Albemarle County Planning Commission
September 30, 2003

The Albemarle County Planning Commission held a work session on Tuesday, September 30, 2003 at 4:00 p.m., at the County Office Building, Room 235, 401 McIntire Road, Charlottesville, Virginia. Members attending were William Rieley, Chairman; Rodney Thomas; William Finley; Tracey Hopper, Vice-Chairman; and Bill Edgerton. Absent from the meeting were Jared Loewenstein and Pete Craddock.

Other officials present were Wayne Cilimberg, Director of Planning & Community Development; David Benish, Chief of Planning & Community Development; Elaine Echols, Principal Planner; and Susan Thomas, Senior Planner.

Mr. Rieley called the meeting to order at 4:12 p.m. He stated that they would begin with the work session on the Crozet Master Plan.

4:00 P.M. MEETING ROOM # 235:

CPA-2003-04 Crozet Master Plan – The Planning Commission will hold a work session to review and discuss the Crozet Master Plan. Elements to be addressed at this session include transportation (the Built Infrastructure Map), downtown and local business, and implementation strategies. (Susan Thomas)

Ms. Thomas stated that under the original schedule for the work session staff had intended to discuss roads and transportation, downtown and local businesses and implementation strategies. In the course of preparing for the roads part of the conversation, Ms. Echols and Mr. Kelsey brought to her attention the chart of the Subdivision Street Standards that the County and VDOT's central office has been working on. This chart has very important implications beyond the Master Plan throughout the County as a whole. Therefore, she asked Mr. Kelsey if he would present the work that has been done relative to this. Staff's recommendation will be that this chart will become the road category in the Master Plan because it was something that has been worked on between VDOT and the County to be used throughout the development areas. She pointed out that they would lead off tonight with a presentation by Mr. Kelsey on what this means and then go from there into the Master Plan.

Mr. Rieley convened the meeting of the Planning Commission because a quorum was now present so that if they chose to take an action that they could do so.

Jack Kelsey made a power point presentation on the Subdivision Street Standards that several members of staff have been working on with VDOT. He stated that the Neighborhood Model District states that the Engineering Department shall have standards for Neighborhood Streets and that they would keep them and maintain them. County staff has been working on this for quite some time. The staff members who worked on this included himself, Mark Graham, Michael Barnes and Elaine Echols. They started out with all of the information that came up in DISC as far as what some of the concepts were for various street categories and some of the design criteria. Staff went out to do some research of their own by looking at different standards used elsewhere and looking at the research materials as part of how to design additional neighborhood streets. The table itself has gone through several reiterations starting with the basic information and working with VDOT trying to find out what kind of flexibility the existing subdivision street standards had as far as how much liberty could the resident engineer exercise to achieve some of our standards. And then with the revisions of the VDOT Subdivision Street Regulations there has been a lot of input from the County. Mark Graham has been working very closely with that group. They have been trying to implement some of their recommendations from that as well. Through this exercise they have come down to this table as shown. They have got six categories: Boulevards, Avenues, Streets, Lanes, Residential Alleys and Commercial Alleys. The DISC Committee came out with a lot more descriptions of various types of streets. But as they

went through their assessment of the different streets they found that consistently there were certain categories of streets that all had the same dimensions curb to curb, but it was just everything that was beyond the curb that was making the difference. To try to simplify the table as much as they could, they chose these particular categories and then under the description side tried to provide there that these streets could be used as boulevards or they could have a center median or not or they could have parking or not. They tried to list certain options there to be modified to fit whatever application the person was using them for. Ms. Echols and Mr. Barnes went through the exercise of walking around the streets of Charlottesville and actually took some photos of some streets that they thought pretty much matched the vision of what the neighborhood streets were thought to be. After they picked these streets, they actually went out and physically measured them. They took those measurements and came back and compared them with our table to see how they fit in. Those measurements were pretty close and they only had to make some slight modifications. He presented a power point presentation that included some of the photographs that they took. He asked if anyone had any questions on the table.

Mr. Rieley asked if a distinction was made for situations in which there is a curb with no gutter, which was an issue that comes up from time to time. He stated that it was obviously an issue where there was a travel way adjacent to a curb and not an issue when you have parking adjacent to the curb.

Mr. Kelsey pointed out that in the table they just specifically put in curb and did not write in curb and gutter because they were intentionally leaving gutter out. In the past the VDOT designers were very strict that if you have a curb then you must have the gutter pan. It has only been recently through other discussion that they found that is not always the case and they can go either way. Typically if you don't have a gutter pan you tend to have a little more spread and you end up having to space the inlets a little closer together or have a bike lane there that would allow the spread of a little more room before the travel way. He stated that it had only been recently that they discovered that no gutter pan is actually an option. He pointed out that they intentionally left that out to be utilized if it was required in a particular situation, but they did not necessarily mandate it.

Mr. Rieley stated that he felt that was great. He stated that in the third column about design speed that there is a notation of maximum design speed. He pointed out that he liked the sentiment behind that because VDOT typically using the minimum design speed. The question that comes to mind is that typically the criteria that sets the design speed is horizontal alignment and it seems that it may be at odds with a fairly rectilinear grid system in which they have fairly straight systems. What is going to limit the design speed is not the horizontal alignment, but rather the intersections and posted traffic speed. He asked for reassurance that this maximum design speed is not going to be interpreted in a way that would put lots of curvilinear streets in to specifically lower the design speed.

Mr. Kelsey stated that they did not picture that as being the magic design speed. They would use the design speed in setting the horizontal and vertical so as to limit the radius as tight as possible, but not necessarily allowing you to make it longer if you wanted to. He asked if that was what he was getting to.

Mr. Rieley suggested that they work on clarifying that issue. He asked if anyone else had questions for Mr. Kelsey.

Mr. Edgerton stated that the third sentence says that parking lanes may be separated from the travel lanes on both sides. He asked if he had any photos of that.

Mr. Kelsey stated that they did not have an example of that. He noted that one of the recommendations from DISC when they looked at boulevards was that you could have a four-lane boulevard or four lanes divided by a median, but then you could possibly have another median on the outside with the parking on the other side of the median. That would separate the

parking completely from the travel lanes. He stated that it would increase the width of the overall section.

Mr. Edgerton stated that street would essentially become a service road.

Mr. Rieley stated that street would have lower design speeds and would have more of a pedestrian scale.

Mr. Kelsey stated that one of staff's challenges was how do you make a table that is simplified and provides general categories, but still gives enough information that designers would know where to start and still have the ability to have lots of flexibility within each of the categories.

Mr. Edgerton pointed out that the paved width minimum was left off.

Mr. Kelsey stated that was because the width could vary extremely.

Mr. Finley stated that he came in late, but he would presume that this was for the Crozet Master Plan.

Ms. Thomas stated that actually this was a set of standards that the County and VDOT have been working on for quite some time that would apply to not only countywide, but would actually go into VDOT's Design Manual for subdivision/street standards statewide.

Mr. Kelsey stated that was their goal and was what Mr. Graham was pushing for. He pointed out that how far they could get with that they would have to wait to see. If it ends up just being local that would work for the time being.

Mr. Finley asked if every street in Crozet would have to meet these criteria from this time forward.

Ms. Thomas stated that they would generally. She pointed out that there were some roads on this chart, mainly the boulevard, that don't currently appear in the Crozet plan. Also, there are some roads in the Crozet Master Plan that don't appear here, but generally these categories echo what is recommended by the plan. She suggested that they could simplify the roads in the plan by going to this chart with a few modifications that would wrap in some other kinds of transportation facilities like greenways and a drive. There is one drive in Crozet, which they would talk about. This seems to be the road standards to use since they have so much invested in it. Staff has spent so much time working with VDOT on it that they would not want to lose what they have accomplished on it. Actually, staff is hoping to even go further with it.

Mr. Kelsey stated staff would like to get away from using specific numbers as much as possible. Staff's vision was pretty much the local street grid that was going to be based on the category rather than the hard number. He stated that they would want to concentrate on the traffic generation numbers on those rather than local streets.

Mr. Rieley supported staff leaving off those numbers.

Mr. Kelsey presented the slide presentation and went over the different examples of road designations and explained how they developed the standards.

Ms. Thomas stated that staff would suggest that they substitute this for the thoroughfare types that the consultants have suggested with the addition of a couple of things that don't appear on this that would fit well within the transportation section. She stated that there might need to be a little modification to this to express some things or perhaps just in the Crozet Master Plan there might be a few additional notes that might make it melt better. There is some work to be done because there are many places in the document that refer to this.

Mr. Edgerton stated that the graphics really help in understanding the words. If in fact that VDOT is almost on board with this, he definitely thought this was the way that they ought to go because that has always been a hang up that VDOT is at odds with the County's standards and they end up having to defer to them.

Mr. Kelsey noted that one thing that was very nice of them to do was the Subdivision Street Regulations that VDOT was putting together. There was one separate document that was the regulations and they were putting all the design criteria into essentially a design manual. That manual would go to the resident engineer with maximum flexibility with those design guidelines, which was what they had hoped for all along. Currently the way the regulations are written there is not as much flexibility for the resident engineer as they had hoped for.

Ms. Thomas stated that they would move into the Master Plan road discussions. She gave the Commission some pages and references because one of the positives or minuses of this document was that topics tend to occur or repeat in many different places that could be confusing. Transportation information is found at the following locations: Page 12 which was in the community guide; Page 15 which was in the form of implementation strategies; Page 34 which was in the form of general recommendations and forecasting; Page 48 which was the built infrastructure map; Page 53 which was thoroughfare type and the Crozet transit zones; and Page 57 which was the design element for thoroughfare types. She started the discussion off on page 48 with the built infrastructure map. She stated that the Crozet Master Plan does not mandate very many roads or in other words it does not mandate the design characteristics for very many roads. Most of them are left in quite a flexible state. The mustard colored ones are only conceptual roads. The intent was to show a grid network, but that the grid would not have to look like that. There are some roads that are called out that include Routes 240, 250 and Crozet Avenue, which are basically left the way they are. There are no major changes called for. Main Street is shown in red, which is described as a primary commercial street. Eastern and Western Avenues for the most part are shown as avenues, which are described. There is an unusual road that is the Meadows Connector that moves beyond to the edge of the development area, which is described as a drive. That is something that is not shown on the Subdivision Street Chart. There is a distinction made between greenway trail types between the Class A and Class B, which came from the existing Comprehensive Plan. The light green describes the arboreal gateway, which occurs to the entrance to the development areas. This includes the eastern end of downtown on the north along Three Notched Road or Route 240 and also in the southern part of Crozet Avenue as you leave Route 250 heading north towards downtown which goes downhill to the first drainage. That gateway is more of a landscaped treatment rather than a specific kind of road. Both of those roads are calling for no changes. She pointed out that once you pick a road you would go to page 53, which was an introduction for road types, and then onto page 57 for a description of what is meant. In explaining the road type for Main Street, she pointed out that it was essential to have another connection between Crozet Avenue and Eastern Avenue paralleling the tracks because there were so many constraints on Three Notched Road.

Mr. Rieley stated that he liked the charts that the Engineering Department came up with a lot better than the ones in the Master Plan. Since their task was to move this document along to the next level, he asked what kinds of strategies does staff have in mind to incorporate the two.

Mr. Edgerton asked if Main Street would fall under the category of street on the Engineering's chart.

Ms. Thomas stated that it would probably be an undivided avenue.

Mr. Rieley stated that this was a great opportunity to boil this down and get it into one document that they could live with. He stated that the fact that there were fewer types on staff's chart is a big advantage.

Mr. Thomas suggested that they just pull out page 53 and replace it with staff's chart.

Ms. Thomas noted that was what they essentially had in mind. She suggested that on page 53 that it might be worthwhile to retain the regional categories even though drive is the only one that needs to be retained for Crozet. She questioned whether they truly want a page that can be inserted into the Crozet Master Plan with a few additions or a few notes or if they want essentially what they use countywide but maybe with a few things not included in the Crozet Plan. If indeed the Commission endorses the concept of the Meadows Connector as a drive, and they have not really vetted all of these, but they would want to include drive, which was found on page 53 under regional. In other neighborhoods they might have parkways and highways, but in this particular one they are not building any new ones they know of right at this minute.

Mr. Rieley suggested that they make it a street and say this particular street would be a bucolic one because that was the only word that does not fit within the street designation.

Ms. Thomas stated that staff had discussed these options and felt that drive might be a useful thing to have.

Mr. Edgerton stated that it would be used in the first Master Plan that they were trying to move ahead with and he agreed that it should be included. He asked if there would be any harm in getting every conceivable type on the chart and use only the ones that apply. He pointed out that he was trying to find a way so that every time that they do a Master Plan or look at another part of the County that they were not coming up with a whole different experience. He did not want to make it complicated, but wanted it so that everybody would understand and therefore be able to implement the plan.

Mr. Cilimberg stated that they had a prior discussion about how this would be used for the person or individual developer who has not been a part of the process. He asked what would be the easiest thing for them to use. He stated that part of their thinking was that if the plan called for something specifically as a drive, which is a specific one road in this Crozet Master Plan, then they ought to have a column that says what a drive. That would allow the individual that has an interest in that area to be able to see drive in that plan and be able to see an illustration of that in the plan rather than having it hidden as a qualifier within another category type.

Mr. Edgerton agreed.

Mr. Cilimberg stated that the other option would be to remove drive altogether on the Master Plan and just call it one of the standard categories. He stated that there were two ways to approach it.

Mr. Rieley stated that the third issue was whether or not a road with no curb or gutter in that location is indeed the appropriate place.

Mr. Cilimberg pointed out that they might not want a drive there as described.

Ms. Thomas asked if it makes any sense for consistency sake to include other types that don't even show up on the plan. She pointed out that they did not have a boulevard in Crozet, but she was not sure they would want to take it off the chart for Crozet.

Ms. Echols stated that until the other Master Plans are done they would not know all of the categories. This is something that staff has spent a lot of time on. As staff works on the other Master Plans this is what staff would refer to as their basic list of roads as well as for any new developments that are coming in areas that have not been master planned. She pointed out staff did not mind customizing this sheet for Crozet, but it needs to relate to the master list. She stated that they wanted this document to be user friendly and provide guidance to the citizens. She pointed out that it was up to the Commission on how they wanted to do this.

Ms. Thomas stated that this could be expanded slightly, but not as far as the plan goes to include a few things mentioned in the plan. She stated that personally she found it interesting to include the greenway trails and the arboreal gateway as sort of one end of the spectrum on the transportation options. In Crozet the greenway plays a very important role because to-date Route 250 does not appear to be heading for a complete sidewalk network. In part it may have some pedestrian facilities, but it is not something that is clear and there is some strong interest lobbying against that. Therefore, the greenways really have a function for getting people around in Crozet beyond the recreation. She felt that including them in some spot as one of the thoroughfare types was interesting.

Mr. Rieley agreed with that but not so much for the arboreal gateway, which seems not to be a road type but a specific design element for a specific plan. One category that is under the regional column of the Master Plan that is misdefined is parkway. He suggested that there should be a County definition of parkway since they deal with parkways on a countywide basis.

Ms. Thomas stated that if that was inserted it would be useful to identify the transit types that would work with the different street or road category. She stated that might be something useful to continue because page 57 seemed to be of value as a design. She stated that this section might be added on to this master plan that might not occur in other neighborhoods.

Mr. Edgerton suggested that they not add that to the master list of types for the Neighborhood Model because it was specific to Crozet.

Ms. Thomas stated that the place/type map does not go into total detail about the kinds of roads that would be occurring throughout the developed areas within the community, but it relies on the linkage between the road type and the transit type to offer some alternatives. She pointed out that it leaves a lot of latitude to staff, the Commission and the Board to flex according to the specific use that goes in there.

Ms. Hopper asked what page the CT chart was located on.

Ms. Thomas stated that the CT chart was located on page 45 that was the first simple chart that had other back up charts.

Ms. Hopper asked if this was the format that staff anticipates using in the Master Plan.

Ms. Echols stated that was a good question, which they planned on asking the Commission because they were not there yet.

Ms. Hopper stated that that as far as the general reference for the County, that it should not have the CT designations until they answer that question. She suggested that for this plan they could keep page 53 and pull it together.

Ms. Thomas stated that it would not be a hard thing to do, but the question was should they do it.

Mr. Rieley agreed with Mr. Edgerton that the illustrations are very helpful. It would be helpful to have these illustrations correspond with these rather than the other ones.

Mr. Finley asked if there would be anything other than Neighborhood Model principles in the Master Plan.

Ms. Thomas stated that a large part of the development area is left undeveloped under this plan, but for the developed portions she felt that the Neighborhood Model as an adopted part of our Comprehensive Plan is the driving force behind the consultant's work.

Mr. Finley asked if there has been an official decision on that the Neighborhood Model is the only model.

Ms. Echols stated that the Comprehensive Plan says that for the development areas we area looking for a pattern that is different from what we have had in the past and preference would be given to developments which follow the twelve principles of the Neighborhood Model. The Neighborhood Model is not the equivalent of traditional neighborhood development. The Neighborhood Model contains the elements of T & D's traditional neighborhood development, but there are opportunities to vary that for each individual situation. So most of the time they are looking for a more urban form in our development areas, but there are exceptions to that rule.

Mr. Finley stated that she said preference but not officially required.

Ms. Echols stated that the Comprehensive Plan stated that it is the preferred form of development. She pointed out that if someone cannot follow the Neighborhood Model, then they need to explain why and what circumstance prevents them from doing this.

Mr. Edgerton stated that it was the preferred, but not the rule.

Ms. Echols stated that when someone comes in seeking information on a rezoning, staff would use this document to provide guidance.

Mr. Cilimberg stated that the Neighborhood Model was the basis of the twelve principles that were identified in the Neighborhood Model. It is those twelve principles that they were trying to look at new development in relation to. He thought what was acknowledged is that it is not likely that in every case that all twelve principles will be achievable. When you say Neighborhood Model whether it is the form or a form it is almost a generic discussion. The reality is that it is the preferred form, but the real devil is in the details of how projects are able, based on the circumstances that are fairly particular to each project, to meet the twelve principles. He pointed out that the real issue was how the twelve principles were achievable, and the Neighborhood Model form is kind of the result of all of that.

Mr. Rieley stated that the other point that should be made relative to the roads in the Neighborhood Model is that in many ways this is as much of a boom to people who are interested in moving projects ahead as it is an impediment. It is probably a lot more so because it has been dealing with rural road standards in an urbanizing environment has been an enormous frustration for people are trying build in a more dense pattern. So in many ways this is a liberating exercise for people who are in the business of building within the development areas.

Ms. Thomas stated that they were getting short on time and the Commission needs to take a break for dinner before the regular meeting. She suggested that they hold one more informational work session since they have not talked about the downtown and local business component nor the implementation strategies. At the next work session she suggested that start off by discussing the alignment of the roads. She suggested that that they talk about scheduling and the cover memo and the resolution on the development area boundary as recommended by the plan.

Mr. Rieley stated that the Commission would take a few minutes to read through the cover memo and proposed resolution. He pointed out that there was not reason why the Commission should not act on this and get it in the works.

Mr. Finley asked if there would be a public hearing.

Mr. Rieley stated that absolutely there would be a public hearing.

Ms. Hopper moved to approve the resolution of intent as presented at the meeting.

Mr. Thomas seconded the motion.

The motion carried unanimously (5:0). (Craddock, Loewenstein – Absent)

RESOLUTION OF INTENT

WHEREAS, Section 7 of The Neighborhood Model: Building Block for the Development Areas, a part of the Albemarle County Comprehensive Plan, sets forth Guidelines for Implementation of the Neighborhood Model, including the development of individual Master Plans for the Development Areas; and

WHEREAS, at a joint meeting of the Board of Supervisors and the Planning Commission on July 9, 2003, the Board of Supervisors adopted a resolution of intent to amend the Community of Crozet Profile as included in the Comprehensive Plan, Land Use Plan and directed the Planning Commission to hold a public hearing on this amendment to the Comprehensive Plan, and make its recommendations to the Board of Supervisors at the earliest possible date; and

WHEREAS, the Planning Commission has held a series of work sessions to discuss recommendations set forth in the Master Plan, including the recommendation to add the developed portion of the historic Crozet downtown located north of the northern boundary of the existing Development Area, and to remove the southeast quadrant of the same from the existing Development Area, generally encompassing the property located south of Lickinghole Creek to a point on the north side of Route 250 West east of the Clover Lawn development;

NOW, THEREFORE, BE IT RESOLVED THAT for the purposes of implementing the Crozet Master Plan the Planning Commission hereby adopts a resolution of intent to amend the Community of Crozet Development Area boundary as recommended by the Master Plan, with specific land use recommendations for the historic Crozet downtown area to be discussed and determined at a later date;

BE IT FURTHER RESOLVED THAT the Planning Commission will hold a public hearing on this resolution of intent, and make its recommendations to the Board of Supervisors at the earliest possible date.

* * * * *

I, Sharon Claytor Taylor, do hereby certify that the foregoing writing is a true, correct copy of a Resolution duly adopted by the Planning Commission of Albemarle County, Virginia, by a vote of _5_ to _0_, as recorded below, at a regular meeting held on _September 30, 2003.

_____

Clerk, Planning Commission

	Aye	Nay	
Mr. Craddock	_____	____	(Absent)
Mr. Edgerton	_X__	____	
Mr. Finley	_X__	____	
Ms. Hopper	_X__	____	
Mr. Loewenstein	____	____	(Absent)
Mr. Rieley	_X__	____	
Mr. Thomas	_X__	____	

The Commission set the next work session on this item for either October 21st or 28th.

The meeting adjourned at 5:30 p.m. for a dinner break.

The meeting reconvened at 6:00 p.m. for the regular meeting in Room # 241.

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, September 30, 2003 at 6:10 p.m., at the County Office Building, Room 241, Second Floor, 401 McIntire Road, Charlottesville, Virginia. Members attending were William Rieley, Chairman; Rodney Thomas; Bill Edgerton; Jared Loewenstein; Tracey Hopper, Vice-Chairman; and William Finley. Absent from the meeting was Pete Craddock. Mr. Loewenstein arrived at 6:00 p.m.

Other officials present were Wayne Cilimberg, Director of Planning & Community Development; David Benish, Chief of Planning & Community Development; Elaine Echols, Principal Planner; Stephen Waller, Senior Planner; Margaret Doherty, Principal Planner; Susan Thomas, Senior Planner and Greg Kamptner, Assistant County Attorney.

Call to Order and Establish Quorum:

Mr. Rieley called the regular meeting to order at 6:00 p.m.

Other Matters Not Listed on the Agenda from the Public:

Mr. Rieley invited comment from the public on other matters not listed on the agenda. There being none, he stated that the meeting would move on to the next item.

Public Hearing Items:

ZMA-03-05 The Meadows Expansion Amendment (Sign #94) - Request to rezone 26.843 acres from PRD, Planned Residential Development to PRD, Planned Residential Development to allow the addition of 40 new dwelling units at The Meadows residential community. The property, described as Tax Map 56, Parcels 14C and 14C1, is located in the White Hall Magisterial District on Rt. 240 (Crozet Avenue), approximately 1/4 mile north of the intersection of Crozet Avenue and the Rt. 250 West (Rockfish Gap Turnpike). The 1996 Comprehensive Plan, Land Use Plan designates this property as Neighborhood Density Residential [3.01 - 6 DU/acre) in the Community of Crozet. (Susan Thomas) ***APPLICANT REQUESTS DEFERRAL (DATE TO BE DETERMINED).***

Mr. Rieley opened the public hearing and asked if there was anyone present who wished to speak on this matter. There being none, he closed the public hearing to bring the matter back before the Commission for action.

Mr. Loewenstein moved for deferral of ZMA-03-05, The Meadows Expansion Amendment, at the applicant's request with the deferral date being October 21, 2003.

Ms. Hopper seconded the motion.

The motion passed unanimously (6:0). (Craddock – absent)

Mr. Rieley stated that the Commission on October 21, 2003 would hear ZMA-03-05, The Meadows Expansion Amendment.

SP-03-54 James or Julie Herring (Omnipoint/T-Mobile) (Sign #27) – Request for special use permit to allow the construction of a personal wireless facility with a wooden monopole, approximately 66 feet in total height and 10 feet above the height of the tallest tree within 25 feet. This application is being made 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 53, Parcel 6, contains 83.417 acres, and is located in the

White Hall Magisterial District off of Green Hill Lane approximately 1/2-mile northwest of the Route 64 West overpass of Rt. 690 (New Town Road). The property is zoned RA, Rural Areas and EC, Entrance Corridor Overlay District. The Comprehensive Plan designates this property as Rural Area 1. (Stephen Waller)

Mr. Waller summarized the staff report. The applicant's proposal is for the installation of a personal wireless service facility, which would include a wooden monopole, approximately 66 feet in total height, and with a top elevation that would be approximately 1324.5 feet Above Mean Sea Level. This would result in a monopole that is approximately 9.1 feet taller in height above Mean Sea Level than a nearby 56-foot tall tree. The monopole would be equipped with an array of two 6-foot long 8-inch wide, flush-mounted panel antennas at the top. The supporting ground equipment would be contained at the base of the monopole and those cabinets would have dimensions of 4.7 feet in height and 4.3 feet in width. This site is where there are currently three personal wireless facilities. It is located on the south side of Bear Den Mountain facing Interstate-64. As a result of its location on that mountain, staff has recognized that one of the resources identified in the Open Space Plan is the Mountain Resource Area for Bear Den Mountain which starts at 1200 foot contour above sea level. During a balloon test, staff noticed that the balloon was visible amongst the existing vegetation, and also the tallest portions of the existing monopoles were also visible. There was also a very substantial amount of backdrop given the fact that the balloon was at a lower point in the mountain. Therefore, there was no concern of the skylighting of the existing or proposed facilities.
Staff has reviewed this request with regards for Section 31.2.4.1 of the Zoning Ordinance, and also Section 704(a)(7)(b)(I)(II) of the Telecommunications Act of 1996 and recommends approval with conditions including one condition that would actually reduce the height from what was being requested. This would only allow the tower to be 7 feet above the tallest tree for 25 feet. That would be more in keeping with the approvals of the existing towers at the existing facilities that are already there and have been proven not to have substantial visibility except for what is stated there.

Mr. Rieley asked if there were questions for Mr. Waller. There being none, he opened the public hearing and asked if the applicant would like to address the Commission.

Amber Blatter, representative for Omnipoint or T-Mobile Communication, stated that Mr. Waller has given a very good introduction to the tower proposal. Team Mobile is a national and global wireless service. They were relatively new to the Charlottesville area, but they do prefer to co-locate whenever and wherever they can. They have co-located on several structures throughout the County. The applications that are before you tonight cover the I-64 between Charlottesville and Staunton. As you can see, the tower being proposed is 66 feet in height. It is a wood pole and will be painted brown to match the existing tower. These are just additional drawings that you have on the back wall that she had just put in the power point presentation in case there are any questions. She pointed out that the locations of the other towers. Given that the other towers were limited to height in 7 feet above the tree line, it eliminates any opportunity for co-location. That was the reason why they were coming before the Commission tonight for this location. They found this to be a good location in that they would not be removing any of the trees because the access road is there and the clearing is already there. Therefore they would not be eliminating any of the trees that are currently camflaguing the area. In fact there are some more details how the access road is actually laid out. She pointed out that I-64 was their coverage objective. She presented a power point presentation. She presented a photograph of the existing site and pointed out that you can see the existing towers that are there now. She pointed out that this minimizes the visibility. The addition of this tower would be very minimal. The site had been chosen because it does reduce and minimize the visual impact as much as they could. They feel that this is a good location in that not only does it meet their needs and coverage objections but one that stays within the guidelines and recommendations of the County as well. She stated that she had reviewed the recommended condition and was agreeable to those conditions. She asked for the Commission's respectful consideration of the modification of condition # 3, which was to allow for the tower to be only 7 feet above the tree line as opposed to 10 given the area and they

were trying to provide a single span of coverage along I-64. She noted that 3 feet does not seem to be a lot of height in this particular instance. This was due to the fact that they were so close to the tree top area because they were actually trying to shoot over the trees and down onto the interstate. Since they were working in such tight quarters, that 3 feet actually would make a lot of difference. She stated that she was unsure what the reasoning or logic was in having the other towers limited to 7 feet, but she would ask for their consideration. She stated that she would be happy to answer any questions.

Mr. Rieley asked if there were any questions for the applicant.

Mr. Finley asked how far the closest tower was.

Ms. Blatter stated that it was about 25 to 30 feet.

Mr. Loewenstein questioned condition # 3 where it says it shall never exceed. He pointed out that he did not recall the prior conditions using the word never. He noted that the word never would make it very difficult to enforce.

Mr. Waller stated that staff had added never to the general conditions at some point last year when they reorganized the conditions. He stated that at the time the thinking was in some cases when they did not tie it to a specific tree, it was basically giving them the opportunity to find another tree if something did happen to that tallest tree from 25 feet or if the tallest tree within 25 feet was to grown by a substantial amount and they wanted to increase the height.

Mr. Loewenstein asked what would happen if all of the trees were lost in that location during a storm.

Mr. Waller stated that if the trees went away altogether they would look at the site to see if it truly affects the visibility of the site. If it becomes a point where the site is now being viewed as being in violation of the special use permit conditions, then the applicant would either have the option of amending their plans that have to be approved by the Planning Department to move the location of the tower to an acceptable area where there were some trees or it may be a situation where they would have to amend their special use permit.

Mr. Cilimberg stated that in reality they would probably end up having to amend their special use permit if they were going to move the tower or they could lower the tower's height in relation to the tallest tree that was left within 25 feet.

Mr. Waller pointed out that the one thing that was different from the original approvals was that the area for the tallest tree was for all of the three previous towers the area was expanded to 50 feet. As opposed to increasing it to 10 feet now, that might be an option that they could look at as far as amending that condition to make that condition to be the tallest tree within 50 feet. He stated that they might be able to find another tree that they would only go 7 feet above that height within 50 feet but the tree might be at a higher elevation so they might be able to get additional height from that. That is one thing that was more restrictive than the original approval and might be an option for us.

Mr. Thomas asked to clarify the request of the applicant on the 10 to 7 feet. He asked if she was asking to have it at 10 feet or to leave it at 7 feet.

Ms. Blatter stated that they wanted to change it to 10 feet.

Mr. Thomas pointed out that the next application requests 10 feet.

Mr. Waller pointed out that the next application was a different circumstance.

Mr. Edgerton asked for a clarification about why the 7 feet on this particular one.

Mr. Waller stated that on this particular one the other ones were limited to 7 feet.

Mr. Edgerton asked if he was just trying to be consistent with what has previously been done in that site.

Mr. Waller stated that he wanted to be consistent, but he had also noticed that there is a difference in those that they were allowed to go up to 50 feet, but if they were tied to the tallest tree within 25 feet because you are going up an incline looking for that tallest tree, then they were probably able to get a few more feet outside of that. Therefore if you said 7 feet above the tallest tree from 50 feet it would be consistent with those other ones. Right now the way staff has it worded, this one is more restrictive because he recommended it from the tallest tree within 25 feet.

Ms. Hopper asked if there was a reason for that.

Mr. Waller stated that the reason that he kept it to 25 feet was because the tree that they were requesting the difference in it was within the 25-foot difference. Now after listening to what Ms. Blatter said about requesting the additional 10 feet, he has realized that as you are going farther away from the hill laterally you are also going up. The other ones might actually be taller than 7 feet within 25 feet because they were getting that extra distance. He suggested that instead of increasing the height to 10 feet above the tallest tree within 25 feet, if you did it 7 feet above the tallest tree within 50 feet she might still be able to get her 10 feet by identifying a different tree.

Ms. Hopper asked if the balloon was done at 7 feet above that tree.

Mr. Waller pointed out that the balloon was actually done at 10 feet, and that is what is shown in the photos. Other than consistency, there would have been no true objections to the 10 feet other than being consistent with what is already there. He stated that the second sentence goes into that also because it could be possible that they could find another tree within 25 feet that they went 7 feet that would give them the 66 feet also. They are not being tied to a specific tree by the conditions.

Mr. Rieley asked if anyone else would like to speak to SP-03-54. There being none, he closed the public hearing to bring the matter back to the Commission.

Mr. Loewenstein noted that the existing towers were all 7 feet above the highest tree.

Mr. Rieley favored going with the existing standard condition using 7 feet. He noted that there was a backdrop behind the towers that made an enormous amount of difference, but yet they were still quite visible from I-64 in the wintertime. He favored staff's conditions as they stand.

Mr. Finley recommended the approval of SP-03-54, James or Julie Herring, subject to the conditions recommended by staff

Recommended conditions of approval:

<u>The facility shall be designed, constructed and maintained as follows:</u>

1. With the exception of any minor changes that would be required in order to comply with the conditions listed herein, the facility including the monopole, the ground equipment building, and any antennas shall be sized, located and built as shown on the concept plan entitled, "Crown Communications CAP Operations, LLC /Herring Rawland", dated September 9, 2003 and provided with Attachment A.
2. The calculation of pole height shall include any base, foundation or grading that raises the pole above the pre-existing, natural ground elevation.

3. The top of the pole, as measured Above Mean Sea Level (AMSL) shall never exceed seven (7) feet above the top of the tallest tree within twenty-five feet. In no case shall the pole exceed 66 feet in total height at the time of installation without prior approval of an amendment to this special use permit or personal wireless facility permit.
4. The monopole shall be made of wood and be a dark brown natural wood color.
5. The ground equipment cabinets, antennas, concrete pad and all equipment attached to the pole shall be the same color as the pole and shall be no larger than the specifications set forth in the application plans.
6. 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 distance between the face of the pole and the faces of the antennas be more than 12 inches.
7. No satellite or microwave dishes shall be permitted on the monopole.
8. No antennas or equipment, with the exception of a grounding rod, not to exceed one-inch in diameter and twelve (12) inches in height, shall be located above the top of the pole.
9. No guy wires shall be permitted.
10. No lighting shall be permitted on the site or on the pole, except as herein provided. 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.
11. The permittee shall comply with section 5.1.12 of the Zoning Ordinance. Fencing of the lease area shall not be permitted.

Prior to the issuance of a building permit, the following requirements shall be met:

12. Certification by a registered surveyor stating the height of the reference tree that has been used to justify the height of the monopole shall be provided to the Zoning Administrator.
13. Prior to beginning construction or installation of the pole, the equipment cabinets or vehicular or utility access, an amended tree conservation plan, developed by a certified arborist shall be submitted to the Zoning Administrator for approval. The plan shall specify tree protection methods and procedures, and identify any existing trees to be removed on the site - both inside and outside the access easement and lease area. 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.
14. With the building permit application, the applicant shall submit the final revised set of site plans for construction of the facility. During the application review, Planning staff shall review the revised plans to ensure that all appropriate conditions of the special use permit have been addressed.

After the completion of the pole installation and prior to the issuance of a Certificate of Occupancy or to any facility operation, the following shall be met:

15. Certification by a registered surveyor stating the height of the pole, measured both in feet above ground level and in elevation above sea-level (ASL) using the benchmarks or reference datum identified in the application shall be provided to the Zoning Administrator.
16. Certification confirming that the grounding rod: a) height does not exceed two feet above the tower; and, b) width does not exceed a diameter of one-inch, shall be provided to the Zoning Administrator.

17. No slopes associated with construction of the facility shall be created that are steeper than 2:1 unless retaining walls, revetments, or other stabilization measures acceptable to the County Engineer are employed.

After the issuance of a Certificate of Occupancy, the following requirements shall be met:

18. The applicant, or any subsequent owners of the facility, shall submit a report to the Zoning Administrator by July 1 of each year. The report shall identify each personal wireless service provider that uses the facility, including a drawing indicating which equipment, on both the tower and the ground, are associated with each provider.
19. All equipment and antennae from any individual personal wireless service provider shall be disassembled and removed from the site within ninety (90) days of the date its use is discontinued. The entire facility shall be disassembled and removed from the site within ninety (90) days of the date its use for personal wireless service 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.

Mr. Loewenstein agreed.

Ms. Hopper seconded the motion.

The motion passed unanimously (6:0). (Craddock – absent)

Mr. Rieley stated that the Board would hear SP-03-54, James or Julie Herring on November 5th.

SP-03-55 David T. Pastors (Omnipoint/T-Mobile) (Sign #32) – SP 03-055 Pastors (T-Mobile) - Request for special use permit to allow the construction of a personal wireless facility with a wooden monopole, approximately 102 feet in total height and 10 feet above the height of the tallest tree within 25 feet. This application is being made 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 55, Parcel 19D1, contains approximately 21 acres and is located in the White Hall Magisterial District on Rt. 684 (Half Mile Branch Road) at Yancey Mills, approximately 1/8 mile north of the intersection with Rt. 797 (Hillsboro Lane). The property is zoned RA (Rural Areas) and EC (Entrance Corridor). The Comprehensive Plan designates this property as Rural Area 3. (Stephen Waller)

Mr. Waller summarized the staff report. He stated that this application was similar to the last in that it was a request for a horizontal location. In this case they would see a second facility on a property within close proximity of an existing facility. In this case the applicant was requesting approval of a site that would use a monopole that would be approximately 98 feet in total height and have a top elevation of 802.42 feet Above Mean Sea Level. Like the last request, the monopole would be outfitted with an array of 2 6-foot long and 8 inch wide flush-mounted panel antennas and equipment cabinets at the base with the same dimensions as the last request. In this case staff has recognized that the Entrance Corridor Overlay District is one of the open space resources that would be affected by this request and the Architectural Review Board has reviewed the request and they recommended approval with conditions that would limit the height of the monopole to a total height above mean sea level that would not exceed the height of the existing monopole in that first facility that was already there. Part of that was because during the balloon test staff noticed that the top of the tree line was pretty even vertically. Approval of the original request would have resulted in a monopole that would have been 102 feet and that was within 10 feet of the tallest tree within 25 feet. The tree was 92 feet, which was south of the

facility. In order to meet the ARB's recommendations for total monopole height, the applicant found another tree that they wanted to base their height on, but now instead of a proposal for a 102-foot monopole they were looking at a proposal for a 98-foot monopole. Condition # 3 could actually tie the total height of this to 10 feet above an 88-foot tall tree, but there is also a 92 tall tree that was within 25 feet of the proposed site. They would actually be 6 feet above the tallest tree within 25 feet, but 10 feet taller than the 88-foot tall tree.

Mr. Rieley stated that if they were to approve this at a height that does not exceed 7 feet from the tallest tree within 25 feet, then they would be approving an elevation that was 1 foot higher than the current plan. Therefore, that would allow the applicant to do exactly what they want to do. He asked if that was correct.

Mr. Waller stated that it would allow them to do what they want to do

Mr. Rieley stated that there is a tree within 25 feet that would allow them to do what they want to do.

Mr. Waller stated that when they turned the plans in they were not identifying that 92-foot tall tree on the plans.

Ms. Hopper stated that the balloon test was 4 feet above what they were requesting now. Therefore, it would take into consideration that within 25 feet the tree would be 3 feet higher.

Mr. Rieley asked if there were further questions for Mr. Waller. There being none, he opened the public hearing to ask the applicant to address the Commission.

Amber Blatter, representative for Omnipoint or T-Mobile Communication, stated that as Mr. Waller mentioned the application was fairly similar to the application that the Commission just heard. The request is for a tree top tower for a tower that would extend 10 feet above the tree line. The total height of the tower would be 98 feet. The existing tower is actually 99 feet. Therefore, the new tower would be 1 foot shorter now than the existing tower that is there now. They have situated the cabinets into this area so that no trees would have to be removed. They would not be removing anything that was currently camouflaging the area. The access road already exists. She presented a power point presentation. She pointed out that they were trying to minimize the visual impact as much as they could. They feel that it is an application that meets their recommendations for coverage needs and one that stays within the guidelines of the County. She stated that they were agreeable to the recommended conditions and would be happy to address any questions.

Mr. Rieley asked if there were any questions for Ms. Blatter. He asked if there was anyone else who would like to address SP-03-55. There being none, he closed the public hearing to bring the matter back to the Commission for discussion and possible action.

Mr. Loewenstein pointed out that the ARB liked the conditions.

Mr. Rieley stated that since it would not restrict what the applicant has applied for, he would like to see the Commission make the height no higher than 7 feet above the tallest tree within 25 feet to be exactly the same as their standard condition. It seems that would be 1 foot higher than the proposed installation height as it is. He suggested that they keep it as simple as possible.

Mr. Loewenstein agreed that it was a good idea.

Mr. Waller suggested that they make sure that tree is labeled on the revised plans.

Mr. Rieley suggested that they note that on the condition and change the height to 7 feet. He asked if someone would make the motion and include the condition that the tower is 7 feet above the nearest tree within 25 feet and that tree would be shown on the revised plan.

Mr. Loewenstein moved for approval of SP-03-55, David T. Pastors (Omnipoint/T-Mobile), subject to the conditions as amended.

The facility shall be designed, constructed and maintained as follows:

1. With the exception of any minor changes that would be required in order to comply with the conditions listed herein, the facility including the monopole, the ground equipment building, and any antennas shall be sized, located and built as shown on the concept plan entitled, "Crown Communications CAP Operations, LLC /Pastors Rawland", dated September 9, 2003.

2. The calculation of pole height shall include any base, foundation or grading that raises the pole above the pre-existing, natural ground elevation.
3. The top of the pole, as measured Above Mean Sea Level (AMSL) shall never exceed seven (7) feet above the top of the tallest tree within twenty-five feet identified on the revised concept plans. In no case shall the pole exceed 99 feet in total height at the time of installation without prior approval of an amendment to this special use permit or personal wireless facility permit.
4. The monopole shall be made of wood and be a dark brown natural wood color.
5. The ground equipment cabinets, antennas, concrete pad and all equipment attached to the pole shall be the same color as the pole and shall be no larger than the specifications set forth in the application plans.
6. 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 distance between the face of the pole and the faces of the antennas be more than 12 inches.
7. No satellite or microwave dishes shall be permitted on the monopole.
8. No antennas or equipment, with the exception of a grounding rod, not to exceed one-inch in diameter and twelve (12) inches in height, shall be located above the top of the pole.
9. No guy wires shall be permitted.
10. No lighting shall be permitted on the site or on the pole, except as herein provided. 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.
11. The permittee shall comply with section 5.1.12 of the Zoning Ordinance. Fencing of the lease area shall not be permitted.

Prior to the issuance of a building permit, the following requirements shall be met:

12. Certification by a registered surveyor stating the height of the reference tree that has been used to justify the height of the monopole shall be provided to the Zoning Administrator.
13. Prior to beginning construction or installation of the pole, the equipment cabinets or vehicular or utility access, an amended tree conservation plan, developed by a certified arborist shall be submitted to the Zoning Administrator for approval. The plan shall specify tree protection methods and procedures, and identify any existing trees to be removed on the site - both inside and outside the access easement and lease area. 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.

14. With the building permit application, the applicant shall submit the final revised set of site plans for construction of the facility. During the application review, Planning staff shall review the revised plans to ensure that all appropriate conditions of the special use permit have been addressed.
15. The construction plans shall be revised to reflect the correct tax map and parcel number for the property upon which this facility site is located.

<u>After the completion of the pole installation and prior to the issuance of a Certificate of Occupancy or to any facility operation, the following shall be met:</u>

16. Certification by a registered surveyor stating the height of the pole, measured both in feet above ground level and in elevation above sea-level (ASL) using the benchmarks or reference datum identified in the application shall be provided to the Zoning Administrator.
17. Certification confirming that the grounding rod: a) height does not exceed two feet above the tower; and, b) width does not exceed a diameter of one-inch, shall be provided to the Zoning Administrator.
18. No slopes associated with construction of the facility shall be created that are steeper than 2:1 unless retaining walls, revetments, or other stabilization measures acceptable to the County Engineer are employed.

<u>After the issuance of a Certificate of Occupancy, the following requirements shall be met:</u>

19. The applicant, or any subsequent owners of the facility, shall submit a report to the Zoning Administrator by July 1 of each year. The report shall identify each personal wireless service provider that uses the facility, including a drawing indicating which equipment, on both the tower and the ground, are associated with each provider.
20. All equipment and antennae from any individual personal wireless service provider shall be disassembled and removed from the site within ninety (90) days of the date its use is discontinued. The entire facility shall be disassembled and removed from the site within ninety (90) days of the date its use for personal wireless service 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.

Mr. Kamptner stated that for clarification condition # 3 would also be revised to refer to the 92-foot tall tree.

Mr. Cilimberg stated that there would not be a reference to a specific tree.

Mr. Kamptner agreed that there would not be a reference to a specific tree. He suggested that the last sentence of the condition would state that in no case shall the pole exceed 99 feet if it was a 92-foot tree.

Mr. Rieley noted that the question was whether the strict reading of the way that they have always done this would give them an extra foot. He stated that he did not object to that in the interest of consistency.

Mr. Loewenstein stated that he agreed.

Mr. Cilimberg stated that it would be 99 feet.

Mr. Waller noted that would also get them right at the limit of the ARB's suggestion.

Ms. Hopper seconded the motion.

The motion passed unanimously (6:0). (Craddock – absent)

Mr. Rieley stated that SP-03-55, David T. Pastors (Omnipoint/T-Mobile) would go to the Board with a recommendation for approval and be heard on November 5th.

Work Sessions:

STA-03- 01 - Comprehensive revision of the subdivision ordinance – Amend Chapter 14, Subdivision of Land, of the Albemarle County Code, to comprehensively revise the subdivision regulations by amending most existing regulations, repealing or adding other regulations, and reorganizing Chapter 14 and renumbering many existing regulations. The regulations being amended and added pertain to general provisions including, but not limited to, definitions; administration and procedure; minimum plat requirements and the documents required to be submitted with a plat for review; and minimum improvements required and their design. (Margaret Doherty)

Ms. Doherty summarized the staff report. Staff is proposing a comprehensive amendment of Chapter 14 of the Subdivision Ordinance. The intent of this amendment is to correct some unintended omissions and inconsistencies of previous amendments. This amendment originally started out as a sort of housekeeping to clean the Subdivision Ordinance up. It also includes some changes in the Code to reflect our current practice in what they were doing today because sometimes it does not read the way that they are actually doing it. These changes would be phase 1 of the implementation of the recommendations of the Neighborhood Model. The document sent to the Commission has a lot of changes. This amendment actually started with Ron Keeler many years ago. Therefore the proposed amendment has a lot of old stuff and brand new stuff. The proposed amendment has changes to the way that they review subdivisions and the process in what is required to be shown on subdivisions and to the forms of subdivisions. There are a couple of big items. Staff has created different standards for subdivisions located in the development area. That is a big change. They intentionally left the Rural Areas alone. A lot of times they would have an unintended consequence in the Rural Area so staff would say that they wanted to make the change, but they did not want to make it now because they wanted to wait for the Rural Areas Comprehensive Amendment to take place. Distinguishing the Comp Plan areas allowed staff to create urban standards in the urban areas and better distinguish them. Subdivisions have different characteristics and they cannot treat all subdivisions alike. This amendment also includes a lot of little changes. For instance, there is a new requirement for a control point to be put on plats, which will get all of our plats encoded into our GIS. There are other things in there such as the placeholder for the groundwater assessment, which was not creating the groundwater ordinance. This would now be in the Subdivision Ordinance because it was needed in case the groundwater ordinance does get passed.

Mr. Rieley stated that back to the GIS identification plan, what form is that in. Is it longitude and latitude or state plane coordinate?

Ms. Doherty stated that it was a XY coordinate. On page 8 under definitions, control point is a known latitude/longitude geographic location obtained in the field using either a global positioning system or other location determining equipment and acquired in a manner that would yield a XY position and can be demonstrated to have some meter accuracy. She asked if that make sense.

Mr. Rieley stated that it was not very precise. He stated that it should either state that it was the Virginia State Plane Coordinate System or UTM system, which was the metric system. He pointed out that both of those systems were the XY Coordinate System. Or you could say either

a Virginia State Plane Coordinate or UTM system and the longitude and latitude should refer to either a NADS 27 or ESE84 because they would yield different locations. He asked that the graphics people should tell us what system they use, but he would think that it was important to have that in there because if they get it in a different system, then it was going to give them different information.

Ms. Doherty suggested that he email Tex Weaver about this.

Mr. Riley stated that he felt that it should be specific.

Ms. Doherty stated that staff would give Mr. Weaver this information.

Ms. Doherty stated that Mr. Weaver's group has had limited conversations with the development community or people that use this type of stuff such as surveyors, but they have not brought this up at the Focused Discussion Meeting. She pointed out that staff would bring that up at the next meeting. She noted that they would find little changes throughout this ordinance. She pointed out that they have added language that provides standards for private roads other than those approved by VDOT, which would allow them to approve the traditional neighborhood roads that they were asking for now in their major rezonings. As they have been going along for years on the zoning text amendment, little things have been added along the way. She pointed out that she had outlined every change. She noted that most of the changes that were focused on at the July meeting of the Focus Group were the Neighborhood Model changes. The changes have been discussed in the staff report. She stated that the main focus tonight should be on the adoption of the resolution of intent and to schedule a public hearing for October 21st.

Ms. Echols pointed out that was what staff had discussed earlier with the Commission about getting this public hearing scheduled for October 21st or 28th depending on their schedule.

Mr. Rieley asked if there was anything about this that was time sensitive that a week would make a difference. He suggested that they schedule the public hearing on October 28th.

Mr. Benish stated that the only thing that was time sensitive was not related to this. He pointed out that he was piggybacking the CPA for the Affordable Housing on this date because they had limited items. Therefore, that was going on October 28th depending on how this was scheduled. He noted that the Crozet Master Plan hearing on the change of the boundary would be scheduled after that.

Mr. Rieley asked that the hearing be scheduled on October 28th.

Mr. Rieley asked if they wanted to take action on the resolution of intent, which was shown on Attachment D.

Mr. Loewenstein suggested that the Commission discuss the issues first.

Mr. Rieley stated that they would start off with general questions.

Mr. Loewenstein stated that on page 25, Section14.2.12, Family Divisions subject to conditions of approval, he wanted to be sure that he understands this. The old section A about five years of prior ownership by the grantor of the family division rights is being reduced to two years.

Ms. Doherty stated that a couple of sections within this were going to be confusing. That section A was a section that staff was proposing, and then staff decided to get rid of it. Staff has not run that by Mr. Kamptner. She stated that it was just a proposed ordinance.

Mr. Loewenstein stated that what they were left with on family subdivisions now was two years from the date of recordation.

Mr. Rieley noted that was currently what it was.

Ms. Doherty stated that the only change that was being proposed to family division, Section 14.2.12 is that in that second paragraph that is now called A in the last sentence within the two year period a lot is created to be recombined. She pointed out that was just a rewording of the existing ordinance and there was no change to the family division proposed.

Mr. Finley stated that in the first sentence it says including the residue. He asked what she meant by that.

Ms. Doherty stated that when staff says no lot created it, would be all of the lots resulting from the division. One of the lots that was going to result in a division was what was left over or the residue. If you take a parcel and you create a little 2-acre lot, then the rest of it was the residue.

Mr. Finley stated that it would be the rest of the entire parcel. He asked what they mean. If you have a 20-acre farm and you make a 2-acre family division, then the entire 18 acres is the residue.

Ms. Doherty stated that was correct and you would have to hang on to it for a period of two years.

Mr. Finley asked if the rest of it could only be used for family divisions.

Ms. Doherty stated that the grantors or a family member must own it for two years from the time of the division. She noted that it was new language.

Mr. Kamptner stated that it was consistent with staff interpretation. They have been interpreting the language such that the lot created by a family division was both the smaller lot and the larger lot. There is nothing in the family division rules that would prohibit someone from creating a 2-acre lot out of a 20-acre parcel and conveying the 18-acre parcel and the 2-acre parcel. This would just codify the way STET been interpreting the ordinance since the regulations changed in 1998.

Mr. Rieley stated that the size would be irrelevant. He asked what the reason was why the longer term was not brought to the Commission as a recommendation.

Ms. Doherty stated that the family division almost exclusively happens in the Rural Areas.

Mr. Finley stated that if you create a family division and then next year you have the parcel that was created plus what you are now saying is the residue. He asked if the next year you wanted to take another 2-acre lot out of the residue as a family division, if that is allowed. He stated that was not prohibited.

Ms. Doherty stated that was correct and was not prohibited because you could do that.

Mr. Rieley asked if there were other specific things that the Commissioners would like to discuss. He asked if there were other hot items that staff has not touched on that the Commission would like to draw their attention to.

Ms. Doherty stated that the staff report draws attention to the urban streetscape standards which are the changes in the Code that are pretty suddle because the current Code is allowing us to require sidewalks and curbs and gutters in some circumstances, but not in all circumstances in the development areas. The proposed change would essentially create curb and gutters, sidewalks and tree plantings as the standard and then allowing exceptions rather than having that be the exception.

Mr. Rieley stated Engineering was moving their language away from curb and gutters to simply curb and sidewalks. He felt that would be a good move for them to follow suit in the ordinance.

Mr. Finley stated that on page 25, he had another question on Section 14.2.1.2.1. He asked if that was also family division or for everywhere.

Ms. Doherty stated no that was for boundary line adjustments, which was a different type of plat.

Mr. Finley asked if it was not exclusively dealing with family division, but any boundary adjustment on any parcel.

Ms. Doherty stated that they were distinguishing different types of plats. Boundary adjustments in a family division were different. It actually allows boundary line adjustments to happen a little easier now because they did not have a way to call them anything else but a subdivision before. Therefore, it was difficult to do a family line adjustment without having to go through a bit process. This was actually making boundary line adjustments a little simpler.

Mr. Finley asked if that was for any parcel and not just for family division, and Ms. Doherty stated that was correct.

Mr. Loewenstein stated that the same would be true for easement plats.

Mr. Cilimberg suggested that they go back and look at the numbering system because this was implying something that was not intended.

Mr. Kamptner pointed out that within the division, it was a catch-all for a number of procedures and for a number of types of plats and different actions.

Mr. Loewenstein stated that during the review of this they have received input from citizens and groups in the County. One of the somewhat consistent constraints through a lot of this has been the expression of the concern over the possibility that the adoption of this new language in much the same lines as they have it presented to us here will more or less mandate the Neighborhood Model on every type of application that they will see for subdivisions in the future. Since that seems to be a reaction that a number of people have had, he thought it was something that they ought to talk about a little bit. Surely this will come up at the public hearing stage and he would be interested to hear what others think about it. He stated that it was an important point in terms of public perspective and he thought that they needed to be as clear as they could about what the goals are and what the means are to accomplish those. He asked if anyone else had any thoughts on this.

Mr. Finley stated that in Attachment B of Mr. Williamson's letter, he says almost exactly what Mr. Loewenstein was talking about.

Mr. Loewenstein stated that they have heard from a number of groups and individuals.

Mr. Cilimberg stated that this was a very straight forward and simple matter. The Subdivision Ordinance, as it was currently constructed, will allow the option of the applications for connections, such as curb and sidewalk. In any case and it can mandate it when you get to certain densities, but it can allow it in any case. This is the A form versus the B form of development. The reality is that it is not happening in all cases. The ordinance language before you now creates the exception that it not happen rather the rule that it not happen. That is simple. So it is really a matter of whether you feel like you want to keep things as they are, which could basically remove a fair amount of what they have already done, but keep the ordinance pretty much the same in that area of policy application or whether you want to see it change to better assure that you will get what the Comprehensive Plan calls for. That is really all it is. The Neighborhood Model is not getting implemented to the degree that it could be under the

ordinance as it exists. He stated that maybe that is what you and the Board will ultimately want to do. The change in language is to better ensure the implementation of the Neighborhood Model and still allows for exceptions. There are going to be exceptions. There are patterns that have already been established where it would make no sense to all of a sudden change.

Mr. Loewenstein noted that there would be reasonable exceptions in some cases.

Mr. Cilimberg stated that he thought that as they look at it that is the simple truth of what this means.

Mr. Loewenstein stated that was well said. He pointed out that his thought on that is that it might be well to be pondering along these lines when the public hearing time comes up. He thought perhaps preparatory to the text of the proposed changes in the ordinances that there might be some very simple documentation expressing the goals in just that way. If no other place than in the staff report for that public hearing, so that it would be something that would be accessible if somebody had questions about it. He felt that they would have those questions and it might be important to sort of face that head up before we get all the way down to the last hour.

Mr. Rieley stated that was a good idea.

Mr. Cilimberg stated that he wanted to point out something else that this staff report does speak to which was something that he did not want the Commission to lose sight of. There are aspects of the Subdivision Ordinance in establishing the real requirement for sidewalks, curb, interconnections that should have been done ten years ago because in fact the Comprehensive Plan established a desire for this type of urban development before the Neighborhood Model was even ever an animal out there. He thought that it was something worth pointing out. This was not just because of the Neighborhood Model that gets into the ordinance in this form. It started before in what was established in the 1989 Comprehensive Plan changes and then again in 1986 in the Land Use Plan. In each case, it became more definitive and the Neighborhood Model changes more recently have been the most definitive, but this is not new. Interestingly years ago as an example, they were getting more curb, sidewalk and interconnection allowances in urban development than back in the 70's then ten years ago after it was more defined in the ordinance. If you look at some of the projects that were done earlier in urbanization of the County, there was more of that happening. There was a lot of allowances made for the interconnectivity idea.

Ms. Echols asked to add some things from DISC. One of the things that was so critical to them was trying to figure out how to create the form that we want that supports density. And if their goal was to provide for greater density, then you have to set up the infrastructure that supports it. And that is what was in many ways driving DISC although the amenity aspect was certainly important pedestrian aspect was also very important to DISC. They realized that if you want to achieve this urban infrastructure and this urban look, you have to make it the rule rather than the exception. That was a direct message from DISC to the Planning Commission and the Board through the Neighborhood Model rewrite.

Mr. Rieley stated that one of his big surprises and disappointments when he first came on the Planning Commission was when the time that the Commission and the applicant were in the situation when they wanted to see a standard that was more urban applied and we were prevented from it by the language of the ordinance. This initiative is welcome and he knew they would hear lots of discussion about details. This is really an important issue.

Mr. Loewenstein agreed, but just wanted to make sure that it was clearly and concisely represented that way at the public hearing stage so that people don't' get bogged down in this manner of thinking and the details will all be put through that filter. That will be a very tedious difficult confusing process to get through if that happens.

Mr. Rieley stated that was a good point.

Mr. Hopper asked if he also said that the applicant would be hamstrung.

Mr. Rieley stated that was absolutely correct.

Mr. Finley stated that he had a question on big print page 95, paragraph A at the bottom. It says that in Rural Areas designated in the Comprehensive Plan the travel way width shall be 14 feet with the minimum of 3 feet minimum shoulders and 4 feet from the edge of the shoulders, which came out to about 28 feet. It says that if any portion of the street exceeds 7 percent in grade the entire street shall be surfaced as required by the Virginia Department of Transportation. He pointed out that they certainly were not doing that on public roads. There are many public roads with grades greater than 70 percent that you cannot possibly pave even if you wanted to. Why would a private street be treated any different from a public street or public highway in a rural area.

Ms Doughty stated that the intent was that once you get to a certain point, then you are meeting a VDOT standard. She felt that was what it was trying to say. But, in other words the private street should not be different from the public street, was what she believed that was what he was saying. That if you reach 7 percent, and then you will have to meet VDOT's standards for surfacing. It should be the same for a public street and not different.

Mr. Rieley noted that there are a lot of VDOT roads out there that don't meet VDOT's current standards nor is there any plan to bring them up to VDOT's current standards. But, they do require it for new projects.

Ms. Doherty stated that Ms. Echols had verified this that this was existing language. All they have done is taken this from a table and put it into paragraphs.

Mr. Finely stated that it was not VDOT that was not bringing it up, it was the rural plan discourages any pavement on rural roads.

Ms. Doherty stated that they intentionally were not creating new rural areas road standards with this amendment. The rural area road conversation has to take place at the Comp Plan level. Once they know what the rural areas roads are going to look like, then they will change the subdivision road.

Mr. Finley stated that if you did a cluster development in the rural areas and you had more than 7 percent on the road grade, according to this you would have to pave the entire road.

Ms. Doherty stated that was what the current ordinance requires.

Ms. Echols stated that under the proposed section here, there was the opportunity to waive the VDOT's standard which you all have done upon occasion. They were purposely holding off on the entire rural areas roads until after the Comp Plan stuff is finished. They will be discussing what these standards are and maybe even altering them. They are not there yet.

Mr. Finley asked if they were requiring that a water analysis be made before you could get the plat approved.

Ms. Doherty stated that the details of the ground water assessment have not been flushed out yet. This is actually just a place holder in the Subdivision Ordinance if the ground water assessment ordinance is approved by the Board. How that will happen will be figured out in that ordinance.

Mr. Loewenstein stated that some of the stuff was from the Virginia Code.

Mr. Thomas asked if the water issues would come before the Commission.

Ms. Doherty stated that process has not been decided.

Mr. Kamptner stated that the development of the ordinance was just starting and the Engineering target date was to have a draft ready to go in December.

Mr. Rieley asked if there were other comments. Once again, this was moving the process to the next step and they were going to have lots of opportunity to hear a lot and to make changes in lots of details.

Mr. Loewenstein stated that later on he was going to have questions about the reservation of land for the public use section because there were some interesting pieces of that. He stated that there was a number of things worth looking at.

Mr. Kamptner stated that there was one more change based on new State law, and they have found a couple of subsections that got dropped.

Ms. Doherty stated that when reading through, this the Commission should be aware of the changes in 14 bold and then pointed out that another change was made changing the decision making from the Planning Commission to the agent on purpose to make the kind of development that they want easier to do. She pointed out that private streets was one of those places.

Mr. Rieley asked if the Commissioners were comfortable enough with the resolution of intent to make a motion.

Ms. Hopper moved for the approval of the resolution of intent as presented.

RESOLUTION OF INTENT

WHEREAS, one purpose of Chapter 14, Subdivision of Land (the "Subdivision Ordinance"), is to implement the Comprehensive Plan through the standards and procedures established in the Subdivision Ordinance;

WHEREAS, since the Subdivision Ordinance was last comprehensively revised in 1998, there have been significant amendments to the Comprehensive Plan, and improved practices and procedures have been identified for the review and approval of plats; and

WHEREAS, in order to better implement the Comprehensive Plan and fulfill the other purposes of the Subdivision Ordinance delineated in Albemarle County Code § 14-101, it is desired to comprehensively revise the Subdivision Ordinance by reorganizing the regulations and by amending or adding regulations pertaining to general provisions including, but not limited to, definitions; administration and procedure; minimum plat requirements; documents required to be submitted with a plat for review; and minimum improvements required and their design.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare and the orderly subdivision of land and its development, the Albemarle County Planning Commission hereby adopts a resolution of intent to amend the Subdivision Ordinance to achieve the purposes described herein; and

BE IT FURTHER RESOLVED THAT the Planning Commission will hold a public hearing on the subdivision text amendment proposed pursuant to this resolution of intent, and make its recommendation to the Board of Supervisors at the earliest possible date.

* * * * *

Mr. Edgerton seconded the motion.

The motion carried unanimously (5:1). (Finley – No) (Craddock, Loewenstein – Absent)

Mr. Finley noted that he voted no because there were a lot of items that were going to be changed and personally he did not think the application was ready.

Mr. Cilimberg stated that they would try to schedule the public hearing for the 28th of October, but they would have to make sure that staff has got whatever was going to be amended taken care of to properly advertise and have it ready for the public. If that affects the date at all, then staff would certainly let the Commission know. But, staff's intention would be to meet on the 28th of October. If that has to change he does not want to have to come back to the Commission for a new date.

Ms. Doherty asked the Commission to email any questions or comments to her so that she could get good responses for them before the public hearing.

Mr. Rieley stated that they could continue working on this based on what they hear at the next meeting.

Old Business:

Mr. Rieley asked if there was any old business. There being none, the meeting proceeded.

New Business:

Mr. Rieley asked if there was any new business. He stated that they all owe an enormous debt of gratitude to their collieage who was precluded by a conflict from continuing with them. He wished her lots of success in her new venture.

Ms. Hopper thanked the Commission. She stated that it had been her pleasure working with everybody and that she would miss being here very much.

Mr. Thomas asked staff if something could be worked out to help the SPCA receive additional temporary signs for their yearly sale. He voiced concern about the property only being allowed 4 temporary signs per year when so many nonprofit organizations are using the building throughout the year.

Mr. Kamptner stated that the ordinance has to treat nonprofit organizations the same as commercial organizations.

There being none, the meeting proceeded.

Adjournment:

With no further items, the meeting adjourned at 7:42 p.m. to the October 7, 2003 meeting.

V. Wayne Cilimberg, Secretary

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