Albemarle County Planning Commission
October 22, 2002

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, October 22, 2002 at 6:00 p.m., at the County Office Building, Room 241, 401 McIntire Road, Charlottesville, Virginia. Members attending were William Rieley, Vice-Chairman; Rodney Thomas; Bill Edgerton; Pete Craddock; Tracey Hopper; Jared Loewenstein, Chairman; and William Finley.

Other officials present were Wayne Cilimberg, Director of Planning & Community Development; David Benish, Chief of Community Development; Stephen Waller, Senior Planner; Michael Barnes, Planner; and Jan Sprinkle, Chief of Zoning Administration.

Other Matters Not Listed on the Agenda from the Public:

Mr. Loewenstein invited public comment on other matters not listed on the agenda. There being none, the meeting proceeded.

Review of Board of Supervisors Meeting – October 9, 2002.

Mr. Cilimberg reviewed the Board of Supervisors actions for October 9, 2002. He stated that Board took the following actions:

- Approved extensions for two special use permits, SP-2002-035 & SP-2002-047 for Korean Church.
- Approved an amendment to the Zoning Ordinance, ZTA-02-003 – Uses, for accessory uses clarifying those uses in the Ordinance.
- Approved the amendment to the Zoning Ordinance, ZTA-02-004 – Stormwater Management Facilities as a stand alone use in all zoning districts. They decided to include those by right in the Rural Areas District as relevant to the other districts. The Planning staff and Planning Commission had recommended that it be by special use permit. They asked that staff develop some supplementary regulations that would be applicable to stormwater facilities so that there would be some regulations attached to those facilities when they are located in the Rural Areas.

Consent Agenda:

Approval of Planning Commission Minutes – August 20, 2002 and August 27, 2002.

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

Ms. Hopper seconded the motion, which carried unanimously. .

Deferred Items:

SP-2002-040 Central Telephone Company of Virginia – Alltel - Request for approval to allow the replacement of a microwave dish on an existing personal wireless service facility by amending a special use permit condition (SP 98-21) that prohibits the attachment of additional dishes. This application is being submitted in accordance with Section 23.2.2.3, which allows microwave transmission towers and their appurtenances, by special use permit. The property,

described as Tax Map 61, Parcel 129C contains approximately 1.366 acres, zoned CO. This site is located on the south side of Route 631 (Rio Road East), approximately 1/8 mile east of the intersection with Route 29 North, and near Fashion Square Mall. This property is located in the Rio Magisterial District, within the area designated as Neighborhood 2 by the Comprehensive Plan. (Stephen Waller) DEFERRED FROM THE SEPTEMBER 17, 2002 PLANNING COMMISSION MEETING

Mr. Waller stated that this was an item that was deferred from the September 17th meeting. At that time the Commission requested that the applicant submit some additional technical information regarding the microwave path analysis for the tower and its location in relationship to the other sites that this site would be working with. Also, they requested some schematic information showing the size of the proposed tower and the proposed microwave dish that would replace the existing dish on the tower. Staff was requested to work with the applicant on some of the recommended conditions of approval. At the last meeting there were three sets of recommended conditions. After working with the Zoning Department and the County Attorney, staff has revised the wording of the conditions. The applicant and staff are both more favorable with this language.

Mr. Loewenstein asked if there were any questions for staff. There being none, he opened the public hearing and asked the applicant to come forward to address the Commission.

Peter J. Caramanis, Attorney with Tremblay & Smith, LLP, stated that he was present representing Alltel who was the applicant. Last month a few questions arose regarding this application. He noted that they have addressed those through submission of the additional documents that were requested which are contained in Attachment E of Mr. Waller's report. He stated that he worked with staff and the County Attorney in coming up with a set of conditions that were agreeable to everyone. He stated that the recommendation speaks for itself, and asked that the Commission approve their application as submitted.

There being no further public comment, Mr. Loewenstein closed the public hearing and placed the item before the Commission for action.

Mr. Thomas moved for approval of SP-02-040, Central Telephone Company of Virginia – Alltel, with the conditions as altered and changed.

Mr. Loewenstein asked if he meant the existing conditions listed in the current staff report.

Mr. Thomas agreed.

Mr. Finley seconded the motion.

Mr. Loewenstein asked if there was any further discussion.

Mr. Rieley stated that the only question he had was the remaining discrepancy between the 100 foot mounting height as it is described in the illustration showing it at the same level as the 95 foot one. This is a question that came up at the last meeting. He asked what the resolution was of that?

Mr. Waller stated that the applicant did not submit a new photosimulation.

Mr. Rieley asked if the proposal remains at 100 feet.

Mr. Waller stated that their proposal does remain at 100 feet.

Mr. Rieley stated that he did not see anything in the supporting data sent that shows that 95 feet won't work. He stated that was one of the issues that was raised. He noted that it should be at the same elevation as the one that is there.

Mr. Waller stated that was in the applicant's response on page 44, number 2.

Mr. Rieley stated that the cross section certainly does not support the view that 5 feet would make any difference.

Mr. Waller stated that they indicated that it could not be at exactly 95 feet like the other dish because they say that the mounts of the two dishes cannot co-exist at that configuration at the exact same height. However, Alltel will agree to move the dish down from 100 feet to a position closer to but above 95 feet for the Planning Commission if that would be helpful.

Mr. Rieley stated that based on the information that they have that it seemed that these things are strapped around it. He noted that he did not see any reason why one strap could not be adjacent to the other and be effective.

Mr. Caramanis asked if he could respond to that.

Mr. Loewenstein asked that he come forward.

Mr. Caramanis stated that the chains could not overlap. He noted that his proposal was to move this down as closely as they can.

Mr. Rieley stated that it looked like these bands were less than six inches. Therefore, they could formulate the condition that it would be no more than six inches.

Mr. Caramanis asked for a few minutes to consult with his engineer.

Mr. Loewenstein stated that was fine.

Mr. Caramanis stated basically that our proposal is to move it down as closely as we can so as not to overlap.

Mr. Rieley stated that the band should be no more than 6 inches between the two.

Mr. Caramanis stated that six inches would be acceptable. He stated that it would be 95.5 feet.

Mr. Thomas altered the motion, and asked if they needed to make a new condition.

Mr. Rieley offered a friendly amendment to modify the condition so that the mounting height is 95.5 feet.

Mr. Cilimberg stated that change should be made to condition 4a.

Mr. Thomas agreed to amend the motion to include Mr. Rieley's suggested condition.

Mr. Finley seconded the amended motion.

The motion carried unanimously (7:0) subject to the following conditions of approval.

1. The tower shall not be increased in height.
2. All antennae, dishes and their replacements attached to the tower shall be used for personal wireless service providers.
3. Additional and replacement antenna arrays may be attached only as follows:

a. Omni-directional or whip antennas shall not exceed twenty (20) feet in height or seven (7) inches in diameter, and shall be of a color that matches the tower.
b. Directional or panel antennas shall not exceed seven (7) feet in height or two (2) feet in width, and shall be of a color that matches the tower.
c. Only flush mounted antennas shall be permitted; no new antennas shall project from the structure beyond the minimum required by the mounting equipment, and in no case shall an antenna project more than twelve (12) inches from the existing structure. The replacement of omni-directional, whip, directional or panel antennas in existing antenna arrays, shall be subject to this condition.
d. Existing arrays of directional and panel antennas that are mounted with brackets that separate them by more than 12 inches from the structure may remain. Provided, however that if any of these arrays are replaced at any time, they shall be flush-mounted as provided in 3c. This condition shall not pertain to the maintenance and/or replacement of a single panel antenna that malfunctions or is in need of repair.

4. Not more than six (6) satellite or microwave dishes may be attached to the tower at one time, and only as follows.
   a. The existing six (6) foot diameter grid dish that is subject to this request may be replaced by the specified six-foot diameter High Performance dish at height that is not more than 95.5 feet.
   b. Other existing satellite and microwave dishes may be replaced on the tower by the same type of dish, provided that the diameter of the replacement dish does not exceed the diameter of the dish being removed, the color of the replacement dish matches the tower, and the mounting height does not exceed that of the dish being replaced.
   c. Other existing satellite and microwave dishes may be replaced on the tower by a different type of dish if the mounting height is no less than 20 feet below that of the dish being removed, the diameter of the replacement dish does not exceed that the dish being removed, and the color of the replacement dish matches the tower.
   d. Other existing satellite and microwave dishes may be replaced by a different type of dish if the proposed mounting height of the replacement dish does not satisfy the height requirements of condition 4c with the written approval of the Zoning Administrator. This approval shall only be granted after the submission of a microwave path survey indicating that the proposed replacement dish will be mounted at the lowest possible height that allows the system to function. In such a case, the path survey shall demonstrate the reason(s) why the proposed height is the lowest possible height, but in no case shall the replacement be higher than the dish it is replacing.
   e. All replacement satellite or microwave dishes shall be mounted as close to the face of the pole as structurally and mechanically possible, and, in no case, shall the distance between the back of the dish and the face of the pole be greater than eighteen (18) inches.
   f. Prior to the issuance of a building permit for replacing a dish, the applicant shall provide engineered drawings demonstrating the dimensions of the existing dish to be removed and its replacement dish, and additional information demonstrating the mounting distance between the pole and the dish to the Department of Building Code and Zoning Services.
5. The permittee shall submit a report to the Zoning administrator once per year, by not later than July 1 of that year. The report shall identify each user of the tower and that each user is a personal wireless communications service provider.
6. The permittee shall comply with section 5.1.12c of the Zoning Ordinance.
7. The facility shall be disassembled and removed from the site within ninety (90) days of the date its use for personal wireless communications services purposes is discontinued. If the Zoning Administrator determines at any time that surety is required to guarantee that the facility will be removed as required, the permittee shall furnish to the Zoning

Administrator a certified check, a bond with surety satisfactory to the County, or a letter of credit satisfactory to the County, in an amount sufficient for, and conditioned upon, the removal of the facility. The type of surety guarantee shall be to the satisfaction of the Zoning Administrator and the County Attorney.

Public Hearing Items:

ZMA-02-08 South Pantops Office - Request to rezone 24.07 acres from PD-MC (Planned District- Mixed Commercial) to PD-MC (Planned District- Mixed Commercial) and HC (Highway Commercial) to amend a proffered plan to allow for an office use instead of a hotel use and to allow for an expansion of Dennis Enterprises car dealership. The properties, described as Tax Map, 78 Parcel 73A and Parcel 13, are located in the Rivanna Magisterial District on Hanson Road in the Giant Shopping Center at Pantops and on Route 250. The Comprehensive Plan designates these properties as Regional Service in Neighborhood 3 (Pantops). (Michael Barnes)

Mr. Barnes presented the staff report noting that the situation was confusing. Back in the 80's the County zoned the area for the Giant Store for a Planned Development. Virginia Land Company came in and started developing it and was required to do a plan for the entire development area. Subsequently, the Giant Store and several of the other places were developed. The remaining portion that is sort of out on the end of the property is what they were concerned with today. The section number 3 was actually subdivided off, a boundary adjustment done and transferred to Dennis Enterprises. It was somewhat unclear to the applicant at the time that was zoned as part of the Planned Development and did not show for an expansion of a car dealership. That is the reason that Dennis Enterprises was added to this application for consideration. It makes sense in staff's perspective because there are a lot of grading issues that cross the boundaries of the two parcels. For that reason, staff supported Dennis Enterprises being included on this application and considered with that. There is another parcel that is wedged between the site where they are asking for this office complex and Dennis Enterprises' existing building. He pointed out that one adjacent parcel was owned by Michael Spooner and was an undeveloped parcel that sits down in a swale. The road that was built, Hanson Road, is located on the high ground and everything else slopes down to the bottom. The drainage moves from Route 250 down towards the river in this direction. Along with the rezoning, Dennis Enterprises submitted a minor site plan amendment requesting the expansion of the parking lot. For various reasons, they pulled that plan. Currently, the plan is not active, but the Architectural Review Board is reviewing the plan. He stated that tonight they would focus on the relationship of these two uses and how the relationship impacts the grading. In addition, they would discuss how the structures shown in orange are relative to Hanson Road and the Neighborhood Model. He noted that the applicant in response to staff's comments submitted the center plan. The biggest problem with the middle plan is that it does not front on Hanson Mountain Road and requires extensive 2:1 slopes in the back. Staff feels that the plan would meet the Neighborhood Model better by creating more of a streetscape along Hanson Road. Therefore, staff would prefer to see both buildings brought up to the road and have the parking lots in the back. Having terraced down one grade, you would still have 2:1 slopes on the back, but staff feels that there is a way to terrace it down to lessen the amounts of 2:1 slopes which will help the Entrance Corridor issue. It also helps provide space for internal landscaping on the project.

Mr. Rieley noted that the terracing is not shown on the plans anywhere.

Mr. Barnes stated that the applicant prefers to not have that since they don't think that the terracing will work. While the Spooner property is not under construction and cannot be tied to these applications, staff is encouraging them to work with the designers in order to get a coordinated grading plan across these three properties. He noted that staff could not compel them to work together since the Spooner property was not under consideration for the rezoning. Since the buildings would be used for offices, staff was trying to work with the applicant to keep the buildings up out of the ground. Those were the major issues dealing with the Neighborhood

Model. The applicant has agreed to provide sidewalks, trees along the street and to work on a bus stop. Staff continues to try to get the applicant to do a better job to meet some of the principles of defining the streetscape along Hanson Road. Referring to Attachment G, staff has been working on ways to create a parallel road system to Route 250. The plan shows a proposed extension of Rolkin Road to connect with South Pantops Road. This would provide circulation back to these properties without expanding Route 250 to eight lanes as called for by VDOT. The road plans are unofficial, would cost a lot of money and be difficult to build due to the required extensive filling. This road wouldn't affect this site. Staff would like to explore with the applicants their willingness to preserve this right of way for future dedication if this road was to come about. In conclusion, the two uses proposed for this site are not counter to what is envisioned for this area. Dennis Enterprises wants to expand their existing use. The office use would replace the hotel on the original application plan. The items that are unfavorable about the request include the lack of a unified grading plan; the fact that the buildings do not front on Hanson Road and neither proposal is working with the existing terrain very well. He pointed out that the traffic study information had just been submitted and staff has not had a chance to interpret that. While both projects have gone before the Architectural Review Board, the ARB has not completed their review of these projects. For those reasons, staff has been unable to recommend approval of the rezoning request, the special use permits and the site plan. Staff recommends that the applicant request a deferral to work on these issues if they are willing to do that. Staff recommends the Commission to deny the requests.

Mr. Loewenstein stated that he favored having a parallel road to Route 250, but he did not favor extending the road exiting on Spotnap Road due to the close proximity of the apartments and the senior living facility. He noted that it was not clear that the parallel road would fit in here or if it would become reality. He asked if there were any other questions for staff. There being none, he opened the public hearing and asked the applicant to address the Commission.

Katurah Roell, representative for Virginia Land Company, spoke for the request. He stated that the site plan for Dennis Enterprises was submitted in March. Staff decided that the land was part of the old PD-MC and the site plan was stopped because the use was not permitted by the old master plan. He pointed out that they did have an active site plan on the front portion of that property and have put in pipes and preliminary graded the area. They have been talking with Don Franco concerning the proposed grading plan for the Spooner property. He pointed out that the 2:1 slope that they were showing currently on their site plan would literally disappear into the Spooner site evening out to Route 250. He noted that they were trying to amend the master plan through the ZTA in order to work out the other details. He asked for the Commission's approval of the request for office use instead of hotel use. He pointed out that the traffic study shows that the hotel use would generate more traffic than an office use. He passed out a handout for the Commission's review.

Mr. Loewenstein invited further public comment. There being none, he closed the public hearing and brought the matter before the Commission for action.

Mr. Loewenstein reminded the Commission that they were also considering SP-02-13 Dennis Enterprises – Outdoor Display, SDP-02-34 Dennis Enterprises – Minor Site Plan Amendment and SDP-02-84 South Pantops Office Preliminary Site Plan that were listed in the staff report as well.

Mr. Roell requested that the Commission defer his requests noting that he would like to heard again as soon as possible.

Ms. Hopper moved for deferral of ZMA-02-08, SP-02-13, SDP-02-34 and SDP-02-84 to December 3rd as per the applicant's request.

Mr. Rieley seconded the motion, which carried unanimously (7:0).

ZTA-01-09 – Parking – Add Section 5.1.41, Parking lots and structures, and Section 32.7.2A, Parking structures; and amend Section 19.3.1, By right, and Section 20.3.1, by right; of Chapter 18, Zoning, of the Albemarle County Code. This ordinance would require a site plan for parking lots and parking structures, establish site plan requirements for parking structures, require that parking lots without structures be subject to landscaping and screening requirements, and authorize parking as a by right use in the Planned Residential Development (Section 19.3.1) and Planned Unit Development (Section 20.3.1) zoning districts. (Jan Sprinkle)

Ms. Sprinkle presented the staff report. Staff asks that you recommend to the Board of Supervisors adoption of the four ordinance sections that are attached to the report. First, there is Section 5.1.41 that says that parking lots and structures all require a site plan. Then there is Section 19.3.1 and 20.3.1 for the PRD and PUD which changes the recommendation that the Commission already made to make parking lots and structures by-right where you previously recommended by special use permit. The final recommendation if Section 32.7.2A, which is an addition to the site plan ordinance which was inserted to address the potential negative effects of parking structures. As she tried to explain in the staff report, the text, which you saw back in September, has changed dramatically to what they thought that they were going to do. Therefore, it does not have the same effect in mitigating those negative effects that they intended for it to have. Staff is considering that it might be better to go to recommending parking structures by special use permit in all of the conventional districts. In the planned districts it won't make any difference because they will always be reviewing the rezonings with an application plan that shows the parking structures and those can all be by right. Because of this change in the text of Section 32 and no being able to mitigate the effects of the parking structure, staff feels that it would be better to go with special use permits in the conventional districts. That does not change what is before the Commission. She asked that the Commission adopt those four things as recommended.

Mr. Loewenstein noted that they would be hearing another Parking ZTA that addresses this.

Ms. Sprinkle noted that it might be possible that it will not have to come back before the Commission, but that it can just move on through the Board of Supervisors through the work session on November 6th and on to their public hearings. She passed out a handout to discuss concerning the parking structures by special use permit and by right and the proposed changes. She asked for the Commission's input for the Board's work session. She noted that any parking structure over two-levels would be by special use permit.

Mr. Rieley asked how much the special use permit fee would be for a parking structure, and Ms. Sprinkle stated that the fee was $980.

Ms. Sprinkle reviewed the printout and explained the following:
Purposes for parking structures:

- To reduce the "seas of parking" by promoting 2 level parking structures.
- To ease the use of shared parking.
- To reduce impervious area.
- To make more efficient use of development area land.

Purposes for SP for structures>2 levels - To protect residential areas from:

- Large imposing structures
- Round the clock activity centers
- Traffic impacts (will be controlled by site plan)

She noted that most residential district height limitations end at the 35-foot level. The two level parking garages would not have the same impact as a 5 story parking garage.

Mr. Cilimberg stated that the only change in the 2 level parking structures would to add R-10.

Mr. Edgerton stated that he agreed with staff's recommendation that they could go by right since they would see if anyhow. He voiced concern about making two-level parking structure by right because they can be overwhelming if they are not designed with some sensitivity.

Ms. Sprinkle stated that the two level parking structures are still under discussion.

Mr. Loewenstein opened the public hearing and asked if there was any one present to speak.

Kelly Strickland, representative for McKee Carson, stated that he had not had a chance to review the handout, but felt that the two story parking structures sounds like a good idea. From a developer's point of view, they look at a plan and always start with the surface parking. It is a very big step to go from surface parking into structure parking. There are options with the two-story parking where you can come in on two different grades without having to build a ramp, which limits the cost somewhat. He suggested that they have a separate requirement to make it easier to do. He stated that there were locations in the Crozet area that would benefit where the grades come in on the corners of streets and would work well for two-story parking. He noted that if a special use permit were required that it would open up a whole different can of worms.

Mr. Loewenstein closed the public hearing to bring the matter before the Commission for action.

Mr. Edgerton moved to approve ZTA-01-09 to add both supplemental and site plan regulations regarding parking, Sections 5.1.41 and 32.7.2A, and to allow parking structures in the PRD and PUD to be by right. In addition based on the absence of c, d, and e in Section 32.0, the Commission's previous recommendation to the Board be changed so that by-right parking structures in the conventional districts be limited to two levels and a special use permit would be required for more than two levels.

Ms. Hopper seconded the motion, which carried unanimously (7:0).

Mr. Loewenstein stated that ZTA-01-09 – Parking was approved by the Planning Commission, and would be heard by the Board on November 6th.

Mr. Rieley asked that one slight adjustment be made to the staff report and that was to call them applicants instead of customers.

New Business:

Mr. Cilimberg stated that the Commission would have a joint meeting with the Board of Supervisors on December 16th at 4:30 p.m. to review the Crozet Masterplan framework information. Staff will update the Commission on any developments.

Mr. Cilimberg recognized William Finley for five years of service with Albemarle County. He thanked Mr. Finley for his contribution to the Commission and gave him a plaque.

Mr. Cilimberg recognized Mr. Loewenstein for five years of service with Albemarle County. He thanked Mr. Loewenstein for his efforts and hard work.

Mr. Loewenstein stated that there would be a legislative lunch on November 25th from 12:15 p.m. to 1:45 p.m. He noted that all the Commissioners were invited.

Mr. Thomas discussed the trip to Burlington, Vermont by several of the Commissioners and the City staff. He pointed out that the trip was very interesting.

Adjournment:

With no further items, the meeting adjourned at 8:30 p.m. to the next scheduled meeting on October 29, 2002.

V. Wayne Cilimberg, Secretary

(Recorded and transcribed by Sharon Taylor, Recording Secretary.)