Albemarle County Planning Commission
August 24, 2004

The Albemarle County Planning Commission held a meeting and public hearing on Tuesday, August 24, 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; Jo Higgins; Marcia Joseph; Cal Morris; Bill Edgerton and Pete Craddock, Vice-Chairman. Mr. Rieley arrived at 6:10 p.m.

Other officials present were David Benish, Chief of Planning & Community Development; Stephen Waller, Senior Planner; Rebecca Ragsdale, Planner; Susan Thomas, Senior Planner; Scott Clark, Senior Planner; Mark Graham, Director of Community Development; 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 6:05 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 next item on the agenda.

Item Requesting Deferred:

SP 2004-00015 Bethel Baptist Church Amendment (Sign #90 & 92) - Request for amendment of a special use permit for an existing church to allow for a parking lot expansion, in accordance with Section 10.2.2.35 of the Zoning Ordinance which allows for church uses in the RA, Rural Area. The subject parcel, described as Tax Map 21, Parcel 25, contains approximately 3.004 acres zoned RA. This site is located just east of Route 29 North at the intersection of Route 641 (Burnley Station Road) and Rt. 600 (Watts Passage). The property lies within the Rivanna Magisterial District in the area designated as Rural Areas 2 by the Comprehensive Plan. (Rebecca Ragsdale) ***APPLICANT REQUESTS DEFERRAL TO AUGUST 31, 2004 PLANNING COMMISSION MEETING.***

Mr. Thomas stated that the applicant was requesting deferral to August 31, 2004. He opened the public hearing and asked if anyone was present to speak regarding this application. There being no one, he closed the public hearing to bring the matter before the Commission for discussion and action.

Ms. Higgins made a motion to accept the applicant's request for deferral to the August 31 meeting for SP-2004-00015, Bethel Baptist Church Amendment.

Mr. Morris seconded the motion.

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

Mr. Thomas stated that the applicant's request was approved to defer SP-2004-0015, Bethel Baptist Church Amendment, to August 31.

Deferred Item:

ZMA-03-05 The Meadows Expansion Amendment (Sign #57) - Request to rezone 26.843 acres from PRD, Planned Residential Development zoning for 26.843 acres to allow the addition of 40 new dwelling units at The Meadows residential community. The property, described as Tax Map 56, Parcels 14C and 14C1, is located in the White Hall Magisterial District on Rt. 240 (Crozet Avenue), approximately 1/4 mile north of the intersection of Crozet Avenue and Rt. 250W

(Rockfish Gap Turnpike). The 1996 Comprehensive Plan, Land Use Plan designates this property as Neighborhood Density Residential (3.01 - 6 dwelling units per acre) in the Community of Crozet. (Susan Thomas) ***DEFERRED FROM THE JULY 20, 2004 PLANNING COMMISSION MEETING.***

Ms. Thomas stated that at the July 20 meeting the applicant's consultant came forward with a proposal for using Davis Drive as an access alignment between Crozet Avenue and Old Trail. The consultant discussed the fact that he had previously submitted a road plan to the Water Resources Manager approximately a year ago and had not gotten a response. The Commission was interested in having a staff response to this plan and directed staff to go back and take some time to look at it and come forward with additional comments. The summary cover memo and two different comments are included in the Commission's packet tonight. The first item is an interpretation of the ordinance and how it would apply to the Davis Drive alignment compiled by Stephen Bowler, the Natural Resources Manager. The second item is a letter from Mark Graham, Director of Community Development, proposing another alternative for an alignment. This proposal would do something very close to what the original Meadows connection would have done that staff was seeking, but just stay to the south of the applicant's property right along the property line. Of course, staff was talking in future generalities because there are no plans for any of these roads. Staff is trying very hard to follow not only the guidance of the Neighborhood Model for inter-parcel connections, but leaving open some room for future growth in Crozet and ways to meet the needs for alternative circulation that will undoubtedly accompany the growth there. Stephen Bowler is no longer with the County, but Mark Graham is present tonight and can answer questions about the interpretation about the Water Protection Ordinance and also the letter and proposal staff made to the applicant. As mentioned in the memo, staff has had some conversations with the applicant and his consultant and so far the reception seems to be quite favorable. She called the Commission's attention to a plan that Brian Smith, the applicant's engineer, just forwarded to the staff yesterday. This is a revised drawing that shows the Meadows rezoning proposal with some changes that bring it into alignment with what the Architectural Review Board had requested. Specifically, the request was for the removal of the two front units, which were relatively close to the road under the original proposal. Also, the ARB requested the sandwiching of the parking lots in between the units so as not to be so visible from the road. Also, the plantings indicated should reflect the ARB's request for some strategically placed plantings to preserve a more rural character to that corridor. The Crozet Avenue Corridor in the Master Plan is recommended for a rural appearance unlike the Neighborhood Model where they try to pull buildings very close to the street. This is more of a country road and they are trying to preserve that impression. This application plan just revised recently does bring that whole proposal much closer to what the ARB had asked for and what staff was hoping to get. Therefore, staff feels that is a very positive development. As you probably noticed in Mark Graham's letter to the applicant of August 12, staff is asking for a grading and construction easement should that future connector road ever be built. It is very iffy since staff does not have any real information on it right now. Staff would probably need to grade onto the applicant's property simply to sandwich the road between the ball field and the Meadows property line. Staff is trying to keep options open and make provisions for future possibilities. In staff's conversations with the applicant's consultant the idea of a connection for a little stem driveway down from the Meadows to the future possible connector road was received quite favorable because that would allow Meadows residents to get to other places perhaps in an easier fashion than using the existing intersection and it might even allow for the intersection to be closed depending on how the road indeed does develop. She stated that she would be happy to discuss the contents of the latest memorandum. The Commission might want to revisit some of the original comments staff had in the July 20 staff report. The only area where they were not in alignment at this point is staff's recommendation for some sort of perimeter internal pathway in the Meadows, which would simply be an amenity for residents who live there who might want an additional area to walk. It was certainly not the key provision that staff focused on during the review of this project. Staff is very happy to see the ARB advisory recommendations or requirements shown on the plan. If there are any questions, staff would be happy to answer them.

Mr. Thomas asked if any Commissioner has questions for Ms. Thomas. He asked if there were any questions on the memorandum.

Mr. Craddock asked Mr. Graham to update the Commission on the last sentence or two in his letter. He said that he would be interested to know if there were any new developments.

Mark Graham, Director of Community Development, stated that in his letter he had tried to keep options open. There is no commitment by anyone at this point to build any kind of east/west inter-parcel connection through here. There have been discussions about Davis Drive being one and the one shown on the Crozet Master Plan. He said that he was just trying to emphasize the ability to keep options open. He had looked to see if it would be possible to squeeze a road between the ball field and the Meadows. It does appear that it could happen, but it would be tight and that is part of the reason why he asked for at least a 20 foot temporary construction easement so that they could get the road through there if a road ever went through there. Beyond that he has not really talked to the applicants or the applicant's engineer at this point so he does not have an update for the Commission.

Mr. Craddock asked if staff has received any comments from the schools.

Mr. Graham stated that last Friday he had a meeting with Al Reasor and discussed this with him. He seemed fairly satisfied about trying to get the road in between the school and the Meadows and he seemed to be satisfied that they could do it without requiring them to do any modifications to the ball field.

Mr. Thomas asked if there were any other questions.

Mr. Edgerton asked if the 25 foot wide grading easement, which was temporary and not to scale, as sketched out in the packet does not show on the applicant's new plan. He asked if all of that easement was all on County land.

Ms. Thomas stated that the grading and construction easement would be on the applicant's side of the open side of the shared boundary, which would allow the squeezing of the road between the fence and the property line. It would be best to reflect it if they could on the applicant's plan.

Mr. Edgerton pointed out that was not shown on the applicant's plan. Therefore, a future connection road (east/west) would come in the existing driveway, go past the first two quadra-plexes and turn left.

Mr. Graham asked to interject something. The idea was to provide for a road that could possibly be an interconnection that would be something similar to what has been proposed with the Crozet Master Plan. This would not require bringing the road out through the Meadows property. It would provide the opportunity for going southward from the Meadows to provide a future connection to that road. But, he was not proposing to swing the road up through the Meadows.

Mr. Rieley asked if the only implications for this application would be for the 20 foot construction easement on that one boundary.

Mr. Graham stated that was correct. He stated that he would like to speak to that for just a second. One of the things that he was trying to weigh in on was that he did not know where the appropriate balance point was and on whether the Meadows should be sharing in on some of the right-of-way there. As it was drawn right now, the right-of-way was being placed on the schools and public ground. There is an expectation of a temporary construction easement on the applicant, but he was not asking for a dedication from the applicant on the Meadows. That was a tough one to consider because he could not say where the right balance point is there and whether the Meadows should be sharing in that dedication or not. He pointed out that he just wanted to make the Commission aware of that.

Ms. Higgins stated that actually the entrance goes more linear if you are looking at the plan and out across an adjacent property before you get to 810. The idea was if you drew a straight line to 810 it would be more consistent with the plan and better than the Meadows connection.

Mr. Graham stated that this was just an option. That is assuming that property develops at some point in time. There are no plans at this time for any of these roads to be built.

Mr. Rieley stated that in reality the alignment of this connector road might be somewhat different and less linear, but in reserving a straight 25 foot wide area keeps the possibility open.

Mr. Graham stated that all he was trying to do was to keep the options open at this point.

Mr. Thomas asked if there were any other questions. There being no one, he opened the public hearing and invited the applicant to come forward and address the Commission.

Brian Smith, consultant for the Meadows, stated that Forest Kerns is here if there are any questions for him. He stated that they don't take any exception to the temporary grading easement along that property line. He felt that was a fine idea for a possible road in the future. The applicant's have a building proposed in one of the triangle locations for a quadra-plex. He felt that they could still put that in. As long as they can do that they have no problems. He envisioned this road going down and connecting to Route 810. If that was the case maybe they could eliminate the one at the top of the hill. He pointed out that he would love to see that since that would be a great safety improvement. Hopefully that can be done very soon in the future. He stated that they have shown an access easement through a parking lot that could connect to that in the future. In addition they have done the shuffling of the units out front and moving a few in the back. He noted that they have lost a couple in that transition, but the Meadows are going to absorb that.

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

Ms. Joseph asked Mr. Smith to speak to the pathway concept that Ms. Thomas has been discussing.

Mr. Smith stated that the applicant was willing to do an internal pathway for the Meadows residents only. The pathway has been designed as sidewalks that are connected to picnic areas with benches so that the residents can walk by the other buildings on the sidewalk through the handicap parking aisles and that sort of thing. For a pathway for residents that are in a little bit better shape and fitness, Mr. Kerns and his board are willing to consider a walkway or pathway that is possibly underneath the woods line along the property lines. The applicant is not interested in having a path that would be opened up to the public because he feels that would bring others on to the property and would cause disruptions with the residents.

Ms. Joseph asked if all of the new units were all connected by some sort of pedestrian access, and Mr. Smith replied yes that they were all connected.

Mr. Thomas asked if there were any other questions for the applicant. There being none, he invited public comment on this application.

Mary Gallo, resident of 868 Caitlin Drive in White Oaks Subdivision, stated that she appreciated the opportunity to address the road plan that was submitted by Brian Smith on behalf of the Meadows. There are three residents of their development here today. There was a fourth resident here, but he had to leave due to another commitment. Frankly, she was very surprised to see the issue of the so called Davis Drive Extension being raised yet again. They have been monitoring the possibility of the Davis Drive Extension for about three years. As early as August, 2001 a number of residents met with the Old Trail developers to discuss their plans. That was

before the master planning. In December, 2001 she participated in the County's stream assessment and personally walked Slab Town Branch with Stephen Bowler and Elaine Echols. She stated that Slab Town Branch was a category one, high value stream corridor and that the Water Protection Ordinance requires strict protection of Crozet's streams. She noted that she was very active in the Crozet Master Planning process and served on the transportation and utilities task group. In February, 2003, as noted in the materials the Commission received today, the master plan's evolving framework plan showed a potential Davis Drive connection. In April, 2003 that connection was removed. That is when the Meadows alternative appeared. In the master plan that was submitted this stream along Slab Town Branch was designated as part of the greenway system. She emphasized that Davis Drive was not the alternative. It was the original location considered for a road. The County's staff and consultants examined this area extensively as part of the master planning process and determined that it was not feasible. She stated that she did not know if the Commissioners had seen the area in question, but if not she invited them to come out and actually visit it. They would see that it was forested, sloped and had a number of large boulders, which may or may not require blasting. But, if blasting is required they would be opening up a whole new can of worms in terms of the health of this stream and potential damage to the surrounding homes. Formerly, she did see the map that was submitted by Mr. Smith and the property lines shown are not accurate. She believed that they might be underestimating the amount of property that would be taken from the White Oak residents. Even in the best case as presented by Mr. Smith's map, it shows my backyard being bisected by the road. As best as she can figure, the road would run right behind her children's swing set. It would certainly go right through the fence. She invited the Commissioners to also come to her home and stand in the backyard and see just how close that road would be to her house. Frankly, if this road was squarely in her backyard she would not be able to allow her pets or children to play in the backyard anymore. Needless to say putting in this road and taking her property would devastate our home, quality of life and property values. For all of the reasons previously discussed she would strenuously resist any attempt to take their property for a road that has been removed for consideration by the County and has also been determined by the Master Plan to be a low priority. She pointed out that she could not comment on the issue surrounding a potential road by the Meadows, but please don't attempt to solve one problem by creating an even bigger and more complicated problem some place else.

Dan Kelsey, resident of 872 Caitlin Drive in the White Oaks Subdivision, stated that his backyard would also be one that would be cut through. He noted that Mary Gallo had covered everything that he wanted to say, but he just wanted to give her his support. Again, if they were going to put a road through there that they should actually go out and look at the site because it was a beautiful area with lots of big Oak trees and wild life. The hill between the Meadows and the White Oaks Subdivision creates a really natural environment for lots of birds, animals, and plants. He presented a petition signed by ten residents of the White Oak Subdivision against the construction of the Davis Drive connection. (See Attachment A – Petition presented by Dan Kelsey signed by residents of White Oaks Subdivision.)

Michael Shaps, resident of 830 Caitlin Drive in the White Oaks Subdivision, stated that he supported what Mary Gallo said, but just wanted to add a few things. He stated that the drawings that Mr. Smith submitted were inaccurate and do not represent the actual property lines. The distance between the stream and where the road is planned is inaccurate as well. He also wanted to make it known that it would be property taken from five lots and four different property owners in order to put this road in.

Mr. Thomas asked if there was anyone else in the audience that would like to speak regarding this application. There being no further public comment, he closed the public hearing to bring the matter back before the Commission for discussion and a possible action. He pointed out that he had walked the property and it was everything that these residents had described.

Ms. Thomas stated that she was visited by the property owner to the south yesterday afternoon, Mr. Holden. She pointed out that she had encouraged him to submit a letter so that staff could

read it out loud into the record tonight. But, either Mr. Holden was not able to do so or he chose not to. Mr. Holden does not have any development plans for his property and was concerned about the prospect of the road. It has been the County's policy that we negotiate with the landowner. There are many roads that the County has been unable to build because they were not able to come to an agreement with property owners. The County has done very little, if any, condemnation over the years. Therefore, she had tried to paint a picture for him of how the process would be likely to go. She stated that he had come in and it was not something that he had known about. Apparently, although the County has records of sending him two different legal notices on these hearings, he was not aware of it. Therefore, she had made an appointment to talk in the future in more detail about the Master Plan in general.

Ms. Higgins asked if that was the property shown as tax map 56, parcel 15.

Ms. Thomas stated that was correct. She pointed out that it would be the property that would now be crossed with the compromised alignment. Without engineering plans, they really don't know exactly where this would come. But, if they stay off the Meadows property, then it might extend onto this property. Maybe as they develop plans, if they ever do, they will be able to find the very best alignment because actually the reason they went to this alignment from the other one originally was because this appeared to be better. But with some sight distance and frontage improvements, they could probably work it out. She pointed out that owner was not necessarily welcoming this, but the County was not doing it right now either. She stated that staff was just trying to allow for it in the future.

Mr. Rieley asked what the next review level would be for this that staff was comfortable with.

Ms. Thomas stated that the idea would be to modify the plan to show a representation of that path, and then it would mostly be scrutinized at the site plan stage if the Board approves the rezoning.

Mr. Thomas asked if that would include the 20 foot right-of-way.

Ms. Thomas stated that staff would also like to see that or some sort of agreement if it was not shown on the zoning application plan. She asked Mr. Kamptner what he felt was the best way to do it.

Mr. Kamptner suggested perhaps a proffer that upon the request of the County that they would show the general location of the easement on the application plan. A proffer would be the best way to go at this point, and then when they get to that stage they could enter into an easement agreement.

Mr. Thomas asked if it was necessary to have that proffer written tonight.

Mr. Kamptner stated that the Commission could approve the concept tonight and the language, which would be pretty simple, could be worked out before it went to the Board of Supervisors.

Ms. Thomas pointed out that the request needs to be changed to 38 new dwelling units and not 40 as stated in the staff report.

Ms. Higgins stated that this request was just an amendment to the existing zoning to change something. She asked if staff knows what the conditions of the original zoning were.

Ms. Thomas stated that they do know what those conditions are and this does not conflict with the original proffers, which talked about no disturbance to the wooded areas on the site, no commercial uses, and limited to the number of dwelling units. She pointed out that she did not have the proffers in front of her, but she knew what they address. In the original review of the proposal, they talked about what those conditions were.

Ms. Higgins stated that the condition that talks about no disturbance of the wooded areas would be changed.

Ms. Thomas stated that if you go out on the property that this area was right along the fence line with the school, and actually all of the woods are on the school's side of the property line. The real wooded area is to the north and to the back of the site. She felt that the point of the original proffers was to confine the development to the open portion of the property. Therefore, because it is infilling the existing area she felt that it was consistent with the original proffers. That has not been an issue in the discussion of the rezoning at least to date.

Ms. Higgins stated that she did not have a high comfort level in amending a PRD that had original proffers and they are talking about other proffers when they don't have the original proffers before them. But, if staff is comfortable with it, then she did not have a problem with it.

Mr. Thomas asked if any other Commissioner was uncomfortable with that.

Mr. Rieley stated that in general that he agreed with Ms. Higgins because it was much better to have these proffer packages be delivered when they come in. In this instance, they are revising something that the Commission has already seen that is really relevant to a specific issue that they wanted to have more information on. He stated that he was comfortable with sending this along with the caveats.

Ms. Joseph stated that in the original staff report it does talk about the zoning history in 1977 and 1985, and tells what the limitations were as far as the units and all areas not utilized for structures, streets, utilities and other improvements to remain undisturbed.

Ms. Higgins stated that her concern was that if was to protect the wooded areas and it goes all the way to the site plan stage and then there was an area for grading to make these grades work and it affects those wooded, then they should possibly acknowledge that they were modifying the previous proffer. She noted that they did not want the project to get stopped by the zoning administrator in an interpretation.

Mr. Morris pointed out that was a good point.

Ms. Higgins stated that they had done revisions before and they did not know what was there and what they were doing. She suggested that a complete action be taken so that the applicant does not have to come back.

Ms. Joseph stated that in the 1985 staff report it says that other such improvements were to remain undisturbed with a buffer of trees to be left along the property.

Ms. Higgins stated that this potential grading reservation could wipe all of that out. It could be a public road, which was all right. She pointed out that she was not saying that it was the wrong thing, but the methodology could stop it at some point because of the previous proffer's wording.

Mr. Benish stated that previously the Commission had asked for information on this road. Up to this point staff had not been to the point of recommending approval. Therefore, if the Commission was uncomfortable with taking an action today, staff could come back and put that packet together for your consideration. This request is scheduled to be heard by the Board on September 8 if there is an action today. But, the point where they were at right now is not typical for what staff does give the Commission because they were still in the fact finding information gathering stage.

Mr. Thomas asked if anyone was uncomfortable with the application moving on the way it is.

Mr. Edgerton stated that he had some other issues that he wanted to talk about that were related. He stated that this was the third time that they had been looking at this project. He felt that it was safe to say that approving this without working out a solution through here that they were giving up an opportunity for that interconnectivity. He felt that they should admit that and that he did not think that this road was going to be built. Besides from Al Reasor's comments for the schools, he felt that there were going to be a lot of parents who were going to be concerned about a road going right through the back of a ball field. They have not surfaced or been notified and nobody really knows that, but he felt that they were kidding themselves to think that this road was going to go to the south since it does not make sense. After going back to look at the Master Plan, it looked like there were some possible opportunities further north. Personally, he felt that would probably work better for interconnectivity actually north of the White Oaks Subdivision. He felt that they had better admit that they were in fact giving up the opportunity.

Ms. Thomas stated that one adjacent property to the north was the Rosenblum property that was currently a farm right now and there was nothing going on there in the terms of development. It is a better location for a connection because it was more central.

Mr. Edgerton asked if they had that one if they did not need the other one.

Ms. Thomas stated that actually they had always said that they want multiple connections and as many as possible. They would like to have one up in the vicinity of the Canary Cottage, but staff knows that owner is not interested right now as is Rosenblum is not interested right now. It is one of those things if the County is patient, consistent and committed that there might be opportunities in the future. The Old Trail developer is looking very hard for opportunities, too, because he realizes pretty quickly that when his neighborhoods begin to come online that will become more of an issue than it is right now. Staff never said that this was the best one. Staff said that it was one of a system of connections that they would like to make if they could, and they would ask the same of any developer along here that came in.

Mr. Edgerton asked from a planning perspective if they were in fact missing an opportunity to make a linkage at this area and that if it never comes back again how critical is that east/west connection to the Master Plan. He asked if they would be able to do it with one later.

Ms. Thomas stated that one connection would make a tremendous difference, but three or four would even be better.

Ms. Higgins stated that when they last met about this the issue of an entrance located at the Meadow's was one issue and the connection was a second issue. She noted that her perspective on the disruption to the Meadows had some weight, from her perspective. At that time she followed up with Mr. Graham to try to keep tabs on this so that they would not come here without having a school meeting. In the meeting that Mr. Graham had with Al Reasor, which she facilitated, Mr. Reasor came to the room and went through every step of the Master Plan. The current alignment shown in the Master Plan he confirmed was the one that they had taken no exception to. Mr. Graham went through the database. When they looked at another drawing attached, it was more in depth with the topo and actually demonstrated that there was more than just the right-of-way width. There is actually 60 feet between the ball field, and with the other 20 feet it was almost like 80 feet. With 80 feet there was a level of comfort that a road could get by and not disrupt the ball field that cost a quarter a million dollars or such. At that point, noting that no one wants a road across there, he was more comfortable that it was not going to take out a capital improvement that people have participated in. She felt that Mr. Reasor, with his position in the County and understanding how site work works, that he at least said that they were not going to take exception to it. Therefore, that was the best point of contact. If the road comes across the site and affects the ball field she was sure it would stir up a beehive of reaction from school parents. She stated that she was comfortable with it, but Mr. Graham could discuss it a little more. Also, the second part of this is an entrance going through there at the current Meadows' entrance. It was acknowledged that it was not a good entrance now and it is a safety issue.

Mr. Edgerton stated that he was struggling with the fact that they have a 20 foot reservation from the applicant for grading, they have Mr. Reasor's assurance that the schools will work with us the best that they can, and then it stops and the property owner says that he does not want to fool with it. What happens then?

Ms. Higgins pointed out that this application responds to a lot of the needs that they hear about on every application. It responds to the elderly and low income levels of people. This application responds to a lot of those needs. To take property away needlessly with a reservation when those factors are considered as a group she would be willing to support not requiring the reservation whether it went to Davis or went through the next property. She felt that being further away from Route 250 was better and that they were not giving up an opportunity because it should not go at the Meadows anyway.

Mr. Graham stated that whether it went south of the Meadows or used the Meadows entrance for this east/west connector road, you would have to bring part of the road across the Holden property. He pointed out that he was assuming that this road would not take place until somebody was ready to develop that property. This is assuming that there is not going to be a condemnation taking place here. As such it seems more appropriate to wait for the Holden's development to make sure that the east/west connector road fits into whatever development plan that they have. He pointed out that it did not appear that the alignment coming through the Meadows serves them very well. Whereas, with the development plan on the other property it appeared that they could come up with a much better alignment for this road and fix the problems that they currently have out there on the entrance. He felt it was something that would work quite well with their future development.

Mr. Rieley pointed out that the Planning Commission had requested staff to provide additional information on the Davis Creek connector at their previous meeting. He applauded the staff for keeping an open mind in this process and trying to keep the options open for future connections in the most practical and least disruptive way. He felt that the Commission has looked at this in many different ways. All that is being asked for this in this application is a modest contribution in a temporary construction easement. The truth of the matter is that this is probably the most practical connection. It comes in at a place that has good site distance and there are lots of options of how this could integrate with the future development on that site and keep the options open. As traffic on Route 250 worsens in ten or fifteen years, he felt that they would have parents coming in demanding a way to get the students in and out of the schools in a safer manner and then they would be glad that they had some options to make these connections. He pointed out that he was in favor of the ZMA request as it is.

Mr. Thomas pointed out that the total amount of units would not be 96 units instead of 98 units. He asked if there were any other comments.

Ms. Joseph agreed with everything that Mr. Rieley has said. Anyone that has driven on Route 250 east knows how important it is to have interconnections.

Ms. Higgins asked to point out one thing to go on the record. In our last conversation with Mr. Reasor, and Mr. Graham was involved in this conversation, there were several levels of discussion about the Crozet Master Plan. In a previous proposed Master Plan, it actually showed a connection through the school property. They contributed and participated to the extent to make it known that the school, and she assumed the supporting parents at the time were not interested in the connection, had actually worked out with the developer on the other side to have a way to drop students off behind Henley to relieve some of the traffic that comes out at the traffic signal. It should not be presumed that the schools want to be bisected. Because of the elementary and middle school she just wanted to say that the schools actually followed the Comprehensive Plan development to make sure that was taken off and actually in the last

rendition it went away. She stated that to assume that they were supportive of it would be a misassumption in this discussion.

Mr. Rieley stated that he wanted to add a footnote to that because he went to a meeting that was attended by Mr. Castor, Mr. Cilimberg, Ms. Thomas, Mr. Walker and Mr. Reasor. The discussion about the drop off in the back and the potential for a connection between the schools was pretty central to that conversation. Essentially, where that conversation was left was that was an issue that had to be studied and he asked very pointedly if that was something that the schools opposed and he was told very pointedly no it was not something that the schools opposed and that they had an open mind about it. He pointed out that they don't have to solve that issue, but since they were putting things into the record that he wanted to clarify that. He noted that apparently they had heard things a little bit differently. This is not something that has to be solved tonight since it won't be done in the near future.

Mr. Thomas asked if the Commission was ready for a motion.

Mr. Rieley moved to approve ZMA-03-05, The Meadows Expansion Amendment, with the three conditions as previously stated.

1. A proffer should be in place and the location shall be noted on the plan for the temporary 20 foot grading easement before the rezoning goes to the Board.
2. The location and materials for the alignment for the path system should be worked out with staff and finalized before the rezoning goes to the Board. All items need to be negotiated and finalized before the rezoning request goes to the Board. For example, a mulch path may not be supported by staff.
3. All changes must be made in accordance with the recent application plan to reflect the ARB's comments and the fact the proposal is now for 38 dwelling units.

Mr. Morris seconded the motion.

The motion carried by a vote of (6:1). (Edgerton - No)

Mr. Thomas stated that the ZMA-03-05, The Meadows Expansion Amendment, would go to the Board of Supervisors on September 8 with a recommendation for approval.

Public Hearing Items:

SP-2004-00023 Grace Community Church (Sign #41) - Request for special use permit approval, as set forth in Section 18.10.2.2.35 of the Zoning Ordinance, for a church building to be constructed on a 19.4 acre parcel. A waiver from the critical slopes requirements, as set forth in Section 18.4.2 of the Zoning Ordinance, has also been requested. The site is zoned RA Rural Area. The property, described as Tax Map 21, Parcel 11, is located in the White Hall Magisterial District on Rt. 606 (Dickerson Road), west of State Route 29, and south of the border with Greene County. The property is zoned RA Rural Area and the Comprehensive Plan designates this property as Rural Area 1. (Rebecca Ragsdale)

Ms. Ragsdale summarized the staff report. This special use permit is for a church, which would be 1,900 square feet and seat about 500 attendees with a total of 170 parking spaces and some outdoor recreational areas. This church is currently meeting at one of the County's schools where the average attendance is about 245. Grace Community Church is not proposing any daycare of school uses with this application. The site is located on Dickerson Road, which runs parallel to Route 29 North. It is a wooded site, which happens to be located adjacent to two other churches. Most recently the Commission reviewed Northridge Community Church, which is located directly south to this proposed site.

The Comprehensive Plan designates this area as Rural Areas, which does support the church land use. Staff has concerns with such a large church at build out with such a large expanse of

parking in the Rural Areas. But the applicant has addressed that concern with tree preservation, which is shown on the site plan. The site is completely wooded at present and that would be about 87 percent of the 19 acre site. It is also located in front of Piney Mountain, which is an identified mountain resource in the Mountain Protection Plan. The applicant has the developed the scheme with respect to the terrain and has tried to design with nature to minimize the clearing and grading of the site. Typically for churches staff recommends increased setbacks than what the Rural Areas Ordinance requires, which would be 50 feet on the side and rear property lines and 75 feet for the front property line that is consistent with the Rural Areas zoning district. The closest setback would be on the western property line adjacent to the North Ridge Community Church where the parking would actually be within 20 feet of the other church site. The development would be about 1,900 square feet at build out, but the applicant would most likely build a first phase and then a second phase. The first phase would be about 5,000 square feet. Staff has some concerns about developing and clearing the site for the phase two with uncertainty for when that might happen. There is a condition that addresses that concern in the staff report. VDOT had some concerns about Dickerson Road because it is not currently paved. Dickerson Road is only paved to the entrance of North Ridge Community Church site. VDOT proposes the same recommendations for this proposal for Grace Community Church as they did for the church right beside it that the applicant dedicate 25 foot of right-of-way along Dickerson Road for any future improvements that they might consider. VDOT also had some concerns about the alignment of the entrance and proposed that the applicant relocate the entrance from their original design to line up with the other church across the road. In addition, they requested that the applicant pave from the entrance from North Ridge Community Church eastward towards where their proposed entrance will be. The applicant has agreed to these conditions, which are part of the recommended conditions in the staff report. This item was advertised as needing a critical slope waiver, but after engineering review it does not need a critical slope waiver. Therefore, it is not mentioned in the staff report and there is no need for action on that. In summary, staff has identified several factors that are favorable to this request, which includes the tree preservation and mitigation of the disturbance that is proposed to the natural resources on the site and that the Comprehensive Plan does suggest that churches are a supportive land use to the Rural Areas. Staff recommends approval of this special use permit with the conditions as stated in the staff report with the exception of number 8, which addresses phasing. Staff proposes that it read if phasing of staff development is proposed, each phase shall include only the infrastructure and parking necessary to support the improvements of that phase. That would eliminate the portion of the condition that addresses grading. The applicant's consultants are present if the Commission has any questions.

Mr. Thomas asked if there were any questions for Ms. Ragsdale. There being none, he opened the public hearing and asked if the applicant would like to address the Commission on this item.

Mark Keller, of Terra Partners representing Grace Community Church, stated that several members of the church were present tonight including Reverend Don Ward and the architect for the project with Bushman and Dreyfus, Keith Scott. Mr. Scott was kind enough to bring along some graphic renderings that really bring the site plan to life from a bird's eye view and an on site perspective. The graphic renderings will be helpful to address any concerns about the mass or scale of the building. The church recognizes that they are building in and around growth areas both in Albemarle and Greene County. Therefore, they purchased a 19 to 20 acre property knowing that they did not want to be pigeon holed on their site and wanted to be able to grow with the community. Staff has addressed their concerns about the grading by eliminating that portion of condition 8. If there were any questions about that, he would be happy to address those concerns.

Mr. Thomas asked if any Commissioner had any questions for the applicants. There being none, he asked if there was anyone else present who would like to speak regarding this request.

Katie Hobbs, resident of Albemarle County, stated that the churches being allowed in the Rural Area has possibly been taken beyond its original concept for rural small churches serving the

persons who lived on the surrounding lands. Now there seems to be more and more churches building new churches in the Rural Areas rather than in the growth area of the County where our Comp Plan says we want growth to remain.

Ms. Ragsdale stated that regarding citizen comments on this application, staff did hear from an adjoining property owner, Mr. Haney, who was supportive of this request.

Mr. Thomas asked if there was anyone else present to speak on this application. There being no further public comment, the public hearing was closed to bring this matter back to the Commission for discussion and possible action.

Mr. Rieley stated that he would like to make a general comment and then ask Mr. Kamptner's opinion. It is relative to whenever they have churches come before the Commission, it seems that the Commission has to be cognizant of the fact that they were operating within the boundaries of the Religious Land Use Act, which was federal law. The federal law restricts to a very large extent what their normal discretion is when dealing with churches. He stated that essentially the Religious Land Use Act says that a local government can only restrict a religious land use when there is an overriding governmental concern that is affected by the proposal and that the remedy must be the least onerous remedy possible to address that specific overriding governmental interest. The bar is pretty high for that.

Mr. Kamptner stated that the terminology was changed to protect the innocent, but the concepts are there. He noted that they could not substantially burden religious exercise. The Courts are still figuring out what that exactly means. Staff's radar goes up when a religious institution submits an application and they are sensitive to the act in their evaluation.

Mr. Rieley stated that he felt that it was a very handsome plan and that he would be supportive of it if it were not for that. He raised the issue because he felt that the staff report should address those standards.

Ms. Higgins stated that it seems that staff has pointed out things such as the VDOT recommendation to get the paving picked up from the last church and that the setbacks are consistent with the adjacent church. She asked if condition 11, the additional landscaping materials requirement, was also a consistent church recommendation. She pointed out that this was a really heavily wooded site. The applicant asked David Wyant and herself to go out and look at the site. There were a couple of questions that she had. She asked if with the relocated entrance if there would be a treed area between the existing road and the way this entrance works. This is a very substantially wooded site and the existing trees are not weak trees, which is not typical. She noted that after looking at that she wanted an answer to that question. The second thing was on item 8, based on the plan that she saw and as the road runs on it she was particularly interested that grading was not limited because typically you have the people before you have the rest of the building. From the explanation from the applicant the main part of the building would be built first. They would build about two-thirds of the parking with maybe a third left. After the road is paved it would be difficult to balance the dirt on the site. They would have two choices. They could clear more area to balance the dirt or they will truck the dirt in and out of a road that is only minimally improved. She felt that there is no reason to do that. In other words the property would almost be 70 percent graded and the 30 percent would not be worth opening it up again. Therefore, she supported that comment. But, if staff could advise about item 11 she would be interested.

Ms. Ragsdale stated that was a condition that was also approved with the North Ridge Community Church. She pointed out that she was not working at the County when that request was approved, but in reading through that application it seemed that it was a bit more wooded than it was now. There were some concerns about tree clearing with that particular application along Dickerson Road. With Grace Community Church they are proposing to preserve more trees along Dickerson Road than the other church.

Ms. Higgins questioned why they should pick up that condition from the other church when the sites are totally different. Condition 11 is not needed because of the substantial area of the site. The other site is a church on top of a hill and it is a fairly blank hill and is readily viewed. The proposed church's site will not be the same. She supported allowing the applicant to do their required landscaping because it was located in a very substantial forested area.

Mr. Thomas asked if any other Commissioner had any comments.

Ms. Joseph disagreed with Ms. Higgins. She pointed out that the parking area came very close to the other property line that they shared with the church and they were losing a lot of trees in that area. The parking lot is enormous, which was going in the Rural Areas. She asked that the Commission keep that in mind.

Mr. Edgerton stated that he favored keeping the landscaping in the parking lot and Mr. Craddock concurred.

Mr. Thomas pointed out that the consensus of the Planning Commission was to keep condition 11.

Mr. Morris moved for approval of SP-2004-00023, Grace Community Church, with the modification to condition 8 and all of the other conditions recommended in the staff report.

1. The church's improvements and the scale and location of the improvements, with the exception of storm water management facilities and the front setback (The required front setback shall be 75 feet from the edge of the right-of-way after the 25 foot dedication referenced in Condition number 11.), shall be developed in general accord with the concept plan entitled, "Special Use Plan for Grace Community Church," prepared by Terra Partners, LLC, and dated May 17, 2004, last revised July 27, 2004.
2. If the lawful physical construction of any structure necessary for the use authorized by this permit is not commenced within 5 years after the permit is issued, the permit shall be deemed abandoned and the authority granted hereunder shall terminate.
3. The church's sanctuary shall not exceed 500 seats.
4. All exterior light fixtures shall be full cutoff luminaire and fully shielded and arranged or directed to reflect light away from adjoining properties and away from adjacent roads.
5. Commercial setback standards, as set forth in Section 21.7.2 of the Albemarle Zoning Ordinance, shall be maintained along the side and rear property lines.
6. Day care or school uses are prohibited unless approved through a special use permit amendment.
7. Subject to the approval of the Virginia Department of Transportation, prior to the issuance of a Certificate of Occupancy, the applicant shall surface State Route 606 (Dickerson Road) from just beyond the church entrance southward to the end of the existing asphalt surface.
8. If phasing of site development is proposed, each phase shall include only the parking and infrastructure necessary to support the improvements of that phase.
9. As part of the site plan application, a tree conservation plan shall be submitted and approved to the specifications of Section 32.7.9.4(b) of the Zoning Ordinance.
10. The applicant shall dedicate 25-foot dedication of right-of-way along the State Route 606 property frontage. Any plats and/or deeds necessary for this dedication shall be provided by the applicant prior to site plan approval.
11. An additional 25% of landscaping materials, above the minimum landscaping materials required by Section 32.7.9.7, shall be installed within the parking area, to offset removal of trees and plant material from the site for construction. The additional landscaping shall consist of a mixture of evergreen and deciduous plant materials.

Ms. Higgins seconded the motion.

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

Mr. Thomas stated that SP-2004-0023, Grace Community Church, would go to the Board of Supervisors on October 13 with a recommendation for approval.

SP-03-53 Unity Church of Charlottesville Amendment (Sign #48) - Request for special use permit amendment to allow a church (increasing from 200 to 250 seats) in accordance with Section 10.2.2.35 of the Zoning Ordinance, which allows for "church building and adjunct cemetery." The property, described as Tax Map 61 Parcels 4 and 4B, contains 4.44 acres, and is zoned RA, Rural Areas. The proposal is located on Rt. 743 (Hydraulic Road), approximately .25 miles north of the intersection of Hydraulic Road and Lambs Road in the Jack Jouett Magisterial District. The Comprehensive Plan designates this property as Rural Areas in Rural Area 1. (Scott Clark)

Mr. Scott stated that this was a request to amend an earlier special use permit originally approved in 2000 and most recently amended earlier this year for the time extension. The church is located in the Rural Areas and within the South Fork Rivanna Reservoir Watershed, but is on the edge of the development areas. The boundary line is right on Hydraulic Road. He summarized the history from the staff report. (Attachment D - Copy of the Staff Report.) A site plan was approved for a 300-seat church and three accessory building in 1993. It has expired, and a new site plan will be required if the current request is approved. In 2000, the Board of Supervisors approved a request for a 200-seat sanctuary and church use of the existing buildings, with conditions. In 2003, the Board of Supervisors approved a request to extend the construction deadline for SP-00-002 to 30 months from the approval date of SP-03-086, with conditions. This is an amendment to increase that to 250 seats. In general, the plan for the site has not changed greatly from the 200 seat approval. The applicants did need to negotiate a change to the entrance with VDOT. The requirement was for a right turn taper, which is shown on the conceptual plan. The other major concern with this proposal is the change that happened between the 2004 and this current request, which is that this current request is now located within the Entrance Corridor. This request has gone to the ARB for advisory comment three times. At the beginning of the meeting staff passed out a memorandum about the recommended conditions in the staff report, which were originally written to address the ARB's concern about the parking lot located at the northeast corner of the parcel. That was in fact incorrect and has been revised so that the conditions handed out in that memo are now what staff is recommending for approval. (See Attachment D - Memo dated August 24, 2004 addressed to the Planning Commission from Scott Clark.)

Mr. Benish stated that essentially what happened was that the action letter that came from the ARB was incorrect. Therefore, staff picked up the wrong conditions. A revised action letter was resubmitted, which is reflected in the revised language. Mr. Clark will explain the change in the conditions.

Ms. Joseph asked if staff had a copy of the original plan.

Mr. Clark pointed out that the plan before the Commission differs only from the original approved plan in the size of the building.

Ms. Joseph asked if all of the parking, the building and everything are pretty much in the same location that was approved previously.

Mr. Clark stated that the general layout was the same, but that there was now more parking because of the larger building that required additional parking. The conditions are intended to ensure that the applicants will be required to take that lot and angle it farther towards the traffic circle before they can get a site plan approval.

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

Mr. Rieley asked what the reason was that the ARB was asking them to angle that parking lot.

Mr. Clark stated that the ARB really wanted to have the parking area farther from the road just for visual reasons plus if it was moved back then more of the existing tree line could remain for the screening effect. The existing tree line comes all the way out to the road and over to the existing parking area now. He pointed out that the plan that Mr. Benish was putting up is not the one that is actually in their packet because it is a new plan that is in response to the ARB's request, which has not been reviewed yet because it just became available today. The existing tree line is shown on that plan.

Mr. Rieley pointed out that there are now three plans to look at. He stated that the new plan looks better than the second plan.

Ms. Higgins applauded staff for including the original conditions in the report. She asked if the recommended conditions replace all of the conditions on the previous approvals so that if staff left one off that it went away.

Mr. Benish stated yes, that was the intent. He stated that the recommended conditions would run with this property and with this special use permit and were intended to replace the previous ones.

Mr. Thomas opened the public hearing and invited the applicant to come forward and address the Commission.

Lynn Foster, Chair of the Building Team for Unity Church, stated that she did not have a lot to add to what Mr. Clark has said, but she would be glad to address any questions.

Mr. Thomas asked if there were any questions for Ms. Foster. There being none, he asked if there was further public comment. There being none, he closed the public hearing to bring the matter back before the Commission for discussion and a possible action.

Mr. Rieley stated that he was uncomfortable with the language in condition 3 which gave the Design Planner the authority to approve the rearrangement of parking. He questioned why it did not give that discretion to the ARB.

Mr. Benish pointed out that was not the intent of the language. He stated that Mr. Clark would get with the Zoning Administrator to come up with some language that satisfies the language of condition 3 in terms of enforcement, but holds true to the intent that it was going to meet the ARB requirements and not be an administrative decision. He stated that it was just to follow through on the implementation of that condition for the ARB.

Mr. Rieley agreed with Mr. Benish's suggestion that staff would work on the language of condition 3 before the request goes to the Board so that condition 3 would not be an individual's interpretation.

Mr. Morris moved for acceptance of SP-03-53, Unity Church of Charlottesville Amendment, with the amendments to the conditions as revised by staff including working out the language on condition 3.

1. The church sanctuary shall not exceed 250 seats;
2. Construction of the two hundred fifty (250)-seat sanctuary shall commence within thirty (30) months of the approval of this permit or it shall be deemed abandoned and the authority granted by this permit shall thereupon terminate;
3. The site shall be developed in general accord with the conceptual plan titled "Unity Church", revision 4 ("6/28/04 Comments"), prepared by Muncaster Engineering. Adjustments to the number of parking spaces approved by the Zoning Administrator, and a rearrangement of the parking spaces to the satisfaction of the Design Planner, shall be deemed to be in general accord with the conceptual plan. Any expansion of, or addition to, the uses, activities or structures must be determined by the Zoning Administrator to be in general accord with the conceptual plan, the staff report, and the Architectural Review Board action of August 2, 2004.

4. The applicants shall relocate the 22-space parking lot shown north of the driveway nearer to the traffic circle.
5. The applicants shall provide plantings to the satisfaction of the Architectural Review Board;
6. Location of water meters and water lines on the site shall be adjusted to the satisfaction of the Albemarle County Service Authority;
7. The property may not be further divided;
8. There shall be no more than one (1) residential dwelling on this property;

Mr. Craddock seconded the motion.

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

Mr. Thomas stated that the motion carried for approval of SP-03-53, Unity Church of Charlottesville Amendment, and will go to the Board of Supervisors on October 13.

SP 2004-00020 Elizabeth Bright-ALLTEL Turner Mountain Road (Sign #27) - Request for special use permit to allow the construction of a personal wireless facility. The applicant proposes to construct monopole approximately 110 feet tall. Ground mounted equipment will be located adjacent to the pole. The proposed diameter of the pole is approximately 30.5 inches at the base and 14.5 inches at the top. 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 District. The property, described as Tax Map 58, Parcel 61A, contains 5.2 acres, and is zoned RA, Rural Areas. The property is located on the east side of Rt. 676 (Tillman Road), approximately 0.25 miles north of Rt. 250 (Ivy Road), in the Samuel Miller Magisterial District. The Comprehensive Plan designates this property as Rural Areas in Rural Area 3. (Stephen Waller)

Mr. Waller stated that the applicant was proposing the installation of a personal wireless service facility that would include a metal monopole that would be approximately 100 feet in total height with the top height of approximately 912.5 feet Above Mean Sea Level. This would result in a monopole that was approximately 6.4 feet taller than a near by 90.5 foot tall tree identified on the applicant's construction plans as tree number 81. The monopole would be equipped with one array of three 7.9-foot long by 8.1 inch wide flush-mounted panel antennas at its top. 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 a smaller cabinet on a 5 square foot pad. The lease area for the proposed facility is located on a 500 square foot wooded area and is situated below and to the west of the ridge line of Turner Mountain, which peaks at 920 feet Above Sea Level. The site is also in close proximity to an existing Triton Facility, which is shown on the applicant's construction plans a little to the south of the proposed site.

Staff notes that this application was originally submitted with a request to allow a 110 foot tall monopole that would have been located to the west of the currently proposed site. However, during the first balloon test for that proposal staff recognized that the monopole structure would have had some adverse visual impacts because it would have appeared to be a lot taller than the surrounding trees and it also would have been skylighted from certain points along Morgantown Road. Both staff and the applicant met with one of the near by property owners who was also available to view the balloon test. Based on some of the concerns that staff and that property owner had, the applicant went back and reworked the site and found a new location and also lowered the proposed height from the ground level to the top of the monopole by 10 feet.

Staff has identified the following factors, which are favorable to this request.

1. The applicant has worked with staff in choosing this particular site and the proposed monopole height in order to alleviate the concerns for visual impacts that were expressed with the originally submitted proposal;
2. The second test balloon floated at the proposed height of the monopole was visible well below the ridgeline from parcels located to the south;
3. The proposed monopole for this facility would be approximately 8 feet lower in total

height AMSL than the existing Triton facility on this property; and,
4. This site would be accessed from the gravel road serving the existing Triton facility.

The following factors are relevant to this consideration:

1. There are several historic properties and structures located near this site;
2. Approval of this proposal would introduce the second personal wireless facility on the subject parcel; and,
3. There are existing and reasonable by-right uses that could be established on the subject property.

Staff added that based on some correspondence with an adjoining property owner, the applicant has provided an updated set of plans showing some additional screening to the east of the ground equipment. Staff recommends the addition of language that was identical to the language that was approved for the original site with one change to the wording. The facility shall be screened from the property line located to the east with a species of shade tolerant screening trees to be approved by the Planning Division's landscape planner. Vegetation provided for such screening shall consist of a double staggered row of trees planted 15 feet on center. The applicant has already provided a plan showing some vegetation that would be installed to meet that requirement and to address that neighboring property owner's concerns. The applicant is present to answer any questions.

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

Mr. Rieley asked if the existing pole on site is metal or wooden.

Mr. Waller stated that it was metal.

Mr. Rieley asked how far away the monopole would be.

Mr. Waller stated that the existing metal monopole was approximately 21 feet to the proposed monopole location.

Mr. Thomas opened the public hearing and invited the applicant to address the Commission.

Pete Caramanis, representative for Alltel, stated that this was a revised proposal from what was originally submitted. There was some unsuspected skylighting during the first balloon test where the monopole was visible from several locations. Alltel went back and basically reviewed every other possible location on the property to try to minimize the visibility. He pointed out that it was his understanding that was what Triton also had to do with their application to come up with their current location. He pointed out that location had been well received by the surrounding neighbors. Alltel basically has reached the same result, which is that is the best location. The proposed tower, as staff said, is lower in height than the originally proposed tower and the existing Triton tower. Unfortunately, it is able to be placed in a location where there are not very many trees and the only large trees that are there are dead. The only two large trees that are to be removed are dead and currently bare. Those trees are not providing any screening to the existing site or to the proposed site either. The second balloon test was viewed from many locations near and far to the site. They received comments from staff and Mr. Harvey Wilcox indicating that they were pleased with the results and that it would not be very visible at all. Actually, it would be less visible than the existing tower from many locations. At no locations did they find it to be more visible than the existing tower. This is a metal monopole, which is consistent with what is there. In fact, what they were proposing would be a slimmer monopole at the top. The existing monopole has a cap on it, which looks like it was built for possible extension. But, their proposed monopole would not be built that way. He pointed out that they received a letter after the balloon test from Mr. Wilcox, which asked if they would be willing to plant some plantings around the ground level of the site to make sure that it would not be visible. It is fairly well screened as it is, but Alltel does not have any problem in making those plantings. Mr. Waller has already come up with a plan showing those plants. The plan shows Leyland Cyprus and they have had some success with those in the past. Alltel would be willing to plant whatever species that the

Commission deems best. He thanked staff for working closely with them in revising this site to best suit everybody's desires. He asked that the Commission recommend approval on this application.

Mr. Thomas invited public comment on this application.

Harvey Wilcox, an adjacent property owner, complimented staff and the applicant for the work that they have done. It is really as nice an installation as they could figure out on how to do it on this site. He stated that none of the neighbors are terribly enthusiastic about having a second tower in the neighborhood, but many of them grudgingly confess that among all of the alternatives in the area, this is a very unobtrusive site. The adjustments that Mr. Waller and Mr. Caramanis made slightly to the north and west made it even more so. The second balloon test was very good. Therefore, he was optimistic that it would be less visible than even the existing tower. He thanked staff for his cooperation in obtaining the additional screening.

Mr. Thomas asked if there was any further public comment. There being none, he closed the public hearing to bring the matter back to the Commission for discussion and a possible action.

Mr. Rieley supported the application in some limited context. He raised the issue of the metal poles versus the wood poles. In general, he thought that metal poles should be allowed only in limited conditions. One is as in this condition where there is an existing metal pole already there and they would not be gaining anything in the visibility by switching to a different material. The other condition is when there is a pressing reason on why the wires should be inside. In other words, there is not a back side to put the wires on. Other than that, he felt that they should hold out for wooden poles because they were so much less reflective. Wooden poles catch and reflect so much less light. In this application he was particularly gratified that this pole was not obviously oversized for future extension as so many of the metal poles that they have seen in the past have been. This one may be able to be extended, but it was not grossly apparent in the same manner that some of the other ones are. He suggested that another species be chosen other than a Leyland Cyprus simply because it was subject to a pest that kills it and that they are dropping like flies all over the country side.

Ms. Higgins asked that another item be added to the list about limited circumstances because there were occasions where either the access due to its steepness or geometric that you could not get a solid wooden pole. She would hate to see someone have to build up a roadway and take out more trees on a path because they could not get a wooden pole in to the site. She asked that this situation be taken into consideration.

Mr. Rieley suggested that it be acknowledged that it was always easier to bring a metal pole onto a site in pieces than it is to bring a long one in. But, just because it was easier in a given condition he did not think that was enough. He agreed with Ms. Higgins that there were circumstances where it was just utterly impractical to do it.

Ms. Higgins moved for approval of SP-2004-00020, Elizabeth Bright-ALLTEL Turner Mountain Road, with the conditions as stated by staff.

Mr. Rieley seconded the motion.

Ms. Joseph requested that it be clarified that the motion included the added condition concerning the screening.

Ms. Higgins amended the motion for approval to include the added condition and that the species is administratively approved by staff.

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

1. With the exception of any minor changes that would be required in order to comply with the conditions listed herein, the facility including the monopole, the ground equipment

building, and any antennas shall be sized, located and built as shown on the concept plan entitled, "Alltel - Turner Mountain Road Site (Bright Property)," last revised on August 9, 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 not exceed seven (7) feet above the top of the tallest tree within twenty-five feet, identified as number 81 on the tree survey (Sheet C7). In no case shall the pole exceed 100 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 diameter of the monopole shall not exceed 30-1/2 inches at its base, and 15 inches at the top.
5. The metal monopole shall be painted a brown wood color that is consistent with the trees surrounding the site.
6. 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.
7. 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.
8. No satellite or microwave dishes shall be permitted on the monopole.
9. 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.
10. No guy wires shall be permitted.
11. 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.
12. The permittee shall comply with section 5.1.12 of the Zoning Ordinance. Fencing of the lease area shall not be permitted.
13. Size specifications and other details, including schematic elevations of the equipment cabinets shall be included in the construction plan package.
14. 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, and all grading and construction activity shall remain outside of the drip lines of the trees that are to remain.
15. The facility shall be screened from the property line located to the east with a species of shade tolerant screening trees to be approved by the Planning Division Landscape Planner. Vegetation provided for such screening shall consist of a double staggered row of trees, planted fifteen (15) feet on center; and

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

16. The applicant shall submit a recorded fall zone easement in accordance Section 5.1.40b.
17. 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.
18. 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.

19. 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:

20. 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.
21. 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.

22. 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:

23. 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.
24. All equipment and antennae from any individual personal wireless service provider shall be disassembled and removed from the site within ninety (90) days of the date its use is discontinued. The entire facility shall be disassembled and removed from the site within ninety (90) days of the date its use for personal wireless service purposes is discontinued. If the Zoning Administrator determines at any time that surety is required to guarantee that the facility will be removed as required, the permittee shall furnish to the Zoning Administrator a certified check, a bond with surety satisfactory to the County, or a letter of credit satisfactory to the County, in an amount sufficient for, and conditioned upon, the removal of the facility. The type of surety guarantee shall be to the satisfaction of the Zoning Administrator and the County Attorney.

Mr. Rieley seconded the amended motion.

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

Mr. Thomas stated that SP-2004-00020, Bethel Baptist Church Amendment, would be heard by the Board of Supervisors on October 13. .

Old Business:

Mr. Thomas asked if there was any old business.

Mr. Morris thanked Mr. Rieley and Ms. Higgins for their efforts in providing some information from the education side on The Meadows. He pointed out that was some information that was lacking, which was most helpful.

Mr. Thomas 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. He pointed out that he had several items of new business. The first item is that there is a Virginia Planning Commissioners' Program that is available through Michael Chandler, Director of Education for the Virginia Planning Association, which he had already taken. He pointed out that the program was available if anyone was interested.

Mr. Thomas stated that the second item was that he had received an email yesterday from Brian Wheeler, who was on the School Board and the neighborhood representative for the Ivy Community. He pointed out that Mr. Wheeler was requesting to have ten minutes to speak at the September 7 meeting when the Faulconer Site Plan comes back before the Commission. His response to the email was that he would probably gladly allow him ten or fifteen minutes to speak if he was the sole representative of the Ivy Association. He asked for the Commission's thoughts on this matter.

After discussion, it was the consensus of the Commission that due to the issue of fairness to everyone that Mr. Wheeler only be given three minutes to speak

Mr. Thomas updated the Commission on last Friday's MPO Tech Meeting.

Mr. Craddock updated the Commission on the last week's Mountaintop Meeting.

There being no other old business, the meeting proceeded.

Adjournment:

With no further items, the meeting adjourned at 8:09 p.m. to the August 31, 2004 meeting.

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V. Wayne Cilimberg, Secretary

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