Albemarle County Planning Commission
October 4, 2005

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, October 4, 2005 at 6:00 p.m., at the County Office Building, Room 241, Second Floor, 401 McIntire Road, Charlottesville, Virginia. Members attending were Bill Edgerton, Chairman; William Rieley, Rodney Thomas, Calvin Morris and Marcia Joseph, Vice-Chair. Absent was David J. Neuman, FAIA, Architect for University of Virginia, Jo Higgins and Pete Craddock.

Other officials present were David Benish, Chief of Planning; Bill Fritz, Development Review Manager; Rebecca Ragsdale, Senior Planner; Stephen Waller, Senior Planner and Greg Kamptner, Deputy 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.

Consent Agenda:

SDP 2005-026 Glenwood Station - Flagpole Setback Modification Request - (Tax Map 061Y, Parcel B, formerly Tax Map 061, Parcel 129F) (Francis MacCall)

SUB 2005-241 Stonewater Preliminary – Critical Slopes Waiver Request – (Tax Map 061, Parcels 184 & 185) (Stephen Waller)

Mr. Edgerton asked if any Commissioner would like to pull an item off of the consent agenda for discussion or if there was a motion.

Motion: Ms. Joseph moved, Mr. Thomas seconded, that the consent agenda be approved.

The motion that the consent agenda be approved passed by a vote of 5:0. (Commissioners Higgins and Craddock were absent.)

Public Hearing Items:

SP 2004-004 Lewis & Clark Exploratory Center (Signs #89,92,94) - Request for a special use permit to allow establishment of the Lewis and Clark Exploratory Center of Virginia, in accordance with Zoning Ordinance Sections 10.2.2.49 and 13.2.2.13, which allow for a historical center, and modifications to Section 5.1.42. In addition to a 15,000 square foot building, trails, constructed exhibits, special events and festivals are requested. The park property, described as Tax Map 62 Parcel 23, contains a total of 101.47 acres, and is zoned RA, Rural Areas, R-1, Residential, EC, Entrance Corridor, and Flood Hazard Overlay. The proposed site is located on approximately 18 acres at the northern end of Darden Towe Park, on the west side of Stony Point Road (Route 20 North), approximately one-half mile north of the intersection with Richmond Road (Route 250 East), in the Rivanna Magisterial District. The Comprehensive Plan, Land Use Plan designates this area as Parks and Greenways, and Neighborhood Density Residential (3 - 6 d.u. per acre) in Neighborhood Three. (Rebecca Ragsdale)

Ms. Ragsdale summarized the staff report as follows:

- This is a special use permit for a historical center that was submitted by The Lewis & Clark Exploratory Center of Virginia, a non-profit organization. They would like to establish a historical center within Darden Towe Park devoted to Meriwether Lewis and William Clark's expedition. The planned historical center would consist of a 15,000 square foot structure, including an amphitheater, outdoor interpretive trails, a timber fort, lookout tower, and 75 parking spaces.

- The staff packet includes the detailed application plan for this project that was reviewed in black and white and also two color schematics. The schematic referred to as the site plan has been reviewed. The other schematic is a site plan that shows different access to the site, which was not fully reviewed.
- The site is an 18-acre leased area within Darden Towe Park. It is between Stoney Point Road near Dorrier Drive and the Rivanna River.
- The area devoted to the historical center is approximately 18 acres at the northern end of the 101-acre Darden Towe Park property. The site is bounded by Stony Point Road (Route 20), Dorrier Drive, and the Rivanna River, with Trevillians Creek traversing the site. The City of Charlottesville and County of Albemarle approved a lease agreement with the Lewis & Clark Exploratory Center for this portion of the park in July, 2003. Trevillians Creek separates the more developed portion of the site, which includes the building and the parking spaces, which would total 75. The site is currently a natural area within the park that does not have any program or recreational uses. It does include some sensitive areas such floodplains, required stream buffers and some steep slopes. There is a site within the park that is owned by the City and County, who approved the lease agreement for this area in July, 2003.
- This request for a special use permit was originally submitted in 2004. It came in as a community center with another special use permit that was later not needed after revisions to the application plan for floodplain disturbance. At that time after some review by the Planning Commission it was determined that the use that they were proposing did not quite fit with what a community center was. So there was a zoning text amendment passed by the Board of Supervisors in June, 2005 to allow this category use for a historical center. Along with that were some supplemental regulations to allow historical centers in the RA and residential zoning district.
- The applicant then submitted a revised special use permit proposal under that use, which is currently before the Commission.
- Since the original submittal in 2004, the applicant has scaled back the building and the parking and the number of trails that they had included with their original proposal.
- The request that staff reviewed included a new entrance onto Route 20 to meet VDOT's requirements, which would include right and left turn lanes. Access through the park during the course of review and comments provided by the Planning Commission at a work session on the application in April, 2004 recommended that access through the park be explored, but at the time Parks and the lease agreement were not conducive to that. But, that has recently changed. That was what prompted these schematic plans showing where that access might go. But, once again it has not been reviewed.
- The property is within the development area and is designated Parks and Greenways south of Trevillians Creek and north of it Neighborhood Density. The park is along Route 20 and designated Entrance Corridor.
- One of the outstanding issues with the historical center regarding transportation plans would be that this could limit opportunities for a location of the eastern connector in this area, but that is transportation improvements that are yet to be studied and there are no known alignments at this point.
- The special use permit was found to be consistent with the historical center regulations and definition in that it is located adjacent to historical resources and will be interpreting persons significant in history.
- Two modifications to those regulations were requested by the applicant to allow a larger structure. The supplementary regulations permits one up to 1,500 square feet. This modification is to allow one a little over 14,000 square feet in size. Also, to allow those accessory uses within that structure to exceed ten percent of the square footage. The square footage proposed in the modification is consistent with some of the other historical uses in the area, such as Montpelier and Ash lawn as far as the area devote to retail uses.
- Along with the supplemental regulations, the applicant has requested approval for special events up to 12 per year and 4 festivals per year. Approval of festivals and special events is something that must be requested specifically and granted during the special use permit process for historical centers.
- The recommendation from staff at this time is not for approval of the application, which included the entrance onto Route 20. Staff thinks that access through the park is a better option and

should be explored and reviewed. The conditions listed in the staff report were based on the plan which had the entrance on Route 20.

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.

Mr. Fran Lawrence stated that since he was here last he had been made President. Others present included Warren Byrd and Sophie Johnson, both of Nelson Byrd Woltz Landscape Architect Firm, who has been working on the plan. Staff has been amazingly supportive during this process. The meeting with Parks with Pat Mullaney and others occurred on September 23, which had been scheduled a week later due to family illness. It was not until the 23rd of September that they were able to have this break through with the new road. They got some preliminary things out immediately, but it certainly was not staff's fault on that. It developed very quickly. They wanted to come here tonight in hopes that they could move things forward. He reviewed the history of their proposal. In July, 2003 they signed a 40 year lease with the City and the County for Darden Towe Park, which he had sent all of the Commissioners copies of those. It provides for cross parking with the park. They promise to give land back to anybody that wants it for a road. The only line that was drawn through their property on one of the earlier plans would have connected to Dorrier Drive and would have been north of Trevillians Creek. It seems that would be the most likely place for an eastern connector. This plan provides for cross country trails and the existing walking trails to be continued to be used by the public. He felt that there was some confusion in the staff report. The trail that was along the river that is shown with the Rivanna Trail logo is in existence. They have reserved that easement to the County and/or Rivanna Trail, which is an existing trail. Therefore, they are not making any changes to that. It just stays in existence. They received about $200,000 from a Federal HUD grant and just got a $24,000 National Park Service grant to do signage on the existing trails, which would give them an opportunity to talk about Monticello, the Southwest Mountains, George Rogers Clark, Trevillians Creek, etc. In the meantime Darden Towe Park has given them rent free their barn. They have cleaned it up and added a little addition to it. In that barn they built a keel boat. For the last two years from April to October they have been opened on Saturday with various groups of children. They actually have a program up and running even before they have a place to have it. They appreciate the sensitive response that staff has given to them. He acknowledged that there were a number of issues raised by the Commission and they have really tried to meet those. They have addressed the concern regarding protecting the view from the river. He asked that the architects address the Commission. It would be their hope that the Commission would be able to approve their permit contingent on this new Darden Towe Park entrance. He pointed out that part of that roadway would be in the floodplain, which would require a new special use permit. They believe that the Planning Commission had complete control over making sure that they build the appropriate road. They would not have any anticipation, if they were to approve the special use permit contingent on this new road proposal passing mustard. They would understand that if it did not pass mustard that they could not develop. They would not be misleading them on that count if it turned out that they could not build the right kind of road there, and then they understand that they could not build the center under that plan. He asked that all former Board members and spouses stand in recognition of their support.

Warren Byrd, principal of Warren Byrd Woltz Architects, stated that Mr. Lawrence has covered the basis pretty well in terms of presenting the project. Therefore, he was here to answer the Commission's questions. He reiterated that they have worked hard to scale almost every aspect of this project down. For example, they originally proposed three trails to the northeast of the center. Now it has been cut down to two trails, both of which are already in place. The upper trail would be improved or widened since it is a very narrow path right now. But, it can only be widened to 4 ½ feet. In every case they have moved back from the floodplain where they could. They had just begun to draw out and address the new road. Obviously, they are very excited about that prospect. They have looked at it a little bit from the grading point of view, but that will take more study to work that out. On the plan they kept essentially the parking and the arrival point the same as from the original site plan on the left. They obviously want to study that a little more closely if they are given more time. One of the great advantages of the scheme on the right, except arriving along the river, is the fact that the road does not come off of Route 20. They would not be negotiating any steep or critical slopes, which they have to do right now coming off of Route 20 with the entry road. The only area they would have to deal with critical slopes in the modified plan is in some location in the cross country trail. Of course, he wanted to repeat that the intent of the overall

project is to design responsibly and sustain ably with the both the architecture and the landscape architecture details to come. If there are any questions, he would be happy to answer them.

Mr. Edgerton stated that he was looking at the upper trail that goes up to the fort and tower and wondered what would happen to that when the center was closed. He asked how they would keep children from climbing up into the tower or into the fort.

Mr. Byrd stated that he had not addressed that.

Mr. Edgerton stated that it was going to be a pretty inviting experience when nobody was there.

Mr. Byrd stated that they had talked about some security.

Mr. Rieley requested to ask Mr. Lawrence a question. When they looked at this before they stated that the center would pay for itself and would not require being an ongoing budget item for the County and the State. He asked if that was correct.

Mr. Lawrence stated that was correct. When they look at other places it tells them that they need an endowment. They won't make it through charging for groups for educational activities and admission fees. They will have to have an endowment. Of course, the City and County are funding it now because they pay $10.00 a year in lease. Certainly there is that support from the government. They will also from time to time receive State and Federal grants, as well as private grants. But, there is no expectation that either the County or the City would do more than this bargain lease.

Mr. Rieley asked what level of endowment would be needed.

Mr. Lawrence stated that he did not have the answer to that. They have looked at their staffing and think they will need about $60,000 a year, which is supported by information from Ash lawn and Montpelier. For some reason they lose 450,000 visitors after you get past Monticello. The discovery museum actually seems to have staffing that will be more modest than either of those places. The discovery museum has $42,000 per year, but he does not have a precise figure on that. He felt that their staffing would be flexible. To some extent they are open part time on Saturday with one part time Deputy Director. Their other plan actually had a chain link fence around Dorrier Drive or some type of link fence from Dorrier Drive. But, they would rather not do that. Both the tower and fort would have doors that close and someone would have to scale the wall to get to them.

Mr. Benish pointed out that Pat Mullaney, Director of Parks and Recreation, was present if there were any questions.

Mr. Rieley stated that staff had said that the justification of this use fitting into the category of the historic center, which was something that the Commission talked about a lot when they were crafting this revision, is justified because of the river and the fact that the George Rogers' Clark birthplace is nearby. He wondered if she could expand on that a little bit because he was unaware that the river or the birthplace played a part in the Lewis and Clark expedition.

Ms Ragsdale stated that staff also looked at other aspects of the definition relating to the people that would be interpreting meeting some of the criteria and also the use of the river and other features of the site in interpreting Lewis and Clark.

Mr. Rieley asked if she could tell him what the connection is between Lewis and Clark and the tower.

Ms. Ragsdale stated that the applicant has responded to that a few times as far as the lookout tower setting the context for the site and being able to capture some of the views.

Mr. Benish stated that if they determine if this is an appropriate location based on the historic center criteria, then that is a feature that they have used to articulate the story of George Rogers Clark.

Ms. Ragsdale stated that it was used as an accessory.

Mr. Benish stated that if they believe that is appropriate for the setting of the site, as is trails or any other aspect of the interpretation, staff sees that more as a site determination of whether that is appropriate or not. The way that staff sees the operation of the ordinance is that the Commission needs to determine whether there is a relationship of the interpretation in general and does this support the interpretation of Lewis and Clark given the historic features that are adjacent to the site.

Mr. Rieley stated that it goes to a somewhat more fundamental issue, which is does it meet the criteria as set forth in the ordinance in the definition of an historic center. He felt that is an issue that is pretty fundamental and in his mind has not been resolved yet.

Mr. Morris asked if Pat Mullaney could come up and discuss the alternative route through Darden Towe Park.

Mr. Rieley stated that he had a specific question for Ms. Ragsdale because it was in reference to a response that she had given by email and he wanted to explore that. In all due respects, they have heard Mr. Lawrence's perspective on that in the past.

Mr. Edgerton asked if there were members of the public present who would like to address this application.

Clara Bell Wheeler stated that she was a member of the Board for the Exploratory Center and a member since its inception. Also, she was a steward for the family who owns the George Rogers Clark cabin. Therefore, she would like to specifically address the question that Mr. Rieley just had. As they all know the Lewis and Clark exploratory expedition was a river project. Jefferson interpreted that that there was a waterway all the way to the Pacific until he got to the mountains. Thus in trying to look over the mountain might be a reason for having the tower so that you can elevate people so that they can see the Blue Ridge and have a better vista. That is just an attraction that could be changed. The location along the river she thinks is paramount and is something that this exploratory center group looked at in length. They looked at many different sites before they determined that being on the river certainly within the view shed of Monticello was the best location because it was Jefferson's concept, and was an ideal place. It blended the County and City by using park facilities. George Rogers Clark was the choice to be sent to explore the Northwest Territory, which really explored everything to the Mississippi and to Canada. It was a huge parcel of land. He was actually asked by Jefferson to go with Meriwether Lewis to the Pacific, but he felt that he was too old and had other responsibilities. Therefore, they would like to join these two entities.

Mr. Edgerton asked if there any other members of the public that would like to address this application. There being none, he closed the public hearing to bring the matter back before the Commission for discussion and a possible action.

Mr. Morris felt that the most critical aspect of this entire thing is the access road. He asked Mr. Mullaney where they were currently in making the access to this site through Darden Towe Park and how he envisioned it.

Pat Mullaney, Director of Parks and Recreation, stated that they met with Mr. Lawrence about a week ago about this site and he wanted to suggest two possible accesses. One was coming in off of Elk's Drive after you turn off of Route 20 through the park, which was the access that they were intending to look at when they went out there. But, he knew that was going to impact their cross country trails. Therefore, they looked at that site. While they were out there they looked at the road going around the back of the park that goes by the boat launch area and is really a road to the Little League field that is on the lower level and soccer fields. They think that there is a way to get around those fields without causing any impacts to the fields. That is an area that they are really concerned. Then it goes up the hill by the cross country trail to service the site. He pointed out that he was the main one that was dead set against an access through Darden Towe Park because at the time the only access they were talking about was one right through the main parking lot and blasting right through the beautiful shelter and through a big flat usable piece of the park. They did not want to do that. He was concerned with the other entrance off of Elk's Drive that they looked at because of other impacts on future uses of the park. This road seems to

work better. There is another reason why he likes this road at this time. He pointed out that he wanted to be careful about what he says here, but he was not sure how popular this center was going to be. He pointed out that he was in the position of having to protect the park and he has to look at the worse case scenario that what if this thing does not become popular at all. He questioned what they could back away from easily and what can they convert to a park use. He was very interested in the urban development stages and the phasing to go slow and that anything that is built is something that they can make a park use of if it does not materialize or if it gets to the point that nothing really happens. A gravel road can go away, but a main entrance off of Route 20 can't. If this thing is as popular as it has been suggested that it might be one day with 40,000 or 50,000 visitors a year, then you may want to leave the option open at some point in the future that there would be an entrance off of Route 20. But, he could not see putting in an entrance off of Route 20 now until it is proven that there is a need to do that because that is something that they cannot back away from. That is all part of the reasoning. This road still needs to be looked at to see if it can actually go around there and if the type of road is adequate. If the center is going to start off with continuing the boat building activity and some of the wonderful educational things they have been doing and building a trail system and eases into this thing, then that road will suffice for them.

Mr. Morris asked if engineering has looked at this road.

Mr. Mullaney stated that to his knowledge no one has looked at the road. The Darden Towe Park Committee has not been involved in this, but Mike Vess, the City Parks and Recreation Direction and he have talked about it. The reason that the Darden Towe Park Committee was against the road through the park originally was because City staff recommended very strongly against it.

Mr. Edgerton asked if the gravel road would support the use.

Mr. Mullaney stated that he was not sure, but that was what they had talked about. He suggested that it had to be looked at.

Mr. Edgerton noted that he could not see a gravel road supporting buses and 40,000 to 50,000 people coming and going.

Mr. Benish stated that under the current standards that would not fit that classification. He was not sure if there were other hard surface treatments that are gravel in character that could suffice. Staff has not had that type of detailed analysis yet.

Ms. Joseph pointed out that the County does not have a lot of parks in the urban area. Therefore, for something like this to go in and then not be successful was an issue that she appreciated Mr. Mullaney bringing up. She asked what the County and City would do with it.

Mr. Edgerton asked what the Commissioner's pleasure is.

Ms. Joseph agreed with Mr. Rieley that the Commission has talked about this so much and she thought that they had crafted the definition to be so clear that this would have to be an historic site like Pine Knott or something like that. The idea was to provide another way to help preserve areas in the rural area and buildings within the rural area that would allow the people who owned these places to be able to make some money to keep them maintained. She was a little worried with something like this that they relate to the Rivanna River and somebody's brother's birthplace, and these are adjacent properties and are not even the property itself, that they are opening the doors in the rural areas for something that she really did not think she wanted to see. She did not want to see a lookout tower or a western fort in different places in the rural area, but felt that they needed to decide whether this should be an historic center in Albemarle County. Therefore, she could not support this.

Mr. Morris stated that he could support this with the provision that they have the new entrance way. He agreed that the tower and the fort may not be the right thing. But, that area is so beautiful with the trails and so on that it has magnificent possibilities if it turns into an educational area, which he reads is exactly what is going to happen. Also, he asked that it not come off of Route 20 because it was too dangerous at this time.

Mr. Edgerton asked if he supported the approval of the request prior to the road receiving engineering review.

Mr. Morris stated that it would have to be contingent upon an acceptable access road through Darden Towe Park.

Mr. Thomas agreed with Mr. Morris because he felt that it was a significant part of the history in the area. He questioned the historical aspect because George Rogers Clark was his brother. But, he felt that it was a very significant part of Thomas Jefferson's plan to visit the great Northwest. He felt that this area should embrace the Lewis and Clark expedition just like the people in the other areas. He noted that this area was where the expedition actually started. He supported the request to the point of the road obtaining engineering approval before they move it on.

Mr. Rieley stated that he appreciates the good intentions behind this project in understanding their history and appreciating their environment in trying to build a place that responds to those things. As Mr. Lawrence pointed out, he has been critical about specific details as they have seen earlier iterations. He appreciated the adjustments that have been made and that it is a lot better than it was. He felt that there are a number of outstanding issues that have to be addressed.

- One is the access road, which everybody else has mentioned. In his recollection for a special use permit that is such a critical element, which has not even had been looked at by engineering. There is not a single instance that he could recall in his 7 ½ years on the Commission that they have approved something on faith that such a critical element would be worked out. So clearly that is something that has to be resolved.
- Another issue is alluded to in the staff report that was the Eastern Connector and the impact of this project on it. People are working hard to move ahead on studies for the Easter Connector. There are not very many viable routes. This is one of them. He felt that putting up something with all the assurances in the world, and he accepts those assurances as absolutely sincere, but they really won't have any effect in terms of actual impact on this if something gets built, particularly with a lot of federal money on this corridor.
- Mr. Mullaney alluded to the third issue, which is what the long term prospect for a project of this magnitude would be. He tried to think of other sites that are trying to portray a historic theme on a site that is not historic. Unless you count a homerun in the ninth inning to win a game that nothing really historic has happened on this property. The two that came to mind are the Museum of Frontier Culture over in Staunton where they have brought in buildings from Ireland and various locations. It was not a historic site, but they put in a place where they thought they could draw a lot of tourists much like this project. The other is the Explorer Project in Roanoke. It is remarkable the degree to which those two projects started with the same kind of aspirations that this project did. He felt that it was important for all of us to be honest both with ourselves and with everybody else about what the possibilities are. He read the beginning of the Explorer Project, "The River Foundation Explorer Parks 501 C3 Foundation was created by area and state leaders wanting to develop an attraction that would serve as an outdoor classroom for children and adults to learn about western Virginia's unique natural and cultural heritage, help preserve the environment and serve as an important part of economic development initiatives." It sounds enormously parallel to this one. That was in 1985 when they started the project. In 1994 The River Foundation has to partnership with the Virginia Recreational Facilities because they could not make ends meet. Since that time an enormous amount of tax money has gone into keeping that place's head above water. It is amazing how similar it is. But, this is just from this year. It cost roughly $900,000 a year to run the park. Roanoke County has filled the funding breach. In 2001, the County Supervisors voted to give Explorer 3.1 million over 5 years not counting a $250,000 loan and lots of free services. County employees write the Park's checks, handle its payroll, keep its books, maintain its vehicles and help with maintenance, landscaping, promotion and planning. The Explorer needs to raise nearly $158,000 by June to meet this year's operating budget. They are in constant crisis. He pointed out that real historic sites, like Monticello, are experiencing a decline every year. Those who portray history that did not happen on their sites have a tougher time of it. The Museum of Frontier Culture in Staunton receives 2 million dollars every year in tax dollars. They received an additional 1 million dollars this year for capital projects. He stated that the County has to take a real hard discipline view of what the prospects

are for this project and what happens, as Mr. Mullaney said, if these very optimistic projections don't work out. That is a part of every good business plan.

- The fourth concern is does this fit the criteria. Is the fact that this is on a river enough to make this a historic center? If it is, then there are an awful lot of rivers around that qualify. This is not the right zoning. The County has a zoning category that museums fit in, and this is not it. He felt that what they were doing here was trying to find a category that makes this work. It is spot rezoning without calling it spot rezoning. He felt that they need to be honest about what this really is. He felt that it is an outdoor museum and an interpretative center, but not a historic center because it is not on a historic property. He noted that he was pointing out the concerns because there is a solution.
- The fifth concern is very critical since he did not think they should be giving a special use permit for something of this nature. It may be that the master plan could be included as a long range vision, but this project should be phased and the phasing should be a part of the special use permit. The Commission should be giving a special use permit for phase one and nothing else. He stated that he could not support this request at this time because of those five concerns. He felt that with a sufficient amount of work in resolving some of these issues that he could support it with dealing with all of these things first.

Mr. Edgerton felt that staff's application of the historic center that the Commission spent so much time trying to define was very generous. He stated that he was ready to support the request until the idea of the road coming through the Park with shared access to the park came up. Also, the potential of failure might not be an issue that can be addressed at this level. He felt that Mr. Mullaney's assessment that if it did fail whatever is approved should be sympathetic with the park and should be able to be converted into some park use. If it failed, he would not as a taxpayer be comfortable with the County stepping in and carrying the financial burden as has occurred in the examples that Mr. Rieley gave them. He felt that would be wrong. But, again he did not think that was in their preview as Planning Commissioners. He would hope that the use of the facility could be converted into some use that could support the park's future use. Personally, he would be willing to reconsider what they are looking at with the engineering and some assurance that it can be done. But, he cannot support the request as is because he did not think they have enough information. He thought that they could put a lot of conditions on it, but in reality he would like to be reassured that they can get that road through there in a way that will not impact the park in a negative way any more than the proposed reuse of some of this unused land. He was not comfortable supporting the request until they have more information and more assurance from engineering that they can in fact access it. He noted that he was totally in opposition to an access off of Route 20 because it was just asking for problems.

Mr. Thomas asked to see the engineering on the road before they passed the request on to the Board. He questioned whether they were putting something in the wrong place because of the proposed Eastern Connector. But, on the other hand it has taken 38 years to not have the Meadow Creek Parkway built. He supported the request with the engineering provided for the entrance road.

Mr. Edgerton stated that it was nobody's fault that this meeting did not take place until 2 weeks ago. But, at the same time staff has said that they have not had time to really look at this drawing.

Mr. Thomas suggested that the phasing be worked into it also.

Mr. Rieley asked Mr. Mullaney if he had something to add to this.

Mr. Mullaney stated that if the County approves the special use permit it does not mean that they can go out there and build anything they want when they want. The lease with the City and the County make it very clear that before anything is put on the site that it comes back to the City and County for full review before they go forward with it. Therefore, they could get at the phasing in that fashion.

Mr. Edgerton pointed out that it was going to take some time to raise the money, which would in itself was going to force a certain phasing of the project.

Mr. Morris stated that he honestly feels in relation to Mr. Rieley's point that once you have federal money involved in here no matter how wonderful and honest and true the intentions of the organization is that it

is going to complicate the use in that area tremendously. But, that is a fact of the matter and not their fault.

Mr. Benish stated that there is no defined plan that showed a specific alignment on this site because it is only in the planning stage.

Mr. Morris asked how long it would take for the engineering staff to review the road and bring their comments back to the Commission.

Mr. Benish stated that he was not sure, but staff normally tries to give reviewing agencies at least 2 weeks to look at a plan and get their comments back. It then takes staff another 2 weeks to review the comments and get a report back to the Commission. Therefore, it will be about a month turnaround after the applicant submits the information.

Mr. Morris asked the applicant if he would be willing to request a deferral.

Mr. Lawrence stated that they preferred approval tonight, but that they would provide the information within a two week time frame. He asked for a deferral on the request.

Mr. Benish pointed out that the earliest available date would be the November 22 Commission meeting.

Motion: Mr. Morris moved, Mr. Thomas seconded, to accept the applicant's request for deferral of SP-2004-004 Lewis & Clark Exploratory Center to November 22. This would allow time for the information for the road access to be submitted and reviewed by engineering prior to further Planning Commission review.

Mr. Rieley stated that he would vote in favor of the deferral because he felt that all of the issues could be worked out. But, he wanted to make it clear that as it stands that it does not meet the definition of historical center in the ordinance.

The motion passed by a vote of 5:0. (Commissioners Higgins and Craddock were absent.)

In summary, the following issues were identified by the Commission in their discussion:

- The alternate access road, which is a critical element of the special use permit, should be reviewed by engineering. This is an issue that should be resolved before the special use permit can be approved.
- The impact of this project on the proposed Eastern Connector.
- The long term viability of the historical center and implications to the county if the center does not succeed financially.
- Some commissioners felt this use does not adequately meet the criteria for a historical center and asked for more information on how it does meet the criteria. There was concern that this historical center did not have a connection to its interpretative themes on-site and that would be precedent setting and jeopardize the Rural Areas in some way. The following questions summarizes the issues those commissioner's concerns:
  Does this use meet the criteria for a historical center? Is the fact that it is located on the river enough to make it a historical center? If so, there are a lot of rivers around that comply. Also, the property did not abut George Rogers Clark's birthplace. Is this the correct zoning for the proposed use? What category would make this work? Some Commissioners thought that this will be a spot zoning and that it is really an outdoor museum or interpretative center and not on a historic property. (Greg's suggestion)
- Phasing of this project should be considered.

Mr. Edgerton stated that SP-2004-004, Lewis & Clark Exploratory Center, was deferred to the November 22 Planning Commission meeting.

Mr. Benish asked for clarification on how staff could address Mr. Rieley's five issues. He pointed out that the applicant could request a rezoning and the special use permit would address that provision.

The Planning Commission noted that staff could provide articulation of their interpretation.

SP 2005-019 Buck's Elbow Mountain - Ntelos (WBP701) (Signs #35,36) - Request for approval of special use permit allowing the attachment of a 6-foot long, 11.7-inch wide antenna supporting portable wireless broadband services on an existing structure. The antenna will be attached with an extension rod extending nine (9) feet above the structure, which will result in a total top height of approximately 42-feet above ground level and 3153 above mean sea level (AMSL). This request is being made in accordance with Section [10.2.2.48] of the Zoning Ordinance, which allows for Tier III personal wireless service facilities in the Rural Areas zoning district. The property, described as Tax Map 39 - Parcel 1E, contains 0.22 acres, zoned Rural Areas (RA). This site is located in the White Hall Magisterial District, on Buck's Elbow Mountain, approximately 3-1/2 miles northeast of the intersection with Jarman's Gap Road [State Route #611]. The Comprehensive Plan designates this site as Rural Area 3. (Stephen Waller)

Mr. Waller summarized the staff report.

- The applicant, Ntelos, has submitted an application for a special use permit that would allow the co-location of a 6-foot long, 11.7-inch wide antenna and a 14.5-inch diameter microwave dish supporting the provision of portable wireless broadband services on an existing structure.
- This site is located near the top of Buck's Elbow Mountain on a small parcel that is owned by the American Tower Corporation. That site also currently holds equipment supporting the personal wireless service facility coverage objectives of Nextel Communications.
- The existing structure is one of four 15-foot tall towers located on the rooftop of a 12-foot tall building. With the co-location of this antenna, the structure would have a top height of 42-feet above ground and 3157-feet above mean sea level. The associated micro-wave dish is proposed at approximately 4-feet above the roofline of the existing building. Because this proposed antenna would not be flush mounted and because a micro-wave dish is also being proposed, the application before the Commission tonight represents a Tier III personal wireless service facility; and, therefore requires a special use permit.
- However, unlike the two taller towers that are located near the peak of Buck's Elbow Mountain, staff has recognized that this building and its rooftop towers could not be easily identified from surrounding properties or roadways with the naked eye. Therefore, staff has reviewed this request for compliance with the conditions for the issuance of special use permits for personal wireless service facilities and with the Comprehensive Plan's recommendations for limiting the impacts of these facilities.
- Staff recommends approval with the condition provided in the staff report.

There being no questions for staff, Mr. Edgerton opened the public hearing and invited the applicant to address the Commission.

Emily Walker stated that she was present on behalf of Ntelos Network, Inc. to request a special use permit. This request is being made in order to install the one antenna and one micro-wave dish on an existing self-support tower that already exists on top of a rooftop of a telecommunication structure. This portable broadband wireless service will be used to better serve the Western Albemarle County area and portions of Waynesboro. Parts of Western Albemarle County currently now do not have access to portable broadband service. With this installation they will be able to receive service in some of those locations. Also, this is going to back off flow traffic from our existing tower located on Bear Den, which also now supports portions of Western Albemarle County and the Waynesboro area. They are proposing to mount a 17-foot 3 ½ -inch steel pole to the existing self-support tower in order to mount the one antenna. Only 9-feet of the 17-foot pole will extend above the top of the existing self-support tower. The antenna will be mounted at 7-feet above the top of the existing self-support tower and will extend no higher than 13-feet above the top of the existing self-support tower. That total height would then be 40-feet above the ground level. The micro-wave dish will be mounted on the existing self-support tower at 4-feet above the existing rooftop. This small micro-wave dish will be used to back call the customer traffic and for redundancy. In order to provide the portable broadband service, their antenna needs to be mounted above the existing antennas on the other three existing towers and have a direct line of sight to the actual customer location. Russell Walker, our service supervisor, is also here and will be happy to answer any technical questions.

Russell Walker, Service Supervisor, was present to represent the request.

Mr. Edgerton invited public comment on this matter. There being none, he closed the public hearing to bring the matter back before the Commission for consideration.

Mr. Rieley thanked Mr. Waller for a very clear and crisp presentation.

Ms. Joseph stated that the staff report was very clear on the critical slopes. She asked if everyone received the email message that there were some folks that were not happy with this addition. As she looked at what is proposed she saw another 6 foot extension, which is co-locating and was something they encouraged people to do. Therefore, she felt that the addition of this would have a minimal impact on what is already out there. She understands the concerns and if this were something that was coming down any time soon, then she would support what they are talking about. But, this is existing and unfortunately or fortunately they must have these things.

Mr. Rieley stated that he had been very critical about the aggregation of these and the visual impact over time. He pointed out that driving over Afton Mountain there are currently six of these towers and what was invisible is now very visible. So these horizontal co-locations as they have gone to are not as successful as these kinds. He felt that they can end up with a problem with it, but in this case he felt that the overriding consideration is the fact that you simply cannot see this. Visibility has always been their criteria.

Motion: Mr. Thomas moved, Mr. Rieley seconded, that SP-2005-019, Buck's Elbow Mountain, be approved with the recommended conditions.

1. The antenna, mounting pole, microwave dish and ground equipment shall all be sized, located, installed and maintained in general accord with the construction plans, structure elevations and schematic drawings, entitled "Telecommunications Facility Co-location, Bucks Elbow Mountain - Waynesboro/Crozet (WBP701), Crozet, Virginia 22932", last revised August 12, 2005 and initialed SBW on September 20, 2005.
2. Prior to the issuance of a building permit, the applicant shall submit a final revised set of site drawings construction of the facility. Planning staff shall review the revised plans to ensure that all appropriate conditions of this special use permit have been addressed.
3. The top of the omni-directional antenna shall not exceed an elevation of 3157 feet.
4. The facility shall be disassembled and removed from the site within ninety (90) days of the date its use for personal wireless service purposes is discontinued. If the agent determines at any time that surety is required to guarantee that the facility will be removed as required, the agent may require that the parcel owner or the owner of the facility submit a certified check, a bond with surety, or a letter of credit, in an amount sufficient for, and conditioned upon, the removal of the facility. The type and form of the surety guarantee shall be to the satisfaction of the agent and the county attorney. In determining whether surety should be required, the agent shall consider the following: (i) the annual report states that the tower or pole is no longer being used for personal wireless service facilities; (ii) the annual report was not filed; (iii) there is a change in technology that makes it likely that tower or pole will be unnecessary in the near future; (iv) the permittee fails to comply with applicable regulations or conditions; (v) the permittee fails to timely remove another tower or pole within the county; and (vi) whenever otherwise deemed necessary by the agent.
5. The owner of the facility shall submit a report to the agent by no earlier than May or and no later than July 1 of each year. The report shall identify each user of the existing structure, and include a drawing, photograph or other illustration identifying which equipment is owned and/or operated by each personal wireless service provider. Multiple users on a single tower or other mounting structure may submit a single report, provided that the report includes a statement signed by a representative from each user acquiescing in the report.
6. The following shall be submitted to the agent after installation of the monopole is completed and prior to issuance of a certificate of occupancy: (i) certification by a registered surveyor stating the height of the monopole, measured both in feet above ground level and in elevation above mean sea level, using the benchmarks or reference datum identified in the application; and (ii)

certification stating that the lightning rod's height does not exceed two (2) feet above the top of the monopole and width does not exceed a diameter of one (1) inch.

The motion passed by a vote of 5:0. (Commissioners Higgins and Craddock were absent.)

Mr. Edgerton stated that SP-2004-019, Buck's Elbow Mountain, will go to the Board of Supervisors on November 2 with a recommendation for approval.

Old Business:

Mr. Edgerton asked if there was any old business. There being none, the meeting proceeded.

New Business:

Mr. Edgerton asked if there was any new business.

- Mr. Morris noted that the Steering Committee for the Meadow Creek Parkway met last week to select and interview the engineering consultants.

- Mr. Edgerton pointed out that he attended the Virginia Planning Commission Certification in Richmond last week, which was phenomenal.

There being no further new business, the meeting proceeded.

Adjournment:

With no further items, the meeting adjourned at 7:30 p.m. to the October 11, 2005 meeting.

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V. Wayne Cilimberg, Secretary

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