Albemarle County Planning Commission
July 27, 2004

The Albemarle County Planning Commission held a meeting and public hearing on Tuesday, July 27, 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; Bill Edgerton; Jo Higgins; Marcia Joseph; Cal Morris and Pete Craddock, Vice-Chairman.

Other officials present were Wayne Cilimberg, Director of Planning & Community Development; Stephen Waller, Senior Planner; Bill Fritz, Development Process Manager and Greg Kamptner, Assistant County Attorney.

Call to Order and Establish Quorum:

Mr. Thomas called the regular meeting to order at 6:11 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 moved on to the next item on the agenda.

Consent Agenda:

SUB 2004-152 Oak Hill – Section 3 – Request to provide open space in an R-2 clustered subdivision in accordance with Section 4.7.2 of the Zoning Ordinance. (Tax Map 90A, Parcel 1) (Francis MacCall)
Approval of Planning Commission Minutes – May 18, 2004 and June 22, 2004.

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

Ms. Joseph pointed out that the Oak Hill SUB-2004-152 is very clear, concise and thorough and that she really appreciated all of the information that was included.

Ms. Joseph made a motion for approval of the consent agenda as presented.

Mr. Morris seconded the motion, which carried by a vote of (7:0).

Mr. Thomas stated that the consent agenda was passed.

Public Hearing Items:

ZTA 04-03 – Planned District-Monticello Historic District (PD-MHD) (Sign # 33, 38 & 50 – Amend Section 4.15.8, Sign Regulations applicable in the RA, VR, R-1 and R-2 Zoning Districts; Amend Section 7, Establishment of Districts; Amend Section 8.1, Intent; Amend Section 8.4, Where Permitted, and add Section 11, Planned District – Monticello Historic District (PD-MHD), of Chapter 18, Zoning, of the Albemarle County Code. The amendments to Sections 4.15.8, 7 and 8.1 will add the PD-MHD zoning district as a district subject to those and related sections. The amendment to Section 8.4 will allow the PD-MHD zoning district to exist in an area of the County that is not within a development area identified in the comprehensive plan. The addition of Section 11 will establish the Planned District-Monticello Historic District as a zoning district within Albemarle County, state the intent of the zoning district, and establish the permitted uses and associated regulations applicable within the zoning district. The proposed district would allow by right and by special use permit uses specifically related to the operation of Monticello as a historic house museum and historic site, including visitor facilities, educational, research, administrative

facilities, agricultural uses, residential uses and other uses delineated therein. The proposed district regulations also would require that development be preceded by an application plan, and otherwise be subject to Sections 4, 5, 8 and 32 of Chapter 18, Zoning, of the Albemarle County Code, and establish lot width, minimum yard and height requirements. The density for new residential development authorized in the PD-MHD district would be in accordance with the regulations of the RA Rural Areas Zoning District, which is currently one dwelling unit per twenty-one acres, plus one dwelling unit per two acres for each development right. (Joan McDowell) ***APPLICANT REQUESTS INDEFINITE DEFERRAL.***

AND

ZMA 04-05 - Planned District-Monticello Historic District (PD-MHD) (Sign # 33, 38 & 50) – Request to rezone approximately 868 acres from RA (Rural Areas) to PD-MHD Planned District-Monticello Historic District (reference ZTA 04-03), to allow uses specifically related to the operation of Monticello as a historic house museum and historic site, including visitor facilities, educational, research, and administrative facilities, agricultural uses, and certain residential uses. The properties proposed for rezoning are within the Scottsville Magisterial District in the vicinity of Monticello, south of Interstate 64 and east of Route 53, and are identified more particularly as follows: Tax Map 78, Parcels 22 (Monticello), 23, 25, 28A, 28B, 29; and Tax Map 79, Parcel 7A. The Comprehensive Plan designates these properties as Rural Area 4, and the general usage and density range for Rural Area 4 are as follows: land uses supportive of the character of the rural area, with agricultural and forestal uses desired as the primary land uses. The density for new residential development authorized in the PD-MHD district would be in accordance with the regulations of the RA Rural Areas Zoning District, which is currently one dwelling unit per twenty-one acres, plus one dwelling unit per two acres for each development right. (Joan McDowell) ***APPLICANT REQUESTS INDEFINITE DEFERRAL.***

Mr. Thomas stated that the next item on the agenda was the public hearing items. There is a request from the applicant for indefinite deferral on ZTA-04-03 and ZMA-04-05 for Monticello. Since there is a request for indefinite deferral, the public hearing will not be opened.

Mr. Rieley stated that he would clarify for the record once again that he would abstain from voting on this matter.

Mr. Morris moved for approval of the applicant's request for indefinite deferral of ZMA-04-05, Planned District Monticello Historic District (PD-MHD) and ZTA-04-03, Planned District-Monticello Historic District (PD-MHD).

Ms. Higgins seconded the motion.

The motion carried by a vote of (6:0). (Rieley – Abstain)

Mr. Thomas stated that the motion carried for the applicant's request for an indefinite deferral.

SP 2004-00018 Leroy and Helen Moyer – ALLTEL/ Nix Way (Sign #64) - Request for special use permit to allow the construction of a personal wireless facility with a monopole, approximately 80 feet in total height and 10 feet above the height of the tallest tree within 25 feet. The proposed facility includes flush-mounted panel antennas and ground equipment. 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 92, Parcel 56B3, contains 8.98 acres, and is zoned RA Rural Areas and EC, Entrance Corridor Overlay District. The proposal is located on Rt. 53 (Thomas Jefferson Parkway), approximately 1.3 miles east of the intersection of Thomas Jefferson Parkway and Rt. 795 (James Monroe Parkway), in Scottsville Magisterial District. The Comprehensive Plan designates this property as Rural Areas in Rural Area 4. (Stephen Waller)

Mr. Waller summarized the staff report. The applicant is proposing the installation of a personal wireless service facility which would include a metal monopole approximately 80 feet in total

height with the top height approximately 524 feet Above Mean Sea Level. This would result in a monopole that would be 10 feet taller than the height of near by 72-foot tall tree, which is identified in the applicant's construction plans. The monopole will be fitted with one array of three 8-foot long by 8-inch wide flush mounted panel antennas to be mounted at the top of the pole. The supporting ground equipment would be contained within two 5.5-foot tall and 4.5-foot wide cabinets on a 96 square foot concrete pad and also within a smaller cabinet on a 5 square foot concrete pad. This facility is sited adjacent to an existing facility which was approved at the Board of Supervisors meeting on January 10, 2001 for the site to be used by Triton PCS. The top height of the proposed facility would be 2 feet lower than the height of the existing and approved facility. During a field visit, staff observed that neither the existing monopole nor the test balloon was visible above the tree line of the Route 53 right-of-way. Staff observed that the monopole was only visible from Route 53 through the trees while standing directly in front of the site. That balloon test actually took place in the winter prior to the submittal of this application. At that time there were no leaves on the deciduous trees between this site and the road. However, staff did recognize that the tallest portion of the existing monopole is visible at the top of that line of trees when traveling south from Gobblers Ridge Road for a short period of time. Staff has reviewed this request for compliance with provisions of Section 31.2.4.1 of the Zoning Ordinance, with the Comprehensive Plan recommendations for the Wireless Policy, and from the Open Space Plan of Chapter 2 of the Comprehensive Plan, entitled Natural Resource and Cultural Assets. Staff recommends approval of the request.

Staff has identified the following factors, which are favorable to this request:
1. A test balloon floated at the proposed height of the monopole was only visible through the trees and below treetop level from Route 53;
2. The proposed monopole for this facility would be approximately 2 feet in total height AMSL lower than the existing Triton facility; and,
3. This site would be accessed from the gravel road serving the existing Triton facility.

The following factors are relevant to this consideration:
1. The top of the existing monopole is visible at treetop level from Gobblers Ridge Road;
2. This site is located within a proposed historic area; and,
3. There are existing and reasonable by-right uses that could be established on the subject property.

Staff would also like to note that the date of the Board of Supervisors meeting that this item would be heard has changed since the staff report was completed and delivered to the Commission. The date has been moved up to August 11 barring any requests for deferral on any outstanding issues. Also, staff would like to point out that the plans on the board are actually a little different from the plans in the packets. Since the Architectural Review Board hearing the applicant has attempted to address some of the Architectural Review Board's recommended conditions for approval by shrinking the size of the disturbance within the leased area as far as reducing the amount of gravel in that area. That has been reflected on the plan located on the far right on the board. The Architectural Review Board's Design Planner has these plans in hand, but staff has not received any approval or any statement of support for these plans. He pointed out that what the applicant provided the Design Planner to review is smaller in size than what was originally shown in the application packet. Also, the conditions that staff has recommended tonight still reflect the fact that the Architectural Review Board's approval of the conditions is still an outstanding condition. Staff wanted the Commission to see that the applicant has worked towards addressing those conditions, but the ARB has not voted on whether this is acceptable or if they need more work at this time.

Mr. Thomas asked if there were any questions for Mr. Waller.

Mr. Morris stated that looking through the materials that he assumed that it is not a request for a metal monopole, but a wooden monopole. He asked if that was correct.

Mr. Rieley stated that the conditions state wood.

Mr. Waller stated that there is a request for metal in the application packet. Staff's recommended conditions are for a wood monopole in order to remain consistent with what is already approved there. This is a site where it has been shown that a wood monopole could work. There are no issues with any reflection or anything of that nature. Usually it has been staff's policy to try to keep a site that has worked, which staff has been able to support after they have been constructed, by trying to keep any future sites at the same location as consistent as possible.

Ms. Higgins asked if what he was saying is that the one that was previously approved was wood and he wants this one to be consistent, and Mr. Waller agreed.

Ms. Higgins stated that in the ARB comments under condition 5, it actually has a condition that says remove the word "wood" from the monopole notes on sheet C-4 and C-8.

Mr. Waller noted that he talked with Ms. Maliszewski about the difference in the ARB recommendations and what staff would recommend, which is based on what has worked in the past at this specific site. He pointed out that she was on board about that.

Ms. Higgins pointed out that it does indicate that the ARB does not have a problem with it being made of another material for aesthetics purposes, but they were saying delete the word "wood."

Mr. Waller stated that the ARB reviewed the request based on the application as provided and their information. Staff's recommendation from the special use permit's standpoint is just for consistency and that the monopole would therefore be wood.

Mr. Rieley stated that the Commission typically shoots for 7 feet above the tallest tree. The Commission has a pattern of only approving the additional 3 feet when there are mitigating or special circumstances. He noted that in this case that this tower would be 2 feet lower than an existing pole on the site. He asked if staff regarded that as the mitigating circumstance.

Mr. Waller stated that he did view that as a mitigating circumstance.

Mr. Craddock asked if staff has heard from any of the neighbors, and Mr. Waller stated that he has not.

Mr. Thomas asked if there were any more questions for staff. There being none, he opened the public hearing and invited the applicant to come forward and speak.

Pete Caramanis, representative for Alltel, stated that the purpose of this project is to provide wireless coverage along Route 53 towards Fluvanna County where there currently is no coverage for Alltel customers. The site was selected because of the terrain and the fact that the tower would have very minimal, if any, visibility there. There is a very high steep embankment along the road and the tower is over the top of that. The tower is set back off of the edge of the embankment, which makes it almost impossible to see as you are driving by. This has been a very successful site for the existing tower. The new tower would be able to take advantage of the same benefits of the site. The request is for an 80-foot monopole. The confusion was created because the original plan that was submitted says wood monopole on the sheet that shows the pole, but the actual application states that they are seeking a metal monopole. That confusion was brought to light during the ARB hearing. There is no such thing as a wood monopole because there is a wood pole and a monopole. The plan should have said monopole. Therefore, the ARB's suggestion to take the word "wood" out was basically because of that. The plan should not have said wood. The issue did come up during the ARB meeting whether wood or metal was preferable. The argument that he put forth there and would restate here is obviously that the benefits of a metal monopole was that all of the cables and everything are inside the monopole and not visible from the outside. In addition, specifically with respect to this application, it is a

very winding steep road going up there. The metal monopole could be transported up there in segments and would be much easier and obviously much cheaper to bring on the site. The 80-foot wood pole would require the actual pole to be 100 feet or more based on the part that would be underground. To transport that 100-foot wood pole up that very winding road would obviously present some safety concerns that would require the road to be closed temporarily while it was brought up there. Of course, that would not just be limited to this area, but to every place that pole is going to drive on as it approaches Route 53. He pointed out that they don't feel that a metal monopole would have any more adverse impact than a wood pole. The ARB did agree with that. He noted that it will be painted with a matte brown finish. The existing pole is actually wood and it does have a shine to it. He noted that the proposal would have less of a shine. The ARB requested that the condition actually says that they use matte brown to make sure that it is done that way. Therefore, they are requesting a metal monopole on this site. The equipment cabinets and other antennas and equipment would be painted the same matte brown to blend with the tower and the surrounding facilities, and thereby limiting its visibility. He asked that condition 4 be changed to state that the metal monopole be painted matte brown to match the surrounding. He pointed out that in condition 3 that he thought there was a typo where it says it shall never exceed 7 feet and then in parenthesis as the number 10 feet. He noted that they were seeking 10 feet, and therefore he was asking that to be changed to say 10 feet. He stated that in closing he would like to say that this application would meet the requirements of the proposed ordinance revisions that the Board just heard a week or two ago. With the comments that the Board asked for in that ordinance, this would meet the requirements for a Tier II by-right facility. Regarding the difference between 10 and 7 feet, as stated if they were able to show that it would not have a greater visual impact at 10 feet than it would at 7 feet, then that would be acceptable. He noted that was obviously the case here. It was balloon tested at 10 feet above the tallest tree. Obviously, the comments that you heard from staff about its limited visibility are based on that 10 foot height. He pointed out that because of that, the 10 feet here would be appropriate in addition to the fact that the 10 feet still leaves it 2 feet lower than the existing facility. If there were any questions, he would be happy to answer them. He respectfully asked that the Planning Commission recommend approval of this application.

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

Mr. Craddock stated that he indicated that there was a hole in the Alltel service. He asked if that means that if you were driving down the road and lose your Alltel phone if that just switches to that other tower, but you would still have Alltel service through a partner.

Mr. Caramanis stated that there were areas that one would likely drop a call, but there were also areas within this search area that one would pick up a roaming signal from another carrier. But, obviously in roaming situation some customers will end up paying. Also, Alltel cannot guarantee service based on someone else's tower to its customers.

Mr. Craddock asked if they have an agreement with Triton or Sun COM.

Mr. Caramanis stated no, as far as using their signal of that existing tower. He pointed out if they did they would not spend the money to build this one.

Mr. Thomas asked if there were any other questions for the applicant. There being none, he asked if there was anyone else in the audience that would like to speak on this application. There being none, he stated that the application would be brought back to the Commission for discussion and possible action.

Mr. Rieley stated that staff did a good job on this application. Although it is 3 foot higher than he generally likes to support, that he thought that the reasoning behind that is sound. He stated that the staff's recommendation for a wooden pole, particularly in light that there already is a wooden pole on the site and that he has not heard about any hazardous traffic conditions when the first

pole was being put in. He noted that it was probably worse for the temporary ones. He noted that he certainly supports staff's recommendation.

Ms. Joseph stated that it would be less obtrusive if this was going to be a spot that someone else might decide that they need to use if they were all wooden than if there were a lot of different kinds of poles.

Mr. Rieley moved for approval of SP-2004-18, Leroy and Helen Moyer – ALLTEL/Nix Way, with the conditions as recommended by staff with the clarification that the seven in text and 10 in parenthesis would be 10 and that a wooden monopole shall be used.

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

1. With the exception of any minor changes that would be required in order to comply with the conditions listed herein, the facility including the monopole, the ground equipment building, and any antennas shall be sized, located and built as shown on the concept plan entitled, "Alltel - Nix Way Site", dated March 24, 2004 and provided in this staff report 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 ten (10) feet above the top of the tallest tree within twenty-five feet. In no case shall the pole exceed 80 feet in total height at the time of installation without prior approval of an amendment to this special use permit or personal wireless facility permit.
4. The monopole shall be made of wood and be a dark brown natural wood color.
5. The ground equipment cabinets, antennas, concrete pad and all equipment attached to the pole shall be the same color as the pole and shall be no larger than the specifications set forth in the application plans.
6. Only flush-mounted antennas shall be permitted. No antennas that project out from the pole beyond the minimum required by the support structure shall be permitted. However, in no case shall the distance between the face of the pole and the faces of the antennas be more than 12 inches.
7. No satellite or microwave dishes shall be permitted on the monopole.
8. No antennas or equipment, with the exception of a grounding rod, not to exceed one-inch in diameter and twelve (12) inches in height, shall be located above the top of the pole.
9. No guy wires shall be permitted.
10. No lighting shall be permitted on the site or on the pole, except as herein provided. Outdoor lighting shall be limited to periods of maintenance only. Each outdoor luminaire shall be fully shielded such that all light emitted is projected below a horizontal plane running though the lowest part of the shield or shielding part of the luminaire. For the purposes of this condition, a luminaire is a complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.
11. The permittee shall comply with section 5.1.12 of the Zoning Ordinance. Fencing of the lease area shall not be permitted.
12. Size specifications and other details, including schematic elevations of the equipment cabinets shall be included in the construction plan package.
13. Site grading and all construction around the facility shall be minimized to only provide the amount of space that will be necessary for placement of the monopole and equipment cabinets. Graveling of the total lease area shall not be permitted.
14. Revise the shape and layout of the lease area and grading to avoid negative impacts to the trees identified as numbers 109,118, 244, 246, 254 and 268.

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

15. 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.

16. Prior to beginning construction or installation of the pole, the equipment cabinets or vehicular or utility access, an amended tree conservation plan, developed by a certified arborist shall be submitted to the Zoning Administrator for approval. The plan shall specify tree protection methods and procedures, and identify any existing trees to be removed on the site - both inside and outside the access easement and lease area. All construction or installation associated with the pole and equipment pad, including necessary access for construction or installation, shall be in accordance with this tree conservation plan. Except for the tree removal expressly authorized by the Director of Planning and Community Development, the permittee shall not remove existing trees within two hundred (200) feet of the pole and equipment pad. A special use permit amendment shall be required for any future tree removal within the two hundred-foot buffer, after the installation of the subject facility.
17. With the building permit application, the applicant shall submit the final revised set of site plans for construction of the facility. During the review of the application, 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's: a) height does not exceed two feet above the monopole; 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.

Ms. Higgins pointed out that the public hearing had not been closed.

Mr. Thomas closed the public hearing.

Mr. Edgerton seconded the motion.

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

Mr. Thomas stated that SP-2004-18 would be heard by the Board of Supervisors on September 11.

Ms. Joseph asked to make a comment on the staff report. She stated that because Southern Albemarle Historic District does not exist now, she did not think it was appropriate to have that in the staff report. Once it comes into being that might make some sense, but right now they did not know where the boundaries were going to be.

Old Business:

Mr. Thomas asked if there was any old business.

Ms. Joseph reported on the Historic Preservation Committee's meeting held yesterday. The committee is working on various subcommittees. They have a Database Subcommittee, Demolition Subcommittee, Heritage Education Subcommittee, Community Events Subcommittee, Financial Incentives Subcommittee and County Store Subcommittee. At this point this group is not working towards a Historic Preservation Ordinance. But, what they are working towards mainly is education. She briefly explained what each subcommittee was working on.

Mr. Thomas thanked Ms. Joseph for the report. He suggested that updates on the various committees be provided to the Commission on a monthly basis by the individual Commissioner in attendance. He asked if there was any further old business. There being none, the meeting proceeded.

New Business:

Mr. Thomas asked if there was any new business.

Ms. Joseph stated that recently she had a discussion with Margaret Maliszewski about the connection between the Planning Commission and the Architectural Review Board. The City has it set up so that a Planning Commission member sits on the BAR so that they know what is going on. She pointed out that one of the things that she was contemplating on her own time and not as a voting member or a participating member was that when rezonings, special use permits and sort of legislative action comes into play that she may go and sit at the ARB meetings so that she would know what is going on. She stated that it would not be for every ARB meeting.

Mr. Thomas asked if there would ever be a possibility that a Commissioner could be at an ARB meeting in order to communicate back and forth. He asked what the pleasure was of the Commission for suggesting that one of the Commissioners be appointed as an attending member. He asked if it was a nonvoting member if they would still have to be appointed.

Mr. Kamptner stated that they would have to be appointed and the ARB regulations would have to be modified to create that seat.

Mr. Thomas pointed out that it would be primarily for communications.

Mr. Rieley stated that he supported the idea of Ms. Joseph attending the ARB meeting on her own and keeping the Commission informed, but he was a little leery of institutionalizing something which could be a little awkward. He pointed out that when Pete Anderson sat on the Commission in an advisory capacity that it sometimes put him in an awkward situation.

Mr. Thomas stated that they would keep this on a voluntary basis to see how it goes. He pointed out that the Commission has its own duties and could override the ARB. Therefore, he preferred that the ARB continue to provide their recommendations to the Commission.

Mr. Morris suggested that they obtain the thoughts on this from the Chair of the ARB.

Ms. Higgins pointed out that the communications would be good, but she felt that the separation between the two groups was good.

Mr. Cilimberg suggested that if the Commission saw something there that might be worth pursuing after a few months of observation, then that would be a good time to talk with the ARB Chair.

Mr. Thomas stated that there would be no meeting next week on August 3. He asked if there was any other new business. There being none the meeting proceeded.

Adjournment:

With no further items, the meeting adjourned at 6:45 p.m. to the August 9, 2004 meeting.

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V. Wayne Cilimberg, Secretary

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