Albemarle County Planning Commission
May 3, 2005

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, May 3, 2005 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, Calvin Morris, Marcia Joseph, Vice-Chair, Jo Higgins, Pete Craddock and Bill Edgerton, Chairman. Absent was David J. Neuman, FAIA, Architect for University of Virginia. Mr. Craddock arrived at 6:10 p.m. Ms. Joseph left the meeting at 7:15 p.m.

Other officials present were Wayne Cilimberg, Director of Planning & Community Development; David Benish, Chief of Planning; Claudette Grant, Senior Planner; Bill Fritz, Development Process Manager; Elaine Echols, Principal Planner; Stephen Waller, Senior Planner; Harrison B. Rue, Executive Director of Thomas Jefferson Planning District Commission and Charlottesville-Albemarle Metropolitan Planning Organization; Lee Catlin, Community Relations Manager; and Greg Kamptner, Assistant County Attorney.

Call to Order and Establish Quorum:

Mr. Edgerton called the regular meeting to order at 6:00 p.m. and established a quorum.

Other Matters Not Listed on the Agenda from the Public:

Mr. Edgerton 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 which is an ongoing discussion about Places 29: Northern Development Areas Master Plan.

Discussion:

Places 29: Northern Development Areas Master Plan - Appointments to the Advisory Committee.

Mr. Benish stated that first Lee Catlin would provide an overview of the public participation process that staff has in mind, which would include the Advisory Committee concept.

Ms. Catlin stated that she wanted to discuss Places 29 in a little more detail. Obviously, from the Commission's discussion last week there are issues that need some further discussion and resolution, specifically the proposed advisory committee and also the scope of work of the transportation study portion of the project. She thanked Harrison Rue for being present this evening. She pointed out that Mr. Rue was going to take the Commission through that portion of the discussion. She presented the larger picture and context of the project, which hopefully will make their discussion be a little more informative and more productive. With 20/20 hindsight she felt that this is probably how they should have initiated the discussion with the Commission last week to start off with, and she apologized that they did not do that. She felt that they did not approach it in the most informative manner. Staff appreciates the chance to bring it back before the Commission and kind of back up and approach this from the right direction in hopefully giving them the bigger picture that will put your discussion in a little bit of context as they move forward.

First, she wanted to address their concern over the compressed time line here at the front end of the project. There was some real urgency on the part of the consultant to get the first community meeting going. They wanted to try to get it in before summer vacation and before the children got out of school and they've lost the ability to gather the community together in a good way. They then had some timelines that worked back from that first community meeting that they needed to meet. Staff realizes that this meeting is on a more compressed schedule than they would have chosen to do. She assured the Commission that the timeline for the remainder of the project has much more lead time built in before any of the other community meetings. The next one is not scheduled until some time early next fall. Therefore, they will have better lead time as they approach the remaining charrette and public involvement portions of the project.

The first thing that the Commission has in front of them is the Charrette Outline. Regarding the management structure of the project, she wanted to assure them that UVA and the City are very actively engaged in the project. There is a Project Oversight Team that is composed of a number of people including the representatives Jim Tolbert and David Neuman, from the City and UVA respectively. There is a Technical Review Team for a portion of the project that also involves representatives from the City Transit Department and from the City Traffic Engineering Department. Also, the general oversight for the project and engagement of the project and networking is happening at the MPO and the Thomas Jefferson Planning District Commission level, which as you know brings together representatives from the University, the City and County on a very regular basis. Beyond that they will certainly be reaching out to specific members of the University and the City community to bring them in to the portions of the project where they really need to be specifically engaged. (ATTACHMENTS: 1)- PLACES 29 ADVISORY COMMITTEE – Purpose of the Places 29 Advisory Committee and 2)- Places 29: Creating & Connecting Communities in Northern Albemarle County Northern Development Areas Master Plan And US 29 North Corridor Transportation Study CHARRETTE OUTLINE)

Mr. Edgerton asked what the role would be for Jim Tolbert and David Neuman.

Ms. Catlin stated that there they were on the Project Oversight Team. So just to again let the Commission know that hopefully on many levels they will be very engaged with the process as it goes along. That takes us to the charrette itself and what is going to be coming up in the next months as the project continues along. There were some elements of the Charrette Outline that may not have been very clear in their earlier discussion that she wanted to point out. The first thing is that when the charrettes and the public meetings are being held they are not isolated events. The consultant, who is from out of town, will come into town for three, four, five or six days at a time and will have a series of meetings, working sessions and focus groups that surround the public meeting. For example, the first Charrette coming up on May 25, they will be in town for four days during that period. Two of the days right now are set aside for what they call sidebar meetings. The sidebar meetings are envisioned as focus groups that will bring together selected stakeholder groups, i.e. residents, business owners, the Planning Commission, transportation users of the corridor and other identified focused groups. This is so that they can get into more depth and detail than they can at the public meetings. There is a structure in place for making sure that not only do we have the public meeting with broad participation, but also that the sidebar groups are held several times during each time that the consultant is in town. This is a much more focused and in depth opportunity to get information and feedback from the interaction with focus groups, which they call Sidebar Groups. As you can see, the charrettes are laid out to involve multiple meetings or opportunities for engagement and input at the community level, at the sidebar level and the consultants down to the individual level if there are questions and inquiries or things like that.

Mr. Edgerton asked if dates have been established for all of these meetings.

Ms. Catlin stated no, that the meeting dates have not been set yet. She thought that staff was looking for charrette #2 for some time in October.

Mr. Edgerton stated that under charrettee #2 there is three advisory meetings scheduled. He asked if there would be three meetings that week.

Ms. Catlin stated that was correct. She pointed out that there were two sidebar meetings and two community meetings that week, too. The idea was that they take the time between the two to put as much of the work together as they can so that while the consultants are in town that they are as efficient with their time as they possibly can be. She pointed out that they could get into more detail as they move along as to the charrettes. But, she wanted to make sure that it was clear that it was not just a case of people coming into town and doing one meeting and leaving town. There is going to be a lot of in depth opportunity for feedback and information exchange, which is obviously very important to the project.

To clarify the upcoming meetings that already have been scheduled, May 12 is the Citizens Planning Academy. For both Pantops and Crozet, staff held a Planning Academy really aimed mostly at residents who are not very familiar or knowledgeable about the planning process. This is so they can really start talking about policies and concepts, etc., before bringing them to the table for discussions on the project. The Planning Academy is an opportunity for them to come and get an overview of County demographics

and issues, find out about our land use strategies, history of land use planning and some of the policies and the terminology that they are going to be hearing. They would also meet some of the staff that will be integral to the process. Then when they begin the public meetings, it will enable many people to be engaged in the process who currently might not feel a great comfort level in knowing exactly how to do that. At the Citizens Planning Academy in Crozet they had anywhere from 100 to 125 people. At Pantops they had a few less. It is hard to know what the turn out for this one will be. But, it is incumbent on staff to try to get the community engagement level up by making sure that they understand some of the basic concepts that they are going to be going through as the process continues.

Mr. Morris asked if staff has public officials, either elected or appointed, in place to attend the first meeting on May 12.

Ms. Catlin stated that neither of the past two Planning Academies that they have done had been heavy on the elected, appointed official's presence. They felt that was more of the public meeting venue. They have spoken to Mr. Tucker about being presence. Certainly anybody from the Commission or the Board of Supervisors is very willing to be there, but staff does not see a huge role in the Planning Academy for that presence. That would be an important part of the public meetings as they move forward. But, they will certainly have some representation, which will include some of the Planning staff. But, it is more of an educational evening just to get people familiar with what does by right mean, what does rezoning mean, and when you talk about a development area what it is. There are a lot of people to whom that is all very mysterious stuff.

Mr. Edgerton asked if the only notification was in this mailer that is going out as they speak with the tax bills. He pointed out that he was a little bit nervous because they only had 9 days from today that this meeting is going to happen and he wondered how many people were going to be available.

Ms. Catlin stated that this was going to be a fluid process. This is such a different area from Pantops and Crozet in terms of size, complexity and area. If they don't get the representation that we need and we feel that we need to do something else to get people up to speed, then staff is certainly very able to do that.

Mr. Edgerton stated that the Planning Academy is a very good idea, but it is such a short period of time.

Ms. Catlin stated that if they don't satisfy the need and if they need to do it again or do something differently, such as do it in smaller areas; they have time to be able to do that.

Ms. Joseph asked if they had flexibility with our contract and could she tell them when the RFP went out.

Ms. Catlin stated that the Planning Academy itself is a County project. The consultant is not engaged at the Planning Academy at all. Therefore, staff can do that however and whenever they choose to do that. That is something that staff is doing on our own initiative. The contract does not begin until the public meetings start, and she was not sure about the RFP.

Ms. Winegard stated that the contract went out last year.

Ms. Joseph stated that it was a very big surprise to see this in her packet the other week because she could not remember any discussion about when the contract went out.

Mr. Thomas stated that last week when they left the Planning Commission meeting they were given the job of finding a neighborhood representative and a business property owner. He pointed out that he had already had them assigned.

Mr. Catlin stated that they were going to talk about that in just a minute. All of the materials for the Planning Academy will be on the website. Staff is sensitive to the fact that if they don't get accomplished what they need to, then they will try again or do it in another way to make sure folks feel like they have gotten what they need to. The meeting on May 25 is the first public meeting. This is a community visioning session at which they are looking to establish community goals and a vision statement. You may remember in Crozet that the first step that they took was developing the guiding principles. A similar

type of process will go on here. Again, the consultants will be in town for 4 days around that meeting. They have time set aside to speak with groups or persons who will not be able to be there. There are other ways that staff can solicit that information if they need to.

Staff is struggling with the unknown of attendance here. They could have a reasonable crowd or they could have a huge crowd. The best that staff has been able to do is to hold the meeting at the Double Tree Hotel, which she felt has the biggest capacity of any building in that part of town. They have told us that in the ballroom they can get between 450 and 500 people. But, that does not mean that they might not have people who can't get in. What they plan to do at that date is to have another opportunity for people to come already set up. The invitations that they have send out have all said that there is a potential for a capacity crowd, please get there early; and if you can't take advantage of this opportunity another opportunity will be made available to you. It is just simply a function of the fact that every building in this County has an upper end of capacity and at some point it becomes something that they cannot have the venue to hold larger groups of more than 450 to 500 people. Staff will continue to grapple with that and continue to discuss it with them. If the Commissioners have any great ideas for helping them solve it, they would be happy to do that. They are trying to make sure that the meeting is accessible, open and participatory, and yet recognizing that there are a finite number of people that they are going to be able to serve here. Once staff sees the presentation done, then they can take portions of it and do it again ourselves if the consultant is not available. There are a number of ways that they might approach it. But, that is still something that they are trying to work on.

To talk about the public outreach efforts, as was mentioned, to let the Commission know where they are at in notifying people she stated that they have established a web site that is up now on the Albemarle County web. They sent a direct mailing that went in the mail first thing this morning to about 7,000, which is every household and business in the plan area. They also sent out in the tax mailing, which is going in the mail in the next couple of days, to all property owners in the County a notice about the meetings. There will be newspaper advertising this weekend. They have formed an e-news group. The email list was started from the Hollymead - Forest Lakes town meeting and has been added to. An e-news notice went out to them today giving them links directly to the website to all of the meeting information and the map study area. They will continue to use that email and add to it as they go along. Independent from the residents they also know there are stakeholders that don't necessarily live in that area, but who are also very interested in this. This includes Green County people, the Chamber of Commerce, the Piedmont Environmental Council, League of Women Voters, etc. They have also established a separate stakeholders list that is also part of the e-news network. They will also be getting notices of all of the meetings and all of the information connected to the website. She asked for input from the Commission for anybody else that should be placed on the resident or business mailing list. Tomorrow they will meet with the Daily Progress Editorial Board to brief them on exactly what is coming up. They also are in the process of setting something up with Channel 29 and the other television stations in town to do the same so that they will get a packet of information and have all of the dates. They are working on a flier to distribute throughout the community before the meeting. The most important thing is the word of mouth networking that everyone will be doing to encourage attendance. She asked if there were any questions.

Mr. Rieley stated that he had one question just for clarification. He stated that he was a little confused about this project oversight team since there are two components of this transportation study and the master plan. He certainly supports people who have suggested that there be strong city and university input into the process, but that he was a little surprised to see city and university people in an oversight of a County project.

Ms. Catlin clarified that the oversight team has to do with the transportation portion of the project that does not involve the master plan. They will be working with the city and university cooperatively with the master plan obviously, but the oversight team is directed more to the transportation portion of it.

Ms. Higgins asked who was on the project oversight team.

Ms. Catlin stated that the team includes John Geonetti of VDOT; and Judy Wiegand and Jack Kelsey, of the County. She pointed out that when Mr. Rue comes up that she would ask him to address more specifically the composition of that group.

Ms. Higgins asked when the Advisory meeting would be held.

Ms. Catlin stated that it has not been set yet. That is something that as they talk through the advisory council and where they choose to go with that they left that open so that they could arrange it for when it would fit best.

Ms. Higgins asked if the sidebar meetings had not been set either, and Ms. Catlin stated that they had not been set yet.

Ms. Higgins asked if the focus groups had been set.

Ms. Catlin stated that they have been gathering stakeholder lists, lists of groups and names that everyone has given them and the consultant has not said exactly when he wants to meet with those people. Therefore, the groups themselves have not been formed, but they certainly have groups of people who they would pull from to do those sidebar meetings. Once they have the groups that will be pulled together, if the Commission has people they would like to suggest for that, then it would be perfectly fine.

Ms. Higgins asked if it was an expectation that the advisory committee member would attend sidebar meetings also.

Ms. Catlin stated not necessarily. She asked that they move on to the advisory council.

Ms. Higgins asked who the consultant was.

Mr. Benish stated that the consultant for the transportation part was Meyers Bodies and Associates. The other consultant is then CDANA is the master planning group. Each is a subcontractor to one another for the other contracts. Both groups are involved with each aspect of the components that make up this master plan. Those groups are working together for those meetings processes.

Mr. Edgerton pointed out that it was difficult to ask somebody to serve on a community when they don't know the meeting dates.

Ms. Catlin felt that within the next day or to set the advisory council meeting and just tell the consultant that was when it needed to be. She pointed out that the consultants were in town two weeks ago to gather preliminary information such as base maps, etc. When the project was envisioned the idea of an advisory committee came up for reasons she had mentioned earlier. It is a much larger geographic area. It represents four magisterial districts. It is geographically diverse. The idea being that staff felt that there might be some advantages to having broad representation from all of the involved districts not to making project decisions, not to be superseding other public involvement or elected official or appointed official involvement, but to help us make sure that they were doing the process right and that the people from the community that should be engaged were engaged. That they were presenting the information in a way that people could understand it and absorb it. It was really more of a process and participation check in for us than anything else. Again, this is a different project from Crozet and Pantops. They wanted to make sure that they were keeping the feelers out there and making sure that they were not missing good things and big parts of the community. The advisory committee was envisioned as being a group that could help the consultant and staff in doing some of that. The advisory committee was about helping staff with the process, contacts and outreach. The advisory committee was not a layer that was supposed to approve anything or direct the direction of the project. They have 7,000 households and businesses out there and if they want meaningful participation they need a liaison group to help us make sure that they are doing that. With that she asked Mr. Benish to take over.

Ms. Joseph asked that it be clarified that there was no content review.

Mr. Edgerton suggested that this question needs to go before the Board. Earlier this week he had a discussion with Dennis Rooker about this. He asked if the Board had authorized each of us to appoint somebody to this committee, and Mr. Rooker had replied not that he was aware of. He stated that typically the Commission makes recommendations for members of committees and the Board appoints them. Mr. Rooker felt that was the way that this should go and he did not know why it was not happening

that way. He pointed out that he did not have an answer. Therefore, he asked that staff address that question.

Mr. Benish stated that this advisory committee was really seen a very informal type of group that was a resource to the consultant and staff as a feedback loop on the processes. The Commission has an attachment of what they envision. Staff had envisioned this as a group that could sit down and provide general feedback and comment on the process that was going on and suggestions testing what issues were successful and what were not in the process. As you see on the listing, the advisory committee was not intended to be focused on decision making, policy setting or to have an impact on the overall scope of services. It was not intended to supersede the set public input processes that they have utilized in the master planning process before and they anticipate using here. The committee is to be an informal type of sounding board. He thought the intention here was to assist staff and the consultant. What is listed as the number of meetings is really driven by the need to meet with the committee to cover some of these things and it may not be necessary to meet after each significant meeting. But, potentially there might be a desire to do that.

Ms. Joseph stated that one of the bullets says that the committee would ask questions that reflect the community's concern. If you do that, then those are issues and not procedure/process. Those are definite issues that have to do with master planning in that.

Mr. Benish stated that an example of that is interconnectivity, traffic calming issues or major issues in this area to make sure that those items are ones that they need to focus in on.

Ms. Joseph stated that those issues are huge and you could move the committee that way. Also, you could move the project that way.

Mr. Rieley stated that in reading this it seems that there are contradictions between the bullets at the top and the bullets at the bottom. He felt that there was a lot of overlap. When you are telling the staff and the consultants when they have got it right what could be more substantive than that.

Mr. Benish stated that, again, the context is in the presentation so that it is clear to the community and what kind of information did not come back that they need to be aware of. Again, he did not think that it was intended to spear the process, but to provide feedback.

Ms. Joseph stated that it would have to be made clear that the feedback just has to do with context because this steering is steering. They could get enough people there making enough noise or one person making enough noise to move the project.

Mr. Benish stated that if that was a concern that was not the intent of this committee. Therefore, they could approach this type of process in a different way.

Mr. Edgerton stated that they need to understand the role clearly. Mr. Thomas has already gotten his two representatives picked out. But, he has been reluctant to make a call to ask somebody to serve on this because he was not sure what he was asking them to do. As Mr. Rieley pointed out, there are some contradictions here. He stated that he was a little concerned that if he presented it with the second list of bullets here that they would say why bother. If he presented it with just the first set of bullets, they could say that sounds interesting. Therefore, they have to clarify that before they ask someone to serve and make sure that they are not just wasting their time.

Mr. Rieley stated that if you read the top bullets without the bottom bullets it would be a very different view of that.

Mr. Benish stated that staff had hoped that cumulatively over both of them that they could understand what the substance might be at the top. He felt that good ideas and points was something that was useful, but they are helpful to the consultant and the staff as they go through the public input process with the community.

Ms. Catlin pointed out that they have time to put this committee together. If the Commission would like to decide on a clearer explanation of what this is and take a week or two and talk to people and do it, they have that time.

Mr. Edgerton stated that he was concerned that it says community meeting #1, visioning workshop because they were actually pulling the real import of this study together that day. If the advisory committee cannot even be convened until after that occurs he was not sure what effect that will have if the consultant is going to be moving based on what they have on May 25. That is why he feels that they have the chart before the horse here. He pointed out that he did not know how to fix it.

Ms. Higgins asked each time that they were talking about the advisory committee if they were talking about the master planning and the transportation.

Mr. Benish stated that the advisory committee was for the master planning process. But, the master planning process incorporates the aspects of the transportation plan. For the public they want this to be a seamless process. But, the advisory committee is to help advise our consultant on the master plan process.

Ms. Higgins stated that maybe the project oversight team is advising the consultant on the transportation process.

Mr. Benish stated that they were involved with the transportation process, but because of that linkage they have overlaps on a couple of the committees. The project oversight team was done as part of the transportation process.

Mr. Rue stated that there were two funders being Albemarle County and VDOT.

Ms. Higgins asked if the Board appointed them.

Mr. Benish stated that he believed they were chose by County staff and the County Executive's Office.

Ms. Higgins stated that she was interested in there being some balance on the project oversight team. She pointed out that she had a problem with the project oversight team because it was not balanced.

Mr. Benish stated that most of these committees are working group staff level technical groups that help assist the process, but the public input process is driven through the numerous public input processes. Therefore, a lot of the appointments are not by the Board of Supervisors because they are the appropriate staff and level of staff to help guide the consultants through the process.

Ms. Higgins asked if they have decision making authority.

Mr. Benish stated that they have decision making authority afforded in the process that they have set up to create the master plan and the public input process.

Ms. Higgins stated that they would have veto authority and they can affect the scope of the consultant, and has all of the authority to have the consultant perform to the desires of the City and the County. She pointed out that somebody has to be in charge of it.

Harrison Rue stated that he had been working on this project for 3 ½ years. This chart while very complicated and very hard lined and it looks like exactly like they are going to do the project was primarily used to convince VDOT that they would be able to manage such a complicated project. What they were trying to do here is something that has not been done anywhere in the country. The MPO, and TJPDC and VDOT, and then all of the technical team here that includes folks from UVA, City and County staff, VDOT staff here and in Richmond. That is the technical team that they have assembled and they are under contract working for the County to prepare the transportation study. They are also working under VDOT. So they report to two different funders at the highest levels of those. One level at VDOT goes to the Commissioner. One level at the County goes to the Board of Supervisors. Through the MPO they had edited the scope. They chose to do that in the MPO the first time for phase 1 and phase 2 of this 29

Study. That scope was put out to the entire community. They emailed it around and received comments from The Chamber of Commerce. There were hundreds of people involved in developing that. It is a little of the history that seems complicated. From the transportation end of it, they are in the third phase of something that they have done twice before with the relationships between the technical team and the public process. When you put it into writing it is very complicated, but one of the reasons that both the County decided to hire the MPO to do this work and VDOT chose to give them the continuation dollars was because they have shown that this process works. All of the stuff that the Commission has been talking about with the focus groups, sidebar meetings and consultants all worked in phase 1 and phase 2. They had the good fortune of having an existing CHART Committee and were able to say that was their advisory committee for the first phase of the study. Since this is a bigger area that committee at the MPO does not really apply. Therefore, they have to set up this committee. But, every other single piece that they have been talking about at least that Ms. Catlin has been describing to the Commission, they successfully did in the phase 1 and phase 2 of the 29H250 before, which was the smaller part of the project area. This 29 Corridor Study actually incorporates that, starts there and moves all the way up to the Green County line.

Mr. Edgerton asked if the study was two-thirds of the way done.

Mr. Rue stated no that they called those phase 1 and phase 2 because they were limited for project funding reasons to the area just around Barracks Road and 250 to Greenbrier Drive. That particular target area was chose by City Council members and Board of Supervisors members in an UNJAM workshop 2 ½ years ago. But, they were only doing that until VDOT would give them the money for the big corridor. This project was competitively bid about 3 ½ to 2 years for their transportation piece. The consultants have already been in town and met with focus groups and stakeholder groups that were focused on that one area. Many of those are regional folks. The real challenge for the Commission is that in this area it is kind of hard to figure out the neighborhood groups. It is not going to be that hard to pull those groups together. That is the background. In terms of the project oversight team, that is really contractual in nature. On their chart as to who he was reporting to, he noted that they were getting about 600 grand from VDOT for the big modeling piece that they have to do to convince them to let us play with existing Route 29. The County is funding them for about one-half that to really inform the transportation element of their Comp Plan in addition to VDOT's look at the primary corridor and access management. VDOT is very excited about this. Their team of staff is actually working for the County to help them with their Master Plan. They report to County staff. From his perspective, the people named on here know when they go up the chain and they know when some is political in nature and when it is merely technical, such as the modeling. He felt that they have got an internal structure. When his team is working for the County they need to have a people who can give quick answer for contractual things, scope and schedule issues and things like that and when they have to bump up the chain for the political and vision and things like that. Those will all be widely discussed as part of the process at the appropriate level. He pointed out that this same team has done it before and they successfully negotiated it.

Ms. Higgins stated that she has seen that. She suggested that the history and results of phases 1 and 2 should be given to the Planning Commission, particularly the document that he had just discussed.

Mr. Rue stated that they had done that last year, but they would be happy to do that again as part of this. He felt that the other thing was that they had talked about a lot of these issues, but he felt that there is certain things that need to happen in the May work shops, but there is an opportunity for a tremendous amount of homework and outreach between May and October. October is where you will see the consultants with input from everybody develop three alternative scenarios. The early ones are just to get the principals straight.

Mr. Edgerton stated that it was very important because it was the foundation for the whole study.

Mr. Benish stated that the process was to hear from the public and not to give to the public. Therefore, this is the first step.

Mr. Edgerton stated that they don't have enough time to get the public focused on the project. He feared that they did not have enough time. He asked what they will accomplish by rushing the process, which was his personal opinion.

Mr. Rue stated that in the first phase they did nine separate focus groups. He pointed out that it was nice to get information from other folks in setting up the focus groups.

Mr. Rieley stated that they have developed expertise in this area with Mr. Rue's leadership. He felt that the product that came out of the first phase was amazing for a $30,000 amount of money to go in. He stated that he was not concerned with the way that piece of the study was being organized, but his concerns were about schedule that Mr. Edgerton has articulated and the about the charge of the advisory committee. He felt that they have a big challenge on this project because of the history involved in it and the height of the stakes that a lot of people see to make those pieces fit well together. He stated that last week they were asked for names before they knew what they were talking about. He felt that it makes a difference relative to names. He also thinks that Mr. Edgerton's point that this is so important even with the diminished role for the advisory committee that he felt that they should give a number of names, possibly double the number of possible names, to the Board. He felt that the Board should appoint this committee. He certainly did not think they should divide it up and a few people appoint one or two people.

Mr. Edgerton agreed 100 percent if this is something that the Board wants the Commission to handle he felt that at the very least they should have a slate of names that they could come to some consensus on. He felt that there are a lot of different issues here. He stated that he could go either way. When he talked to Mr. Rooker he said that he would be comfortable with that, but he could only speak for himself. If it was not something that could wait for a Board appointment that at the very least he felt that they all ought to be comfortable since their role is hopefully a planning role and that they would all be comfortable with the folks that they are asking for help in the planning process.

Mr. Morris stated that he thought that the Board would be advised of this whole process tomorrow when they meet.

Mr. Rieley stated that if the Board agrees that it should be a Board appointed committee with out advice and for us to present a slate of people for them to choose from, which would be his preference. If they would prefer that the Commission do it, then he would for them to tell us if they are going to meet tomorrow.

Ms. Catlin stated that would be a perfect opportunity to do that. The feeling that staff wanted to get from the Commission is understanding more clearly although not perfectly the advisory council role, do they see a place where it was valuable for us to have a group that they can use in this feedback, finger on the pulse, helping us be out there kind of way. They want to make sure that the charge is clear and that the committee does not have unrealistic expectations about what they are going to do. Therefore, their discussion with the Board will be very focused on that being the role. If the Commission does not see the need or don't support that, then they need to have another discussion on whether they even need this group.

Mr. Edgerton stated that he felt that the idea was a good one, but when you try to establish a vision statement within three weeks of even thinking about establishing this committee it is awfully hard to go to the citizens and ask them to help and not even be able to tell them clearly what their role will be. He pointed out that the list did contradict itself. Therefore, this list has to be clarified before they ask somebody. He did not think it was fair to ask someone to take their time and not have a clear list of what their role is going to be. If you say that we want you to come and sit there and you can't make a decision, you can't steer the conversation one way or another, then he was uncomfortable making that request of anybody.

Ms. Catlin stated that as members of the public they obviously can steer to the level of anybody else can be engaged in. It is not like they loose their opportunity. They are not going to be put in the position that will supersede what comes into the process through other methods.

Mr. Edgerton stated that based on the limited information that they had last week, he had been thinking about it and what people who have skills or experience that could be of value to this discussion. But, maybe that is not what is needed here. It would be very frustrating to bring somebody with specific skills

and then not have them be listened to. It is a little tricky and they needed to have this clarified and he did not know how they were going to do it.

Ms. Joseph asked for clarification and the exact dates of the meetings. If you are asking somebody then they need to know what the meeting dates are.

Ms. Catlin stated that the date thing was something that staff could resolve very quickly.

Mr. Edgerton stated that they had established that first meeting, which was going to be in 3 weeks.

Ms. Higgins asked if the consultant's timeline could be made clearer, in particular to separate out the three different components for the master planning and transportation.

Ms. Catlin stated that to summarize what she thought she was hearing the Commission say would be that their preference would be that our discussion at the Board of Supervisors tomorrow would include this topic and clarify the charge, expectation and role very absolutely. Then the Board would indicate their preference as to whether they would want to accept a group from the Commission and appoint from that or whether they would turn back to the Commission and say that they think this is clear and to go to it or how that should be handled. In the meantime, staff can put some dates to these so that they are ready to very quickly, once they get past that, to get going with the group.

Mr. Rieley stated that then they could continue their discussion about Planning Commission representation or the Board can take a level of it.

Mr. Morris asked for some consistency to the upper and lower bullets on the handout regarding the Purpose of the Places 29 Advisory Committee.

Ms. Catlin stated that the handout would be reworked.

Mr. Thomas asked that he be notified as soon as possible because he had already gotten two persons who agreed to serve.

Ms. Catlin stated that they did not want to make this more than it is or diminish the importance of it. That is a fine balance. They do not want this to become something that impedes the process or becomes a whole another level of something that the Commission or other folks don't necessarily want being a filter. But, they also want to make sure that they are giving people something meaningful to do that is going to make them feel like they are contributing to the process.

Ms. Higgins suggested that it possibly could be a person who wants to stay involved and who is out of those focus groups to do the advisory committee.

Mr. Thomas stated that he told the two people he talked with that it was advisory and for discussion only and that they would have no decision power at all.

Mr. Edgerton stated that they could not change the date of the first meeting because it was already in the mail, but could they change the material for the meeting.

Ms. Catlin stated that the community meeting will occur on May 25, but that does not close the door on the community goal and visioning portion of the process. That is the first broad sweep. That does not mean that we could not choose ourselves if they don't get what they need or if our advisory counsel is not set up. The consultants leave town, but they don't pack up the camp and take it all with them. There is nothing that says that we can't say that we have to do another level of effort. Staff might have to cast the net again or that we missed a bunch of people. It might be that the advisory counsel was not in place and now they need to integrate them.

Mr. Edgerton stated that having done some of this work professionally that he was a little concerned about the scheduling in that they have to hurry up and get something going before the schools get out.

Then they can take a deep breath and the consultants can work all summer and then in October they will be coming back with some ideas.

Ms. Catlin stated that staff was going to be working like crazy, too. The idea is that time will be time for staff also if they have not done it to our satisfaction or if we don't have the product that we need from our community. Staff will keep working until we get it.

Ms. Winegard stated that they were going to revisit that vision and look at it again to check it when it comes back in the fall. She pointed out that is on the schedule that the consultants revisit each one of those items when they come back and check them out. They will have had the whole summer to look at it and see what they think about it.

Ms. Catlin stated that they had asked Mr. Rue to review the scope of work for the Corridor Study.

Harrison Rue stated that he had read the minutes and was aware of the questions that the Commission was concerned about. Just to cut to the chase, he had heard that they were concerned because there was some language in this 13 page scope of the transportation side that mentions doing the forecast modeling for the 29 Western By-Pass. This scope is in conformance with the MPO's adopted long range plan or the UNJAM Plan. He pointed out that Mr. Thomas had worked on that committee and was familiar with all of the debates they had about those. In the current plan the existing 29 Western By-Pass is not in the plan for construction for planning purposes and was unfunded. It is in there to allow resolution of some of the properties that under litigation. That is the only wording that applies to it. On a practical level it just does not pencil out if they are concerned about any of the long standing debates about environments and schools and values and things like that. It just does not make any sense from a transportation and dollar standpoint. He stated that he had talked with current VDOT leadership and there is no intent in including or having the word forecast modeling applied to the 29 bypass. There is no intent in VDOT leadership to revisit the current status of that project. Most people know for forecast modeling you look at the potential growth over time and the model tells you how much growth is going to be and numbers of cars on the road, particularly on certain roads over time. So that forecast model is not developing your transportation plan. It is just frankly guess estimating. It is always way off, but they are still required to use it. It does estimates of how many cars are going to be on a certain facility if you build it or not. So much like UNJAM, which in our early forecast models of the UNJAM Plan; they did include the Western By Pass in some of those alternatives and not in others. Our comparisons of the alternatives showed that it really did not have as much transportation value as the currently approved plan, which is to widen 29 in some cases to 6 lanes all the way to the airport and building the Berkmar Drive Extended and then the parallel road network potential on the other side as well. They did agree to do at least some of the forecast modeling runs to include the existing Western By Pass. That model is already built. Therefore, it would just be repeating that. There is no intent and he did not foresee any realistic way that it would happen that when they come up with the three alternatives that will then they do a full study and a full simulation on that current alignment would be in any of them. Some of the reasons for that is that this is a transportation and land use study, which also includes a lot of other stuff. There is a draft thing that they will probably be getting to them at some point about the evaluation methodology. It is a list of ways that things are improved. If you saw the 29/250, they looked at every transportation investment on how it would impact all of the different modes and not just cars, but as well as economic development and economic issues on Meadow Creek and things like that. Every single alternative that they look at will be evaluated according to it. It is now a draft thing right now because they will actually revisit those once they come up with the vision statement from the County. He felt that they had a pretty good guess right now on what is important enough to people to be saying this is what we are going to be measuring this stuff against. They discussed this at length with their modelers, with VDOT's modelers in Richmond with the forecasting and the alternative networks that they were going to develop. There is no intent on their part, even though Richmond's staff that some of them loved the idea of the Western By Pass, that we spend any dollars from this study to revisit that to look at it from the design standpoint to include it in our three alternative networks.

Mr. Edgerton asked if it was a mandate of the funding or part of the contract that the modeling be done.

Mr. Rue stated that he would not say mandate. He stated that he had to make sure that all of their funders were happy. Therefore, they had it as a fairly technical document that was based on the widely

shopped around second phase one that everybody saw, but they sort of extended it up the corridor. County staff and VDOT staff edited it and it was a VDOT staff member who wanted to insert that forecast modeling. They discussed this at both MPO Tech and at MPO Policy level and they are assured enough that it does not reopen or revisit any other local decisions that they made. If it keeps some of our other friends happy, then it is innocuous enough to do it. It is also good transportation sides to do this because you want to look at your forecast numbers to really look at all potential responses to growth. But, you don't every make the forecast modeling your basis for your actual transportation investment.

Ms. Joseph left the meeting at 7:15 p.m.

Mr. Rieley stated that what Mr. Rue has just articulated is perfectly consistent with the resolution that this Commission passed last week. The Commission specifically said that they did not object to forecast modeling of the area. Their concern was this would be once again opening up an issue that the Board of Supervisors has categorically and unanimously passed a resolution on that alternative is not applicable.

Mr. Rue stated that he had marked and read the resolution and that it was in keeping in what they have written and approved by VDOT and the County.

Mr. Edgerton thanked Mr. Rue for his presentation.

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In summary, the Planning Commission held further discussion concerning the "29 Places Advisory Committee". Several Commissioners had expressed concerns about the urgency of getting started without a full understanding of the Scope, the Composition of the Advisory Committee, and the Schedule.

Lee Catlin provided an overview of the public participation process that staff has in mind, which included the Advisory Committee concept. She distributed a copy of the letter of invitation that is going out to all households and businesses in the Places 29 study area, which is approximately 7000 addresses). She noted the two dates May 12 – Citizens Planning Academy and May 25 – First Public Meeting. The dates for both events have been included in the county tax bill to real estate owners, which is in the process of being mailed right now. The mailing to all of the residents/businesses in the area is going out tomorrow. The consultants will be in town for four or five days around the public meeting dates, and are planning on getting direct input and feedback from specified focus groups, which certainly would include members of the Planning Commission, during that time. The public meeting is only one form of many avenues of input and the communication that will be in place during that process. She asked that the Planning Commission pass this information along to anyone they think would be interested, and also to continue to forward contacts to her so that the list can be as complete as possible.

Harrison Rue addressed the transportation component of the study. He pointed out that there was no intent on their part to spend any dollars from this study to revisit the Western By Pass or to look at it from the design standpoint to include it in their three alternative networks.

After discussion, the Commission asked that during staff's discussion at the Board of Supervisors meeting tomorrow that it include the topic about the formation of the Advisory Committee to clarify the charge, expectation and role very completely. The Commission asked that the Board indicate their preference as to whether they would want to accept a group from the Commission and appoint from that or whether they would turn back to the Commission and say that they think this is clear and to proceed with the appointments or how that should be handled. In the meantime, staff can put some dates to these meetings so that they are ready to quickly, once they get past that, to get going with the group. In addition, the Commission asked for some consistency to the upper and lower bullets on the handout regarding the Purpose of the Places 29 Advisory Committee.

Regular Items:

SDP 2005-009 Shiflett, Vernon ALLTEL PWF - Request for approval of a treetop personal wireless service facility with a wood monopole that would be approximately 85 feet tall (4 feet AMSL above the height of the tallest tree within 25 feet), with ground equipment in a 5-1/2-foot tall cabinets and one smaller cabinet placed on a concrete pad. This application is being made in accordance with Section

10.1.22 of the Zoning Ordinance, which allows for Tier II wireless facilities by right in the Rural Areas. The property, described as Tax Map 87 - Parcel 7A, contains 3.038 acres, and is zoned Village Residential (VR) and Entrance corridor (EC). The site is located on Monacan Trail [U.S. Route 29 South], approximately 1 mile north of the intersection with Plank Road State [Route 692], in the Samuel Miller Magisterial District. The Comprehensive Plan designates this site as Rural Area 3. (Stephen Waller)

Mr. Waller summarized the staff report. This is a request for the approval of a tier II treetop personal wireless service facility with an 85' tall monopole that would be approximately 4' higher as measured above sea level from a referenced tree that is located 25' to the east of the site. The proposed site of the facility has a ground level elevation of 813' and the backdrop for the facility is provided by Time Mountain, which peaks to the west of the site at approximately 1,000 feet above sea level. Staff has analyzed this request and found that the applicant is in compliance with all relevant requirements of Section 5.1.40 of the zoning ordinance. Two balloon tests were performed for this site during two separate field visits. The second balloon test was carried out because during the first field visit staff had some concerns that there would be some negative visual impacts because it appeared that nearly one-half of the monopole would be seen above some of the shorter trees in front of the site. Therefore, the applicant since then relocated the monopole location further to the south and west of the originally proposed location. The applicant also reduced the height by 5'. Staff would also add that although the proposed monopole would be 4 feet above the referenced tree identified on the plans, it would actually be approximately the same height as another tree in the foreground that staff had requested the applicant move closer to, which would provide more screening in the front of this site from views from the northbound lanes of Route 29 north. Based on these items, staff has recognized no unfavorable impacts that would result from the currently proposed request. If there were any further questions, he would be happy to answer them.

Mr. Edgerton stated that he had two questions. On page 32 of the staff report he was not sure if he could tell where the balloon was in either of those photographs.

Mr. Waller stated that in the first photograph if he looked just to the right of the American flag it was about one-half way up. In the second photograph it was the second proposed facility and the balloon actually was not visible at that time because it was windy.

Mr. Edgerton asked if it was wood or a monopole.

Mr. Waller stated that the applicant's original request speaks to a wood monopole.

Ms. Higgins asked that staff make sure that the tower elevation and details clearly state the applicant's request so that the zoning or field person who might not have the report would have the full details on the diagram.

Mr. Edgerton stated that it appears that the tree preservation agreement had not been executed at the time the staff report was done. He asked if their approval would be conditioned upon that.

Mr. Waller stated that was correct, but since that came directly from an ARB condition the applicant would not be able to have ARB approval of the plan until that document has been executed and recorded. Under the zoning ordinance, the Planning Commission cannot put any additional conditions on this request. But, the zoning ordinance also says that a building permit for the site cannot be issued until all Architectural Review Board conditions have been addressed.

Mr. Edgerton asked if there were any questions for staff. There being none, he opened the public hearing and invited the applicant to address the Commission.

Peter Caramanis, representative for Alltel, stated that as Mr. Waller mentioned this project has been going on for quite some time trying to find the right location for this tower. The way that this final location was finally chosen was by doing actual line of sight studies from the area of visibility. There is really only that one area as you are bending around to the right on Route 29 if you look off to the left that you would be able to see it. That is where those photographs were taken. They did line of sight studies and purposely placed this tower directly behind the tallest tree that could be used in the foreground. That is

how they came to agree that this is a tower that is sufficiently screened. It ended up being shortened to 4' above the tree because of the move and having to meet the setback. The result is a tower that has a very thick backdrop of trees and also has a nice thick growth of trees in the front to screen it from the only area from which it was visible. It is a wood pole. They would be happy to submit a revised plan to clarify that if that was necessary.

Ms. Higgins stated that when he went to the ARB last November did he request a special use permit.

Mr. Caramanis stated that at that time they were required to have a special use permit because it was before the ordinance was changed. Then they did come to the Planning Commission for a special use permit, but that tower was in a different location where there was no screening in the front. But, they have been able to accomplish that screening this time. When they went back this time to the ARB, the ARB was satisfied that the previous approval conditions were sufficient to approve this facility as well. So basically they just applied those conditions to this site because this site was even less obtrusive than the other.

Ms. Higgins stated that her second question was that back in November they actually did not require but actually said that they had a choice that they either show them sufficient backdrop for the pole on site or obtain the necessary easement that will provide an adequate backdrop off site. She asked if they have acquired the easement.

Mr. Caramanis stated that they don't have the signed document, but as he said in the application they will get a recordable document that preserves the four trees that are mentioned. As they went out for the balloon test that determination was made by the ARB Design Planner as far as what they would need to do to satisfy that condition.

Ms. Higgins stated that the only reason that she was dwelling on those was because they have already issued the Certificate of Appropriateness letter and they did not make the conditions. It is not clear or it does not say that is a condition that you have to get an easement. It gives them a choice. The April 8, 2005 letter refers to the meeting at November 17, which item 1 says that you could be either/or. Therefore, she felt that the Commission's action should have a condition if they intend to do that. It does not say there is a condition because there is already a Certificate.

Mr. Waller stated that the ARB Design Planner has to review the building permit anyway.

Ms. Higgins pointed out that she did not make it a condition of her Certificate of Appropriateness.

Mr. Waller stated that the Design Planner would still have to issue a Certificate of Appropriateness in order for the building permit to be issued.

Ms. Higgins stated that it says that the applicant can consider this as a Certificate of Appropriateness.

Mr. Waller pointed out that the Design Planner still has to review the building permit. The building permit won't be issued until it has been identified that all of these things have been met.

Ms. Higgins stated that in the letter it does not say that it is a requirement. It says that they can either show that her is significant backdrop or provide an easement. She asked to make it absolutely clear that there is no reason why it does not get signed. Therefore, she felt that condition should be included.

Mr. Caramanis stated that there was an email in the Commission's packet regarding that issue. He pointed out that if they can prove that there is a sufficient backdrop on the property that it would not matter.

Ms. Higgins stated that they had moved the pole since this was issued.

Mr. Caramanis stated that was correct.

Mr. Waller stated that in the field Ms. Maliszewski identified specific trees that they could identify that needed to be protected in a tree protection easement and basically told Mr. Caramanis. Basically, she took the "or" out by telling them that in order to get a positive recommendation they were going to have to do the easement.

Mr. Caramanis stated that the potential way that needs to be addressed is to potentially have her rewrite that letter, which he had no problem with.

Mr. Edgerton asked if there were any questions for Mr. Caramanis. There being none, he asked if there was anyone present that would like to speak regarding this application.

Kenneth Vaughan, an adjacent property owner, thanked staff and the applicant for moving the location of the monopole to make it less visible. He asked that if the new tower is approved that it not be as visible as the existing tower that is on the property because that is very visible.

There being no further public comment, Mr. Edgerton closed the public hearing to bring the matter back before the Commission for discussion and a possible action.

Mr. Rieley moved for approval of SDP-2004-009, Shifflett, Vernon ALLTEL PWF.

Mr. Higgins seconded the motion.

The motion carried by a vote of (6:0). (Joseph – Absent)

Mr. Edgerton stated that SDP-2005-009 passes unanimously.

Public Hearings:

SP 2005-003 Footnotes Dance Studio (Signs #71 & 72) - Request for a special use permit to allow a private ballet school in accordance with Section 23.2.2.6 of the Zoning Ordinance which allows for private schools in the CO Commercial Zoning District. This request would amend SP 96-48, which permitted a private dance school at this location. The property, described as Tax Map 61W Parcel 1 B-2, contains .525 acres, and is zoned CO Commercial Office. The proposal is located on the west side of Commonwealth Drive (Route 1315) at the intersection of Commonwealth Drive and Westfield Road (1452) in the Rio Magisterial District. The Comprehensive Plan designates this property as Community Service in Neighborhood One. (Elaine Echols)

Ms. Echols summarized the staff report.

This request is to amend the conditions of Special Use Permit 96-48 which established the Terry Dean Dance Studio at 2363 Commonwealth Drive. The Special Use Permit was approved in December 1996. A copy of the staff report is included as Attachment B. The approved conditions are in Attachment C.

No significant issues were raised with the initial review for the dance studio at this location. The only conditions were limitations on the hours of operation. The hours of operation were limited to 10 a.m. to 10 p.m., Monday through Friday. The applicant is requesting a slight change in the hours of operation. Requested operating hours are 9:30 a.m. to 9:30 p.m. Monday – Friday and 9:30 a.m. to 4:30 p.m. on Saturdays.

DISCUSSION:
The initial special use permit application was for ballroom and social dance lessons for adults. The clientele was expected to be people of middle age to retirement age. The expected hours of use were weekday afternoons and evenings. Over the last ten years, however, the use of the building has changed several times. In January of this year, Footnotes applied for a zoning clearance to use the building for Kindermusik, group dance classes, keyboard lessons, private dance lessons, birthday parties, and home school programs. When they received their zoning clearance, they became aware of the time limitations. Zoning determined that the proposed school use conforms to the special use permit; however, if Saturday hours were desired, the special use permit conditions would need to be amended.

Staff has analyzed the request primarily for impacts on adjacent properties and conformity with the Land Use Plan. No change has occurred in the zoning ordinance and no change in the Comprehensive Plan has occurred which would affect this request. Staff is not aware of any complaints or problems with the use, traffic, or the parking. Because the property is located in a CO Commercial Office district and because there are many by-right uses which could be operated more intensely than this school use, staff wondered if any conditions were necessary for the use. (See Attachment D for list of by-right uses.)

In its analysis, staff reviewed the definition of private school to see if there were any types of private schools that would not be appropriate at the proposed location. The definition of private school is provided below:

Private School: An institution of instruction not established and maintained at public expense, including colleges and universities, and those institutions providing art, culinary, cultural, drama, music, technical or vocational education or training. The uses identified in this chapter as "school of special instruction" and "technical and trade school" are private schools, except that in any
zoning district where a private school is permitted by right, and a technical and trade school is permitted only by special use permit, those uses shall be separate. (Amended 10-3-01)

Staff believes that the only possible problems that could occur would be if a different type of private school, such as a school for auto mechanics or construction where activities might occur outside of the building. Staff believes that this situation could be dealt with by excluding technical or vocational education or training from the list of uses allowed at the site.

Regarding hours of operation, staff believes that the only time problems might occur would be with occasional late night dances. For this reason, staff does not believe restricting hours of operation is essential to the special use permit. The staff recognizes that the Commission and Board may believe that hours of operation are appropriate and as a result, staff has included hours of operation as a possible condition.

RECOMMENDATIONS:
Staff recommends approval of the special use permit with the following condition(s):

1. There shall be no technical or vocational schools which involve outdoor activities, such as construction and automotive repair, without approval of a separate special use permit.

(if needed)
2. The school shall not operate after 10 p.m.

This is a request to amend the conditions for an existing special use for an existing building and use. She thanked the Commissioner who requested that staff provide the staff reports for the old ones because she felt that made it a much easier report to write. That way the Commission can see what happened originally and then they can just augment it as necessary. Basically, there is an existing use in an existing building that has had a number of uses over the years. It had a special use permit approved for a dance studio, the Terry Deane Dance Studio, back in 1996. The use has changed over time and now they have a ballet studio that does other things that has been noted in the staff report. They would like to have different hours of operation than the ones that were restricted originally. So they have requested an amendment to the hours of operation. Staff went through this and wondered what the Commission would really want to restrict in this particular case. Staff questioned what the schools of special instruction or private schools were that could be problematic to a neighborhood or even this particular neighborhood. The property is zoned CO and backs up to some residentially zoned property that is in an area where there are other businesses. What staff came up with was if there was a private school there that had outdoor activities that they think that would be problematic to the neighborhood potentially. Therefore, staff is recommending that the conditions be amended to include a restriction on particular schools of outdoor activity. Staff phrased the condition that there shall be no technical or vocational schools which involve outdoor activities such as construction and automotive repair without approval of a separate special use permit. Staff looked at the hours of operation and just did not see any big issues. Staff does not feel that it is necessary to restrict the hours of operation. But, if the Commission feels it is necessary

staff's recommendation is that you put an end time on it rather than a begin time and days of the week. Staff suggests that there just be a cut off period.

Mr. Edgerton asked if there were any questions for Ms. Echols. There being none, he opened the public hearing and invited the applicant to address the Commission.

Dave Waller, with Footnotes Dance Studio, stated that he would answer any questions that the Commission had about changing the hours of operation. He stated that they did not want to be opened after 10 p.m. Currently, they were going from 9:30 a.m. to 9:30 p.m. Monday through Friday and on Saturday from 9:30 a.m. to 4:30 p.m. He felt that actually the only changes were opening one-half hour earlier during the week and opening on Saturday.

Mr. Edgerton asked if there was anybody from the public that would like to comment on this application. There being none, he closed the public hearing to bring the matter back before the Commission for action.

Mr. Morris moved for approval of SP-2005-003, Footnotes Dance Studio, with the conditions recommended by staff as modified leaving out (if needed).

1. There shall be no technical or vocational schools which involve outdoor activities, such as construction and automotive repair, without approval of a separate special use permit.

~~(if needed)~~
2. The school shall not operate after 10 p.m.

Mr. Rieley seconded the motion.

Mr. Kamptner pointed out that staff has been concerned in the past with condition language such as "The school shall not operate after 10 p.m." Staff would probably want to have a starting time. He suggested that condition 2 read that the school shall not operate between 10 p.m. and whatever time in the morning.

Ms. Higgins stated that 9:30 a.m. would cover that concern.

Ms. Echols stated that zoning did look at these conditions and did not have a problem with it.

Mr. Kamptner stated that there has been an ambiguity in the past.

Ms. Echols suggested that condition 2 read that the school hours should be from 9 a.m. to 10 p.m.

Mr. Benish pointed out that they were only concerned about the late hours.

Mr. Morris amended the motion for approval of SP-2005-003, Footnotes Dance Studio, with the second condition as modified.

1. There shall be no technical or vocational schools which involve outdoor activities, such as construction and automotive repair, without approval of a separate special use permit.

2. The school's hours of operation shall be between 9 a.m. and 10 p.m.

Mr. Rieley seconded the amendment to the motion.

The motion carried by a vote of (6:0). (Joseph – Absent)

Mr. Edgerton stated that SP-2005-003, Footnotes Dance Studio, would go to the Board of Supervisors on June 1 with a recommendation for approval.

SP 2005-005 PetsMart (Sign #35) - Request for special use permit to allow 2,000 square feet of a 23,000 square-foot retail building located in the Hollymead Town Center for a veterinary clinic, grooming

facility and periodic pet adoption services in accordance with Section (s) 25A.2.2-1, 22.2.2-5 & 24.2.2-4 of the Zoning Ordinance, which allows for veterinary office and hospital use in a PD-MC, Planned Development-Mixed Commercial, C-1, Commercial & HC, Highway Commercial district (s). The property, described as Tax Map 32 Parcel 43, contains 2,000 square feet, and is zoned PD-MC, Planned Development-Mixed Commercial and EC, Entrance Corridor. The proposal is located on the west side of US Route 29 North, approximately 1/4 mile south of the intersection with Airport Road and across from the Forest Lakes Shopping Center, in the Rio Magisterial District. The Comprehensive Plan designates this property as Town Center in the Hollymead Community. (Claudette Grant)

Ms. Grant summarized the staff report. PetsMart is requesting a special use permit to allow 2,000 square feet of a 23,000 square-foot retail building for a veterinary clinic, grooming facility and periodic pet adoption service on property owned by Hollymead Town Center, LLC. It is located at Outparcel H of Hollymead Town Center on the west side of U.S. Route 29. The property is zoned PD-MC, Planned Development Mixed Commercial, which allows for a veterinary office and hospital with a special use permit. The veterinary use will be located in a pet store that is a freestanding building. Staff has reviewed the proposal for conformity with the Comprehensive Plan and the Zoning Ordinance and recommends approval of the special use permit.

Mr. Edgerton asked if staff has any more information about where it will be located in this 23,000 square foot building

Ms. Grant stated that there was nothing specific about where in the building it would be located.

Mr. Edgerton stated that it would be any 2,000 square feet that they wanted to use for this purpose.

Ms. Grant suggested that the applicant might be able to be more specific.

Ms. Higgins pointed out that they don't have a copy of the application itself. It says that the applicant wants a veterinary clinic, grooming facility and periodic pet adoption service, but they don't have any of the elements of Section 5 that talks about businesses next to residential. As soon as they put a veterinary clinic in this there are other things that the Planning Commission has to look at to decide whether they meet the 200 feet from residential, sound proof building and all of that. She noted that was not addressed in the staff report at all.

Ms. Grant stated that the request meets all of those requirements.

Mr. Rieley stated that there was no residential any where near it.

Ms. Higgins stated that there was also the portion about whether they have a place to curb the dogs outside and to be 500 feet from the adjacent lot line if it is not soundproofed. She pointed out that she did not think of PetsMart as a veterinary clinic. Therefore, she was wondering if that use needed to be in that list at all. If it was not a veterinary clinic, then she did not think these other regulations were a factor.

Ms. Grant stated that it was her understanding that this would be a veterinary hospital or clinic or a place where you could bring your animals to get checked. It was her understanding that there would be an area within the PetsMart Store that will service this use.

Ms. Higgins stated that usually they have information about whether they need a separate outside area and if they keep animals overnight. She had assumed that PetsMart was more of a retail store, but you could bring your dog in on Saturday for a shot and the SPCA shows up once in the spring and has an adoption service. But, a veterinary clinic opened it up a little bit more.

Ms. Grant stated that it was her understanding that the applicant does not plan to have any open area space and the intent is not to have an area for dogs to be walked.

Ms. Higgins stated that they would need to have some conditions about that.

Mr. Benish stated that condition would be needed if the Planning Commission thinks it is applicable for a pet store.

Ms. Higgins stated that if it was purely a pet store she would not think it would be necessary.

Mr. Edgerton asked Mr. Kamptner for his comment because he felt that her questions were good questions.

Mr. Kamptner stated that there is a 500 foot standard that applies if the animals are not confined in soundproof air-conditioned buildings from an agricultural or residential zone. It would be 200 feet when the building is soundproofed. Section 5.1.11 does not need to be separately included as a special use permit condition. For the use to exist the applicant has to comply with these requirements. But, regarding overnight stays and things like that, a condition would be appropriate.

Ms. Higgins stated that in other sections it talks about if there are issues that conditions could be imposed if necessary. She asked if those apply to pet stores or just clinics.

Mr. Kamptner stated that it applies to commercial kennels, veterinary services offices or hospitals, animal hospitals, and animal shelters.

Ms. Higgins stated that she did not think that PetsMart was any of those.

Mr. Kamptner stated that they are providing veterinary service as part of the commercial use.

Mr. Edgerton stated that if they are providing limited veterinary service from a legal point of view do they need to clarify what that limitation is. He asked if there were no overnight stays.

Mr. Kamptner stated that they are limited to the 2,000 square feet that they are asking for.

Ms. Higgins stated that she was just looking for parity between the different veterinary clinics that they have been reviewing. Honestly, she read it and it did not click that it was a clinic until earlier today or she would have called staff earlier. Grooming and pet adoption did not bother her, but the clinic raised some questions.

Mr. Kamptner stated that Section 5.1.11.d says in areas where such uses may be in proximity to other uses involving intensive activity such as shopping centers or other urban density locations special attention is required to protect the public health and welfare. To these ends the Commission and Board may require among other things separate building entrance and exit to avoid animal conflicts and area for outside exercise to be exclusive for an access by the public by fencing or other means. He stated that he did not think that the applicant has proposed any outdoor exercise. But, the Commission could impose a condition that says no areas for outside exercise.

Mr. Edgerton stated that it was a little hard to know, but his recollection of what was suggested when they saw this before was that this was going to be a restaurant. He questioned if that was something that the Commission should be concerned about. He pointed out that maybe this would be clearer after the applicant speaks. He asked if there were any other questions for Ms. Grant. There being none, he opened the public hearing and asked the applicant to address the Commission.

Tara Boyd, representative for the property, stated that the use that they were applying for is actually for a tenant of the property who will be PetsMart. There is a representative present for the property owner and PetsMart in case the Commission has some veterinary oriented questions that she is not qualified to answer. When their client was originally looking for tenants for the building there were a couple of different pet supply stores who were in the running for it. They had originally gone to the zoning administrator and said that it was only going to be a veterinarian coming in ever so often and giving vaccinations. Ms. McCulley gave them an opinion that is consistent with the existing zoning. Therefore, they thought that they were okay. The tenant that they ended up with to their delight was PetsMart. PetsMart actually contracts with a full scale veterinary group that comes in and puts a practice within the retail store itself so that folks who come to PetsMart to adopt animals can also come back there for

vaccinations, routine care and even surgery. The proposed use will not extend to a boarding facility. Overnight stays will be limited to sick animals that are visiting the veterinary clinic for treatment and the occasional animal that is waiting for an adoption or to be picked up after an adoption. But, overnight stays in terms of routine boarding is not included in our request. Consequently, there are not outside runs or play areas included for the plan for the property. As you can see from our site plan, it is one big indoor building. The veterinary clinic or the places where the animals are examined and stay are all indoors in a sound proofed air conditioned building, which is consistent with how PetsMart does their interior veterinary clinics in their other stores. Therefore, they feel that their applied for use, which they originally thought was going to be completely permitted under the zoning even though they are having to come for a special use permit now is very consistent and harmonious with the PD-MC zoning for the area. They sort of looked at it originally as an accessory to the retail pet supply store, but it turned out to be a little more. Therefore, they were here to get their special use permit. In terms of the conditions that Ms. Higgins' referenced in 5.1, those talk about where there are outside runs that are proposed to be provided that there be sound proofed fencing and screening and limitations on the hours. Again, due to the limited nature of the services we don't feel that those are necessary. The tenant's leased area is not going to include any outdoor areas. Therefore, they don't feel that those would apply here. But, they are certainly opened to their concerns. In terms of the advantages that they feel that this use would bring to the area, it sounds like some people are familiar with PetsMart, but instead of being sort of the pet store that she remembers going to the mall as a kid where you go in and there are rows of animals and they are selling you animals and pet supplies; they sell animal supplies but instead of selling animals there they bring in community groups, such as the humane society, SPCA, etc, to adopt animals that are strays or otherwise unwanted. To date she understands that they just pasted their 2.2 million animal adoption mark. So they have been very successful with coupling with local community groups to adopt animals. In terms of impacts of this, she did not know if they go to Harris Teeter on Saturday and see the animals out front, but this is not going to be anything near that kind of impact. It will all be inside. That is where all of the adoption and all of the veterinary services take place. One other benefit that she has come to learn that PetsMart will bring to our community in addition to partnering with local community groups is they also have a charitable arm, which further supports animal related programs that has donated over 35 million dollars in funds to support animal rescue type of programs. So they feel that there are sufficient benefits to the community to our application and pretty minimal impacts. Therefore, they hope that the Commission will recommend approval to the Board.

Ms. Higgins stated that the permit is 2,000 square feet of a 23,000 square foot building. She asked if PetsMart was getting the whole 23,000 square feet, but the 2,000 square feet is the part that the special use permit applies to.

Ms. Boyd stated that was correct, and she was glad that she had asked about that because they had a clarification from their tenant, PetsMart, that the use will actually be 2,061 square feet. Therefore, if a condition is placed on the special use permit that talks about square footage, she asked if they could make it for 2,100 square feet to be on the conservative side.

Ms. Higgins pointed out that she had made the statement for PetsMart, but the special use permit runs with the land and if PetsMart were to vacate the building and there was some sort of retail with a sublet to a veterinary clinic they really do need to have the conditions that are associated with the things she was saying like no boarding except for the adoption of animals or no overnight stays and things like that because that is PetsMart's way of doing things and they are just leasing the building. She asked Ms. Boyd if they would have any problems with those conditions.

Ms. Boyd stated that they would definitely be open to a condition regarding overnight stays as long as it was clear that animals who are being treated at the veterinary hospital could stay overnight with their associated care and animals that were waiting for adoption could stay overnight.

Ms. Higgins asked where those animals would be allowed to go outside.

Ms. Boyd stated that they would stay totally within the cages.

Ms. Higgins asked where the 2,000 square feet would be located in the building.

Ms. Boyd stated that it was her understanding that it would be towards the rear, although with the caveat that the interior floor plan has not been totally agreed upon. So that may change.

Mr. Kamptner stated that the use itself would be allowed on the parcel. The condition would limit it to the 2,100 square feet.

Ms. Boyd stated that the tenant would like to have the ability within the building if they did some remodeling or up fit during the term of the lease to move that around as long as it stayed within the total permitted area.

Mr. Edgerton asked if there were any other questions for Ms. Boyd. There being none, he invited public comment regarding this application. There being none, he closed the public hearing to bring the matter back before the Commission for action.

Mr. Thomas asked if the square footage could be split up anywhere within the store with 500 square feet here and another 500 square feet in another area.

Mr. Edgerton stated that was the way that it explained.

Mr. Craddock stated that he had been in a few PetsMarts and they have been very clean and this area had been near the main entrance to the right hand side. It is just a small part of their whole operation.

Mr. Rieley stated that the special use permit does go with the land and the tenants that will be there ten years from now may be entirely different. Therefore the points that Ms. Higgins raised were right. From his perspective he felt that a veterinary clinic, while twenty years ago he would have thought that it was a surprising thing to do, there are a number of them in shopping centers are successful, particularly when they are allied with a pet store and it seems to be a compatible use. He would like to limit this as little as possible because he felt that a veterinary clinic is compatible and there are a lot of things that are within the current zoning. He suggested that they give them maximum flexibility and make it 2,500 square feet so that if they expand the veterinary component of this a little bit that they don't have to come back in to amend the special use permit. The other thing that he was concerned about because of the potential conflicts is the outside runs, but they have no intention of doing that. He felt that the special use permit should be amended if another veterinarian comes in sometimes in the future and wants to have outside runs. He did not think that they should preclude it, but he felt that it should require a separate review under the special use permit.

Mr. Edgerton stated that they could make a condition that there be no outside runs or no curbing of the dogs outside.

Ms. Higgins stated that she supported making the square footage more flexible and that sort of thing, but they need to be able to reference building H of the building of 2200 something, but that it is within that building since she was not sure if it meets the 500 feet from across the road that would preclude them having to do soundproofing. They need to make it very clear which building it is.

Mr. Edgerton pointed out that Ms. Boyd said that the building was soundproof.

Ms. Boyd agreed that the building would be air-conditioned and soundproofed.

Ms. Higgins stated that it could be then be reduced down to the 200 feet. She suggested that they condition it to that particular building.

Mr. Benish stated that if the Commission decided to include that as a condition that staff would clean up the language to include the 2,500 square feet and the reference to that site plan and that building.

Mr. Rieley suggested that they exclude outside runs without a review of a special use permit. But, beyond that he was happy with the veterinary clinic. He moved for approval of SP-2005-005, PetsMart with the following conditions.

1. The veterinary services shall be limited to not more than 2,500 square feet, and
2. There shall be no outside runs or kennels.

Mr. Morris seconded the motion.

The motion carried by a vote of (6:0). (Joseph – Absent)

Mr. Benish clarified that when staff references the 2,500 square feet they would also reference the specific building and plan.

Mr. Kamptner asked that staff be reminded to please be certain that the public notice for the Board meeting identifies the increased square footage.

Mr. Edgerton stated that SP-2005-005, PetsMart, would go to the Board of Supervisors on June 1 with a recommendation for approval.

ZMA 2005-004 Airport Impact Area Overlay District (AIA) - This proposed amendment to Chapter 18, Zoning, of the Albemarle County Code, would amend the zoning map to change the boundaries of the Airport Impact Area Overlay District (AIA), and the Noise Impact Area and Airport Protection Area within the AIA. The AIA exists for the purpose of minimizing the creation of physical, visual, and other obstructions to the safe operations of the airport facility and to minimize the adverse airport-related impact on persons and properties in the vicinity. The amended boundaries of the AIA District and Noise Impact Area are based on new maps resulting from the update of the Charlottesville-Albemarle Airport Plan, affecting the following parcels within Albemarle County, identified by tax map and parcel number: Tax Map 19, Parcels 19, 19B, 19C, 19D, 19E, 19F, 19I, 19J, 19K, 19L, 19W, 19X, 20, 20B, 22D, 22E, 23A, 24, 25, 29D, 30, 30A, 30B, 31B, 31D, 31E, 31E1, 32; Tax Map 20, Parcels 6A, 6A1, 6J, 6K, 6L, 6M, 6N, 6NN, 6Q, 6R, 6S, 6T, 6V, 6W, 6X, 13A, 15C, 15C1, 16, 16E, 16E1, 16E3, 16E4, 16E6, 16P, 18, 18A, 19, 19B, 19B1, 19C, 20, 21, 22; Tax Map 21, Parcels 3D1, 3E, 5, 11, 11A, 12, 12A, 12B, 12C, 12C1, 12C3, 12D, 13C, 13C1, 13C2, 13C3, 13C4, 13E, 14C, 15, 15A, 15B, 15C, 15D, 15E, 15F, 15G, 16, 16A, 16C, 16D, 18, 18F, 18G; Tax Map 31, Parcels 1, 56; and Tax Map 33, Parcels 1, 2, 2A, 4, 4A, 4B, 4C, 9, 9A, 10, 12, 12A, 12D, 12E, 21, 22B, 35A, 36, 37J and 37K. As a result of this proposed amendment to the zoning map, some parcels, or portions thereof, will be placed within the AIA, some will remain in the AIA but with the AIA's boundaries changing, and some will remain in the AIA but with no boundary change. The Comprehensive Plan does not address the general usage and density of lands within the AIA, but are determined by the underlying plan designation. The Zoning Ordinance provides that the general usage and density ranges of lands within the AIA are as authorized by the underlying zoning district designation, except that buildings, structures, objects of natural growth and uses may not penetrate the AIA's Airport Protection Area, generally only agricultural and open space uses are allowed in the AIA's Safety Area, and buildings and structures within the AIA's Noise Impact Area must be designed and constructed to meet acoustical performance standards. A copy of the map showing the lands to be rezoned by this amendment is on file in the office of the Clerk of the Board of Supervisors and in the Department of Community Development.

AND

ZTA 2005-002 Airport Impact Area Overlay District (AIA) – This zoning text amendment would update references to maps designating the Airport Impact Area Overlay District (AIA) and the AIA's Noise Impact Area and Protection Area, and make other associated changes by amending section 30.2.1, Intent, 30.2.2, Application, and 30.2.3, Definitions, of Chapter 18, Zoning, of the Albemarle County Code. The review and update of the Charlottesville–Albemarle Airport Master Plan has resulted in new maps that will establish revised boundaries of the AIA, the Noise Impact Area and the Airport Protection Area. A copy of the full text of the ordinance is on file in the office of the Clerk of the Board of Supervisors, and in the Department of Community Development. (David Benish)

Mr. Benish summarized the staff report. This is a request to amend the text of the AIA, Airport Impact Overlay District. The District was established to minimize adverse impacts of the airport to persons and properties and to minimize also the creation of physical, visual and other obstructions to the safe operation of the airport. As you may call, they recently adopted a revised master plan for the airport. With that master planning process there is work that was done to establish areas of noise impact and also

to provide for long term improvements in the airport. Two of those actions with the adoption of the master plan have required the amendment of the Airport Impact Overlay District to ensure that the district remains consistent with the master plan that guides it.

Specifically what has taken place are amendments to reference maps within the master plan that relate to areas that are referred to as the Airport Protection Area and Noise Impact Area. The Airport Protection Area is primarily the circular area around the airport. The Airport Master Plan calls for approximately a 1,000 extension of the airport at some point in the future. Based on that future design the air space for the approaches and departures to that main runway has to provide for a certain area of protection. That is what the Airport Detection Area does. It essentially protects the air space above the land, which is commonly referred to as the imaginary surfaces, which he could explain if the Commissioners need to know in greater detail. There is an attachment on the wall and in the packets that shows the change to the Airport Impact Area boundary. It is all to the north and it is again reflective of that potential future extension of 1,000 feet. The implication to that change is that there are requirements to control the height of structures that may penetrate into that imaginary surface or air space that affects the approaches and departures from the airport runway. That is one change. The text essentially refers to the maps attached to the staff report. That is the update to the text. Those maps also become essentially the map for the Airport Impact Area.

The second change is to the Noise Impact Area. The Noise Impact Area is based on the average day/night sound levels emanating from the airport. The 65 decibel range of average day/night noise level is the area in which the Airport Impact Overlay District requires the sound continuation on structures. An attachment of that map is also provided as Attachment E in the staff report. The entire boundary for that are lies on the airport property. Right now the noise continuation only applies theoretically to any buildings or structures lying on the airport land. That is the overview of the changes. If the Commission has any particular questions, particularly in interpreting the air space, that he would be happy to answer them.

Mr. Edgerton asked if all of these property owners been notified.

Mr. Benish stated yes, that the property owners had been notified and the map was the basis for the notification. There is a third area that he would also point out. There is a text modification to it that is the Runway Protection Zone, which was actually just new terminology. There is slightly different numbers used in the calculation of the location of that. That is a fixed location on the ground, which starts at the end of the runway. All of that area also lies on airport property.

Ms. Higgins asked if all of the area was to the north.

Mr. Benish stated yes, because that was where the master plan called for the extension of the runway. Therefore, it just pushed that arc 1,000 feet to the north.

Mr. Rieley asked why are there a 50 to 1 approach surface to the south and a 44 to 1 approach surface to the north. He asked if it was related to the topography for the additional clearance on the northern side.

Mr. Benish stated that was not exactly correct. There are types of approaches that are required for airports. There are precision approaches, non-precision approaches and visual approaches. A visual approach is what it sounds like when the pilot looks at the ground and activates his approach or departure to take off or land. The precision and non-precision are types of approaches that rely on visual and technological assistance. A non-precision approach comes in from the north and has a steeper grade to it. It is aided by satellite information. The approach to the south is the non-precision approach and every airport is required to have a non-precision approach that meets inclement weather requirements. The precision approach requires them to be able to 4 feet above the ground to have visibility for 1 mile. For inclement weather approaches you only need to be 200 feet above the ground for ½ a mile. But that protection area is protected by a gentler slope and more technical equipment that assists them in landing with the lights that you see on the runway indication light with the strobe light and a localized antenna to give them localized information as opposed to satellite information. That non-precision approach is based on those 40 to 1 and 50 to 1 approaches. That is probably the more inclement weather approach, but that is all that goes into it.

Mr. Rieley stated that they need the lower gradient and the lights to be able to land.

Mr. Benish stated that the air space that they are protecting if you look at the profile at the bottom of those two sheets you are really looking at the horizontal area that extends over the runway essentially and around the runway. Then those conical zones are 20 to 1 and 34 to 1 at the runway.

Mr. Rieley asked what happens to the space between the 639 contour and the 780 because it is like 150 feet before you get to that level.

Mr. Benish stated that was below those lines so wherever the lowest lines are above that line is the point of penetration that needs to be controlled. Below that point the height is building up to those heights that are acceptable. There may be other FAA requirements in terms of painting, strobe lights and lighting. But, in terms of height limitations everything below those 1 to 20 lines, the horizontal dashed lines comes across the airport and extends 10,000 feet and then those immediate approach 34 to 1 cuts in. The consultants told him a good way to visualize it by thinking of it like a football field. Think of the runway as the football field itself and the top of the picture is the dorm and all of the angles of the seats at the side and then you can get a visual of a bowel.

Mr. Rieley stated that the airport always does a good job of putting these packets together.

Mr. Edgerton asked if there were any other questions for staff. There being none, he opened the public hearing and invited the applicant to address the Commission.

Mr. Benish stated that the County was the applicant and he had already spoken.

Mr. Edgerton stated that since they had already heard from the applicant, he would ask if there was any member of the public who would like to comment on this application.

Janice Haney Yager stated that she was present as the attorney-in-fact for Geraldine Gray Haney who was one of the land owners for tax map 20, parcel 16. If you look on the map they are impacted on a portion of their property of about 100 acres. She presented pictures of the property so that the Commission could see the topography. She noted that she had done research with the FAA to find out how these things come about, but she found it difficult too see how an 800 to 1,000 foot extension of the runway would affect this property when it was 3.2 nautical miles from the airport. It was interesting after having been to the airport and observing the airplanes as they approach northbound and southbound how it is that they would come to select this area. Her thinking as a landowner protecting her interest and those of others is that they are already zoned as a RA district and they could not build anything over 65 feet. If she wanted to build a tower she would have to come and request a permit for that, which the County would most likely not approve. But, she could look at towers located right behind her property up on much higher grade that would certainly be impacted if planes came from that direction. She pointed out that planes do come from all directions. It was just not logical that the planes were going to descend and then try to climb back up when you look at the terrain behind it that is going to the airport. She felt that to over raise something that is already restricted through zoning does adversely impact the properties. It is something that you have to put on every plat from what she understands if there is a transfer in the future. This property has been in the family for over 100 years. The cattle are happily grazing at this time. If safety is an issue why is it that the citizens were allowed to have those towers? It just does not make a whole lot of sense.

Mr. Rieley asked what the elevation was of her property.

Ms. Yager stated that it was varies, but it is 521 and then it to 500 and then it rises up the back portion somewhat.

Mr. Rieley stated that it appeared that her property was located in excess of 1,500 feet away from the end of the runway. Based on the elevation she said and the bottom of the conical surface it looks like this would only be an issue for her if she wanted to build something taller than 300 feet. He questioned why she was concerned about it.

Ms. Yager stated that she did not want the overlay restriction on her property because it was overkill since the zoning already puts restrictions on it. They have about 60 direct flights every day going to Philadelphia and Charlotte. So they are not all coming my direction. From looking at that it seems that they were the only ones impacted and there were planes coming in other directions. They seem to be the ones picked on so to speak. She felt that the current zoning of the property is quite adequate to address any concerns at the airport other than her trees growing to some height that might be unacceptable. She stated that she did not understand this at all because it impacts the 118 parcels that were affected.

Mr. Rieley asked how it would impact them.

Ms. Yager stated that it impacts her because it designates my property as being in the Airport Impact Zone. If you are buying property it would have an effect.

Mr. Rieley stated that it would only impact her property if she built a 300 foot building.

Ms. Yager asked what an airport would denote to him. She felt that it meant instance noise. She spoke with David Benish and he was kind enough to give me some information to indicate that there would not be any noise restrictions or any protection like that. She pointed out that she was just staying that planes are noisy and certainly someone rightly or wrongly that is going to be interested in a nice pastoral setting that they certainly are not going to want to think planes necessarily, even though you have limited planes going in and out of that airport. As a landowner it certainly does nothing to appreciate my property. A few months ago they had the flood maps revisited and now they have this. It is just like one overlay to another overlay. In looking at the topography she could just not see that this area would be where it is that they need to extend this zone.

Sheila McClung stated that she was also a landowner. They purchased 35 acres and it is adjacent to their property. She urged the Commission to come visit her property and they could see the investment that they made to have a rural setting. They have cows and a creek. They are located on top of a hilltop where they built a house. When they bought the property three years ago there were not many planes going over. Recently planes have started coming in right over their homes. After asking about that they were told that it was only temporary because they were doing all of this construction on the airport. They were not notified that there was a recent master plan that would then affect this outward zoning just a few weeks ago. The first letter that they ever received was just one dated April 15. This is the only letter that they have received. They have not received all of the information that the Commission has received. The only person she was able to talk with was Jan when she called. That was all of the opportunity that she was afforded at that time with everybody's schedules. But, if she had of know that there was a proposed change in the master plan she would have probably come to that meeting also to understand because it would have affecter her area. What truly is happening is that a lot of planes are flying over their house very lot making a lot of noise. They purchased the property with a creek and cows because she grew up on a farm and just to enjoy the out of doors. The number of planes seems to be rapidly increasing. She questions what will happen twenty years from now. Once they give one easement, then more can come. She stated that she could not see how this would benefit her as a homeowner, particularly due to the noise level. She purchased the property because it was the rural areas and had an agricultural use. She encouraged the Commission to come to her home and see the impacts on her property. Since this is a beautiful agricultural area, she asked the Commission to reconsider approving this until they visit her property and think about what is actually happening here and what this would mean twenty years from now if they grant this.

Mr. Edgerton asked if there was anybody else who would like to address the Commission. There being none, he closed the public hearing to bring the matter back before the Commission for action. He stated that it would be helpful in order to be able to respond to some of the concerns being expressed if knew who determines this arc. It appears that any property that touches it that their entire property is hatched in. He asked Mr. Benish if he could respond to his questions.

Mr. Benish stated that the yellow arc is the boundary. Only a portion of the first speaker's property falls within that area. The northern two-thirds of the property fall outside of the Airport Impact Overlay District. The overlay district is again based on these approach requirements for those precision, non-precision and

visual approaches and perimeters that are required for meeting the safe approaches to that area. One thing to keep in mind is the basis for those limitations are not just normal landings and take offs. They are their procedures for emergency landings. The example that the consultant gave him to think about is on an approach to an airport if something is all of a sudden discovered on the runway, such as deer or a stray automobile based on something that has taken place, then emergency perversion procedures need to take place. You are talking about planes traveling at a high rate of speed and they will need a large protected area to make those moves. So the boundary for this airspace that is protected is not really based on just normal operations of airports. It is also covers those sorts of perimeters. That is why the circular zone is parallel to the runway. No one approaches a runway perpendicularly. But, if you have to do those basic maneuvers you need the same protected area. Those are based on perimeters based on standards set by the FAA. This extension is based on a presumed expansion to the runway. So it is an extension that the airport would desire to have because it protects the ultimate area that they feel would be the runway location. As an overlay district the application of it is more simply addressed by applying the overlay. There are certain areas that are zoned where practically speaking the perimeter of uses limit most of the activity that could be in conflict, but the overlay district as you can see on the map covers a lot of the development area and any in close proximity within the airport there may be certain sensitive issues to the intensity of the developments. It is sort of left to the application of the overlay district with the underlying zoning. That is why they don't have a spotty for the zoning district that just covers certain areas.

Ms. Higgins stated that it looked like the parcel owned by the second speaker was in the affected area in the 1994 plan.

Mr. Benish stated that he believed that it was partially in the area in 1994, but that more of the area was now in because of the extension of the runway.

Ms. Higgins stated that it would completely take the property in now. But, that there should have been a note on the plat if it was transferred some time since 1994 to say that it was in that overlay district. That is another whole issue, but the property should be aware of it if a property is purchased.

Mr. Benish stated that he could not speak to the specifics of that particular plat.

Mr. Kamptner stated that may not have identified the zoning of the property.

Ms. Higgins stated that it might have just been a transfer without a plat being done.

Mr. Edgerton stated that the plat might have been done prior to 1994.

Ms. Higgins stated that her understanding with the FAA is that even if there is an elevation difference and it appears as if the property may be by some virtue of being unique could be excluded they are pretty inflexible. Because they are the FAA they are one of the most difficult governmental agencies to deal with is why she thinks they have this perfect line which does not flux rate based on it. If there had been a mountain in that area there might have been some special provision that would have been taken and probably the airport could not be there at all. But, given that even if the property is far away beneath the conical shape it does not mean that they will change the line and exclude an area. But it potentially could be any individual property owner could pursue that. But, it would be a FAA mitigation measure on their part to amend that line. Because all they were doing was to make their master plan to be in compliance.

Mr. Benish stated that the Airport Overlay District refers to these maps and they define the Airport Import Overlay areas. So what this amendment is doing is referring to the new maps. Those new map changes are based on the proposed extension of the runway. The arc is designed based on FAA requirements for approaches to airports.

Ms. Higgins asked if they have a procedure for the excluding a particular property.

Mr. Benish stated that he honestly did not know.

Mr. Rieley stated that the Commission has already approved the adoption of the Airport Master Plan as a part of our Comprehensive Plan the extension of the runway because that was a component of that plan.

Mr. Benish stated that they have approved a plan that calls for in the long term that extension. When that extension takes place he would have to find out if additional approvals are necessary.

Mr. Rieley stated that they have adopted a plan that included that as a component.

Mr. Benish stated that was correct. Again, that is the twenty year plan for the expansion.

Mr. Craddock stated that it was right there in that sentence about the FAA requiring the airport to maintain a master plan to receive grants and aids. Therefore, the airport has to have this plan to get their money and that is why the circles are as they are.

Mr. Benish stated that is primarily the teeth of the federal regulations because they obviously have to comply with the land use regulations.

Mr. Rieley stated that while he was sympathetic with the concern that somebody could misinterpret what this really stipulates he does not find that this action is not going to create any more air traffic or any more planes. This action is not going to prohibit anybody from doing anything that they could do anyway unless it is for buildings in excess of 300 feet. It seems that this is a necessary overlay district and it goes hand in hand with action that they have already taken.

Mr. Benish stated for the record he did not want to belabor this, but some of you might have realized that the height of this is set by mean sea level elevation. So it affects particular properties are based on that topography of that particular property. Most of this area does fall in the 500 to 600 foot contour. As you approach Piney Mountain there are portions that actually go up to about 1,100 feet. But, he just wanted to make sure that they understood the fixed height for this is in the air and you measure down to each particular property to determine the height restrictions. Most of the properties because of the general elevation at 200 to 300 feet of area before you hit the area in the line of penetration, which is what they call it.

Ms. Higgins stated that it does not impose a fixed height limitation on a particular parcel, but it is an elevation space and up to that you run into the zoning limitation before you would hit the airport overlay district limitation.

Mr. Benish stated that was correct. The way the zoning department enforces this basically is with the assistance of the FAA and the airport to ensure that they are picking and judging the right height for that fixed area. It is easy in the horizontal plane to know what that height is. It is 789 feet, but as you reach the 20 to 1 conical angle that has to be calculated. This map does give you a real good sense based on this one cut of the type of area you have. But it does depend on the ground elevation.

Mr. Edgerton asked if these property owners were notified of the master plan process.

Mr. Benish stated that the airport process was dealt with by the Airport Authority. They did a number of public meetings out in the area. He pointed out that he had attended two of those meetings, but he did not know how they did property owner notification. He felt that there was some, but he did not know how extensive they were because the County was not involved in that.

Ms. Higgins stated that this was another somewhat indirect impact to the rural areas that they had a master plan to continue increasing service to the community. As the community grows, the need for the air transport is growing too with additional runways and traffic. This is not part of this action, but it is an implied indirect impact on rural areas, which having residential in rural areas is the reason. If it was just cows, they would not be affected. But as soon as the house is there, then there are impacts. They just never talked about this that much when they were looking at the rural areas.

Mr. Thomas stated that he would bet that where he lives would be in that zone also.

Mr. Benish stated that the area was very large. It includes all of the Hollymead development area and Forest Lakes.

Mr. Craddock stated that it even includes Berkeley.

Mr. Rieley pointed out that those areas were not in this conical surface area, which was what these property owners were disturbed about.

Ms. Higgins stated that these properties were in the main approach surface.

Mr. Benish stated that just to clarify that the more inclement weather approach was from the south.

Action on Zoning Text Amendment:

Mr. Rieley moved for approval of ZTA-2005-002, Airport Impact Area Overlay District (AIA).

Mr. Thomas seconded the motion.

The motion carried by a vote of (6:0). (Joseph – Absent)

Mr. Edgerton stated that ZTA-2005-002, Airport Impact Area Overlay District (AIA), would go to the Board of Supervisors on June 8 with a recommendation for approval.

Action on Rezoning:

Mr. Morris moved for approval of ZMA-2005-004, Airport Impact Area Overlay District (AIA).

Mr. Craddock seconded the motion.

The motion carried by a vote of (6:0). (Joseph – Absent)

Mr. Edgerton stated that ZMA-2005-004, Airport Impact Area Overlay District (AIA), would go to the Board of Supervisors on June 8 with a recommendation for approval.

Old Business:

Mr. Edgerton asked if there was any old business.

Mr. Morris pointed out that he had finished serving Mr. Rieley's term on CHART. He pointed out that the Planning Commission has to appoint someone to CHART.

Mr. Rieley made a motion that Mr. Morris continue to serve as the Planning Commission's representative on CHART.

Mr. Craddock seconded the motion.

The motion carried by a vote of (6:0). (Joseph – Absent)

Regarding 29 Places, Mr. Edgerton stated that one thing that they did not discuss earlier was his suggestion that there be a representation from each of the districts.

Ms. Higgins stated that she could not commit to serving on this committee due to time restraints. She stated that since it was only advisory and nebulous that possibly there could be a representative taken from each focus group.

Mr. Benish stated that the intention of the committee, if they could remember the Rural Areas Focus Group, was really to help staff as they think through it if they remembered everything before they bring

something to the Commission and the public process. It was really just to try to help staff to keep on track.

Mr. Rieley stated that everybody that represents a district that is affected should participate if they want to.

Mr. Edgerton stated that neither of the two people who volunteered from last week to serve on this advisory committee will be available on May 12, as Mr. Morris pointed out. Therefore, that is out. From what he heard discussed this evening about what was going to happen on May 12, they really did not need to be there since both of those Commissioners know a lot about planning. But, if they could get a little more clarification about this it would be helpful. Once the Board addresses the issue tomorrow about whether it will be a slate with some consensus coming from the Planning Commission or some consensus coming from the Board, then they can move forward. That will put their decision off until next week.

Regarding 29 Places, the Planning Commission asked staff to put the discussion of the advisory group selection first on the agenda.

Mr. Benish stated that the focus group was where they were getting the citizen input. Staff could report back to the Commission what they have found out from the focus group. Then the Commission could point out if there were some comments that probably should have come up that they were not seeing here. Then staff could look into those concerns.

Mr. Edgerton stated that if the Commissioners received a call from a citizen about their concerns that they could feed that information back.

Ms. Higgins suggested having about a 15 minute standing agenda item so that the Commission could always be updated on what is going on. She pointed out that she wanted to be able to float in as a citizen to whatever meeting that her agenda would allow. She suggested that the Commissioners possibly attend randomly and provide updates to each other.

Mr. Benish stated that the people are really asking the Commission to give us sounding board people, but they could do that on their own. Then, they could go and talk to whoever they think is useful.

Mr. Thomas stated that he did not think the Planning Commission had the time to do it as a board.

Mr. Benish stated that the Commission could do it as a sub-committee if they wanted to.

Mr. Rieley stated that his understanding of this committee is much different now than it was yesterday at this time. With the really limited role primarily to make sure that everybody or a broad enough group of people are getting invited and also to be a sounding board that he thought that the Commission could do that.

Mr. Benish stated that he did not want to under emphasis the importance of this, but it was not a policy driven process here. It was really a gut checking sort of thing to help staff with the process. They did not have it in the Crozet Master Plan process and it was really not the template that they have set up for public input. He pointed out that they have tried to avoid a steering committee. They fear if they are forcing appointments by the Board of Supervisors that it was going to be really difficult to keep them from being the committee.

Mr. Edgerton suggested that staff make this suggestion known tomorrow.

Mr. Benish stated that the reason that staff did not throw this option out was because what was more important to staff was to hear what their concerns were about what the expectations are. They can come back to that for the Commission.

Mr. Edgerton stated that this project was going to affect and impact the entire County. He stated that he would welcome updates on this from staff as a regular agenda item. Then the Commission could feed

back information as they need to. He felt that everyone needs to participate as much as they can. He stated that he had said yes previously, but felt that he might have to withdraw.

Mr. Rieley stated that he thought that everyone thought that it was more of a steering committee when they were talking about it last week. He felt that it was much more limited in that they were not trying to direct anything. They would be trying to make sure that all voices were heard. Also, they would be trying to be a sounding board. He felt that the Commission could do that.

Ms. Higgins expressed extreme concerns about the Transportation Steering Committee since she felt that there was an imbalance.

Mr. Benish stated that it was not a policy setting steering committee. He pointed out that he would talk with Mr. Rue to express the Commission's concern.

Ms. Higgins stated that it was a very important aspect of this project.

Mr. Benish stated that he would go over the components of the steering committee with the Commission at another meeting. He stated that he would go back with Ms. Catlin to consider if they feel that the majority, but not unanimously, that is a reasonable option, then they will consider whether they will lay that out as an option to the Board of Supervisors. He pointed out that he would say that they had sort of an informal discussion and that it seems like a viable option that they could bring back to the Commission.

The Planning Commission unanimously asked Mr. Benish to present the option of an informal discussion as they had just previously discussed.

There being no further old business, the meeting proceeded.

New Business:

Mr. Edgerton asked if there was any new business. There being no new business, the meeting proceeded.

Adjournment:

With no further items, the meeting adjourned at 9:20 p.m. to the May 10, 2005 meeting.

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V. Wayne Cilimberg, Secretary

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