Albemarle County Planning Commission
April 20, 2004

The Albemarle County Planning Commission held a meeting, work session and a public hearing on Tuesday, April 20, 2004 at 6:00 p.m., at the County Office Building, Room 241, Second Floor, 401 McIntire Road, Charlottesville, Virginia. Members attending were William Rieley, Rodney Thomas, Chairman; Calvin Morris, Jo Higgins, Marcia Joseph; Bill Edgerton and Pete Craddock, Vice-Chairman.

Other officials present were Wayne Cilimberg, Director of Planning & Community Development; Stephen Waller, Planner; Tarpley Gillespie, Senior Planner; David Benish, Chief of Planning & Community Development; Yadira Amarante, Planner; and Greg Kamptner, Assistant County Attorney.

Call to Order and Establish Quorum:

Mr. Thomas 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. Thomas invited comment from the public on other matters not listed on the agenda. There being none, the meeting proceeded to the consent agenda.

Review of Board of Supervisors Meetings – April 7, 2004 and April 14, 2004

Mr. Cilimberg reviewed the actions of the Board of Supervisors at their April 7 and April 14, 2004 meetings.

Mr. Craddock arrived at 6:14 p.m.

Consent Agenda:

Approval of Planning Commission Minutes - February 10, 2004 and February 17, 2004,

Mr. Thomas asked if any Commissioner would like to pull any item from the consent agenda. There being none, he asked for a motion.

Mr. Morris moved to approve the consent agenda as submitted.

Mr. Edgerton seconded the motion.

The motion carried by a vote of (7:0).

Item Requesting Deferral:

SUB-2004-00058 Orchard Estates - Request for preliminary plat approval to create 17 lots on 229.96 acres. The property is zoned RA – Rural Area. The property, described as Tax Map 103, Parcels 7, 8, 9, 10 and 15 is located in the Scottsville Magisterial District on Rt. 795 (President Road), approximately 2 miles south of the President Road and Rt. 620 (Rolling Road) intersection. The Comprehensive Plan designates this property as Rural Areas in Rural Area 4. (Yadira Amarante) **APPLICANT REQUESTS DEFERRAL TO MAY 18, 2004.**

Mr. Thomas stated that the applicant has requested deferral of SUB-2004-00058 until May 18th. He stated that the public hearing did not need to be opened. Therefore, the matter was before the Commission for consideration.

Mr. Rieley moved to accept the applicant's request for deferral of SUB-2004-00058, Orchard Estates, to May 18, 2004.

Mr. Morris seconded the motion.

The motion carried by a vote of (7:0).

Mr. Thomas stated that SUB-2004-00058 was deferred to May 18th.

Public Hearing Item:

ZTA 03-02 Personal Wireless Service Facilities – Ordinance to amend Sections 3.1, Definitions, 5.1.40, Personal wireless service facilities, 10.2.1, By right, 10.2.2, By special use permit, 12.2.1, By right, 12.2.2, By special use permit, 13.2.1, By right, 13.2.2, By special use permit, 14.2.1, By right, 14.2.2, By special use permit, 15.2.1, By right, 15.2.2, By special use permit, 16.2.1, By right, 16.2.2, By special use permit, 17.2.1, By right, 17.2.2, By special use permit, 18.2.1, By right, 18.2.2, By special use permit, 19.2.1, By right, 19.2.2, By special use permit, 20.3.1, By right, 20.3.2, By special use permit, 20A.6, Permitted uses, 22.2.1, By right, 22.2.2, By special use permit, 23.2.1, By right, 23.2.2, By special use permit, 24.2.1, By right, 24.2.2, By special use permit, 25.2.2, By special use permit, 27.2.1, By right, 27.2.2, By special use permit, 28.2.1, By right, 28.2.2, By special use permit, 30.3.5.1.1, By right within the floodway, 30.3.5.2.1, By special use permit within the floodway, of Chapter 18, Zoning, of the Albemarle County Code. This proposed amendment would define terms related to personal wireless service facilities, establish a three-tier process for reviewing applications for personal wireless service facilities based upon prescribed criteria, and allow personal wireless facilities by right or by special use permit in the identified zoning districts depending on the tier under which the facility qualifies consistent with the Comprehensive Plan's Personal Wireless Service Facilities Policy. (Stephen Waller)

Mr. Waller stated that this was a proposed amendment to the Zoning Ordinance, which was Chapter 18 of the Albemarle County Code. This amendment would establish a Three Tier process and criteria for reviewing applications for personal wireless facilities and also provide definitions for several terms that are currently being used. All of this information is being provided as an attempt to enact and codify several of the recommendations that were provided in the Personal Wireless Facilities Policy, which was approved by the Board of Supervisors on December 6, 2000. There was a work session held for this item in February. At that time there was a letter that expressed several concerns by representatives from the personal wireless services industry, and staff attempted to address those concerns throughout the staff report. Also, staff attempted to answer some of the concerns contained in a follow up email received by one of the representatives. A lot of the other information and concerns that had been expressed by the industry had either been answered in past correspondence or had been changed and are currently provided in some of the zoning text amendments that you have before you. There are other items that staff may have either compromised on or did not provide changes to because it was provided in the current form of the ordinance that was meeting the objectives of the policy.

Staff is also providing the Commission with some information as an addendum to the original staff report based on information that the Board of Supervisors has requested for the zoning text amendments. It explains how this zoning text amendment relates to the purpose and intent of the zoning districts, the administrative review process and housing affordability, which staff does not feel really applies in this case. It also explains the implications to staffing and the costs. Staff passed out additional information to the Commission. If the Commission chooses to send this request forward to the Board, the addendum will become part of the staff report. Ms. Sprinkle and Mr. Kamptner, who have assisted in the development of this amendment, are present to help answer any questions. (See Attached Addendum)

Mr. Thomas asked if the Commission has any questions for Mr. Waller. He pointed out that the Commission would take a few minutes to read the addendum.

Mr. Waller pointed out that one of the letters provided in the staff report from Debbie Balser provided some information and photographs about woodpecker damage to wood poles. There was a discussion at the work session about possibly only allowing wood poles for Tier II facilities. (See Attachment)

Mr. Rieley pointed out that the photographs basically only display the improper preservation of the wood pole because the wood does not have enough treatment on it. The only reason that a wood pecker would peck on wood is to get insects out, and if the pole had insects in it then the pole was not pressure treated.

Mr. Thomas asked if there were any other questions for Mr. Waller. There being none, he opened the public hearing. Since the County was the applicant, he asked if there was anyone else present who would like to speak regarding this application.

Valerie Long, representative for several wireless carriers, stated that she has worked with SunCom Wireless on many occasions and continues to do so. Dale Finocci with SunCom Wireless is also present this evening. They are also known as Tri-Ton PCS, which is their corporate name. In addition, she represents Nextel Partners, which is the wireless provider for Nextel Communications. She noted that over the past four or five years she has handled a number of wireless applications for facilities in the County. Therefore, she has had a lot of experience with the Commission and Board regarding this ordinance and the wireless policy and hopes that they will consider all of her comments and those of the other members of the industry who are here this evening. As many of the Commissioners know, when the Wireless Policy was enacted in late 2000 it was always intended to be kind of a compromise position. The Wireless Policy established a compromise between allowing tall towers that were going to provide really good service to the industry and the obvious negative visual impact on the rural community, which is so treasured in this County. That was balanced against the desire for the option of having no towers and no service, which most people agreed was not a good option. The concept as she has always understood it and explained it to their clients is there is some give and take. The good news is that they are going to establish a fast track procedure so that if you build these tree top poles that meet the criteria in the policy that staff will fast track your application and it will be a by right application and it will be fast. That is always very important to the industry. The down side is that the County's design has to be used, which would be five times more expensive and will work one-half as well, which they will receive lots of complaints on. She noted that they have always envisioned it as being that sort of give and take, which was a compromise product that came out of the Wireless Policy. Unfortunately, over the past four years the way that it has been implemented has been so stringent that the industry has been building their towers to the criteria required for the treetop facilities, which provides less quality service and is much more expensive. This zoning text amendment is designed to be sort of the next step in the fast track process, which she felt has some very good intentions. But the definition, among other things, of the Tier II facilities, which is the by right facility, is so extremely narrow in the way it has been drafted that now she felt that there was going be very few applications that could ever fall within this narrow definition. The result will be that the majority of the applications will be a Tier III facility that will be treated the same way that these are now, which is to require a special use permit. There were a number of comments that she would like to follow up on if anyone wanted to hear them. In essence, she was afraid that it would create a presumption that Tier III facilities are not compatible with the policy. She asked at a minimum that the Commission make clear that is not your intent since Tier III facilities at least should be treated equally as Tier II facilities in terms of a presumption of their correctness. It would not have the same fast track by right treatment for the approval process, but at least the County could have an open mind and say that just because it does not meet the very narrowly crafted definition of a Tier II facility that it does not mean that it is presumed to be incompatible with the wireless policy. She noted that she would love to chat more about the issue concerning the height of the poles above the tallest tree with the 10 feet

versus the 7 feet as an extremely significant issue that has incredible impact on the quality of the service. She pointed out that she would be happy to discuss that further.

Dale Finocci, representative of SunCom, apologized for not being prepared because he had just received notice about this hearing this afternoon since he inadvertently was left off the County's email list. Several months ago they met in a round table discussion and expressed many of their concerns. Many of those concerns are outlined here to you and were discussed at the Commission's previous meeting. The ten foot issue is one that is of great concern. In reiterating what Ms. Long was saying, he noted that they were hoping to get from the tiered approach that there would be a reality that many of the applications would move forward in a fast track situation and not have to go through so many levels of approval if they came to staff with an appropriately located facility that met the essence of the guidelines for 10 feet above the tallest tree within the closest tree within 25 feet and was not on the ridgelines nor profoundly sky lit and met all of those guidelines. However, in reviewing the changes in the proposal over the last several months and as many of the items came up as discussion points, it really does appear that many of the applications are not going to be able to achieve that goal. Much of it will be an empty situation as far as getting into an administrative approval process because it was going to be too difficult to meet all of those guidelines, particularly the 10 to 7 feet ratio which seemed to always be an interesting approach. In many of their sites they have probably been through 25 or so of these requests where they proposed 10 feet and the Planning Commission would approve 7 feet, and then they would go to the Board of Supervisors and they would approve 10 feet. He noted that it was confusing and hard to understand what exactly was considered appropriate. The difference between the 7 and 10 feet is significant for us especially as trees grow and as the need to get the antennas up above the tree line and over to propagate the signal outward. Most of the antennas are anywhere from 5 to 8 feet in length and when only given 7 feet the antenna itself is barely getting above the trees. Therefore, the 10 feet is barely giving them the ability to have the antenna above the tree line, and when you go down to 7 feet most of the antennas bottom part would be dangling beneath the trees. That also does not take into consideration the growth and the trees further out from it.

Mr. Thomas asked if there was anyone else present to speak regarding this application. There being none, he closed the public hearing to bring the matter back before the Commission for comments and possible questions for the staff.

Mr. Morris requested that Ms. Long come back up and answer some questions specifically about antenna length and what is the optimum length. He stated that he was not in the wireless service, but had been in situations where the length of the antenna was a matter of life and death. He pointed out that situation was the same when they were talking about the police force and so on. He asked what the optimum length was because sometimes 20 feet above the tree top is far worse than 7 feet. He asked how they arrived at that.

Ms. Long stated that she would respond to Mr. Morris' question, but that she might call on Dale Finocci of SunCom. As council to SunCom, she has learned a lot about these issues over the years, but Mr. Finocci has many more years of experience with the industry and could probably more accurately respond to the question. In terms of the length of the antenna, she would say that the length varies based on the provider and the type of service. There are many types of technology even among the various wireless providers. SunCom is one type of technology. Nextel uses a different type. Intelos uses a third type. She pointed out that some of the providers use the same technology, but that there are some differences that depend on the way that their network is designed in terms of what type of model of antenna will be most effective for them. From her experience with working with Nextel Partners, they use a type of antenna that they call a three in one antenna, which is 8 feet in length that is very long. They use that because with the tree top tower design being so much shorter than what they prefer, which is a 200 foot tower where they would get great clearance for the trees, that they need to have an antenna that will work particularly well. The three in one antennas have 3 times the power of a normal panel antenna and enable them to make up a little bit of the difference in the quality of the service that

they have lost by having the tower so short to the ground. In order to get the benefits of the three in one antennas it has to be long and has to have a lot of vertical surface area. The issue of the top of the tower above of the top of the tallest tree becomes very important because as Mr. Finocci mentions it is important that the entire span of the antenna be above the top of the trees. The trees really extenuate the signal. Therefore, it is very important to have the clearance above the tops of the trees. For instance with Nextel Partner and their panel antennas being 8 feet long that really if they had an approval for 10 feet above the tops of the trees that they only have about 2 feet of clearance. That is just the top of the tallest tree within 25 feet. As Mr. Finocci mentioned, that does not account for the tree that might be 28 feet away. For purposes of determining the height it becomes essentially irrelevant that tree might be 10 feet taller than what they call the referenced tree. It is important to be as many feet above the top of the tallest tree within 25 feet as possible, but you also are trying to account for the trees in the distance. The best sites have heavy trees in between the pole and the road or adjacent properties. So whenever you can find a site that has really nice heavy tree cover, which is wonderful for visibility, it provides an added challenge technology wise for essentially having the signal extend above and beyond those trees and then down to the road to the coverage objective. She suggested that Mr. Finocci speak about the length of the SunCom antennas because she could not recall that amount. She noted that SunCom designs their antennas for each site and look at what are the needs for that particular site because sometimes they can use shorter antennas and sometimes they need longer ones. In the past depending on the site range it varies any where from 4 to 8 feet long.

Mr. Morris stated that what he was hearing was that based upon the varying clients that you have that it depends.

Ms. Long agreed that it does and she would encourage the other providers present to speak up. She noted that there were other issues, but that it certainly varies just on the two clients that she has represented.

Mr. Edgerton asked what the smallest antenna that her client has used.

Ms. Long stated that the smallest antenna that she could recall was 4 feet long.

Mr. Edgerton stated that there was a range from 4 to 8 feet for a tree top installation.

Ms. Long stated that was correct, but that she would also ask Mr. Finocci to tell you his more varied experience because he has represented SunCom in zoning issues all over a 3 or 4 state area and can really speak to different conditions. She stated that her understanding is that it varies very much depending on the topography and the terrain if you are dealing with mountains and trees. The areas down in Virginia Beach where she knew he had handled cases that it was perhaps less important because it was flat and there were no mountains. Several of the 4 foot antennas that she could recall was about 4 years ago, which in this industry is like the computer industry, is a life time. As the technology has changed, she would guess that the three to one antennas, as Nextel calls them, may be did not exist at the time. Therefore, they have figured out that they can use these longer panel antennas that work very well and help make the tree top towers work a little better than they otherwise would. They now have these longer panel antennas that make the tree clearance issue that much more important. She stated that they have a fixed land area and then they have antennas that will eventually saturate the area.

Ms. Higgins asked if the County has considered what the benefits are in establishing a grid of some sort in allowing antennas in certain areas to be grouped together if the conditions are appropriate. She asked as antennas get more sophisticated and more powerful if there is a per user map of a whole area where they seek to provide coverage and that would be the maximum number of antennas that would ever be requested. Since she had only been involved in one review, she has not had a lot of experience with the individuals but knew that it had been tough each time. Each time they cut the limit down; they were giving rise to another location because that location does not cover a wider area. She asked if the County has ever put that into equation.

She asked if there was such a map and if users were able to come up with a map of Albemarle County to show this is the way that they cover it. Then this would be their ultimate locations so that they could approach this more from a geographic way.

Ms. Long stated that the various carriers in the industry certainly have maps with sort of projected future coverage areas. They have worked hard to identify where they have holes in their coverage and where they have good coverage, or where they have such good coverage that they have capacity problems. There have been some areas where the coverage itself is good, but they have so many people potentially using their phones right next to that facility that the capacity becomes overextended and they literally have to upgrade their radio equipment cabinets to provide more modern equipment that will allow more and more users to have a signal from that facility at one time. That is an issue that is coming up more in areas like Route 29 North.

Ms. Higgins stated that potentially those users could be provided from the same location with a different type of equipment.

Ms. Long stated that for the most part that she felt that was correct. She pointed out that the providers try to look at the County as a whole, particularly the main though fare areas to identify where there is no coverage and predict where there future coverage objectives will be. They try to map out where new sites are going to be needed in the future and start planning for those areas. She pointed out that the providers had started in the city and then focused on particular corridors such as 29 North, Route 53 and I-64 until they were able to provide uninterrupted coverage. What makes it difficult is that most of the carriers have a very similar requirement in terms of the spacing of their towers relative to one another, which really varies depending on the curvature of the road, trees and mountains. In essence what is really important is that the towers are spaced an appropriate distance from each other. The towers cannot be too close or the signals overlap and cause interference. If they are too far away there is a gap in coverage. The towers have to be spaced appropriately relative to each other. The issue of all of the carriers looking to get on the same parcels has come about partly for that reason. For example, the Alltel Tower that is at Camp Holiday Trails is a tall 250-foot tower that is visible from the interstate. It was one of the last tall towers that were approved. Many of the carriers have co-located their antennas on that tower. As a result, at a set distance away several providers all need a second facility, which is very difficult at the Ivy valley at the Ivy exit, which is a very difficult place to find an appropriate tower.

Mr. Thomas asked that they move on from the technical requirements and address what are the requirements that you all are disagreeing with.

Ms. Joseph stated that a long time ago there was a committee set up to study this before the guidelines came about. She pointed out that the first question that was asked of the providers was if they could give us a map so that the County could establish a grid. This is proprietary information, and they were told that it makes it very difficult for them to compete with one another.

Ms. Long stated that it also changes a lot depending upon population changes and things like that.

Mr. Thomas stated that he would like to ask Mr. Finocci a question. He stated that he was not sure if he had read the letter that Ms. Higgins referred to from Tremblay and Smith by Peter Caramanis, but he posed a question in one place that the elements of the ZTA are set up in a way that any working proposal would never fit into the Tier II. He asked if he could explain what he meant by that.

Mr. Finocci stated that he had not read enough of his letter to understand what he may have said there. He suggested that Ms. Long could answer that question.

Mr. Rieley pointed out that was a question for staff because they were the ones that had seen the information from all of the applicants.

Mr. Thomas stated that he had another question for Mr. Finocci. He asked that if he agreed or disagreed with the 7 foot option or the 10 foot waiver. He asked why he would disagree if they put in the 7 foot requirement if they had the option of going 10 feet.

Mr. Finocci stated that the approach has always been if all they could get was 7 feet, then they would take what they could get and go with it. He noted that their preference would always be 10 feet because he did not think that they would ever just take 7 feet to avoid the process that they have been going through thus far. He felt that the antenna situation was really the one that is a key issue, which Ms. Long has touched on very well. He felt that they needed more analogy to understand how these antennas work and how they change dramatically all the time. In Albemarle County where they only have one antenna per sector, that one antenna was doing a lot of different things. It works like a big fancy speaker with different components in it, and each one is doing something different. Therefore, you have something at the bottom of the antenna that is functioning as a sender/receiver for one type of technology and the speaker at the top is doing something completely different. It is a bottling level for them. The bottom of that antenna needs to be able to function as well as the top and that is why the height becomes such a key function. Their unique situation right now is that they were running a dual technology system where they run both TMDA and GSM technologies. Their one antenna per sector has to do four different things. It has to send and receive for both technologies. Many of the Commissioners that have been on the Commission for a while know that they went through the process and got all of their sets approved, but then had to come back before you to get all of them amended because they needed to change out some equipment and antennas because of the level of detail in the approval of the applications. They could not modify the antennas or modify the equipment in any way without coming back to both the Board and the Commission. Now, actually again they may want to change the antennas once again. They went to what they call a quad-polarized antenna, which is actually shorter and fatter and has the four speakers in it. They are finding that it is not functioning as well because of the closeness of them. Now there is a new antenna called a dual pole that is actually 9'1" long that has two and two as far as that goes. Therefore, the antennas are ever constantly changing in height and width and how they function. That is really why none of us would opt for 7 foot from the beginning, but it was what they would take if that was all that the Board was going to give. He pointed out that really 7 feet above the trees is just not an adequate height to really propagate a signal and function. If it was what they get, then it was what they get, but they certainly would always want more.

Mr. Thomas stated that he would like to now ask staff a question. On page 2 of the emailed letter that the Commission received from Mr. Smith, it says that the combination of all three of these elements of the ZTA creates a situation where almost no working proposal will fall into the Tier II category. He pointed out that he could not figure out what that meant. He asked staff if they could address that issue.

Mr. Waller stated that much of his concern deals with the additional criteria for the addition of the definition of the avoidance area and in the way that avoidance areas have been designed in the zoning text amendment. Lately staff has seen a lot more applications for horizontal co-location and he thought that their concern is that they are going to be further limited in the numbers of sites that they can find because the Tier II definition excludes facilities within avoidance areas. From staff's opinion, we did not think that this necessarily affects the ability to obtain or to have an application approved, but it does allow additional scrutiny of an application if it is in an area that is considered to be an avoidance area. Right now if that language were not in there and you wanted to install a facility in an avoidance area it would be no different than installing a facility in an area that is not an avoidance area. There is no different level of review with avoidance areas being kicked out into the criteria which require a special use permit. There is another whole level of review that is being done. That can be found in the language of Section 31 that tells what the Board has to find upon issuance of a special use permit.

Mr. Rieley stated that it was true that is the process that exists now. Therefore, Tier III is no more onerous than the situation that they have now. So what they were doing is identifying very specific criteria to ease the burden and to make it faster and quicker.

Mr. Edgerton reiterated that the real issue on the Tier II is that it basically says that it is a personal wireless service facility that is a treetop facility not located within an avoidance area. If you read the avoidance area definition on page 2, these are areas that we as a community have decided are areas worth additional scrutiny. Unless they want to start changing the avoidance areas, which are pretty consistent throughout all of our ordinances, he felt that they are stuck with the reality that what they would like is for us to pull out the reference to the avoidance area and it was pretty hard to find any place in Albemarle County that does not have one of these criteria in it somewhere in the Rural Area.

Ms. Higgins stated that the key issue has to do with co-location versus setting another requirement that requires more locations.

Mr. Edgerton stated that the co-location is very frustrating because if they had seven different companies competing for the market here and each one of those companies decides that they want their own individual tower and they can't work anything out together, then they end up with seven towers here, seven towers here and seven towers here. From a planning point of view that is a nightmare.

Mr. Rieley stated that it was from a visibility perspective, which was really the foundation of our review.

Mr. Edgerton stated that he wished there was some way they could urge the private sector to work together in a more cooperative way so that they would have less towers in these locations and that they could share those facilities.

Mr. Rieley stated that they would have a legal problem along those lines.

Ms. Higgins asked if it is worse to have two or three together than it is to have more individual ones.

Ms. Joseph pointed out that what happens is that the single towers have to be very tall like the one Ms. Long referred to at Camp Holiday Trails.

Ms. Higgins stated that what she was saying was that they did not want seven towers all in one spot, but asked if two or three towers were any worse than one.

Mr. Rieley stated that it was absolutely site specific. There are places that can absorb two or three towers, but there are other places where the second tower was terrible. He pointed out that was why the special use permit process made sense to him because it allows them to give that individual scrutiny to change one. He felt that Tier III should be treated exactly the same as our evaluation is now, which is to try to give them a very fair evaluation of each of these and not make the presumption because it was not in Tier II that there is something wrong with it. It is simply that it does not meet the criteria in Tier II and that it needs to have this additional level of scrutiny and it may be fine.

Ms. Joseph agreed with Mr. Rieley because it connects to what Mr. Edgerton was saying that all of these are of the community's interest and that was why they sit here to make sure that the community is represented in making these decisions.

Mr. Edgerton stated that obviously the companies feel threatened by having to bring it before the Commission and deliberate on it, but he thought that they have been fair in the past. He stated

that he did not think there was a prejudice against Tier III because the by-right would not have to go through the process at all in reviewing the request.

Mr. Rieley pointed out that obviously it was more expensive to go through the special use permit process.

Mr. Thomas stated that it was an incentive for the applicant to choose the more workable places.

Mr. Rieley suggested that they view this on the context of the evolving nature of all of these regulations. He felt that they should be cautious in our next step, which was to make something by-right that is now a special use permit process. He stated that he did not think they should open that door up to high at first. It will be very clear by the number of applications that it kicks into Tier III from Tier II because everything works except they have to be 10 feet tall. He felt that review was necessary because additional scrutiny was needed in the unusual cases.

Mr. Morris asked staff if the additional 3 feet from 7 to 10 feet make the tower that much more visible and does it cause a real blight on the landscape. He pointed out that the 3 additional feet really affects the ability for reception and the ability to send.

Mr. Rieley stated that the answer was that it did sometimes, but sometimes it does not make any difference at all. In those cases it should be a very easy Tier III approval. But there are cases where it would make a big difference.

Mr. Thomas noted that was probably in the cases where there was no back drop at all or a very minimal backdrop which was when it would be the real problem.

Mr. Cilimberg stated that it was worth noting that on page 10 under # 5 that it talks about the 7 feet, but it does in fact under the Tier II allow for consideration for up to 10 feet. In fact, there might be many of those that you could authorize up to 10 feet in the Tier II if this criteria is met. He pointed out that it lists the conditions that the Commission could approve up to 10 feet under Tier II that does not require a special use permit.

Mr. Edgerton stated that from his experience that it was very specific to individual applications and he felt that the most telling thing was the balloon tests and those pictures. He felt that they could tell right away what kind of visual impact that it was going to have.

Mr. Rieley stated that the only piece of this that he remained uncomfortable with was the metal poles, particularly the connection of #4 on page 10. He noted that he remained convinced that you could put another tower on top of a tower that was 30 inches at the bottom and 18 inches at the top and extended another 100 feet. The Commission has seen literature from the industry advertising these poles for that very reason that they can be extended. He stated that he has always been in favor of metal poles, but one of the advantages of metal poles is that you can make them a lot smaller. He suggested that number could be a lot smaller if they used metal poles, but he did not think that they would be able to solve this problem tonight. He suggested that they have an engineer spend about two hours doing a structural analysis on it and tell us what the numbers should be. He pointed out that they started to do it at one time, but never followed through on it. He stated that he supported this proposal and did not want to hold it up for his.

Mr. Thomas felt that was a really good point. He noted that personally he trusted the metal poles falling within themselves more than a wooden pole.

Mr. Rieley stated that he was fine with metal poles as long as they are as small as they need to be to do their job.

Mr. Thomas asked if they should put that in as a suggestion, and Mr. Rieley agreed.

Mr. Edgerton asked if they could push a little harder than that and asked if there was somebody in the County staff that could help with some of this.

Mr. Rieley stated that the Commission could suggest that an analysis be undertaken of the metal poles to find out what a reasonable range would be.

Mr. Waller added that sometimes the amount that they are going to be able to limit the diameter in is also going to be driven by the width of the antenna. If they were looking at a two foot wide antenna and if they could only be 12 inches away from the face of the monopole, then the closer you get in you would get to the point where the antenna may not fit on the pole.

Mr. Rieley stated that then you would be at a reasonable decision point if it makes more sense to make the entire pole fatter to accommodate that or does it make more sense to put the bracket out more than 12 inches. He stated that you would not want to make the pole unnecessarily large just to meet the criteria of not being 12 inches out. He felt that could be solved.

Ms. Higgins supported that it stay with leaving the flexibility because we also heard every time that they have had this discussion about antennas keep changing. There was a comment about a 9 foot 1 inch antenna with a different arrangement of speakers. Therefore, each time you change that you would change the loading on the pole. She felt that they were picking up a minimum situation, but they should still allow them some flexibility.

Mr. Rieley stated that in his view the size that they were talking about is not so drastically different than what is necessary to hold the whole thing up and that this is not changing the equipment situation, but that they should find that out. He stated that the Commission was guessing, but they needed to know the answer to that. He noted that generally the process has worked toward the minimizing the size of the antenna. The easiest cheapest solution is a 200 foot tower with a great big thing stuck up on top of it. If you leave it up to the industry, then that is what you will get. It is up to us to set a community standard that the industry has to work towards and not the other way around.

Ms. Joseph stated that on page 10 there is a reference made to the tree top facility and in there it says that it is no more than 10 feet taller. She asked if that needs to be 7 feet.

Mr. Kamptner stated that was the ultimate height and needed to stay 10 feet and that the review process allows for the variation.

Ms. Joseph stated that on page 8 under number 4, it talks about a tree conservation plan. She suggested that to be rethought a little bit because what she thought they were looking for in that specific instance is the Certified Arborist to tell you that the tree is dead and dying. She suggested that it would be good for staff to have a tree conservation plan on all of these and not just have the applicant say that he is not going to remove any trees. Under a tree conservation plan they would be able to get some tree protection and make sure that the trees are going to stay there. She suggested that section could be reworded to add something towards the end that talks about dead or dying trees that are considered hazards as determined by a Certified Arborist and that those could be removed. In number 5 it references the Arborist's report of dead and dying trees, but that is not really enforced. Therefore, if there was some connection made so that they could get a conservation plan and maybe the plan could be done by the surveyor, engineer, landscape architect or an arborist so that it is not such a burden.

Mr. Thomas asked if that was mentioned anywhere else.

Mr. Waller stated that actually comes out of the standard conditions of approval that actually evolved before the policy was adopted.

Ms. Joseph stated that she liked the idea of having a tree conservation plan just because it would show the tree protection, which was really all that she was getting at. She pointed out that either the applicant says that they are not cutting down anything or you get a tree conservation plan and it depends if they show the dead and dying trees. However, if they get a tree conservation plan that usually also shows where the trees are going to be protected. If there were no construction that is required or no erosion or sediment control plan that is required, then at least they would get some more fencing around the area because they were relying on these trees.

Mr. Rieley felt that was a good point. He asked that they leave out the section between the commas and let it read that part of the issuance of the building permit that a tree conservation plan will be submitted prepared by a Certified Arborist.

Ms. Joseph suggested that they add those other people because engineers and surveyors do erosion and sediment control plans.

Mr. Rieley stated that since they were talking about tree conservation that it seems that the arborist would be the correct professional to do the plan.

Mr. Cilimberg stated that they were saying that they would either submit a statement that no tree will be removed so it would read prior to the issuance of a building permit the applicant shall submit a tree conservation plan prepared by a Certified Arborist.

Mr. Rieley agreed.

Ms. Higgins noted that in the next sentence you need to take out the statement or a tree conservation shall be submitted for approval to assure that all applicable requirements have been satisfied.

Ms. Joseph stated that on 10 under item 7 it talks about the wiring that should run through the pole. She questioned the maintenance on that and if that would create a hardship for the applicant.

Mr. Edgerton stated that the wires could not be hid inside the wood poles, but that it could be done on the metal poles. That was saying if they had metal poles that they wanted the wires hidden inside the pole and on a wooden pole they wanted to make sure they paid attention to how they put the wires on it.

Mr. Waller pointed out that was an industry standard.

Mr. Rieley asked if they included the statement that the wires should be on the side away from the road.

Mr. Waller pointed out that had already been done.

Mr. Kamptner stated that he wanted to bring up a couple of minor housekeeping items that arose since the staff report went out. There were some ideas that they wanted to throw out to the Commission. One idea was to include a provision that would allow a denied Tier II application to be processed by the applicant as a Tier III. A denied Tier II would be denied because it does not meet all of the requirements of the Tier II regulations. He also suggested adding some language for the waiver between the 10 and 7 foot height to be added to the appeal rights to the Board of Supervisors. The third item, which was at the request of the Zoning Administrator, was a request to develop criteria as to when a surety would be required for the removal. For a long time they could not come up with any criteria, but he and Mr. Davis met yesterday and came up with sixth criteria that he sent to Ms. Sprinkle and Mr. Waller yesterday. These six criteria list when the Zoning Administrator could, at her discretion, ask for the surety.

1. The annual report states that the tower/pole is no longer being used for personal wireless service facilities.
2. The annual report is not filed.
3. There is a change in technology that makes it likely that towers/poles will be unnecessary in the near future.
4. The permit tee is in violation with applicable regulations or conditions.
5. The permittee fails to timely remove another tower/pole within the County.
6. Whenever otherwise deemed necessary in the discretion of the Zoning Administrator.

He pointed out that these six criteria would give the Zoning Administrator some guidelines for when she needs to consider whether or not to require surety.

Ms. Higgins stated that she had brought this up to begin with because of an item on page 8. She stated that at the point where it says that it is no longer being used or the technology is no longer applicable and then you require surety that you would be requiring surety for something that might be abandoned or is not being appropriately maintained. She asked who would be responsible for this and if it would be the landowner.

Mr. Kamptner stated that the permit goes with the land. The tower owner, the wireless facility and the landowner receive the benefits of that special use permit. The Zoning Administrator would look to the person who was best able to be responsible, but ultimately it would be the land owner who would be obligated to comply with the conditions of the special use permit.

Ms. Higgins pointed out that at the time least likely to be able to get surety is when you are asking for it.

Mr. Kamptner stated that there were different ways to look at it. They could require it for all cases right at the beginning. In that case for twenty, fifteen or fifty years, whoever is going to be providing the bond is going to have to pay the cost of the bond for many years. This is a compromise to this position. The criteria are for the benefit of the Zoning Administrator and also for the industry so that they know what events might trigger the request for a bond.

Ms. Higgins pointed out that they would have the choice to remove it, and Mr. Kamptner agreed.

Mr. Morris noted that this suggestion would not be penalizing the entire industry.

Mr. Thomas asked if there were any more questions. There being none, the matter was placed before the Commission for action.

Mr. Rieley made a motion to recommend approval of ZTA 03-02, Personal Wireless Service Facilities, to the Board of Supervisors with the changes articulated by Mr. Kamptner and Ms. Joseph and as a footnote that they ask the Board to engage a structural engineer to provide some perimeters relative to the reasonable diameter of the monopole so that they could adjust the language to be in more realistic terms for the metal monopoles.

- Include a provision that would expressingly allow a denied Tier II application to be processed by the applicant as a Tier III. A denied Tier II would be denied because it does not meet all of the requirements of Tier II, and this would just expressly provide for that.
- Add language for the waiver between the 10 and 7 foot to be included within the appeal rights to the Board of Supervisors so that it could go on to the Board for them to consider it as a Tier II.
- The following criteria should be added which would give the Zoning Administrator the discretion and some guidelines for when she needs to consider whether or not to require surety on wireless facilities.
  1. The annual report states that the tower/pole is no longer being used for personal wireless service facilities.

2. The annual report is not filed.
3. There is a change in technology that makes it likely that towers/poles will be unnecessary in the near future.
4. The permittee is in violation with applicable regulations or conditions.
5. The permittee fails to timely remove another tower/pole within the County.
6. Whenever otherwise deemed necessary in the discretion of the Zoning Administrator.

- On page 8 under #4, change the wording to read that prior to the issuance of a building permit the applicant shall submit a tree conservation plan prepared by a certified arborist. In the second sentence take out words the statement or the tree conservation plan shall be submitted to the agent for review and approval and add the tree conservation plan shall be submitted for review and approval to assure that all applicable requirements have been satisfied.

Mr. Morris seconded the motion.

The motion carried by a vote of (7:0).

Mr. Thomas stated that the motion carried and ZTA 03-02 would go to the Board of Supervisors when a date was established.

Work Session:

CPA-04-02 Pantops – Study the Pantops Development Area (Neighborhood Three) for a possible amendment to the Land Use Plan section of the Comprehensive Plan. The CPA would modify the existing profile of the Pantops Development Area with revised Land Use Plan designations and with a transportation network to support possible future land uses. This will be an opportunity to update the Planning Commission and receive their feedback and input on draft existing conditions information prior to soliciting public input. (Tarpley Gillespie)

Ms. Gillespie summarized the staff report. She stated that this was a work session to discuss CPA-04-02, Pantops which was a study of the Pantops Development Area (Neighborhood Three) for a possible amendment to the Land Use Plan section of the Comprehensive Plan. Back on July 1, 2003 the staff came to the Planning Commission and conducted a work session on a proposed conceptual road network for Pantops. At that work session the Planning Commission directed staff to expand the scope of our study to look at the relationship between the Land Use Plan designations and the potential road network or the need for a more complete road network in the Pantops Development area. Staff also directed us to take into consideration any plans for an eastern connector road in this area of the County. The Planning Commission adopted a resolution of intent for us to conduct this study, which is attached to the staff report. Since July 1 staff has done some preliminary planning work and compiled a lot of existing condition materials and have mapped out a public participation process. Staff has had to stop ourselves of getting ahead too far in the Land Use planning arena until we begin the public participation process. That is what staff is hoping that our next step will be. Tonight they are here for three reasons. One is to update the Commission on where they are with this project. Two, to get the Commission's feedback on some of the existing conditions materials and maps that staff has compiled, which they are ready to go to the public with. Three, is to really get the Commission's consent to move forward and begin to notify the public regarding a public open house in May. Staff would like to have the Commission's consent to go ahead and do that. In the staff report, she pointed out that she has touched on the six existing condition maps that staff has prepared. Those maps are located on the wall. The first map is intended to orient the public to the concept of the development areas and rural areas and to let them see how the Pantops Neighborhood fits into the County as a whole. The second map provides some background information on the Land Use Plan designations for the Pantops area. At this public open house they could also provide an explanation of what those designations mean. Staff would also provide them with the existing Neighborhood III Study, which is the basis for that Pantops section of the Land Use Plan that they

would be looking at. The third map is the existing zoning, and staff would provide information of what the zoning classifications mean in terms of develop ability for future potential uses in this neighborhood. The fourth map is what they call the environmental constraints, and that map shows the critical slopes, floodplains, stream corridors and storm water management that are out in the Pantops area. Staff hopes that will help someone begin to see where opportunities exist or where potential hot spots exist and what is left when you look at the environmental constraints. The next two maps show where the existing building foot prints are and where the existing roads are and where there might be gaps in the road network where they may be missing links. Staff has also added to that map the proposed or approved private sector roads, but did not include the eastern connector road at this time, although it will be a strong consideration in our planning process because they don't have a specific line on the map to use, but they will be taking into consideration the fact that road is being planned for. It will definitely be an important part of any proposed framework plan map. The final map is the aerial photo of the area, which staff plans to use that map with the public in an exercise when they pinpoint their areas of concern in the development area and the areas that they value and want to protect within the development area. Staff also has some updated demographic information that they can provide. They will be specifically providing information on the number and the types of housing units in the development area, the population, the age of the folks living in the development area and also the employment in the development area. Staff will compare the numbers to all of the other development areas in the County and to the County as a whole. Therefore, the people can start to understand how Pantops fits into Albemarle County. Staff wants to proceed to a public open house and will do our best to draw a broad based public participation. Staff will run ads in the paper; send out notices to everyone that they know of and hope that word of mouth will also help. Staff would like to use the open house to get some feedback on the existing conditions and get some input from the public on what the concerns are in this development area. Then from there staff would like to go ahead and propose alternative framework plan scenarios, which they would then bring back to the Commission in a report form and back to the public for some more feedback. Hopefully, if the public can reach consensus in a second meeting, which might be idealistic, they would then have a proposed framework plan that staff would bring forward to the Commission. This process is based loosely on the recent process for the Area B Study. As mentioned in the report, staff has limited staff resources allocated to this project and no consultant resources. Therefore, staff is trying to keep this real focused to the issues at hand. There are two specific questions for the Commission tonight outlined in your staff report. The first question is if you find this information helpful and is there information that you feel is important to bring to light as they begin this process.

Mr. Thomas asked if the Commissioners have any questions for staff.

Ms. Higgins asked if all four questions were answered in the July work session.

Ms. Gillespie stated that the outcome of the July work session was that the Planning Commission asked staff to take a step back and take a broader look at the development area and take a more integrated approach to look at the land use and to get some legitimate public input and to do this mini framework process. She stated that specifically they were really not at a point where they were ready to propose a road network. The Commission asked staff to look at the relationship to land uses and to get public input on that.

Mr. Morris asked if there was a specific reason why this was pretty much focused on the area in the Pantops area that is contained in the growth area of Comprehensive Plan as opposed to looking at the Pantops area as a whole. For instance, including Ashcroft, Westminster Canterbury and on over and so on. He noted that it takes in more than simply this road network. He stated that it should include Luxor and south of Route 250 because that is important when you are talking about Pantops.

Ms. Gillespie stated that the map that staff has shown is a slightly larger area than a development area boundary. Staff has had some discussions about road networks that cross the development

area boundary that are very important to this area of the County in general and to the functionality of the development area. Therefore, staff will not limit the scope of our discussions. If there is a connection that needs to be made that crosses the development area boundary, staff will definitely discuss that and include that in any recommendations.

Mr. Morris pointed out that they will get a lot of questions about things that are not on the maps.

Ms. Gillespie stated that he was suggesting that they look at even a larger area.

Mr. Morris stated that if they were going to talk about Pantops, they need to talk about Pantops, or let's really focus in on getting the growth area, but they have to have interconnections between growth for instance Fontana and Ashcroft. He noted that they have to be concerned about these folks in this area.

Ms. Gillespie stated that at the original July 1 work session they were moving to address some of those very questions where road connections need to occur or are inadequate crossing over between various conditions within the development area. She stated that they have tried to focus their resources within the development area.

Mr. Cilimberg stated that the extent of the analysis is actually including a lot of what Mr. Morris has mentioned. But, what is not on the table so to speak from where staff has approached this and where they normally do these studies is to look beyond what are the essential ties to areas beyond the development area boundary such as the transportation purposes. They don't get into land use analysis, as an example, beyond those boundaries because they are not areas that have been designated in the Comprehensive Plan for other than Rural Area. As a result of that our focus tends to be within the boundary and then looking at the outside for what is influencing on what happens within the boundaries or where do logical connections need to be made. This is a combination between transportation and land use. Staff is trying to keep that focused on what are the land use considerations that influence transportation. Basically that stays within a boundary for the designation of land use, but it goes outside the boundary for the fact that it might influence it.

Mr. Morris asked for the projections for the actual number of housing units in the Pantops area. He pointed out that his figures had almost 4,000. He asked if the figures would be for the actual or projected number.

Ms. Gillespie stated that the in-house estimate for the Pantops area gives us 136 dwelling units. It probably does not include some of the more recent apartments. Prior to the open house staff intends to provide accurate figures for those pieces of data, which would only count the units within the development area. She pointed out that staff could provide numbers for the built units versus the approved units.

Mr. Morris stated that staff was going to need those figures when they go to a public hearing in order to be able to determine if those roads will be adequate along with Route 20.

Mr. Benish stated that staff would have those numbers along with acreages for the vacant land and a status of where we are from a development standpoint. He pointed out that staff anticipates getting input into this plan from the fringe areas just like was done with the Crozet Plan. Staff anticipates comments from the City staff regarding the Pantops boundary with the City particularly about potential road alignments.

Mr. Edgerton stated that in July he was frustrated about not having any idea of some sort of transportation network. He stated that he did not believe that they would be able to do any justice to it without bring some wisdom from a consultant or planning staff on what are the impacts of a transportation system and what will work. He felt that they need to take a hard look at the

transportation corridors and figure out where the breaking points are. He pointed out that they have not done this. He questioned when the Eastern Connector would be done.

Mr. Rieley stated that it probably be done in a year and a half.

Mr. Cilimberg pointed out that he would be surprised if the Eastern Connector was done in a year and a half because it just got into CHART as something to study and they don't even have the monies yet for that study. If they were waiting for the Eastern Connector, then they might as well put this one aside and do it at that time. The questions is what are you as a Planning Commission interested in trying to first of all understand from the public before we are going in and trying to identify transportation facilities, land use and so forth.

Mr. Benish noted that staff anticipated that being part of the second round. They were trying to be careful here and allow the public to provide staff some insight as to what issues and concerns are so that staff does not appear too out in front of assuming that we know what the neighborhood wants and needs. Staff wants to make sure that public input is received prior to the recommendations being drafted. Staff hopes to receive public input at the first public meeting and then weigh that with what recommendations that they need to put forward. If the Commission feels that this process needs to be a little more traditional in that staff needs to go out in front of the public to identify some basic concepts that we propose, that they certainly could discuss and obtain that.

Mr. Edgerton asked if staff was not comfortable in providing the information that the Commission requested in July until public input was obtained.

Mr. Benish stated that staff's approach was that they need to hear that public comment before they weigh in to how they address these recommendations.

Mr. Rieley stated that he agreed with part of the reasoning because the answers to these questions are not going to come as a result of the consensus of a public meeting. These are tough planning decisions that have to be made with the broader community's needs at stake. He noted that it seems that the transportation component has fallen away. One thing they could do to make it clear as an issue is to do a simple diagram of the existing traffic patterns so they could really get some sense of scale. One of the things that they have to come to grips with is the fact that intersection at Route 250/Route 20 is probably the second worse intersection in the area. But that is a pretty critical issue and they would at least get a scale of the problem.

Mr. Benish stated that they wanted to make sure that their transportation recommendations reflect the land use patterns that they want to recommend. Staff could foresee some changes as what our land use plan shows now for land use pattern of development and what they might propose to do, and that might affect where certain connections were going to be made. Certainly there is a regional route in here where there are limited opportunities, but how you provide for alternate route and how they connect to what centers are going to be depended on where you design the centers. If they emphasize State Farm Boulevard as a center as opposed to orienting everything to Route 250 it might change how you decide to locate roadways. Staff wants to step through this process in what type of communities and centers that we want to create and then build our road system to make sure it reflects that pattern that they ultimately propose. Staff felt that they had to step back before they made all of the transportation recommendations so that they knew what that was.

Mr. Cilimberg stated that what he seemed to be hearing is that this represents existing conditions in a sense including existing anticipated land use if you look at the Comp Plan. What you are asking for is transportation information to reflect existing conditions and the land use plan. He stated that they have information out of the CHART process on what forecast traffic would be, which is essentially reflecting existing conditions built out over twenty years. It might be helpful just to show that. They could also hit on some of the other kinds of options if you introduce the

Meadow Creek Parkway ultimately being built and then what results from that. They could certainly get some Information from CHART, which would also help with that. He felt that the focus was on what was there now, which would work as a start.

Ms. Higgins asked if there were any road improvements that are secured by proffers, etc. that apply to this Neighborhood Model. She asked if there was any land for spot improvements or intersection improvements in respect to VDOT or the Six-Year Plan.

Mr. Benish stated that basically the two main roads were the primary roads. Staff has recommendations in their wish list on primary roads for improvements, but they have not been incorporated into the primary plan. Most of the other roads are predominately subdivision streets or secondary roads that are at this point in time either meeting the standards or needs in the short to mid-term of a six-year plan. Now what staff would foresee is if South Pantops becomes emphasized as a parallel street to Route 20 that could generate a six-year plan proposal that could beef that standard up if necessary. But right now there is really not a whole lot in the six-year plan, but they do have recommendations to upgrade Route 20 of the development area. There is also a discussion of what needs to be done on the Route 250 corridor and the interchange at Route 250 and the interchange at Shadwell, which is getting a little bit far away from this area.

Mr. Rieley suggested that they include the CHART information.
Ms. Gillespie pointed out that the public input meeting would definitely be held out in the development area.

Ms. Higgins pointed out that this was different from the Crozet Plan because this is a more global County issue due to the concentration of higher density developments and that people would be coming from the whole area. She suggested that the public hearing be more widely advertised than just for the neighborhood that they were reviewing.

Mr. Morris suggested that they look at the disaster control and emergency evacuation plans to get across Free Bridge on Route 250 to Pantops to exit Charlottesville.

Mr. Craddock pointed out that traffic will increase on Pantops due to the doctors moving closer to new hospital. He pointed out that the fire facility was going to be up on Pantops just so that the City fire trucks or rescue squads won't have to fight traffic through the light to get to Pantops.

Ms. Gillespie pointed out that staff anticipates the first meeting providing the public with all of the background information that they already have had the advantage of doing. Then at the second meeting staff would come forward with proposed solutions, which would include a lot of what the Commission was talking about.

Mr. Benish stated that staff would try to emphasize the notification of the public meeting beyond the website and newspaper with an emphasis on neighborhood associations in the area.

Mr. Thomas complimented the good work that staff has done on this project. He noted that all of the Commissioners were in a hurry to get this project done.

Mr. Benish asked that the Commissioners keep in mind that at some point they have to set priorities. He said that staff's priorities for this project are some what limited. This plan is being done internally by staff simultaneously with the 29 North Master Plan. The County set the 29 North Plan as a high priority. This plan will run in tandem with the 29 Plan, but will probably keep a different pace.

In summary, the Planning Commission held a work session on CPA-04-02 Pantops, which was a study of the Pantops Development Area (Neighborhood Three) for a possible amendment to the Land Use Plan section of the Comprehensive Plan. The CPA would modify the existing profile of

the Pantops Development Area with revised Land Use Plan designations and with a transportation network to support possible future land uses. Staff provided an update to the Planning Commission on their work and requested feedback and input. The Commission discussed and provided comments and suggestions and asked staff to go forward in scheduling the public open house. The Commission asked staff to consider the following items:

- consider including the general Pantops area and not just the designated growth area,
- provide current information regarding the population and the number of dwelling units located within the area,
- consider the existing traffic impacts and if the existing roads are adequate,
- provide current information on the existing traffic counts, and
- make sure that as much current information is made available to the public at the open house as possible.

Old Business:

Mr. Thomas asked if there was any old business.

Mr. Higgins pointed out that she had a question regarding priorities on the subdivision text changes that were just forwarded to the Board of Supervisors. The big element that she felt was missing was the carrot part that the Commission had always talked about, which had been brought up by someone after that meeting. There was a recent Development Round Table discussion about the zoning text amendments to go with some of the density issues that should be accomplishing the subdivision text changes. She asked where that stands in the big picture since the understanding at that Round Table meeting was that it was going to catch up with that subdivision text amendment before it was actually forwarded by the Commission to the Board and it did not. She pointed out that she missed that Round Table discussion.

Mr. Cilimberg stated that was not part of the communications that it would catch up with the Subdivision text. He pointed out that he was there and they talked about the fact that zoning text amendment was the important part of the ordinance changes to implement the Neighborhood Model. At that point in time, staff hoped to be able to come to the Commission for a work session on the zoning text amendment after that first public discussion, but realized after that meeting that there was really more that they needed to discuss with the interested public and community about the zoning text changes. The focus discussion was very helpful in identifying some things that they didn't understand and questioned whether they were really accomplishing the intent. Staff realized that they needed to go back and work more on it. He pointed out that at the Subdivision Ordinance hearing that he had mentioned that they would be doing a second focused discussion with the public on the zoning text changes rather than bringing it directly to the Commission.

Ms. Higgins asked if there was no idea that they would be catching up at the Board level.

Mr. Cilimberg stated that it was hard to predict and he would not want to say if it will or will not.

Ms. Higgins stated that the general complaint was that it went forward with some broad requirements, but they did not carry with it the component that was the carrot for developers to be able to accept those things. It has gotten out of sequence and went ahead with all of the additional requirements without the ability to actually go to higher densities to achieve the things that they were actually imposing by physical elements in the development areas.

Mr. Cilimberg stated that it was really not so much about density. The densities in the zoning text changes are not really changing because the districts are the same and the densities that are achievable are the same, but the way that you are able to achieve density changes. That would open opportunities in how lots are developed under the zoning text changes and how the setbacks will be changed. He pointed out that he understood what she was saying and that staff recognizes that. That is the other piece and that is the part that they had some discussion with

the development community and others that attended as to whether the zoning text changes as they were seeing them were accomplishing that the way that it was anticipated.

There being no further old business, the meeting proceeded.

New Business:

Mr. Thomas asked if there was any new business.

Mr. Rieley asked staff to research why the upper part of Darden Towe Park was not colored on the map as a park. He pointed out that he thought it should be colored as park land.

Mr. Benish stated that staff would check into the current Comprehensive Plan designation for that property.

Mr. Rieley stated that the CHART Committee has just completed their draft 2025 plan. He noted that the committee was really moving more towards a new role of serving as a citizen's advisory board. He pointed out that this was a good time for him to step aside and give someone else an opportunity to serve. He stated that Mr. Morris has expressed an interest. Therefore, he made a motion that Mr. Morris serve as his replacement on the CHART Committee.

Ms. Higgins seconded the motion, which carried (6:0).

Mr. Kamptner passed out a summary of the Virginia Supreme Court's decision that was issued last month dealing with the Freedom of Information Act. He pointed out that this summary deals with email communications and informational gatherings.

There being no further new business, the meeting proceeded.

Adjournment:

With no further items, the meeting adjourned at 8:20 p.m. to the next meeting on April 27, 2004.

_____

V. Wayne Cilimberg, Secretary

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