Albemarle County Planning Commission
November 4, 2003

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, November 4, 2003 at 6:00 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; and William Finley. Absent from the meeting was Pete Craddock. Mr. Finley arrived at 6:12 p.m.

Other officials present were Wayne Cilimberg, Director of Planning & Community Development; Francis MacCall, Planner; Joan McDowell, Principal Planner; Scott Clark, Planner; Stephen Waller, Planner; and Greg Kamptner, Assistant County Attorney.

Call to Order and Establish Quorum:

Mr. Rieley called the regular meeting to order at 6:05 p.m. and established a quorum.

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, the meeting proceeded.

Consent Agenda:

Approval of Planning Commission Minutes – September 9, 2003

Mr. Rieley asked if any Commissioner would like to pull this item off the consent agenda for further discussion. There being none, he asked for a motion on the consent agenda.

Mr. Edgerton moved to approve the consent agenda as presented.

Mr. Thomas seconded the motion.

The motion carried by a vote of (4:0). (Craddock, Finley – Absent)

Mr. Finley arrived at 6:12 p.m.

Public Hearing Items:

ZMA 03-09 Marshall Property – Airport Road Parking Lot (Sign 79) - Request to amend the proffers of ZMA-1996-018 to allow for stand alone parking and allow a separate entrance onto Airport Road. The property, described as Tax Map 32, Parcels 20D & 20E is 1.336 acres, is zoned HC, Highway Commercial, and is located in the Rio Magisterial District. The property is located on Airport Road [Rt. 649], approximately .1 miles from the intersection of Rt. 29N (Seminole Trail) and Airport Road. The Comprehensive Plan designates this property as Regional Service in the Hollymead Community.

AND

SP 2003-061 Marshall Property - Airport Road Parking Lot (Sign #5) Request for special use permit to allow stand alone parking in accordance with Section 24.2.2.12 of the Zoning Ordinance which allows for stand alone parking and parking structures.

AND

SDP 2003-058 Marshall Property Preliminary - Request for preliminary site plan approval for stand alone parking on 1.336 acres zoned HC, Highway Commercial. The property, described as Tax Map 32, Parcels 20D & 20E is zoned HC, Highway Commercial. (Francis MacCall)

Mr. MacCall summarized the staff report. The subject parcels are Tax Map 32, Parcels 20D and 20E and are located on Airport Road west of Route 29. The applicant is requesting to amend the proffers of ZMA-1996-18 to allow stand-alone parking and to allow an entrance to these parcels that are shown on the plan in the report. Approval of the proffer amendment would then allow the special use permit for stand-alone parking to be permitted which would then require a preliminary site plan to be approved. This parking would serve the existing Airport Auto Center, which is on an adjacent parcel. As stated in the report the main issue at hand is that of the entrance to the west of the entrance to the Airport Auto Center. Staff and VDOT are not recommending approval of that entrance. The applicant would like to keep this entrance and will further elaborate on this in a moment.

Staff has reviewed this request for compliance with the principles of the Neighborhood Model and the Zoning Ordinance, and recommends approval of the zoning map amendment proffer change, the special use permit with conditions and is recommending that the critical slopes waiver and the buffer disturbance waiver be approved with the preliminary site plan that has conditions as well stated in the report.

Staff has provided the Commission with some minor changes to one of the special use permit conditions. The applicant is aware of the recommended change in the conditions.

Mr. Rieley asked if the Commission had any questions for Mr. MacCall.

Mr. Edgerton stated that on page 24 of the staff report regarding the comments by the Architectural Review Board, he asked for further clarification on the statement, based on the strict interpretation of ARB Guidelines, the ARB cannot support the request for the special use permit because the resulting development does not reflect the traditional architecture of the area. He stated that he did not see that mentioned in the staff report and wondered why.

Mr. MacCall stated that he did not elaborate on that as much because with further discussion with the ARB staff they do believe that even though the ARB does make that statement he generally believed that they were looking for recommendations and were not approving and denying. With the final site plan if they could recommend staff wise to appropriately provide the screening that would be necessary, then the ARB would be satisfied with the proposal. He noted that he was not actually at that ARB meeting, but the applicant may be able to elaborate on that. From his understanding from the ARB staff, they did understand that this was something that the Commission can tell from the previous actions that have happened on this property, that this was something that could happen and might not be best possible scenario for the ARB with the parking directly on the Entrance Corridor, but understanding that the applicant is hoping to come into compliance with the zoning violations and being able to work with them to provide the best landscape screening that is possible for this project.

Mr. Edgerton stated that when he visited the site that the 20 foot buffer to the north and south as shown on the plat, if he was not mistaken that would all be graded so that the building would actually come above this after the grading.

Mr. MacCall stated that there was really nothing there other than a few trees.

Mr. Edgerton stated that they assume that all of the trees were gone because the buffer would occur after the development is up.

Mr. MacCall stated that the applicant plans on keeping at least two and they did not look like they were being removed with the proposal, but they would sort of be incorporated into the landscape buffer.

Mr. Rieley asked if there were other questions. He stated that there were a couple of questions relative to that. The first question was that he did not see any architecture on this plan so it was hard for him to understand the condition. The second question was that the fourth condition was that final plan approval is subject to an issuance of a Certificate of Appropriateness from the Architectural Review Board. Unless there was something that their action would do that would lock into place something that the ARB has objections to and they still have the final authority over the issuance of the Certificate of Appropriateness.

Mr. MacCall stated that he believed so, but he did not get the impression that they were looking to not grant a certificate of appropriate. It would be jus to satisfy them with the appropriate landscaping features that would be necessary to screen it. He pointed out that the ARB makes comments on any preliminary site plan that is submitted.

Mr. Rieley asked if there were other questions for Mr. MacCall. There being none, he opened the public hearing and asked the applicant to come forward to address the Commission. He asked Mr. Kamptner if all three items could be addressed together as long as there were three separate actions.

Mr. Kamptner stated that separate actions would be required. He pointed out that there also was a critical slopes waiver and a buffer disturbance waiver.

Jo Higgins, representative for the applicant Mr. and Mrs. Marshall stated that Scott Marshall was also present in the audience if the Commission has any questions for him. To address the two questions that have been raised, the ARB letter that was in the package was the first review letter of the plan and did have a discussion that the specific guidelines of the ARB regarded architecture. Therefore, Mr. Rieley sort of hit that nail on the head in that they were kind of split as to how to interpret their goals in this matter. She pointed out that in 1996 the Planning Commission as part of the recommendation approved this property for off-site parking when the Board of Supervisors rezoned it. The ARB recognized that at the time that action occurred this was not an Entrance Corridor since it was not adopted to the list until the year 2000. There is some discussion in the previous Planning Commission meeting in 1996, when Ms. Huckle brought up that there was some idea that it might at some time be incorporated into the Entrance Corridor list. It was discussed at that time even though it was discussed that it was still recommended to the Board for approval of the rezoning and off-site parking. Subsequent to those actions, the ordinance changed in February of 2003 so that off-site parking is now interpreted as stand-alone parking. Therefore, instead of just submitting a preliminary plan with a zoning amendment you are also required to submit a special use permit for this new use that was incorporated into the Zoning Ordinance this year. That is the history of this site. She pointed out that there was not architecture and the ARB was trying to consider what they should do in this case and that is where these conditions came from. She stated that subsequent to the ARB review and this letter, the site plan was revised and the parking was reduced by 10 percent. The ARB requested that they only do what is necessary and a reduction if that could be done. In addition, an interior buffer between the upper and the lower part was added as part of the ARB comments. So in essence this has been responded to, but the ARB has not reviewed or acted upon a review of the final plan that is before the Commission tonight. She hoped that the plan has come very far to respond to their comments. The other issue was the entrance. In 1996, there is a proffer form in the package that has four conditions. The third condition was that the owner at that time was told, and rightly so, that Airport Road was a two-lane road and it had no sight distance at the location where the current residential entrance exists. At that time knowing that you could not get the entrance, Mr. Marshall did proffer to access through the Airport Auto Center. There was also a proffer #4, which actually states that the owner reserved the right to come back and change the proffers. Although it was poorly worded, at that time Mr. Marshall

understood it to be that he could come back and have the entrance reinstated provided that the Airport Road got designed and it was a limited entrance with no opening in the median and a lot of things that were unknown at that time since they were indefinite. Subsequently, the design is final and this project goes to bid in December of this year. It has been bumped a few times, but as of yesterday and this morning it is still on the schedule for December. With that in mind, the idea was to request that the proffer be amended to delete the requirement to go through the parcel #40. For various reasons, with the most important being is that parcel 40 has a significant strip of property that has been taken by VDOT for the road and there is a lot going on the site that exhibits a good traffic circulation. It is adequate, but not great. The location of the entrance is shown on the site plan at the exact location of the residential entrance. It would be right in right-out only and would be served by a turn lane. A turn lane does not serve the entrance onto Airport Road Auto Center. The physical requirements for a state commercial entrance have been physically met at that location. Knowing that staff had recommended against the location of the entrance and the only answer that she could from VDOT for the reason was that it did not have anything to do with sight distance or safety. It actually has to do with access management in that the state has a goal to close entrances whenever possible or consolidate entrances with the same idea to close entrances. Just as recent as Friday, trying to look at a bigger viewpoint of Airport Road and its plans, she obtained a full set of plans, and looked at everything from Airport Road down to the UREF entrance onto Airport Road. She pointed out that the plans were here and she had highlighted the entrances that were going to be closed. What they have suggested and actually gotten VDOT to confirm would be acceptable is if this entrance could be or a condition of this approval to be added as a condition if the entrance itself could be shifted to the west to align on the next property line then it would consolidate two existing residential entrances. If it could be considered and if the Planning Commission could give it favorable consideration, they felt that it could be a win/win and it could be a condition of the final plan. It would be the exact entrance but just shifted. It would be served by more than 100 foot of turn lane and meet sight distance and there would be no issues. The applicant would then give up the two residential entrances with one on the adjacent property and one on this property. That was just a suggestion to gain the favor of the Planning Commission if it could be done. The shifting of the entrance would accomplish both things. It would allow the customers to enter and leave by that entrance. There is no cross over so there would be no left turn movement to go to Route. Therefore, they would go to the next appropriate location and it would give a good entrance served by a turn lane. The Airport Road entrance does not have a turn lane. Staff has a condition to provide signage to that entrance to direct customers in that direction. If a customer comes out and needs to make a left turning movement to go back to Route 29, they would proceed to go to the VDOT entrance on Parcel 40, which was on Airport Road. Thus, they feel that there is a good split there. Chuck Rogin, Resident Engineer of VDOT, did confirm this morning that was acceptable to him and that they could work it out in the final plan if it was acceptable to do as a condition. She stated that if the Commission had any questions that she would be happy to answer them. She pointed out that most of their traffic was repeat customers who would learn the best way to get in and out. This would avoid a future problem because the last parcel between this parcel and the new UREF North Fork Road is the Maupin piece because obviously it was too close to have an entrance anywhere along that road frontage so this would serve both properties. Just within the last couple of weeks, Mr. Marshall has taken ownership of the Maupin property.

Mr. Finley asked if she said that the entrance would cross the property line.

Ms. Higgins stated that the entrance would straddle the property line in the same exact method that they have on the other side of the road beginning with Wachovia, the Maupin property, Salvation Army, Tom's Auto and the next parcel. Every one of those were consolidated and put on the property line to be shared between two properties. She felt that it was a little bit more equitable.

Mr. Rieley opened the public hearing and asked if anyone else would like to address any of these three applications relating to the Maupin property. There being none, he closed the public hearing to bring the matter back before the Commission for discussion and possible action.

Mr. Edgerton asked for a reaction from staff since his most recent updated conditions were still recommending that they not allow that.

Mr. MacCall stated that he was just informed of this particular situation this morning and staff has not had time to evaluate if that entrance would work by shifting it. It certainly is a consolidation of multiple entrances.

Mr. Rieley asked if there was a reaction by engineering staff.

Mr. MacCall stated that he had not heard anything from the Engineering staff or VDOT. There was an email that was forwarded, but he had not heard anything from VDOT.

Mr. Thomas asked what staff's opinion would be about that.

Mr. MacCall stated that it certainly does reduce the number of entrances, which was what they were looking to get done. It does move further down that turn lane and that was one of the issues as well. He felt that it might have been that it was too close to the start of the turn lane, even though that was not really brought out. He stated that it was a situation that could possibly be worked with after they evaluate the proposal.

Mr. Thomas stated that he was not an engineer, but he thought it was a good idea since it was going to eliminate one or two entrances.

Mr. MacCall stated that all of the residential entrances and the current two entrances to the Marshall Garage property, which would reduce it from five entrances to two entrances.

Mr. Rieley stated that in the event that the Commission feels uncomfortable doing this by the seat of their pants and would like to have Engineering and VDOT's input on this and they pass it according to staff's existing recommendations, and the applicant is successful in making the case both with Engineering and VDOT that this is a good idea, what is the mechanism for revising this special use permit. He asked if it would be terribly ominous.

Mr. Cilimberg stated that the first thing that they would need to do is review the plan that had the entrance relocated and make sure that it would circulate properly. Also they need to look at conditioning the closing of the entrance that is not on the advertised property as part of this special use permit. That is something that staff would have to look at, which would be the adjacent property Maupin property that was referred to which apparently they have purchased. That would theoretically benefit as far as access from this consolidated entrance. That property was not one of the advertised properties for the special use permit. Staff has to make sure that the condition could be worded to condition that property even though it was not part of the permit.

Mr. Rieley stated that in the event that is worked out, is that something that could be worked out since the zma has the condition that goes to the Board that is something that could be changed between the Commission's action and the Board's action and it was something that would give Engineering and VDOT enough time to react to it.

Mr. Cilimberg stated that these applications were scheduled to be heard by the Board on December 10th. Therefore, to make that date staff would have to work through the various matters in time basically two weeks before that Board meeting.

Mr. Rieley stated that he personally would be more comfortable doing it that way. It seems that if this is an idea that has wings and it could be argued successfully, then it gives Engineering time to deal with it but also gives them the approval on parts of it that everybody is in agreement. He stated that he was uncomfortable saying yes to an idea that cropped up this morning.

Mr. Thomas stated that he like the idea and agreed with what he was saying.

Mr. Cilimberg stated that he did not understand clearly what the Commission actually wants to do. He stated that he got the impression that he wanted to send this on to the Board and allow staff to work out these things between now and the Board meeting, but then he was also hearing that he wanted to defer to make sure that he could see it before it goes.

Mr. Rieley stated that his thought was that they would act on it based on the conditions in the staff report. Then they would allow staff to work with the applicant between now and the Board meeting to make amendments to that and make the case. Then it could have a full vetting with VDOT and with Engineering.

Mr. Thomas asked if they should add a condition to it referring to that entrance being moved to the west.

Mr. Rieley stated that he felt that the minutes would be sufficient.

Mr. Kamptner stated that as part of their action after they take the action they should put it into the minutes that your recommendation is subject to this analysis by the staff.

Mr. MacCall stated that if they could not agree or staff could not recommend approval of that, then their recommendation of tonight would just stand as with the current conditions.

Mr. Rieley stated that made sense.

Mr. Maupin asked if the fact that the Maupin property was not mentioned in the advertising, if this could be done without any problems.

Mr. Kamptner stated that he did not think there would be any problems because the special use permit would generally apply to the property that was advertised, it was just that this one condition if it was eventually put into place is going to reach beyond the corners of the property and the special use permit will only apply to these two parcels.

Mr. Rieley stated that it does not necessarily mean readvertising to engage the next door property. He asked if there was a motion.

Regarding the ZMA-03-09:

Mr. Finley moved for approval of ZMA-03-09 with conditions.

Mr. Loewenstein seconded the motion with one change that the approval is subject to the proffers instead of the conditions.

Mr. Finley agreed to change the motion from with conditions to with proffers.

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The motion carried by a vote of (5:0). (Craddock – Absent)

Regarding SP-2003-061:

Mr. Loewenstein moved for approval of SP-2003-061 to allow stand-along parking with the conditions as distributed tonight.

1. A final site plan shall be submitted for approval which shall be in general accord with the plan dated 9/03/03 and shall include the closure of the western entrance, the completion of the sidewalk, street shrubs, and street trees in the area of where the entrance was shown.
2. At least one sign shall be posted in the parking area that identifies the use as parking for

the adjacent automobile repair center only (Tax Map 32 Parcel 40), with size and location of the sign to be determined and approved by staff.

Mr. Thomas seconded the motion.

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

Regarding SDP-2003-058 and the Two Waivers:

Mr. Kamptner stated that the Commission could take care of the site plan and the two waivers all in one motion.

Mr. Rieley stated that there was a site plan and two waivers, which was for critical slopes and a buffer waiver.

Mr. Thomas moved for approval for SDP-2003-058 for the preliminary site plan and the critical slopes waiver and the buffer waivers subject to the conditions recommended by staff as follows:

The Planning Commission recommends approval of the preliminary site plan request, including the critical slopes and buffer waivers with the following conditions:

Planning
1. The entrance to the parking lot to parcel 20D shall be closed.
2. Two (2) copies of a landscape plan shall be submitted for approval.

Zoning
1. Show the location of all outdoor lighting on the plan.
2. Provide a description and photograph or diagram and show the location of each type of outdoor luminaire that emits 3,000 or more initial lumens. Please be aware that installation of such luminaires in the future that are not shown on this plan shall require an amendment to this plan.
3. Include a photometric plan on the site plan demonstrating that parking area luminaires are in compliance with 4.17.4 b.
4. The final plan approval is subject to the issuance of a Certificate of Appropriateness from the Architectural Review Board.
5. Once approved reference all conditions and proffers for SP 03-061 and ZMA 03-019 respectively.

Engineering
1. The plans provide notes stating that storm water quality and detention are to be provided by the VDOT facilities. The applicant shall provide supplemental background information verifying that this site and the corresponding impervious areas were considered when the VDOT stormwater facility and downstream lines were designed. [32.5.6k]

(a) The applicant needs to submit the required stormwater management calculations as stated in the applicant's response letter dated 10 September 2003.

(b) The Engineering Department needs to see verification from VDOT that this site has permission to use the stormwater facilities on the VDOT property.

2. The Engineering Department recommends that the layout for the stand-alone parking include the seven parking spaces along State Route 649 not the western (2nd proposed) entrance to State Route 649. [DSM, Section 607 B]
3. Please show the locations of the corresponding traffic signs on the final site plan.

Service Authority
1. Show the proposed relocation of RWSA's 12" water main as designed by PHR&A for the Airport Road Widening project. Until such time as revised plans are approved this is the expected location of the new water main.
2. RWSA approval of the retaining wall constructed over top of their existing 12" water line.

Mr. Finley seconded the motion.

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

Mr. Rieley stated that the rezoning and the special use permit would go to the Board with a recommendation for approval and the site development plan was approved with the existing conditions.

Mr. Cilimberg stated that that the Commission's recommendation was for approval of both the rezoning and special use permit as staff had recommended, but with the understanding that staff would be working towards a possible consolidated entrance on the property line which would be before the Board with full input from staff and VDOT. This was with the acknowledgement that if that is appropriate, then it was acceptable to the Commission.

Mr. Rieley agreed that was exactly correct. He stated that the next public hearing items included two special use permit requests for Chestnut Grove Baptist Church.

SP 2003-062 Chestnut Grove Baptist Church Addition (Sign # 82) - Request for special use permit to allow for an 11,964 sq. ft. addition to an existing church in accordance with Section 10.2.2.35 of the Zoning Ordinance which allows for churches. The property, described as Tax Map 19, Parcel 17, contains 10.7 acres, and is zoned RA, Rural Areas. The proposal is located on Rt. 664 (Buck Mountain Road), at the Route 664/663 intersection in the White Hall Magisterial District. The Comprehensive Plan designates this property as Rural Areas in Rural Area 1.

AND

SP 2003-063 Chestnut Grove Baptist Church Pre-school Amendment (Sign #86) - Request to amend special use permit 1993-024 to allow for the increase of an existing church pre-school to 50 students and 5 teachers in accordance with Section 10.2.2.5 of the Zoning Ordinance which allows for private schools. (Joan McDowell)

Ms. McDowell summarized the staff report. The applicant is requesting approval of these two aforementioned special use permits for a church building and for an expansion for a daycare operation with 50 children. The church is located at the intersection of Route 663 and Route 664 in the White Hall Magisterial District. The Comprehensive Plan's land use designation for this site is Rural Areas. She pointed out that she would discuss each special use permit separately.

The first special use permit SP-2003-062 was for the church expansion. The church proposes to construct a 12,612 square foot expansion to an existing 12,078 square foot Chestnut Grove Baptist Church on a 10.7 acre parcel. Expansion would consist of 11 classrooms, 9 bathrooms and the 3,000 square foot plus fellowship hall with dining, stage area and kitchen. There are not additional parking spaces proposed over the 70 existing spaces.

SP-2003-63 is the request for a special use permit to amend SP-93-24, which was a special use permit that allowed a daycare operation with 20 children subject to approval of the Health Department. The Health Department subsequently approved a daycare operation for 16 children. She noted that approval was included in the staff report. Normally she would not mention the zoning and planning history, but it was important to what the Commission would be considering

tonight. The approval of the daycare for 20 children that she just mentioned, staff recommended denial of that special use permit because at that time both of the existing entrances did not have adequate site distance. The Planning Commission and the Board approved the application, but added a condition that would require the driveway on Route 663 to be closed during the school hours. In 1999, the applicant applied for a site plan for a waiver to relocate that entrance further down to achieve site distance and they also added parking spaces. At this time the applicant has also applied for a site plan that is running concurrently and waiting for approval with this special use permit application.

The church is one of the oldest in the County. As noted in the staff report, the building house is the oldest Baptist congregation in Albemarle, having been organized in 1773. The existing church was constructed in 1979 and is considered a historic building. The comments from the Design Planner indicate that because the existing church would be connected to the proposed expansion by a breezeway or connector. Because the proposed church is located to the rear of the existing church and the applicant assures us that the detail of the architectural style would be consistent with the existing church, staff has not objections on the historic level of the proposed expansion of the church. Staff has several concerns that include any noise that would be generated by the numbers of people attending the fellowship hall events and the children attending the preschool and playing outside. Therefore, staff recommends a 50-foot building setback buffer that was shown on blue on the left side of the plan. Staff proposes that the existing wooded area be maintained and preserved as a permanent landscape buffer between the church uses and the adjacent property. The road shields the other properties from the uses.

Traffic concerns are discussed the staff report. The number of seats that the proposed expansion could have for meetings would be 300 and the number for dining would be 275. Staff has reviewed the traffic generation figures and the remaining problem with the site distance on Route 664 and VDOT recommended and our Engineering Department reinforced that driveway would either have to be closed or moved to achieve site distance. VDOT met on the site last month. The details of how the entrance would be moved and the exact location are to be determined.

Mr. Rieley asked if VDOT had any doubt that this issue could satisfactorily resolved.

Ms. McDowell stated that VDOT believes that it might require getting a site distance easement from the neighbor. She pointed out that the neighbor was also part of the congregation so that seems to be possible. It would be expensive, which was one of the objections that they have about moving the entrance. Although the maximum number of parking spaces allowed has been met, the applicant responded to staff's concern regarding the potential vehicles for fellowship hall events by providing a sketch showing areas on the property for an additional 34 parking spaces where the congregation has traditionally parked for large events or services. These unpaved areas for overflow parking are not uncommon for rural area churches and they would provide additional parking spaces that may be needed for large events.

Mr. Finley asked if staff said that moving the driveway on Route 664 was primarily because of site distance, and staff agreed. He asked if they go to the neighbor and clear that land does that mean that they could get the required site distance.

Ms. McDowell stated that VDOT would have to work out the details.

Mr. Loewenstein stated that he did not think so because he knew that location very well and there is a considerable rise when you get past that entrance. He felt that they would have to grade the top of that rise down even if there was no vegetation since it was more a matter of the topography than vegetation.

Ms. McDowell pointed out that there was a utility box in the way as well. She pointed out that VDOT was checking the speed and doing a speed study to make sure of the details. She stated

that staff recommends approval of both of the special use permits subject to the conditions recommended in the staff report.

Mr. Rieley asked if there were any other questions for Ms. McDowell.

Mr. Edgerton stated that the on pages 34 and 35 of the staff report there was a map which he guessed was drawn by Mr. Gooch to show borings that he took for the proposed septic site. There were two things that concerned him that he hoped that staff could provide some background. One, when he went out and looked at the site he found that it was heavily wooded in this area. He asked if all of the woods would have to be cleared as shown in the square that he drew to get the septic in. He asked if that would be mandated or could they work around some of those trees. The second question was that they were showing some proposed gravel parking just to the west of the proposed addition that does not show in this plan.

Ms. McDowell pointed out that it was an old drawing.

Mr. Edgerton pointed out that it showed a lot of parking up against the parsonage.

Ms. McDowell stated that the Zoning Department asked them to remove any of the future areas that they might want to change so that it was not part of these applications for clarity. As far as the tree clearing, Mr. Cilimberg might be more familiar with what the Health Department requires regarding vegetation on their drainfields.

Mr. Cilimberg stated that he honestly did not know how much of that area would have to be cleared. He pointed out if they had ever dealt with drainfields before, then they would know what the result is because where ever the drainfield needs to be, there will be some clearing taking place. He stated that the drainfield would have to be approved by the Health Department and be large enough to support what they are asking for in terms of the expansion.

Mr. Rieley asked if this area includes the backup as well.

Mr. Edgerton stated that he thought that it did because it stated primary and reserve on the map. He pointed out that wooded area actually provides the buffer to the north of that property.

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

Dex Sanderson, representative for Chestnut Baptist Church, stated that he would like to speak to a couple of these issues. First, the septic field area contains 100 percent reserve area. Therefore one-half of that area would initially be cleared. Condition # 3 asks for a 50-foot building setback and a 20-foot parking setback, which were commercial setback standards. Condition # 7 narrows that down more to say conservation of the natural vegetation within 50 foot setback buffer should be required. He suggested that be a 20-foot vegetative setback to conform to the parking because at this time they have no future plans to provide parking back there. Concerning the entrance, a study is ongoing with VDOT to determine the actual speed that people use on the curve. VDOT will make specific recommendations on how much grading has to be done, how much tree clearing and the amount of site easement that has to be obtained. The telephone boxes have to be relocated. At that point, they would know how much that would cost. The Church's position would be that they would like to move the entrance if possible if their budget allows. If not, they will gate the entrance for emergency assess only at this time until the funds would allow that entrance to be relocated based on the anticipated cost of that entrance.

Mr. Rieley asked if there were any questions for Mr. Sanderson.

Mr. Edgerton asked for clarification on his request regarding condition # 7.

Mr. Sanderson stated that he would like to request that the natural vegetation buffer be reduced to 50 feet to 20 feet on the north property line where the drainfield is going in. He stated that he did not believe that the drainfield would hit the 50-foot setback. But, if the church wanted to locate the drainfield so as to leave more of a tree buffer between the existing clearing and the drainfield, then that would perhaps allow them to do that without getting into that condition of tearing down a tree within that 50-foot setback. It would also be more in keeping with the 20-foot parking setback.

Mr. Finley asked if they could not work out the site distance that they would make it an emergency entrance until they worked those things out.

Mr. Sanderson stated that the church would like to gate the entrance for emergency access at this time or relocate the entrance if they have enough money to do so. He pointed out that they know that it is possible to relocate the entrance based on VDOT's initial feedback, but they were trying to do a study to see if they could keep from doing quite as much work to be able to do that.

Mr. Finley asked if the entrance was note relocated if it would create a problem for the church to not be able to access the property from Route 664.

Mr. Sanderson stated that the church's preference would be to use the existing entrance since they have used it for so many years. He suggested that someone from the church might want to speak to the issue of the preference of the people in the church and the hardship that might create for anybody.

David Washburn, Pastor of Chestnut Grove Baptist Church, stated that it would be the overwhelming preference of their congregation to leave the entrance as it is. He stated that they have been there since 1879 and they would like to keep it as is, but they recognize that it probably will not be possible. Therefore, if it came down to a choice between them not doing the project at all, he felt that his congregation would say let's close the entrance so that they could have the facility, if they have the money to do it.

Mr. Rieley asked if anyone else wanted to speak to either of these two applications. There being none, he closed the public hearing to bring the matter back to the Commission for discussion and possible action. He suggested that they deal with the first special use permit first that deals with the addition. He asked staff if the rationale for the buffer was the impact on the adjacent property from the back of the new addition and the additional parking.

Ms. McDowell stated that was correct.

Mr. Rieley stated that if the need arose in the future that condition could be amended.

Mr. Edgerton requested that the condition remain the way staff suggested because he was concerned about impacting the adjoining property. With the septic field, this would at least provide some protection. The drainfields according to the drawings is to the south of the 50-foot buffer and there is not conflict.

Mr. Rieley agreed that there was no conflict and pointed out that they only have to utilize one-half of that septic field now.

Mr. Finley asked why he wanted to change that condition.

Mr. Rieley stated that in case some time in the future that they might want to expand that area was the reason that Mr. Sanderson gave. He noted that it was not unreasonable.

Mr. Cilimberg stated that the reality of the situation was that for any expansion they would want to do beyond what is in the proposed plan here, they would need a special use permit amendment

anyway. Therefore, the buffer could be dealt with at that time, except for the need to locate the septic field further towards or into that buffer. That would not require an amendment to their permit. Therefore, the buffer being narrower would allow them more flexibility. Anything else such as the parking and the building improvements that would get towards or into that buffer that would necessitate them to reduce that buffer would require a special use permit amendment.
Mr. Rieley stated that the other issue was relative to the entrance onto Route 664. He pointed out that he was not sure if it would require a new entrance permit. He stated that he had always been very sympathetic to rural area churches and not requiring commercial entrances. He felt that leniency in a situation like that in the rural areas is warranted, but this is a case where the square footage would be doubled of that structure, adding parking and site distance is a measurable thing and the velocity that cars go through there is a measurable thing. If VDOT and Engineering are uncomfortable with that, he felt that was a serious safety concern. Therefore, he felt that they have to hold the line on that one.

Mr. Finley stated that he supported the buffer as it was, but asked what would be the difference between the two.

Mr. Cilimberg pointed out that the reduction of the buffer would give them the flexibility to relocate or shift the drainfield. It would not help them regarding any other improvement expansion in the future additions because those would have to come back with the special use permit process. Only the drainfield location might benefit from the reduction of the buffer in this special use permit.

Mr. Thomas stated that the applicant would only have to increase the drainfield if he wanted to do an expansion, which would require them to come back for another special use permit.

Regarding SP-2003-062:

Mr. Edgerton moved for approval of SP-2003-062 with the conditions as recommended by staff.

1. The church's improvements and the scale and location of the improvements shall be developed in general accord with the conceptual plan entitled "Addition & Remodeling Chestnut Grove Baptist Church" revised 9-26-03.
2. The area of assembly within the fellowship hall shall be limited to 320 seats under this special use permit, or the limit approved by the Health Department, whichever is less.
3. Commercial setback standards (50'- building, 20'-parking) as set forth in Section 21.7.2 of the Albemarle Zoning Ordinance, shall be maintained adjacent to residential uses or other Rural Area zoned properties.
4. Construction of the church, as shown on the plan, shall commence within five years of the date of the approval of this special use permit or this special use permit shall expire.
5. The entrance onto Route 664 shall be improved to current standards for sight distance or closed except for emergency purposes. VDOT approval of the entrance on Route 664 shall be required prior to the issuance of a certificate of occupancy.
6. Health Department approval of a well and septic systems shall be required prior to the issuance of a building permit.
7. Conservation of the natural vegetation within 50'building setback buffer along the north property line shall be required.

Mr. Thomas seconded the motion.

The motion carried by a vote of (5:0). (Craddock – Absent)

Regarding SP-2003-063:

Mr. Loewenstein moved for approval of SP-2003-063 with the four conditions as recommended in the staff report.

1. The outside play area activities shall be limited to take place during daylight hours. Lighting of the play area shall not be permitted.
2. Enrollment shall be limited to 50 children, or the limit approved by the Health Department, whichever is less.
3. The hours of operation shall be limited to 9 A.M. to 12:30 P.M. The days of operation shall be limited to five days per week (Monday- Friday), unless or the limit approved by the Health Department, whichever is less.
4. The entrance onto Route 664 shall be improved to current standards for sight distance or closed except for emergency purposes. VDOT approval of the entrance on Route 664 shall be required prior to the issuance of a certificate of occupancy.

Mr. Finley seconded the motion.

The motion carried by a vote of (5:0). (Craddock – Absent)

Mr. Rieley stated that there was a request for a waiver.

Ms. McDowell pointed out that the waiver was addressed with the approval of SP 03-62 Condition 4).

Mr. Rieley stated that the Board of Supervisors would hear these requests on December 10th.

SP 2003-065 Frances Jacob, LLC -- Tennis Building (Sign # 8, 15) - Request for special use permit to allow a private tennis building in accordance with Section 10.2.2.4] of the Zoning Ordinance which allows for swim, golf, tennis or similar athletic facilities. The property, described as Tax Map 99, Parcel 108B, contains 7.265 acres, and is zoned RA Rural Areas. The proposal is located on Rt. 631 (Old Lynchburg Road), approximately 400 feet north of the intersection of Route 631 and Route 712 in the Samuel Miller Magisterial District. The Comprehensive Plan designates this property as Rural Area in Rural Area 3. (Scott Clark)

AND

SDP-03-077 Francis Jacob – Tennis Building Site Plan Waiver – Request to waive the provisions of Section 32, which requires the drawing of a site plan to crate a new entrance onto an existing public road. (Scott Clark)

Mr. Clark summarized the staff report. He stated that this was a request for a special use permit to allow a private tennis building and also a request for a waiver of the site plan requirement for this use. The property is located near the intersection of Old Lynchburg Road and Plank Road is just over 7 acres. This would be a private facility only for the use of the owner and his guests. The only reason that the special use permit is required in this case is that the use is not actually located on the same parcel as the owner's dwelling. The building as shown on Attachment C of the staff report is located at the northern end of the parcel and is approximately 60 X 125 feet located about 135 feet in from Old Lynchburg Road. Because of the significant wooded buffer left around the building and the actual activity on the site would be within the building, staff does not expect to see any significant impacts on the neighboring properties. Staff has some concerns about the safety about the safety of the new entrance to be created for this, but the applicant has revised their plans to move it as the necessary site distance as determined by VDOT. The second request is for a site plan waiver. The applicant has actually requested to waive the entire site plan requirement. The Site Review Committee has reviewed this because the two major issues really are the entrance, which was covered by the VDOT entrance permit and the erosion and sediment control on the site, which would be covered by the erosion and sediment plan and the storm water plan that the applicant were required to go through before they could begin the structure. Staff recommends approval of the special use permit with the four conditions of the staff report. Condition # 2 would ensure that the facility not become a commercial tennis facility

or a private tennis club that would prevent a great increase of traffic to the site. Staff is also recommending approval of the site plan waiver request.

Mr. Rieley asked if this were an ancillary use on a contiguous piece of property to a residence, would a site plan be required.

Mr. Clark stated that a site plan would not be required because the new entrance from the road was triggering the site plan in this case.

Mr. Loewenstein asked if there was a legal definition for a private tennis club. He pointed out that he wanted to make sure that the Commission was using the appropriate terminology.

Mr. Cilimberg pointed out that the conditions had been developed in conjunction with zoning staff because they would be the ones who would enforce the conditions.

Mr. Rieley asked if there were other questions for Mr. Clark. There being none, he opened the public hearing on the special use permit and the site plan waiver request. He asked if the applicant would like to address the Commission. Since the applicant did not want to speak, he asked if there was anyone else present who would like to address this issue.

Judy Cahill stated that she lived next door to this proposed tennis facility. She asked if the property were sold, could the new owner turn this into a commercial use.

Mr. Rieley stated that they could not because of the conditions.

Ms. Cahill asked if the Commission had anything to do with the lighting or if that was the Architectural Review Board.

Mr. Rieley pointed out that there is a lighting ordinance that this property would have to comply with. He pointed out that all of the lighting would have to be shielded and pointed downward.

Ms. Cahill asked if the applicant were present.

Mr. Cilimberg pointed out that the applicant was present if there were any questions.

Mr. Rieley asked if anyone else would like to address this application. There being none, he closed the public hearing to bring the matter back to the Commission for discussion and possible action.

Mr. Thomas stated that he would like the applicant to address the lighting issues raised by Ms. Cahill.

Mr. Taylor, Contractor, stated that the exterior lighting would be minimal.

Regarding SP-2003-065:

Mr. Loewenstein moved for approval of SP 2003-065 Frances Jacob, LLC – Tennis Building subject to the four conditions recommended in the staff report.

1. The site plan shall be developed in general accord with the conceptual plan titled “Proposed Private Tennis Building for Boyd Tinsley,” revised October 17, 2003, and prepared by Melvin R. Taylor.
2. This facility shall be used only by the property owners and their guests, and shall not be used as a commercial tennis facility or private tennis club.

3. The applicants shall secure a permit from the Virginia Department of Transportation before beginning any work in the right-of-way.
4. The applicant shall secure Engineering Department approval of Erosion and Sediment Control Plan and a Stormwater Management Plan before receiving a grading permit for this use.

Mr. Thomas seconded the motion.

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

Regarding SDP-03-077 Site Plan Waiver:

Mr. Thomas moved for approval of SDP-03-077 Francis Jacob – Tennis Building Site Plan Waiver, which requires the drawing of a site plan to create a new entrance onto an existing public road.

Mr. Loewenstein seconded the motion.

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

SP 2003-066 Canody (Alltel) (Sign #38) - Request for special use permit to allow the construction of 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 89, Parcel 4, contains 6.363 acres, and is located in Samuel Miller Magisterial District on the north-bound lane of Rt. 29S (Monacan Trail Road) and west of the railroad, approximately ¼ mile south of the I-64 overpass. The property is zoned RA, Rural Areas and EC, Entrance Corridor Overlay District. The Comprehensive Plan designates this property as Rural Area 3. (Stephen Waller)

Mr. Waller presented the staff report noting that the proposal is for a personal wireless service facility, which would include a steel monopole, approximately 90 feet in heath, and with a top elevation that is approximately 753.5 feet above mean sea level. The applicant, Alltel Communications, is currently in the process of expanding its service along the southern corridor of Rt. 29S in Albemarle County. The site is located in a level wooded area that contains trees of varying heights and extends across the boundary line that is shared with the right-of-way for Rt. 29. He noted that opposed to requiring an easement from VDOT, staff would require an approval stating that VDOT is not concerned with that location. He pointed out that two balloons floated at the height to the proposed monopole were only visible for a short distance after passing the site while traveling south on Rt. 29, and looking upward. The balloons could not be located at all while traveling in the northbound lane. Staff recommends approval subject to conditions listed in the staff report.

Mr. Thomas ascertained that the monopole would fall within VDOT's fall zone and questioned the type of approval staff is requiring from VDOT.

Mr. Waller stated that there are several towers that have fall zones that cross over the VDOT right-of-way. In the past, variances were required in those situations. Section 5.140 of the Zoning Ordinance deals with fall zone easements on property lines that are shared with private properties, but do not address VDOT property. As opposed to going through the process of procuring an easement from VDOT, staff is looking for something from VDOT recognizing that these types of facilities have been built within a certain distance of their right-of-way and that there is no cause for concern. Because of new regulations a variance is not required.

Mr. Rieley noted that the Commission, had in the past, discussed the possibility of hiring a consultant to help determine how large a metal pole needed to be in order to support the towers. What is the status of this?

Mr. Cilimberg stated that there was no decision to actually to this.

Mr. Waller pointed out that instead, the Board of Supervisors adopted the standard 32" at the base.

Mr. Rieley questioned what the Board based their standard on; noting that the Commission has no idea what size a pole should be in order to support the tower.

Mr. Rieley stated that the Commission needs this information in order to make an informed decision. He stated that he is in favor of the metal poles if they are smaller than the wooden poles.

Mr. Rieley opened the public hearing and asked the applicant to address the Commission.

Mr. Pete Caramanis, Attorney for Alltel, passed out copies of the Arborists report. Alltel is a leading wireless provided in the area. Coverage along Rt. 29S is pretty much non-existent. This application is part of a larger effort by Alltel to provide service to 29S, south of Charlottesville. The monopole was chosen for several reasons (1) All the cables that would be exposed on a wooden pole, will be on the inside of the monopole; (2) The size of the monopole is no larger than a wooden pole. The pole is tapered at the top and is smaller than it would be with a wooden pole. The facility will blend with the surroundings and will be less visible from Rt. 29 and the surrounding areas. The pole has been moved, per staff's recommendation, to take advantage of the large tree in the back. In addition, Alltel will replace the equipment shelter with two smaller cabinets which will be painted brown. Smaller antennas will be used which have allowed the footprint of the site to be decreased. Therefore, the area to be graveled is smaller. The ARB recommended that additional trees be planted along the front of the site, closer to Rt. 29. He would like to address some of staff's conditions beginning with #11 which basically states that there shall be no fence. The ARB recognized Alltel's insurance implications of having a fence and they proposed a condition that allows a fence if it is a dark color and is landscaped. He would prefer a condition similar to that allowed by the ARB. Condition #13 requiring written approval from VDOT confirming that there are no safety concerns with the proposed monopole' location in relationship to their right-of-way. This is something that has not been required in the past and we feel should not be required. It is clear that VDOT does not take issue with having a tower nearby. If the County feels something is required an engineering fall down letter showing that the tower is designed to collapse within 25' of the right-of-way could be provided.

Mr. Thomas asked the applicant to explain what he meant by "the tower is designed to collapse within 25' of the right-of-way."

Mr. Caramanis stated that the monopoles are designed to collapse in stages into themselves and stay within a 25' radius on the ground.

Mr. Thomas asked what was the distance from the monopole to VDOT's right-of-way.

Mr. Waller stated that is it 31.76 feet to VDOT's right-of-way and approximately 72 feet to the roadbed.

Mr. Caramanis addressed condition #15 which discusses a 200 foot tree conservation area. This was also discussed before the ARB and they recommended "200 feet or to the nearest property line, whichever is less. The power easement would be in the 200' radius to make sure that the rights of the power company are not been affected by this condition." He asked that staff's recommendation be replaced with the one recommended by the ARB. He stated that he would

respond to any questions the Commission may have and asked that the Commission recommend approval of this application with the changes he suggested.

Mr. Rieley noted that there is overhead electric and asked if this was the area of the electric right-of-way.

Mr. Caramanis stated that this goes behind the tower noting that he did not know the width of this right-of-way.

Mr. Rieley asked if there was any public comment. There being none, the public hearing was closed.

Mr. Loewenstein asked Mr. Waller to comment on the replacement of the condition regarding the no tree cutting radius and the recommendation of the ARB.

Mr. Waller stated that it appears that this condition specifies that the tree cutting is specifically for the construction of and access to the facility. With this language staff could administratively accept the ARB's conditions as well. There may be some additional language that could be added to refer to the ARB's conditions and how they account for trees in the VEPCO easement and the right-of-way. Staff is not trying to preclude VDOT or Virginia Power from cutting those trees. The fact that the 200 foot radius is outside the property line, the trees will not be blocking the view of the monopole. In a similar situation, the trees off the property were between the right-of-way and the facility site, the ARB and staff recommended conditions that required the applicant to get a tree conservation easement on the adjacent property.

Mr. Kamptner pointed out that the restriction is placed on the permittee.

Mr. Rieley asked staff to comment on the applicant's request to allow fencing.

Mr. Waller stated that generally fencing is not allowed. In cases where animals might wander into a facility site, fencing that is characteristic of agricultural areas was allowed. The original plan for this facility showed chain linked fencing, which is out of character with the Rural Areas. This would be close to the right-of-way and the dwelling itself. In visiting the site, it was ascertained that if someone were to come onto the property for the purpose of vandalizing the site, they would be in plain view of the house. Fencing becomes more of a threat to the property itself than a threat to the facility.

Mr. Kamptner asked if the equipment that will be installed at this site is any different from other applications.

Mr. Waller stated that Nextel had a building that was further from the road and they requested fencing, but staff recommended that fencing not be allowed. He noted that staff has consistently recommended against fencing, pointing out that he knows of no situation where the fact that the site has not been fenced has become a problem.

Mr. Finley questioned the 200' no tree cutting radius, noting that staff has stated that a buffer was not necessary.

Mr. Waller stated if the trees were between the site and the main points of visibility, staff would request the applicant to address the easement out before coming before the Commission. Other than the trees in the VDOT right-of-way and in the Virginia Power easement, these trees are not in the major line of sight for the tower. If they were building next to a forestry operation, staff would want the tree conservation because forestry is a by-right use of the Rural Areas and staff would want the trees providing the screening are protected by some means.

Mr. Cilimberg stated that the Commission would be dealing with a case-by-case determination as to whether or not an area has significant tree cover that provides for screening. If it is needed at a distance of 200 feet and that goes into another property line, then staff will ask the applicant to try to work out an easement to make sure that is retained. If they are not able to do this, then the Commission will be judging the application based on that. In this case going across the property line is not going to be effect the screening.

Mr. Rieley asked if there would be any reason not to include language that says "the permittee shall not remove existing trees within 200 feet of the pole and equipment pad ***on its property except for those trees subject to existing recorded easements***". This specifically excludes the ones in the electric right-of-way and specifically includes only the property in question.

Mr. Kamptner reiterated that this limitation now applies only to the permitee, so an easement holder would already have that right.

Mr. Loewenstein pointed out that the applicant also addressed condition #13. In this case he did not feel it would be a problem.

Mr. Cilimberg stated that the Commission had in the past granted waivers for setbacks and a variance. Now this is not a requirement, instead the ordinance calls for an easement in the area that could be in the fall area. In this case rather than requiring an easement from VDOT, for there simply to be a letter from VDOT stating that there are no safety concerns.

Mr. Kamptner asked if varaiances were required were the fall zone was next to a public right-of way or only if the fall zone was next to adjacent private property.

Mr. Cilimberg stated that waivers of the setback were required.

Mr. Waller stated that variances were required for the right-of-way and the setback waiver related to the height of the towers and were required from rurally and residentially zoned properties.

Mr. Kamptner stated if that was the case, there may be no discretion to allow anything other than an easement until the ordinance is changed.

Mr. Rieley suggested that the Commission act on this request as it stands with a recommendation that this be clarified for the Board of Supervisors.

Mr. Kamptner explained that the easement requirement refers to prohibiting development on the part of the abutting lot sharing the common lot line.

Mr. Waller stated that in other cases, it was basically an easement agreement where the abutting property owner would state that they would not build a home or any other structure over a certain value within the fall zone radius.

Mr. Edgerton moved for approval of SP-2003-066 with staff's conditions as modified for condition # 15 and with a recommendation to staff to try to address the issue of the easement issues with VDOT prior to the December 10th Board of Supervisors hearing.

<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 construction plans entitled, "Alltel - Moore's Creek Site", last revised October 20, 2003 and provided herein, 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 four (4) feet above the top of 20-inch diameter Poplar tree identified as number 195 on Sheet C6 of the construction plans. In no case shall the pole exceed 90 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 painted a natural brown that is consistent with the color of the trees surrounding the site.
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. Size specifications and other details, including elevation drawings of the antennas and ground equipment shall be included in the construction plan package.
13. The applicant shall provide written comments from the Virginia Department of Transportation confirming that there are no safety concerns with the proposed monopole's location in relationship to the right-of-way.
14. 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.
15. 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 on its property except for those trees subject to existing recorded easements. 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.
16. The tree conservation plan required by condition 13 shall include special consideration for the preserving the health of the 20-inch, 98-foot tall tree identified as number 187 on page C6 of the constructions plans to its current state of health.

17. 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:

18. 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.
19. 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.
20. 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:

21. 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.
22. 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 seconded the motion.

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

Mr. Rieley stated that this would go to the Board on December 10th.

New Business

Mr. Loewenstein stated that on Saturday morning from 8:30 am to 1:30 pm, November 8th there will be a series of presentations to five separate Architectural Review Boards including the County of Albemarle, the City of Charlottesville, Rockingham County, the City of Staunton and one other one. There are going to be a lot of speakers speaking a variety of topics. He stated that it was open and he would encourage anyone interested to attend. The discussion held would be on process issues in terms of planning and the connecting roles of these various kinds of people including supervisors, commissioners and a variety of other folks.

Mr. Cilimberg stated that also this Saturday morning there is a public open house on the Southern Urban Area B Study. He stated that if anyone was interested in coming that they could get in touch with him or Susan Thomas to get the details.

Adjournment:

With no further items, the meeting adjourned at 8:13 p.m. to the November 11, 2003 meeting.

V. Wayne Cilimberg, Secretary

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