November 13, 2001

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, November 13, 2001 at 6:00 p.m. at the County Office Building, 401 McIntire Road, Charlottesville, Virginia. Members attending were: Dennis Rooker, Chairman; William Rieley, Vice 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

Mr. Mike Stogoski, of the Highlands Homeowner's Association, said that we are disappointed that the meeting was deferred on such short notice. He does hope this is a good sign with the applicant. We are very pleased with the outcome of the Architectural Review Board meeting. We also want to thank the planning staff, particularly Margaret Doherty, for letting us know our options.

Mr. Rooker said the item would only be brought up to consider the request for a deferral to January 15, 2002. The applicant will significantly redesign the proposal to meet the requirements of the Architectural Review Board.

Mr. Stogoski pointed out that this shows the considerable concern within the community about this development. He thanked everyone for attending the meeting.

Review of Board of Supervisors Meeting – November 7, 2001

Mr. Benish said that the only item the commission had reviewed previously was the six-year secondary road plan. The Board held a work session to discuss the plan and set a public hearing for January.

Consent Agenda

Mr. Rooker asked if anyone wished to remove an item from the consent agenda.

Mr. Thomas moved for approval of the consent agenda.

a. **Sugar Hollow Addition Agricultural/Forestal District** – Addition of five parcels totaling 132.251 acres to the Sugar Hollow Agricultural/Forestal District. The proposed addition is located on Route 614 approximately 0.25 miles from its intersection with Rt. 674. The existing district contains 4,793.488 acres. (Scott Clark) ***PLANNING COMMISSION MUST TAKE ACTION TO REFER REQUEST TO THE ADVISORY COMMITTEE***

b. **Moorman's River – Withdrawal Agricultural/Forestal District** – Withdrawal of 43.577 acres from the Moorman's River Agricultural/Forestal District is located in the Jack Jouett Magisterial District on Route 601 approximately .75 miles from its intersection with Route 676. (Scott Clark) ***PLANNING COMMISSION MUST TAKE ACTION TO REFER REQUEST TO THE ADVISORY COMMITTEE***

c. **SUB 2001-226 Albemarle Housing Improvement Program Preliminary Plot** – Request for permission to allow a private road serving a five (5) lot subdivision 24.734 acres on zoned RA, Rural Areas. (Stephen Waller)

d. **SUB 2001-182 Fontana Land Trust (Lot 118 and Residue Parcel) Final Plat** – Request for authorization to construct an internal private road for two lots. (Margaret Doherty)

Ms. Hopper seconded the motion, which passed unanimously.

Item Requesting Deferral

a. **SDP 2001-095 Shadyside Commons Preliminary Site Plan** – Request for preliminary site plan approval for 81 townhome units in 14 buildings on 16.65 acres zoned Residential (R-4). The property, described as Tax Map 57 Parcel 29 is located in the White Hall Magisterial District, in the Crozet Community, on Route 240 approximately 2 miles east of the intersection of Route 240 (Three Chopt Road) and Route 810 existing homes in Highlands and Route 240. The Comprehensive Plan designates this property as Neighborhood Density (3 t0 6 units per acre). (Margaret Doherty) ***APPLICANT REQUESTS DEFERRAL TO JANUARY 15, 2002***

Mr. Loewenstein moved to accept the applicant's request for deferral to January 15, 2002.

Mr. Rieley seconded the motion, which passed unanimously.

Deferred Items

a. **ZMA-99-11 Clover Lawn Village (Preston Stallings) (Sign #42)** – Request to rezone 6.80 acres from R-1 Residential district and HC Highway Commercial to PD-MC Planned Development Mixed Commercial. The property, described as Tax Map 56 Parcels 107, 107A and 107A1 is located in the White Hall Magisterial District on Rockfish Gap Turnpike, Route 250, West, across the street from the Blue Ridge Building supply at 5221 Rockfish Gap Turnpike. The Comprehensive Plan designates this property as Neighborhood Density Residential, recommended for 3-6 dwelling units per acre and Neighborhood Service in the Community of Crozet. (Elaine Echols) ***DEFERRED FROM THE SEPTEMBER 18, 2001 PLANNING COMMISSION MEETING***

SP-2001-006 Clover Lawn Village (Preston Stallings) (Sign #41) – Request for a special use permit to allow residential uses in PDMC zone. (Elaine Echols) ***DEFERRED FROM THE SEPTEMBER 18, 2001 PLANNING COMMISSION MEETING.***

SDP 2001-016 Clover Lawn Village – Request for preliminary site plan approval for mixed residential and commercial uses on 6.8 acres zoned R-1 Residential and HC Highway Commercial. (Elaine Echols) ***DEFERRED FROM THE SEPTEMBER 18, 2001 PLANNING COMMISSION MEETING.***

Ms. Echols presented the staff report.

Mr. Kamptner said that he saw the proffers and his changes are non-substantive.

Ms. Echols continued her presentation.

Mr. Thomas asked what the setback was from Route 250 to the biofilter.

Ms. Echols replied that it was a 30-foot commercial setback with 10 feet to the stormwater management area. Landscaping will be planted in that area. She has been cautioned by the engineering department not to put too much stock into the design because it is preliminary. The engineer believes that it could be reoriented.

Mr. Loewenstein asked if staff is primarily impressed by the density recommendation because of the design.

Ms. Echols replied that that has always been the staff's position. The Neighborhood Model articulates density by design. The staff has never been comfortable with the design because we did not believe there was a central recreational amenity, which supported the density adequately. We also note that a part of the site is noted as commercial service. Within that land use category the comprehensive plan

talks about urban density as a secondary use. We find that there is enough justification there to support the density shown on the site.

Mr. Rieley pointed out that on previous submittals, the floor plan of the commercial buildings had an expression of the towers that we see in the elevations. Is that a change that has been discussed?

Ms. Echols replied that it was not, she suggested discussing that with the applicant.

Mr. Craddock asked if the five residential units had been addressed.

Ms. Echols replied that they are at the option of the applicant, whether or not that will be provided.

Mr. Craddock asked if that would be five for each building.

Ms. Echols replied that it would be a total of five.

Mr. Rooker verified that the elevations are being proffered.

Ms. Echols replied that was correct.

Mr. Rooker stated that those features are being proffered, even if they aren't shown on the floor plan.

Mr. Rieley said that the last time they saw this, they saw an elevation that went all the way across the front and now we only see a piece of that.

Mr. Rooker asked if he thought that the elevations alone are not sufficient to incorporate those design elements.

Mr. Rieley said it seemed to him that there is either a conflict or a change between the two.

Mr. Finley asked about the 25' strip reserved for future dedication.

Ms. Echols replied that it begins at the property line and there is another triangular piece that they are also proffering to make available. It begins at the property line, not at the right-of-way line.

Mr. Finley said isn't the property line the center of Radford Lane.

Ms. Echols replied that it was.

Mr. Finley verified that it was 25' from the center, over.

Ms. Echols replied that was correct.

Mr. Kamptner asked if proffer 1 addressed Mr. Rieley's concerns.

Mr. Rieley replied that it did not, but thanked Mr. Kamptner for pointing it out.

Mr. Rooker opened the public hearing.

Ms. Jo Higgins spoke for the applicant. The two-townhouse blocks that may have some visibility from Route 250 would go to the ARB. The photo shows three variations of what the rear would look like. The second item, the stormwater basin, the latest they have verified is that there is some capacity in the Great Eastern basin. We have proffered to join in that, in the event that it is available. Potentially, those issues will be worked out. About the elevations on the commercial, earlier we had a dogleg to this building; it is now a rectangular building. There will be only one cupola on each building. The "L" of this building did not affect the front elevation.

Mr. Rieley stated that on our package, the step-out is gone.

Ms. Higgins replied that the tower never was the full length of the dogleg. She said they could provide that.

Mr. Rieley stated that the commission has asked repeatedly for the some three-dimensional expressions of the buildings. He said that those would be very helpful. We don't have a plan view expression of the new design.

Mr. Loewenstein said that the footprints that are shown here indicate clearly that there are four bays, which are not reflected in the footprint.

Ms. Higgins replied that the porches and deck areas are not shown.

Mr. Loewenstein stated that the footprint does not give the impression here that there are any sort of projections whatsoever.

Mr. Rieley said it looks like the plans and the elevations don't go together.

Ms. Higgins replied that the elevations are proffered but that the footprint might have some details not shown. She said that they could, in the final plan, make sure that they agree exactly.

Mr. Rooker asked if there is a projection of those four areas.

Ms. Higgins replied that they are porch-like frontages and an overhang on the eastern end. At the final plan it has to exactly match, but it does not exactly match in the preliminary plan. We are pleased with the preliminary plan before you. The proffers expand the traffic signal participation. The time has been extended to 10 years to allow participation. The triangle at the intersection could be accommodated within this plan. The number of units has been decreased from 27 to 24. We would attempt to accommodate the five units above the commercial, we are not quite sure that there would be a demand for those.

Mr. Rooker asked if she had given any thought to rotating the units on the Southern side by 90 degrees.

Ms. Higgins replied that they went through four or five different concepts. We were trying to maintain a recreational area that did not have ownership to any particular unit. We had a pedestrian system that was kind of interwoven through the front of the buildings. That system was against the grade. There is a requirement to do a buffer landscaping. We thought that we could accommodate some privacy for units. We tried to give the site some quality and symmetry.

Mr. Rooker said that as it stands now, from the commercial area, you look on the backs of rows of townhouses. If you were to rotate the southern units by 90 degrees, they would face the recreation area, back up to parking and provide a view of something other than the backs of townhouses.

Ms. Higgins stated that they thought the screening would do a lot to help the backup. We thought it was a problem to make the walk such an extended one from the parking area. We did consider that, but they were discarded for those reasons.

Mr. Rieley said he was just sketching out what Mr. Rooker suggested, he said that he is not seeing the conflict. It seems they all back onto open space, and would allow people to look from the parking lot into the sides and fronts of all the units and into the backs of none of them.

Ms. Higgins said it was part of how the grades went in trying to accommodate the footprint of the townhouses. We didn't want any particular townhome to feel ownership. It fits with the topography to

have the front pathway effect. There will be a substantial number of trees between the rear of those townhouses and the parking lot.

Mr. Finley agreed that it would easier to buffer as its shown.

Ms. Higgins said that with the width of these units, it would decrease the allowable buffer.

Mr. Craddock asked how much buffering would go in there.

Ms. Higgins replied that there is a required buffer strip. We didn't develop a landscaping plan at this point because we were hoping to address the landscaping issues with the ARB. A complete strip of trees is required. They are 15' on centers or you can stack them. It is almost as substantial as the buffer between the eastern, northern and western boundaries.

Mr. Scott Peyton, president of Scenic 250, said that they did e-mail a correspondence late this afternoon. Given that you have received that, Scenic 250 continues to believe that this is the wrong plan in the wrong location. The applicant has never taken into consideration your recommendations with regard to density. They have not done everything they could with regards to the alignment with Radford Lane.

Mr. Rooker asked what more should the applicant do.

Mr. Peyton replied that they feel there should be a coordinated effort with the development across the street. We do not believe that dialogue has taken place.

Mr. Peyton said that they are also concerned about the lack of a landscaping plan. We have a very strong example from the same applicant with the Corey Farm subdivision. In a total concept, the real concern we have is with what is before the Commission tonight. It is not clear to us at all what this development would look like from Route 250. We strongly urge you to reject this proposal as it is currently made.

Mr. Bob Cross, a resident of Radford Lane, said there are several things that can be done by this applicant. As you recall, Great Eastern proposed flipping their site and perhaps a joint stormwater management between the two sites. We on Radford Lane are left hanging out there. We recommend that the two sites should be tied together to solve the traffic problem. It would be a significant error not to address the problem at this particular point. We would ask that at minimum any approval be made contingent on the alignment. Safety is a real issue.

Mr. Rooker asked if nothing was done on this site and the Food Lion developed on the other side of the road and they don't change the entrance, wouldn't that leave you in the same situation. He said it appears that the main entrance to this development is in the center of the development. He is trying to work out why this development has anything to do with the alignment of Radford Lane.

Mr. Cross replied that it has to do with safety on 250.

Mr. Rooker asked how it is that this development impacts that misalignment.

Mr. Cross replied that the issue was responsibility. Mr. Stallings is the owner of both sites. As everybody has recognized, we are dealing with a mistake. There has to be a responsibility for this mistake and for correcting it.

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

Mr. Rieley agrees with staff that this is the best proposal we've seen yet. It is better organized, would function better than the previous ones. On the issue of the disconnect between the proffered plan and proffered elevation, we would want to tie approval to the previous floor plan that was reflective of the elevations. One issue that keeps coming up is that of overall density. The neighbors have consistently

suggested two things, there are too many units and are too much alike. He suggested the possibility of making the two westernmost buildings single-family residences. That would still leave a substantial number of units. He said he likes the idea of rotating the building 90 degrees. We are trying to build communities. In this new community, we have a block of housing with their backs turned toward the commercial. He said he couldn't see anything that would preclude amending that orientation. He was worried about the limits of the connection between the Radford Lane alignment and the alignment with the Food Lion. He did agree that we should insist on the maximum amount of flexibility in that area to allow that connection in the future. If we had some proffered language that would make that land available in the event that a regional basin water is built that would be helpful. He was worried that Radford Lane cannot move easily in the future. It seems that the tot lot should be toward the northern edge of the site rather than toward the parking area. Having the residential units above the commercial units as the only allowable use would be a big move in the right direction.

Mr. Finley asked how many of the southern units would be rotated.

Mr. Rieley said that if the three to the south and east were rotated, and if the two on the western side became single family residences, that would do what we were talking about. The grading would be easier with a single-family residence.

Mr. Finley asked if the back would be toward the parking lot.

Mr. Rieley replied that the back would be toward the lawn recreation area. He suggested turning them so that you make an "L" shaped courtyard.

Ms. Hopper said she would like the applicant to provide landscaping proffers to the Board of Supervisors.

Ms. Echols replied that the important part of dealing with landscaping proffers is that the ARB's hands are not tied. Landscaping is totally within the purview of the ARB and they want to see the preliminary landscaping plan prior to its going to the Board. We are reluctant to ask for landscape proffers because we want the ARB to have maximum flexibility.

Ms. Hopper asked if the ARB reviewed Corey Farm.

Ms. Echols replied that she did not think they would have because it is a single-family development.

Ms. Hopper verified that this would be reviewed with a different level of scrutiny. She verified that the ARB would also be able to address the issue of the lit cupola. Mr. Rieley brought up the disconnect between the proffered plan and the proffered elevations. She suggested that we make sure the plan matches the proffered elevations. Regarding the single family residences, we spent so much time talking about symmetry and Van Storches plan, she said she really thinks the applicant has worked hard on that. She believes the "L" plan is a good idea, it makes the two more connected. She would not need the applicant to agree to single family residences to vote for the approval of this plan. On the alignment, she likes Mr. Rieley's idea that if the regional basin is available to the applicant, and that land at the front of the property is not tied up, that the applicant proffer that it can be used to achieve the alignment of Radford Lane.

Mr. Finley asked how flexible was the Food Lion plan.

Mr. Rieley replied that if there were no opportunity to do that, then they would have to figure out a way to make it line up with Radford Lane as it is now.

Mr. Finley asked if that would be contingent on the stormwater management area moving across the road.

Mr. Rieley said that he is suggesting that if this stormwater facility becomes available, it might be good to have a mechanism that kicks in that would allow for the alignment of Radford Lane.

Mr. Finley said that if it is not possible for Food Lion to align directly, then you would need that flexibility.

Mr. Rieley said that once we pass this threshold, we have no further authority.

Mr. Thomas said that he likes this design, and agrees with the rotation of the buildings, he does not agree with the request single family residences. The real concern is to buffer 250 from the parking lot. He asked what options we will have in the future to align those roads.

Mr. Finley asked if ARB covered buffers.

Mr. Thomas replied yes.

Mr. Rooker said that the question here was do we want to rely on the ARB to approve the final landscaping plan or do we want to see it again ourselves before we approve this.

Mr. Craddock asked if the water line was along 250.

Ms. Echols replied that it had been relocated into the Radford Lane right-of-way.

Mr. Rooker stated that they moved the utilities so that they would have the area in front for planting, then they single-loaded the parking area.

Mr. Loewenstein said he thought that some of what has been said makes a lot of sense. Some of the suggested changes seem appropriate. He said that he still thinks there is a fundamental issue here about density. I don't think this is the right place for this development to occur. It is much too far out on the periphery of the growth area. He said he would be uncomfortable approving anything without seeing it in black and white.

Mr. Finley pointed out that this is the sixth time it has come before the commission.

Mr. Rooker said that the general feeling of the commission, as expressed in the second meeting, was that the density should be in the range of 16 to 18.

Mr. Rooker pointed out that we are looking at a proposed density of 24. He wondered if the applicant is willing to consider these things.

Mr. Benish stated that the commission could recommend approval based on suggested changes.

Mr. Rooker said that we need to be sensitive to the fact that one of the biggest complaints is the lack of affordable housing. This appears that it would create some housing that might be reasonably affordable. We seem to have concluded as a group that density beyond that which was permitted as a matter of right on the residential part alone was appropriate to consider here. We asked the applicant to come back with a unified plan.

Mr. Loewenstein said he thought that the density is still too high.

Mr. Rooker said that Mr. Rieley has expressed the same thing. He wondered if the applicant would be willing to consider the recommendation by Mr. Rieley to convert the westernmost units to single-family, which would still leave twenty units on the site.

Mr. Finley asked to bring up the possibility of the regional stormwater plan.

Ms. Higgins said that the tot lot, to meet the flatness of the grade, was kept in an area, which is graded. We did not want to put it out of sight of the townhomes. There are actually four different types of units. If we were to rotate the three block units by 90 degrees, we could not do the three story units. We would

not be able to offer as many variations in the unit. The number of units does correlate to the price per unit because of the fixed costs of developing the site. We had a letter and feedback from the director of housing. We are right at the limit. Reducing the number of units will increase the price. To mix a single family dwelling into this would be to pull something like a Corey Farms unit into this. It would not be in character with the style. Also, we would be competing with Corey Farms. There are strict ordinances that deal with the buffering of the site. Mr. Benish did mention that you could consider making recommendations for changes to the Board of Supervisors. We would like a vote on this tonight. We have been trying to integrate and it is a difficult thing. This entrance aligns with the existing commercial entrance to the Blue Ridge Homebuilders. VDOT would not allow Radford Lane to move toward the existing Builders Supply entrance.

Mr. Rooker verified that they did not have an objection to proffering the stormwater management pond.

Ms. Higgins said they had not problem with extending the reservation to do that. The issues raised at the time were who would build the realignment. Blue Ridge HC was going to build their entrance. Perhaps that would also leave a slice of Clover Lawn segregated. In you last package; there was a letter of support from the Masonic Lodge. It could easily go to the west across their corner in alignment with the approved plan. Typically, whoever would develop the property that is accessed from Radford Lane would have to solve the problem with the adjacent property owners. Offset intersections can be made safe, while not necessarily convenient. Clover Lawn put the extra triangle in there to make accommodations for safety.

Mr. Rieley asked Ms. Higgins if her client would support a proffer that says that if stormwater management is available offsite that this property will become available for the realignment of Radford Lane if VDOT has approved it.

Mr. Stallings said that timing is the issue here.

Mr. Rieley said he thought there would be some kind of language with a time limit on it.

Ms. Higgins pointed out that County Engineering has deferred many times to a future detention being met. She said they would be willing to do that.

Ms. Hopper said that if the buildings we realigned, there would be a couple of places where that interconnectivity would just dead-end. She would like some way to continue that idea. If the buildings are reoriented, she would like to see the paths adjusted in the same way to achieve the same effect.

Mr. Rooker suggested that rather than single-family units, we should simply recommend a density and allow the applicant to get to that density the best way they can. We could make a recommendation a residential density number and included the rotation of the units. The applicant has indicated a willingness to deal with Radford Lane and the stormwater management issue in the way that we discussed. He asked if there was anything else.

Ms. Hopper pointed out the disconnect between the proffered elevations and the proffered plan.

Mr. Rooker added that the applicant needed to make sure that the proffered plan matches the elevations in our packets.

Mr. Kamptner said that there was also some discussion about the location of the tot lot.

Mr. Rieley said that was not a line in the sand issue for him. Another issue is whether the residential units on the second floor would be the only allowable use.

Mr. Rooker asked if retail was out.

Ms. Echols replied that retail and office are both potential uses. It is shown on the site plan as commercial, the uses that are available are all the uses in C1, CO and HC. It can be any of the retail uses. There are usually offices on the second floor if they are not residential.

Mr. Rooker said he was not willing to tie the applicant's hands on that. We need to be mindful of the fact that the applicant needs to try to make this work financially as well. He is not certain that this particular location would have a demand for units above retail.

Mr. Finley asked if he was talking about a motion on the ZMA.

Mr. Rooker replied the ZMA, yes. We are talking about a motion with recommendations for additional proffers.

Mr. Rieley said that he is looking for the comparison between the total amount of square footage allowable by right, relative to the total commercial possible.

Mr. Rooker said that one of the things that did come out at an earlier meeting was the amount of impermeable surface, for a development of this kind, they do have a good amount of permeable surface. The applicant has done a much better job of leaving permeable surface, the ratio is excellent.

Ms. Hopper would suggest we not tie the rotation of the townhomes in with decreasing the density, it may be that reorientation requires a reduction in density. The design should drive the density. She doesn't feel compelled by the fact that it might not be commercially viable. There are a lot of financial questions related to this development with downtown Crozet that we cannot consider. She believes that if the applicant would commit to the five units above the commercial being residential, it would move towards being a more attractive application.

Mr. Thomas said he would rather not see that be a requirement.

Mr. Rooker said that his primary concern is with the presentation from Route 250. He would prefer that additional funds go into screening. Neither residential nor office would change the presentation from 250. He would be comfortable with a total of 20 units on the property.

Mr. Craddock said that he likes Mr. Rieley's proffer of the realignment and not tying the developer to that second floor. Of the designs, he comfortable with the way it's presented with these 24 units but would support reorientation.

Mr. Finley said that he is also, particularly with the financial ramifications if they reduce.

Mr. Finley moved for approval of ZMA-99-11 with recommendations.

Mr. Benish said that the action is a direction to the Board.

Ms. Echols said that one of the plans showed 39,500 square feet in HC use, the other plan showed 65,000 square feet, which was self storage on 4.3 acres.

Mr. Rieley asked staff to verify that the 39 was commercial.

Mr. Echols replied that it was.

Mr. Rieley asked what the total of the first and second floors was.

Mr. Benish replied that it was 32,000 square feet.

Mr. Rooker said he could support a recommended density of 20.

Ms. Hopper suggested that on the issue of density we all speak to that one. She said that she thinks we are talking about a range between 20 and 24, not including the area above the commercial. Several of us are supporting 24.

Mr. Kamptner said that he thought the recommendation that still needed clarification was the density. The other three are pretty much resolved.

Mr. Rieley said that what's before us is 24.

Mr. Thomas said he agreed with the 24.

Ms. Hopper said she wanted to add one about additional interconnectivity with asphalt paths or sidewalks.

Ms. Hopper said that she would suggest as a recommendation that there be more interconnectivity than there is and it be increased with reorientation.

Mr. Rooker said that was not certain enough to incorporate.

Mr. Kamptner stated that we could incorporate it into the reorientation recommendation, specifying without loss of the interconnectivity.

Mr. Benish included "and assuring completion of the pedestrian connections throughout the system".

Mr. Rooker asked if the commission wanted to include the recommended density of 20 in the motion.

Mr. Finley said he thought we should leave it at 24.

Mr. Craddock seconded the motion, which passed by a vote of 4-3 with Mr. Rieley, Mr. Rooker and Mr. Loewenstein voting no. Mr. Rooker voted no solely because of the density issue.

Mr. Rieley moved for approval of SP-2001-006.

Ms. Hopper seconded the motion, which passed by a vote of 6-1 with Mr. Loewenstein voting no.

Ms. Echols suggested that approval of the preliminary site plan occur after ARB review.

Mr. Rooker asked if we should vote on this tonight.

Ms. Echols said they could do so, the applicant would be advised of the ARB's suggestions before it went to the Board of Supervisors.

Mr. Rooker asked if it would slow this application down to defer a vote on this item.

Ms. Echols said it would slow down the site plan approval, which is contingent upon the rezoning. It would slow it down somewhat.

Mr. Rieley said he thought that we didn't have enough information. We made the zoning conditional on all kinds of changes.

Mr. Rooker asked if it was within the commission's power to defer a vote tonight.

Ms. Echols stated that we are well off everything as far as schedules are concerned.

Mr. Kamptner said the site plan could not be approved tonight because of the rezoning.

Mr. Rooker asked if we should have a motion for deferral.

Ms. Echols said that December 12th was the Board date.

Mr. Kamptner said that the Commission could defer until the board has taken action.

Mr. Benish suggested deferring to January 15th.

Mr. Finley moved for deferral of SDP 2001-016 to January 15th.

Mr. Craddock seconded the motion, which passed unanimously.

b. **ZMA 2001-03 Rio Square (Sign #95 & 96)** – Request to rezone 3.04 acres from Residential R-6 and R-2 to Planned Residential District to allow for townhomes, single family detached homes, and office. The property, described as Tax Map 62A1 Parcels 2-4, 2-5, 204A and 2B-13 is located in the Rio Magisterial District on Rio Road (Route 631) at the intersection of Rio Road and Wakefield Road. The Comprehensive Plan designates this property as Urban Density (6 to 34 units per acre) in Neighborhood 2. (Michael Barnes) ***DEFERRED FROM THE OCTOBER 16, 2001 PLANNING COMMISSION MEETING.***

Mr. Barnes presented the staff report.

Mr. Rieley asked why it would not be a reasonable position to take that the applicant has done these studies. If there is not enough parking, it will be a disaster, why shouldn't we encourage them to put as little parking in as they feel they can get away with and let us learn from it.

Mr. Barnes replied that supports the first one. The negative side of that is that if people can't find parking, the zoning department receives complaints and people are parking on Wakefield Road.

Mr. Rieley asked if he was talking about parking in legal parking spaces.

Mr. Barnes replied that he was referring to parking on a public street in front of someone else's home. There is an expectation that if you live on a street there is adequate parking on that street. Those are the two conditions that run counter to what you just proposed.

Mr. Thomas asked how the County would handle a complaint from a resident.

Mr. Benish replied that what has happened before is that the County has issued a request to DOT to post the road for no parking. We have not had significant parking issues, but we have always accommodated 100% on site.

Mr. Thomas said we also don't need 800 parking spaces at a place like Lowe's.

Mr. Benish stated that the primary concern is that we are not prepared comprehensively to assume that public road is available to public access.

Mr. Rooker pointed out that the study done by the applicant shows that there would still be excess parking, even under the limitations.

Mr. Barnes stated that we are pretty close to it. The 40 and the 90 are slightly above, the studies were in the mid-30s for residential and the upper 80s for the office.

Mr. Finley said that he tends to agree with Mr. Rieley's suggestion.

Mr. Rooker said they could be eliminated. He said he thought it was problematic to say that someone who rents an office can't utilize the space after 5:00 p.m. He suggested that proffers 3 and 4 come out.

We should allow the developer to make that determination, within reasonable bounds. The study indicates what the reasonable bounds might be.

Ms. Hopper stated that she would support deleting 3 and 4 out of the proffers.

Mr. Barnes stated that, according to the formula, there is essentially 7,000 square feet of office that is in conflict with the required parking for the residential. At the staff level, we decided to bump that up to 10,000 to give a cushion. Perhaps this is the kind of thing where we keep 4 for now, and the applicant returns in a couple of years for it to be dropped.

Mr. Rooker suggested that opening the public hearing so that the commission could hear from the applicant.

Mr. Benish stated that the reason for the 24-hour limited operations in 3 is that those types of operations tend to have excessive parking requirements. That 3 addresses another unique aspect.

Mr. Rooker opened the public hearing.

Mr. Steve Runkle stated that the study indicated the maximum usages and certainly the evening hour usage is when the minimum use is occurring for the office. We were asked to provide a 3,000 square foot buffer. In effect, we are providing a higher level of parking than the current code requirement. We have no problem with proffers 3 and 4. We don't intend to have a 24-hour operation. Proffer 3, as it was last suggested to us, is not as it is written on this proposal. He said that he did not want to get into the area of keeping one person from working in an office at 10:00 p.m.

Mr. Rooker said that some employees might want to have the restriction.

Mr. Runkle said that the real objection they had to the last version of 4, is the limitation on the total square footage. I'm not going to be able to lease these without adequate parking. We need to establish what the condition is today, if we find it creates real problems, then we need to adjust. Part of that process needs to address what constitutes a problem.

Mr. Rooker verified that he is fine with proffers 3 and 4 as were on the original submission.

Mr. Runkle stated that he doesn't have a problem with them as stated on the proffer sheet. His problem is with the additional language that was suggested. If you want to leave them there, that's fine, though it does become an enforcement issue.

Mr. Craddock asked if he would still own the three houses on Wakefield.

Mr. Runkle replied that he hopes we're selling them.

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

Mr. Rooker said it seems that the primary focus is on the proffer forms and proffers 3 and 4. He asked if there was anyone who was not comfortable with the applicant's proposed proffers on 3 and 4.

Mr. Rieley said he would be more comfortable leaving them out. We should be making it easy for people to be creative with ways to share parking. We should be finding out what the limits are. There is a lot of on street parking that is open all the time. If in trying to figure out what the right thing to do is, the County receives a complaint about parking while we are learning where the boundary is, that's probably okay.

Mr. Loewenstein said shared parking calls for that flexibility, he agreed.

Mr. Rooker said he thought that we are saying that we agree with eliminating 3 and 4.

Mr. Craddock asked about Mr. Benish's question in regards to 3 about 24-hour operation.

Mr. Benish replied that it was not a big issue, it was the one area in which we had issues with ValuAmerica.

Mr. Rooker asked if the parking problem there was only during hours after 5:00 p.m.

Mr. Benish replied that it was a situation where probably the parking was insufficient for the employment.

Mr. Barnes pointed out that is covered partially in proffer 5.

Mr. Benish said that it is in some ways covered in proffer #5.

Mr. Thomas commented on how well the applicant worked with the neighborhood association.

Mr. Thomas moved for approval with the elimination of proffers 3 and 4.

Mr. Loewenstein seconded the motion, which passed unanimously.

Ms. Hopper moved for approval of the SP request for Rio Square, with conditions.

Mr. Thomas seconded the motion, which passed unanimously.

Ms. Hopper moved for approval of the waiver request for cooperative parking with the condition.

Mr. Rieley seconded, which passed unanimously.

c. **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 5, contains approximately 17.7 acres and is located in the Scottsville Magisterial District. This site is on the north side 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) in Rural Areas 4 of the Comprehensive Plan. (Stephen Waller) ***DEFERRED FROM THE OCTOBER 16, 2001 PLANNING COMMISSION MEETING.***

Mr. Waller presented the staff report and recommended approval with additional language to be added to condition #5: "No tree shall be removed that would allow the facility to be visible from Route 53 without the Architectural Review Board's approval of a Certificate of Appropriateness" and additional language for condition #6 which would require a bond to ensure the timely removal of the pole.

Ms. Heidi Parker, representing nTelos, said that she had reviewed the determination of the 98' pole height. Once we chose the height of 98', we conducted two balloon tests, and ensured that it is minimally visible and not visible at all from Route 53. The 98' pole is not that much more visible than a 90' pole. From an RF perspective, every foot matters. We worked closely with the Thomas Jefferson Memorial Foundation. The Foundation has no objection to the 98' pole. We also did a second balloon test for the Jefferson Vineyard. The owner of the property was in Europe at the time of the balloon test. The woman who signed the letter thought she was authorized to do so. Mr. Woodward, the owner, had not authorized her to make that decision. He has some concerns about the site and about towers in general. He also has some concerns about RF emissions. This proposed site fits well within those guidelines, all of the equipment will be painted brown, none of the equipment on the ground will be visible. She said that she would ask the commission to rely on those guidelines to determine that this application meets those requirements.

Mr. Kamptner said that would be associated with condition #6 and that we do not know what the cost of removal would be. If it is recommended that the condition be amended, we will determine the correct amount between now and the Board meeting.

Mr. Thomas asked what RF emissions were.

Ms. Parker replied that they were basically the non-ionizing radiation transmissions that are transmitted from these sites.

Mr. Thomas asked if they are dangerous.

Ms. Parker replied that they were not on these poles. Congress determined that as long as these poles operate within certain guidelines, they are not dangerous.

Mr. Rooker pointed out that the commission couldn't turn down an application based upon that because the determination has been made that they are not dangerous.

Ms. Parker stated that they would work well within those guidelines provided by the FCC.

Mr. Kamptner asked whether Ms. Parker looked at the cumulative RF emissions because this site already has a wireless facility on or near it.

Ms. Parker said that Triton has a site on the adjacent property, which is about 250' away. On sites such as this, a carrier emits less than 1% of the FCC permitted emissions.

Mr. Rieley asked if the commission should assume that it is indeed a scale drawing given on pages 26 and 27.

Ms. Parker replied that it is not to scale when it comes to diameter of the pole.

Mr. Rooker pointed out that that issue has been brought up several times.

Ms. Parker stated that the metal pole tapers up and is smaller in diameter at the top.

Mr. Rieley said he thought that most commissioners thought that wooden poles are less visible than the metal ones. He asked if there was a reason that this couldn't be a wooden pole.

Ms. Parker replied that the main reason would be getting it out there. The driveway is very curvy. They looked at cutting the wooden pole to transport it in parts, but it would not work from an engineering standpoint.

Mr. Rooker said he thought the biggest issue was transporting the poles and being able to change the height of the pole with the height of the trees.

Mr. Rieley stated that he would feel better with some reassurance that switching to metal would give us slimmer poles.

Mr. Rooker said we really need to have staff look into that and advise us of the required width of those poles.

Mr. Waller stated that the standard condition regarding the pole width should have been included as a condition for this proposal.

Mr. Rieley asked staff to bring that back to us and bring it back in comparison to wooden poles.

Ms. Hopper said she would be interested in knowing if the diameter could be made smaller as well.

Mr. Rooker said that perhaps they talk to Mr. Kreines about his experience.

Mr. Rieley said that he is continually impressed with how tall and how small some of the sports lighting poles are.

Mr. Stanley Woodward, owner of Jefferson Vineyards, said that he was away when the balloon test was done. The salesperson did not have the authority to sign the letter, while the farm manager did. He did not see the planned location until today. He said that the array does concern him. He would like a guarantee that they are not going to put a light on the pole.

Mr. Jeff Werner with the Piedmont Environmental Council said he noticed that Centerville High School had cell towers on their stadium lights. He said he would continue to bring to the commission's attention the incorrect scale of drawings. He said he couldn't imagine a 41' tree with a crown that is 5' across. He would like to see the actual depiction of the tree. Please give us some reality, this is not instructive. You cannot make a determination that this tree cover will be protective based on these drawings.

Ms. Parker pointed out that the tower will not be lighted and will work well within FCC guidelines for emissions. She apologized for the letter from the salesperson. One of the conditions of approval for this application would be to submit a tree preservation plan. The landowner wanted us to find a place on her property, which would result in the least disturbance.

Mr. Craddock commented on the inaccurate drawing of the trees.

Mr. Rooker asked if he thought that had any impact on the first condition.

Mr. Craddock replied that he did not think it had any impact, but it is not right.

Mr. Rieley stated that the difficulty is that we rely so heavily on the trees as a benchmark, that if the trees aren't depicted accurately it makes it difficult for us.

Mr. Rooker said that the general rule is that we don't rely on these drawings, we have to rely on the balloon tests.

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

Mr. Rooker highlighted the changes in the conditions. He asked if anyone disagreed with the staff recommendation with regards to the conditions.

Mr. Thomas said that there have been times that we have gone ten feet above the height of the tallest tree. He asked why staff felt we should go back to seven feet with this application.

Mr. Waller replied that it was a compromise between the various balloon tests.

Mr. Rooker pointed out that the average height of all trees is 699' above sea level. The monopole would be set at 718'. We can get a little bit deluded by the fact that there may be one tree that is quite a bit higher than the other trees. He said he thought staff's recommendation was more than reasonable.

Mr. Finley verified that it was a 900 square foot area.

Mr. Waller replied that it was.

Mr. Finley asked if setback was referring to the property owner in this case.

Mr. Waller replied that that would be the setback for the lease area.

Mr. Rooker pointed out that she owns the adjoining property.

Mr. Finley asked what would happen if she sold her property, would there have to be some adjustment?

Mr. Waller said that we would assume that when someone purchased the property, they would purchase it under existing conditions.

Mr. Rieley asked for clarification of the language for 5.

Mr. Craddock asked if disassembling the poles is a problem.

Mr. Waller stated that he is not sure if there have been any that have been abandoned. The concern now deals with the possibility for changing technology and the incentive to ensure removal of the poles.

Mr. Kamptner replied that the proper language for the bonding could be developed before the Board meeting and estimated that 1% of $75,000 or $750 per year might be an appropriate start.

Mr. Thomas moved for approval of the SP-2001-031 subject to the following conditions:

1. The top of the pole, as measured Above Sea Level (ASL), shall never exceed seven (7) feet above the top of the tallest tree within twenty-five (25) feet of the facility as measured Above Sea Level (ASL). No antennas or equipment, with the exception of a grounding rod, shall be located above the top of the pole.

2. The 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 (CV 327)”;
   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 top 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 tree that has been used to justify the height 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.
   i. The diameter of the pole shall not exceed thirty (30) inches at its base, and eighteen (18) inches at the top.

3. The facility shall be located as shown on the attached plan entitled “Orrock (CV 327)”

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 (CV 327)";
   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 two hundred-foot buffer, after the installation of the subject facility.

6. The facility 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 applicant, or any subsequent owners, shall submit a report to the zoning administrator by July 1 of each year. The report shall identify each user of the facility that is a wireless telecommunications 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 though 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. No slopes associated with construction of the facility 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.

12. 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.

Mr. Rooker stated that the language regarding the diameter of the pole for condition #2 should be included and seconded the motion, which passed unanimously.

Public Hearing Items

a. **SP 2001-038 American Tower Site No: 10109 Ch'ville-Shadwell (Sign #66 & 67)** – Request for a special use permit to allow the replacement of an existing 296-foot tall guyed telecommunications tower with a new 260-foot tall tower, which would structurally allow the collocation of additional antennae and ground-based facilities on 3 acres, zoned Rural Areas (RA). This proposal is being made in accordance with Section [10.2.2.6] of the Zoning Ordinance, which allows for radio-wave transmission and relay towers, and appurtenances. The property, described as Tax Map 78, Parcel 51C, is located approximately one mile east of Lego Drive (Rt. 1090), nearly 1/3 mile north of the intersection with Hansen's Mountain Road (Rt. 1777), and is adjacent to the Ashcroft subdivision. This parcel is located within the Rivanna Magisterial District and the area designated as Rural Areas 2 by the Comprehensive Plan. (Stephen Waller)

Mr. Waller presented the staff report.

Ms. Valerie Long, representing the applicant, provided an enlarged copy of one of the pages from the materials. The existing tower is a 296' tower, which has existed since the 1960s. American Tower is proposing to replace this tower with a 260' tower for a total height reduction of 36'. American Tower would like to accommodate two additional wireless providers. The tower would be engineered to modern standards. American Tower is proposing to add a new equipment shelter to accommodate the ground equipment for the additional carriers. Right now, the tower has orange striping on it, which is consistent with prior FAA regulations. This also has a red light at the top and the mid-point. We had originally hoped that we could use only a single lot at the top. The FAA may still require a second light at the mid-point. The lighting decision would be that of the FAA. Mr. and Mrs. Linkous live at a higher elevation. The row of plantings for screening purposes is not doing too well. We have talked about replacing or expanding the plantings. The new proposed structures will not be visible. One of the other issues is the waiver of the setback requirement, which grants authority to the planning director, so long as you obtain waivers from the neighbors. This existing tower has never met the setback requirements. The new tower would be more in compliance than it is now. She suggested revisions to the conditions.

Ms. Hopper asked what are the implications of making them worse off as far as the project going forward. Is there a contract?

Ms. Long replied that they have an existing lease agreement, they would be violating the terms of their lease. Three carriers would agree to be flush-mounted. Alltel and nTelos would be the same as they are right now.

Mr. Rooker asked for the elevation of the existing vs. proposed tower.

Ms. Long replied that it is roughly 2' lower.

Mr. Rooker verified that the proposed new tower is not at a higher elevation.

Ms. Long said that she wanted to bring to attention the panels, some of the carriers want to slightly increase the number of their panels because the face of the tower would be larger. Alltel would like to replace the whip antennas with panel antennas.

Mr. Rooker said that the diagrams Mr. Waller provided were based on the disappearance of those panels that now protrude out 3.5 feet.

Ms. Hopper said that the type of diagram she would like to see would have all the variations of antennas and the cumulative effect. Without seeing pictures, it's hard to visualize.

Ms. Long verified that she is requesting diagrams.

Ms. Hopper said that if there were alternatives showing first and second preference that would also be helpful.

Ms. Long pointed out that the existing face of the tower is 2' and the new tower would be 5'. The cables are running along the side of the tower face. There are setoff brackets used to stabilize and mount those cables.

Mr. Rieley stated that this doesn't double the size of that tower. It looks like 20% more on each side. What we are looking at there is actually quite a bit smaller.

Ms. Long said she would like to measure the face to provide more accurate information.

Mr. Craddock asked what the height would be that you would have to stay under to avoid lights.

Ms. Long replied that it is generally under 200' and not a certain distance from an airport or a flight zone. Because this is at a high elevation we have to file. When you get beyond those standard conditions you have to file with the FAA and request a response from them.

Mr. Craddock asked why the tower is 260'.

Ms. Long replied that there are existing wireless providers who are located at 206' and 230'. It would be breaking the contract with their existing tenants.

Mr. Craddock asked if the new tenants would be below that.

Ms. Long replied that Nextel Partners would be at the top of that structure.

Mr. Craddock verified that they had 8-foot panels.

Ms. Long said that was correct.

Mr. Rooker asked if a radio broadcast was still taking place off of this tower.

Ms. Long replied that it was not.

Ms. Hopper asked what height was shown in the picture.

Ms. Long replied that it was 106'.

Mr. Craddock asked who owns the dish.

Ms. Long replied that it was Alltel at 170'.

Ms. Long said they would put 3 panels on each side

Mr. Craddock verified that that was a total of 9 panels

Ms. Long replied that was correct, but that those would be flush-mounted.

Mr. Craddock said that would be a pretty solid band for 8 feet at that height.

Ms. Long pointed out that it is fairly standard to have 3 panel antennas per sector. For Nextel Partners, they will only use one panel per sector or 3 panels total.

Mr. Craddock said that one of the old carriers wants more panels.

Ms. Long said that Alltel would want to replace their omni-directional whip antennas with panel antennas.

Mr. Rooker stated that he did not think the commission can make a decision on this application tonight. We need to see the extent of the arrays. Staff's recommendation is based upon an entirely different array. We need to get the exact information into staff's hands. Staff should review and make a recommendation on that information. We should also get some type of visual information on what this is going to look like if approved.

Ms. Hopper asked for a chance to compare that to what exists now.

Mr. Rooker asked if she was talking about a side-by-side comparison.

Ms. Hopper said that she wanted to see before and after to see if it really is an improvement.

Mr. Rooker agreed. We have to make the determination if this would be less visible. Should we consider something that would be a further distance from being conforming? Does the proposal improve the situation or make it worse? This tower would never be approved today.

Mr. Rieley requested that we see that drawing on page 34 drawn correctly to scale. They should be side by side rather than on top of each other.

Ms. Hopper asked if there is there no professional standard for such renderings.

Mr. Rooker said that this is a flat non-dimensional drawing. We need to see something that shows before and after with accurate comparative dimensions.

Ms. Hopper asked if staff could screen the drawings for accuracy. She said that she is at the point where she assumes drawings are inaccurate.

Mr. Benish stated that we do try to screen and ask for accurate information.

Mr. Rieley said particularly on something like this.

Mr. Rooker asked the applicant for a date to return.

Ms. Long replied that the information could be provided to staff within a month.

Mr. Benish suggested January 22nd or 29th.

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

Mr. Loewenstein moved for deferral of the application to January 22nd, 2002.

Mr. Thomas seconded the motion, which passed unanimously.

Regular Item

a. **SUB 2001-224 Copperfield Preliminary Plat** – Request for preliminary plat approval to create a Rural Preservation Development on a 78.83 acre parcel. The proposal includes 6 development lots ranging from 3.4 acres to 6.4 acres in size and one preservation tract

of 46.7 acres. The property is zoned RA, Rural Areas. The property, described as Tax Map 31 Parcel 11 is located in the Rio Magisterial District on State Route 660 (Reas Ford Road), approximately one mile from the intersection of Routes 660 and 743 (Earlysville Road). The Comprehensive Plan designates this property as Rural Area I. (Margaret Doherty)

Ms. Doherty presented the staff report.

Mr. Rooker opened the public hearing.

Mr. Roger Ray, the applicant, said it was appealing to the client. We worked with staff to come up with what we felt was the best plan. The only thing to add is the proposed pond that's on the rural preservation lot. The access to the building site will be across the dam. It was originally for erosion control, and later use as a water quality pond and runoff control.

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

Mr. Loewenstein said he was pleased at the applicant's choice.

Mr. Loewenstein moved for approval with conditions.

Mr. Thomas seconded the motion, which passed unanimously.

New Business

Ms. Hopper congratulated Mr. Rooker on his election to the Board of Supervisors.

Mr. Benish said that he could provide the commission with the checklist that we provide to the applicants. You would be able to see what is deficient.

There being no further business, the meeting was adjourned at 10:00 p.m. to a work session on Thursday, November 15, 2001 at 7:00 p.m. in Room 235.

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V. Wayne Cilimberg, Secretary

Recorded and transcribed by Lynda Myers, Recording Secretary