Building, 401 McIntire Road, Charlottesville, Virginia. Members attending were: Dennis Rooker, Chairman; William Rieley, Vice Chair; Rodney Thomas, William Finley, Tracey Hopper, Jared Loewenstein, and Pete Craddock. Other officials present were Greg Kamptner, Wayne Cilimberg, Dan Mahon, Steven Biel, and Joan McDowell.

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

Other Matters Not Listed on the Agenda from the Public

Mr. Rooker asked for additional items from the public.

Mr. Jeff Werner, of the Piedmont Environmental Council, updated the commission on the siting of the Peter's Mountain Tower. He asked if there was any serious interest in considering an alternative siting for the tower. The PEC has been asked to prove the value of alternatives, but the RCC's report does not do this. Had the Frost property not become available, of what possible value would the RCC report have been to the County? In fact AT&T has twice said no to a site on their property due to concerns for interference. Has anyone considered that AT&T might vigorously oppose this tower? RCC's report does not give the County options, nor does it offer an alternative should Peter's Mountain become unavailable. RCC fails to cite any concern for the cost of the site. The approval of the five existing towers has possibly become a defacto approval.

There being no further comment, the meeting proceeded.

Consent Agenda

a. **SUB-01-217 Old Ivy Offices Final Plat** – Private road request and a reduction of loading space request. (Francis MacCall)
b. **Resolution of Intent for fill and waste** (Michael Barnes)
c. **Approval of Minutes** – September 18, 2001

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

Ms. Hopper called to the Planning Commission's attention that the fill and waste ZTA refers to a resolution that is not attached.

Mr. Rieley said he thought this leaves open the issue of material other than concrete, bricks and rubble.

Mr. Kamptner replied that there is a class of inert materials defined in the state's solid waste regulations, which goes beyond those listed.

Mr. Kamptner said that under the old regulations, stumps are allowed. Under the new regulations, they are limited just soil and rock, naturally occurring. This ZTA came forward around the same time.

Mr. Rieley asked if that meant that stumps would have to be taken to a landfill.

Mr. Kamptner replied that they couldn't be placed in fill under the regulation. It is now excluded from that.

Mr. Rooker said he thought Mr. Rieley was suggesting including stumps.

Mr. Rieley said he wonder if we could consider it under this resolution of intent.

Mr. Rooker stated that this is a resolution of intent to consider amending the ordinance. We can ask staff to look into the stump idea.

Mr. Kamptner said that the amendment that deleted natural materials was in order to comply with current state law.

Mr. Rieley said that if there was not a good reason not to, it should be included.

Mr. Finley moved for approval of the consent agenda.

Mr. Loewenstein seconded the motion, which passed unanimously.

Item Requesting Deferral

a. **SP-2001-031 Orrock (nTelos) (Sign #52)** – Request for special use permit to allow the construction of a personal wireless communications facility ten feet above the tallest tree within 25 feet (with an approximately 99-foot tall steel monopole) and related ground equipment, 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 Route 53, approximately 1/8 mile west of the intersection with Milton Road (Route 732). The property is zoned RA (Rural Areas) in Rural Areas 4 of the Comprehensive Plan. (Steven Waller) ***STAFF REQUESTS DEFERRAL TO NOVEMBER 13, 20001.***

Mr. Rooker opened the public hearing. There being no comment, the hearing was closed.

Mr. Loewenstein moved to accept staff's request for deferral to November 13, 2001.

Mr. Finley seconded the motion, which passed unanimously.

Deferred Item

a. **SP-2001-001 Beverage Tractor & Beverage, Inc (Sign #36 & 37)** – Request for special use permit to expand previously permitted [SP99-068] outdoor display and storage of farm equipment in accordance with Section 30.6.3.2(b) of the Zoning Ordinance, which allows for outdoor storage, display, and sales in the Entrance Corridors. The property, described as Tax Map 79 Parcel 4P, contains 2.56 acres and is located in the Rivanna Magisterial District on Richmond Road (Route 250 E) at the northeast corner of the intersection with Hunter's Way (Route #1146). The property is zoned Highway Commercial (HC) and Entrance Corridor (EC). The Comprehensive Plan designates this property as Rural Area. (Dan Mahon) ***DEFERRED FROM THE AUGUST 28, 2001 PLANNING COMMISSION MEETING.***

Mr. Mahon presented the staff report.

Mr. Thomas asked if the evergreen tree would stay there.

Mr. Mahon replied that it was actually a pin oak and would stay in place.

Mr. Mahon said that the plantings were placed there due to the entrance corridor.

Mr. Thomas asked if the entrance corridor was also dictating the colors of the equipment on display.

Mr. Mahon replied that the report mentioned that there was multi-colored equipment on display. There were no recommendations about what color of equipment can be displayed. The Board was really looking at the height of the equipment.

Ms. Hopper pointed out that the pin oak would lose its foliage in the winter months.

Mr. Mahon said there are some plantings that will develop to provide screening.

Ms. Hopper asked if the equipment is in those areas marked in yellow that haven't been approved.

Mr. Mahon replied that it was.

Ms. Hopper pointed out that that is in violation of the past permit. Will the special use permit be followed and respected?

Mr. Mahon replied that there was a previous violation in that all of the shrubbery shown on the plan was not planted. There was a concern at one point due to the clearing of some kudzu from the rear of the property.

Ms. Hopper said she knows that enforcement is a huge issue; there just aren't enough zoning officers to catch all the violations.

Mr. Loewenstein stated that some of the conditions really require pretty close adherence to satisfy the requirements of the SP. It not only involves the installation of landscaping in precise ways, but it involves maintenance in fairly precise ways and fairly precise distance requirements. He wonders if zoning will be overwhelmed trying to enforce these conditions.

Mr. Craddock asked if the previous problem happened before Beverage Tractor located on the site.

Mr. Mahon replied that it was.

Mr. Craddock verified that violation was not the responsibility of Beverage Tractor.

Mr. Mahon replied that it was not, that they have inherited a site with history.

Mr. Craddock asked how the 9' requirement was determined.

Mr. Mahon replied that staff asked for the average height of their equipment, they replied that most of it was under 9'. The zoning staff has said that measurements added to the conditions help them.

Mr. Rieley said there was a discussion of grading to bring things into the same elevation and to further obscure these display areas. He asked Mr. Mahon to point those out on the map and let us know where the fill occurs.

Mr. Mahon replied that one of the recommendations the ARB had was that these terraces be combined into one in order to reduce the appearance. Engineering determined it would create more impact on the site to change the slopes.

Mr. Rieley stated that the current recommendation is not consistent with the ARB's recommendation.

Mr. Mahon replied that was correct, based on engineering's analysis of the site.

Mr. Finley asked if 9' was the maximum height of the equipment.

Mr. Mahon replied that was the height reported from the applicant.

Mr. Rooker said that the screening height is related to the maximum height of the equipment.

Mr. Loewenstein pointed out that the first condition states that the item itself cannot be any taller than 9'.

Mr. Rooker said he thought they've set the height of the screening trees based on that.

Mr. Finley stated that if it sits up on the hill, it will be above the screening anyway.

Mr. Mahon replied that it was determined that the taller equipment would not be visible if it were placed behind the building.

Mr. Rooker asked Mr. Cilimberg to provide some insight into the ARB's scope of authority.

Mr. Cilimberg replied that they had two roles in this case. They could advise you not to approve the special use permit because of the effect on the entrance corridor.

Mr. Cilimberg stated that the second is for them to have those conditions for the issuance of the certificate of appropriateness.

Ms. Hopper said she noticed in the conditions that engineering's recommendations were not included.

Mr. Mahon replied that was included in attachment F.

Ms. Hopper said she would like to see that included in the conditions.

Mr. Thomas asked what the blue pole was.

Mr. Craddock replied that was the old Lowe's sign. With those trees there you really can't see anything up there anyway.

Mr. Mahon said that one of the other recommendations was to leave the existing vegetation out there.

Mr. Rooker opened the public hearing.

Mr. Charlie Beverage spoke as the applicant. He pointed out that nothing could be displayed on the site that is over 9' tall. I think that we have complied with the current request to move from the areas that are not approved as yet. We did put things on the top deck so that pictures could be taken. We would like to screen the site so that it cannot be seen from the entrance corridor. We would be willing to make marks on the ground or build a post to mark the boundaries so that it would be easy to determine compliance.

There being no further comment, the public hearing was closed.

Mr. Rooker asked about the seeming inconsistent treatment of outdoor displays, particularly in the entrance corridor. To what extent are we required to treat various applicants the same way?

Mr. Rieley said he thought it was a fair question. One aspect he found troubling was that this property is adjacent to, in fact, owned by the Jefferson Estate. The Shadwell property was recently put under easement to preserve it. That should color our consideration a little bit. This use is consistent with the zoning. The display of tractors in a pastoral setting is different from Food Lion. It seems that there is enough storage space in front of and to the side of the building. It would seem reasonable to ask the applicant to limit the additional storage space to the rear.

Mr. Rooker said he thought that was a good point. One significant difference is that there was not a lot of screening from the road. Perhaps we should consider allowing the expansion at the rear of the building, which would double the current display area.

Mr. Loewenstein said he was assuming that in order to accomplish that, there would have to be a fair amount of grading.

Ms. Hopper pointed out that there was not supposed to be any land disturbance in this application.

Mr. Rieley said he would feel differently about it if it were all going to be re-graded.

Ms. Hopper said that if we did limit the amount of display area we could do that in a way to limit the visible areas as much as possible.

Mr. Thomas we seem to be real concerned with the Monticello viewshed. Maybe Mr. Beverage would like to use the front for display.

Mr. Rooker said that's the very reason why we limit the activities in the entrance corridor, to limit that kind of activity.

Mr. Thomas asked if anyone from Monticello had commented on the display.

Mr. Rieley said his concern was Shadwell.

Mr. Finley asked what's wrong with a few colors when you have fields of automobiles.

Mr. Rieley said no one has proposed eliminating the display area. His concern was expanding the display are in the part of this that's closest to the 250 corridor and an internationally historic site.

Ms. Hopper pointed out that this site has had recurring zoning violations so it would have to be monitored. She said she liked the idea of having posts to mark the display area.

Mr. Craddock asked if the visible area was from Route 250. This site is less obtrusive than another tractor display that is right on an entrance corridor. Pin oaks and a building hide this site. This building was originally a Ford tractor dealership, which had tractors displayed.

Ms. Hopper said she thought it was a question of balance between the applicant's needs and the community's needs in expanding this display area so drastically. She would like to limit the display in terms of visibility.

Mr. Rooker suggested approving everything behind the back of the building.

Mr. Loewenstein asked if that would be possible without additional grading.

Mr. Rooker replied that was what engineering had indicated.

Ms. Hopper said she thought that should be a condition.

Mr. Rooker pointed out on the map that the only thing that would come out would be the piece right in front of the building.

Mr. Cilimberg stated that there are references in terms of number on the attachment.

Mr. Rooker indicated that section 1 would not be visible from 250.

Ms. Hopper said she had no concern about that.

Mr. Rooker brought up section 2.

Mr. Craddock said that was fine.

Mr. Rooker verified that what we are really talking about is section 3 and half of 4.

Mr. Craddock pointed out that you can't see 3 because it's on the bank.

Mr. Rooker said he would not have any objection to 3.

Ms. Hopper said she would like to consider excluding the visible part of 4.

Mr. Rieley would like to exclude 4 in its entirety.

Mr. Finley said he did not disagree with any of the requested areas.

Mr. Rieley said that we are basically down to eliminating section 4, which is a small percentage of the overall application.

Mr. Rooker asked Mr. Beverage to speak to this request.

Mr. Beverage asked the commission to allow him to take section 4 from the rear of the building back and allow him to screen it so it cannot be seen from the entrance corridor.

Mr. Rieley asked if he had any problem with the limitation of no grading on the site.

Mr. Beverage replied that there is no grading planned, it is a non-issue.

Mr. Loewenstein moved for approval subject to the following conditions:

1. Items for display shall not be taller than nine (9) feet;
2. Displayed items shall not be elevated;
3. Revise the Final Site Plan by numbering the display areas as identified in the preliminary ARB comments (see attachment-on file);
4. Revise the landscape plan as follows:
    1. Add double staggered rows of evergreen trees eight (8) to ten (10) feet tall at the time of planting spaced six (6) feet on center. This screening shall be located at the southeast corner of area 1 and at the southeast corner of area 4;
    2. At the southwestern edge of area 3 add a double staggered row of evergreen shrubs twenty-four (24) inches tall at the time of planting spaced five (5) feet on center; and
    3. The landscape plan shall include a planting schedule that shows the number and species of the proposed plants and the size of the plants at installation;
    5. No additional lighting shall be introduced to the site for the purpose of illuminating this display;

6. Include a note on the plan "that existing vegetation will remain" and accurately identify the extent of vegetative cover that exists on the east side of the site;
7. Include a note on the plan indicating that the "shrubs surrounding area 1 shall not be pruned below a height of five (5) feet";
8. The storage of crates, containers, and other items, and/or the display of equipment over five (5) feet in height, shall be limited as follows (see attachment-on file):
    1. Southern Terrace (area 5): storage/display shall not occur within one hundred (100) feet of the western property line and one hundred fifty (150) feet of the eastern property line;
    2. Northern Terrace (area 6): storage/display shall not occur within sixty (60) feet of the western property line and one hundred seventy (170) feet of the eastern property line;
    3. Northeastern Corner (area 7): storage/display shall not occur beyond eighty (80) feet of the eastern property line;
    4. Storage of items may not occur in areas 1, 2, and 3 as identified on the plan attached (on file) to the staff report; and
    5. Revise the site plan to show that display and storage in area 4 will not be permitted any further south than the line formed by the rear of the building;
9. Use railroad ties, timbers or posts to help delineate the permitted display and storage areas;
10. No land disturbance will occur; and
11. All existing critical slopes must be stabilized.

Mr. Rieley seconded the motion, which passed unanimously.

Public Hearing Items

a. **SP-2001-041 Mott Bros. Handcrafted Furniture LLC (Sign #72)** – Request for special use permit to allow a custom artisan furniture shop in accordance with Section 10.2.2.31 of the Zoning Ordinance which allows for a home occupation, Class B. The property, describes as Tax Map 48, Parcel 25, contains 99.02 acres, and is located in the Rivanna Magisterial District on Stony Point Pass (Route 600), approximately .6 miles from the intersection of Route 600 and Route 20. The property is zoned Rural Area. The Comprehensive Plan designates this property as Rural Area. (Steven Biel)

Mr. Biel presented the staff report.

Mr. Loewenstein asked about the disposal of waste materials described in the application, should that be a part of the conditions for approval?

Mr. Rooker said he thought that was a good idea.

Mr. Rooker opened the public hearing. There being no comment, the hearing was closed.

Mr. Rooker said he thought this was a worthwhile application and that he had no problem supporting it.

Ms. Hopper suggested adding the requirement that there be no employees hired.

Mr. Cilimberg said that was actually written into the ordinance.

Mr. Rooker said this would enable him to have two employees without coming back to us.

Mr. Thomas moved for approval with the conditions as amended.

1. There shall be no on-site sales.
2. There shall be no outdoor storage of materials.
3. All production activity of the custom-made furniture shall occur within the confines of the existing 24' x 18' shed.
4. All waste materials shall be disposed of in accordance with hazardous waste regulations.

Mr. Rieley seconded the motion, which passed unanimously.

c. **SP-2001-034 Augusta Lumber Shed Construction (Sign #53)** - Request for special use permit to allow construction of a lumber shed by amendment of an earlier permit in accordance with Section 10.2.2.14 of the Zoning Ordinance which allows for sawmills, planing mills, and woodyards. The property, described as Tax Map 99 Parcel 49A, contains 20.639 acres, and is located in the Samuel Miller Magisterial District on Route 712 approximately 0.25 miles from its intersection with the Norfolk Southern Railway. The property is zoned Rural Areas. The Comprehensive Plan designates this property as Rural Area (Joan McDowell)

Ms. McDowell presented the staff report.

Mr. Rieley asked if there had been any feedback from neighbors.

Ms. McDowell replied that there had not been.

Mr. Rooker opened the public hearing.

Mr. Michael Passerell, the applicant, wants to store dried lumber until business gets better. The lumber cannot sit outside once it has been dried; it needs to be stored in a dry area. This building would just be used to store lumber; there is no equipment or noise involved. He stated that they would meet all the requirements.

Mr. Rieley asked which building is the proposed one.

Mr. Passerell replied that it is #12.

Mr. Rieley asked if they ever did any custom cutting and drying.

Mr. Passerell replied that they did custom cutting but not drying. We are totally high-grade hardwood and generally cut and dry lumber for our flooring business.

Mr. Finley verified that once it's sent through the kiln the lumber has to be put under shelter.

Mr. Passerell described the process. He said that we don't want to lay people off because business is extremely slow right now. If our sheds fill up, we are really going to be at a standstill.

There being no further comment, the hearing was closed.

Mr. Loewenstein said he thought this was a reasonable use in the rural area.

Mr. Rieley moved for approval with conditions.

1. Conditions of approval for SP-82-09 as amended by SP-90-61 and SP-91-47 shall apply.
2. The subject storage shed shall be located on the property in general conformance with the sketch plan entitled "August Lumber SP 01-34", subject to standards within Section 5.1.15 of the Albemarle Zoning Ordinance.

3. The subject storage shed shall be restricted to the following purposes:
   a. storage of lumber
   b. sorting of lumber
4. No noise generating production equipment shall be used within the subject building.

Mr. Loewenstein seconded the motion, which passed unanimously.

b. **SP-2001-037 St. John The Baptist Episcopal Church (Sign #65)** – Request for special use permit to allow expansion of the St. John the Baptist Episcopal Church in accordance with Section 10.2.2.35 of the Zoning Ordinance which allows for church buildings and adjunct cemeteries. The property, described as Tax Map 73 Parcels 20, 20B, 28A and 28B contains 7.8 acres, and is located in the Samuel Miller Magisterial District on Dick Woods Road (Route 637) approximately 0.2 miles from the intersection of Routes 637 and 682. The property is zoned RA Rural Areas. The Comprehensive Plan designates this property as Rural Area. (Joan McDowell)

Ms. McDowell presented the staff report.

Mr. Craddock asked if the parcels are consolidated, would they lose the development rights.

Ms. McDowell replied that they have already consolidated them.

Mr. Rooker opened the public hearing.

Ms. Nancy Sprouse, representing the applicant, said that the parish hall was built in the 1930's. What we are trying to do is to accommodate Easter and Homecoming Sundays, which overflow the building currently. 10 families have raised the money to build the addition. On average Sunday, we have no more than 8 cars in the parking lot. We have 10 paved parking spaces currently. The County has requested the addition of more parking spaces, which we will accommodate.

Mr. Loewenstein asked if those spaces would be paved.

Ms. Sprouse said that the spaces are there already, but the grass has come up through the gravel. The area is gravel almost all the way to the road.

There being no further comment, the hearing was closed.

Mr. Rieley suggested changing #2 so that its clear that the 6" depth includes what is already there. As with other churches in the rural area, we have not typically required site plan and meeting commercial entrances. With 10 or 12 cars on a Sunday, we should leave out #5 and perhaps grant a site plan waiver. It does not seem to be warranted in this case.

Mr. Cilimberg said that if you remove the commercial entrance requirement, the site plan may not even be necessary.

Mr. Rieley suggested leaving out #5 altogether.

Mr. Rieley moved for approval with the following conditions:

1. The building expansion shall be in general accord with the sketch plan titled "Sketch Showing Proposed Addition to Parish Hall and Additional Parking Property of St. John the Baptist Episcopal Church" by Roudabush and Gale, dated September 25, 2001 (Attachment A).
2. The proposed parking areas shall be constructed at a six-inch depth using #21 or #21A gravel prior to the issuance of a Certificate of Occupancy, with existing gravel used as a base for new improvements.

3. Prior to the issuance of a Building Permit, the subject parcels, described as Tax Map 73 Parcels 20, 20B, 28A and 28B, and shall be consolidated into one parcel.
4. Health Department approval of well and septic systems shall be required.

Mr. Craddock seconded the motion, which passed unanimously.

Work Session

a. Rural Area Infrastructure – Defer to October 30, 2001, 4:00 p.m., Meeting Room #235 (Joan McDowell)

Old Business

Mr. Cilimberg said the work session scheduled for tonight will be done at 4:00 p.m. next week.

There being no further business, the meeting adjourned at 8:15 p.m.