Albemarle County Planning Commission
October 2, 2007

The Albemarle County Planning Commission held a work session, meeting and a public hearing on Tuesday, October 2, 2007, at 5:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Calvin Morris, Vice-Chairman; Marcia Joseph, Chairman; Duane Zobrist, Bill Edgerton; Eric Strucko; Pete Craddock and Jon Cannon. Pete Craddock arrived at 6:00 p.m. Eric Strucko arrived at 6:05 p.m. Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia was present.

Other officials present were Rebecca Ragsdale, Senior Planner; Elaine Echols, Principal Planner; David Benish, Chief of Planning; Gerald Gatabu, Senior Planner; Greg Kamptner, Deputy County Attorney; Summer Frederick, Planner; Joan McDowell, Principal Planner; Allan Schuck, Senior Engineer; Megan Yaniglos, Senior Planner; John Shepherd, Chief of Current Development; Amelia McCulley, Director of Zoning & Current Development/Zoning Administrator and Scott Clark, Senior Planner.

Call to Order and Establish Quorum:

Ms. Joseph called the meeting to order at 5:00 p.m. and established a quorum.

5:00p.m. Work Session

Crozet Downtown Zoning - Review and discussion of the Crozet Downtown Zoning proposed project, including the consultant's recommendations for establishing four zoning districts in the Downtown Crozet area, Downtown 1, 2, and Transition 1 & 2, and the recommended zoning regulations for each proposed district. (Rebecca Ragsdale)

In summary, the Planning Commission held the second work session on Crozet Downtown Zoning. The primary purpose of the work session was to follow up, review and discuss the elements of the consultant's presentation and recommendations of September 18 on the recommended approach for establishment of four separate zoning districts. Ms. Ragsdale reviewed the proposed outline of the work session review schedule, and asked for the Commission's guidance on how many zoning districts should be established. The consultant, Kenneth Schwartz with Community Planning + Design was available and answered questions from the Commission.

Sandy Wilcox, President of the Downtown Crozet Association (DCA), made a power point presentation to address the concerns of his group. Public comment was taken. No formal action was taken.

The Commission discussed the recommended approach for the establishment of the four separate zoning districts, made comments and asked that it be moved forward and simplified. Additional work sessions will be scheduled in the future.

The Planning Commission took a break at 5:58 p.m.

The meeting reconvened at 6:05 p.m.

Call to Order and Establish Quorum:

Ms. Joseph called the regular meeting to order at 6:05 p.m.

Committee Reports:

Ms. Joseph invited committee reports.

- Mr. Morris reported that CHART meets Wednesday night. They will be starting on the revision of the UNJAM. The Interchange Committee meets on Wednesday. They are working towards determining which version will go back to City Council. The Eastern Connector Committee meets on Friday.

- Mr. Edgerton reported that the University of Virginia Master Planning Council met last Wednesday. They got a preliminary review of some of the infill direction that the University Architect's Office is trying to take in looking for ways to infill spaces rather than expanding the University infrastructure further away from the existing facilities. The presentation will be presented to the Board of Directors at the end of the month. It is a very well thought out plan. The ACE Committee is meeting next week. An updated report should be available shortly.

- Mr. Craddock reported that the CIP is starting to meet next month. There should be some activity to report on by Thanksgiving.

There being no further items, the meeting moved to the next item.

Other Matters Not Listed on the Agenda from the Public:

Ms. Joseph invited comment on other matters not listed on the agenda from the public.

Dennis Odinov, President of the Glenmore Association and resident of 2060 Piperway in Keswick, said that there were many persons in the audience tonight who live in the Village of Rivanna. He asked that those residents stand. They are angry because they have seen over 85 percent of their growth area approved for development without a master plan even though over 450 of them signed a petition in 2006 asking for delay in development until the master plan was approved. They have also seen this growth occur without having a transportation plan. That makes them angry. They can't even get a stop light installed at the Glenmore entrance. The County accepted this as a proffer when Glenmore was established 15 years ago. Now after participating in the visioning step of the long awaited master plan they have learned that step 2 of the master plan procedure, which reads, "assemble a group of residents, property owners, County officials, community leaders, developers and lenders who will develop the master plan based on the vision of the community" is being interpreted differently by the planners. The planners believe that general citizen participation is more inclusive. He did not know if it was more inclusive. But, he believed that it was less effective if there is not a committed representative group of residents actively working on the plan and supported by the community. It is called ownership. The County appoints committees and task forces all the time for planning purposes, but in master planning a different position is being taken. Never mind that in addition to the wording in step 2 the word committee is mentioned 11 different times in the remaining 6 steps. Never mind what happens to the remaining 250 undeveloped acres in the growth area. Never mind that they want to be inside the process to deal with increasingly difficult traffic situations. Well enough is enough. They are here tonight to urge the County to start following the procedures that were written by County officials and citizens. They want a committee and do not want the master plan to proceed without one.

Neil Means, resident of the Village of Rivanna, noted that he requested to be on the committee which was described in the Comprehensive Plan procedure, which apparently this planning staff was not going to follow. He hoped that the Planning Commission has read the information he has sent. He was available to provide comments and urged the County to follow the Comprehensive Plan on the master planning procedure.

Ellen Saltzman, property owner of Glenmore, opposed the County planning staff's intention to eliminate step 2. It would short change and compromise the process of master planning as outlined in the County's Neighborhood Model. It has been taught over and over again in business schools that the best decision is reached when more people of various interests, different areas of expertise and diverse skills in problem solving work together as a group. Perhaps that is why the drafters of step 2 of the County's Neighborhood Model included a group of residents, property owners, County officials, community leaders, developers and lenders who will develop the master plan based on the vision of the community. All of these parties are stakeholders in the outcome. All of these parties can bring to the step 2 process a very

important perspective, which might otherwise be overlooked or ignored. She was not only asking that step 2 be followed, but also respectfully requesting that it be done to the spirit and full intent of the drafters.

There being no further comments, the meeting continued to the next agenda item.

Ms. Joseph noted that the Rivanna Village Master Plan Update was noted as an agenda item under new business. Is this an item that the Commission wants to move forward and discuss briefly at this time or do they want to wait until they are through with all of the other agenda items?

In consensus, the Planning Commission asked that the agenda be rearranged.

New Business

Rivanna Village Master Plan Update (Elaine Echols)

Mr. Craddock noted that he had received an email from Mr. Means about the committee process. He would like to see the direction followed along with the Comprehensive Plan about a committee for this, but would also like to hear from staff about their concerns. He had discussed this with Ms. Echols.

Ms. Joseph noted that in a discussion with Ms. Echols and Mr. Benish they talked about what the Comprehensive Plan says and how this could manifest itself. There are many different ways that a committee could be gathered and used for this process in helping create this master plan.

Mr. Benish said that as an overview they can approach the public input process as the Commission directs. There are always down and up sides to either way to do it. Staff's process has been more of an inclusive process. But, if they want to work with an individualized group, staff will come back to the Commission with the concept for establishing that. It is really the Commission's direction to staff. If the Commission is comfortable with doing that, then they can do it.

Ms. Echols said that there are a number of different ways that this can be approached. She said she was not expecting this item to come first and actually had a presentation that was in her office. She said that presentation might have been beneficial to bring the Commission up to speed on where the community is in the process and what staff thinks are the community's principal concerns. She said that the community has expressed their concerns about the public process to staff. Staff hears the concerns and can redo the public process to use a small committee or task groups. There are a number of different things ways to redo the input part of the process, and she would like for the Commission to postpone the decision on how and what to do until Lee Catlin can be present. Ms. Catlin is the County's public participation specialist and, in her absence, she has asked specifically to be able to bring several different options to the Commission to review and use to make their decision. Ms. Catlin will be back next week.

Mr. Morris said he preferred following the Comprehensive Plan as closely as possible even if it takes a little longer. It is better to spend time planning up front rather than trying to back-peddle later on.

Mr. Edgerton felt that the concerns were being over stated and that staff has been following the Comprehensive Plan. He cautioned the Commission from being swayed by a lot of anger. He suggested that they wait to hear the options presented by Lee Catlin.

Ms. Joseph noted that the language in the Comprehensive Plan can be interpreted many different ways. What staff was trying to do was to get as many people involved as possible. What they have heard from the citizens is that they are interested in forming a group, but they don't know now how it is going to manifest itself. Everyone will be notified of the date of Ms. Catlin's presentation. The Commission agreed that they want to set up some sort of committee for this.

Mr. Strucko questioned if a committee would be necessary in the master planning process, but was willing to consider it.

Ms. Echols pointed out that the next scheduled hearing was on October 24. It would be up to the Commission whether to keep that date.

Mr. Cannon asked if it was fair to say that the purpose of the October 24 meeting is to elicit information or is it to get direction or guidance on policies or approaches.

Ms. Echols replied that it was both. The first thing would be to review the guiding principles, which came from the visioning that was done at the second community meeting. Staff would like to ask the community to affirm the principles or suggest changes. Then the consultant would be using that information, if correct, to go to the next step, which is to basically start looking at land use. The consultant, staff, and community would be looking at the undeveloped land and how it relates to the developed land. Secondly, they would look for the different perspectives in the community on how interconnections should take place, particularly with regards to adding a second gate at Glenmore.

Staff said they are trying to get at the real issues and write them down so they can work towards some consensus. Staff would like to find a way to help resolve the interconnection problems that they have heard through the Glen Oaks and Leake work sessions to find a way that can work for everybody, if possible. They would use a larger group to try to get to the heart of the issues so the group can work towards consensus.

Mr. Strucko said that the public would have the opportunity to voice their opinions in these meetings. The Thomas Jefferson Planning District along with staff would then take that input and formulate the plan. What they are discussing here is possibly a steering committee group of appointed people to sit with Thomas Jefferson Planning District and staff in that distilling process.

Ms. Joseph noted that they were waiting for Lee Catlin to come back and give the Commission some guidance on how she thinks they should act.

Mr. Strucko noted that he had painted a picture of a possible scenario.

Mr. Benish recommended that the Commission delay the October 24 meeting in order to make sure what the public process will be. He said that everyone needs to be on the same page.

Ms. Joseph asked staff to make sure that it is done right. She suggested that the public review their A Mail for the next hearing date.

Mr. Morris suggested that they have Lee Catlin come to their October 16.

Mr. Benish noted that, before deciding to cancel the October 24 meeting, he would like to contact a couple of the community representatives and if they feel a strong sentiment to have the Oct. 24 meeting, staff might come back to the Commission and let them know this.

Ms. Joseph feared that if the community meeting continues to be scheduled for October 24, it will be viewed that the County and Commission have not listened.

After being asked by staff, Ms. Joseph affirmed that this item would not come back under New Business later in the Commission meeting.

In summary, the Commission heard concerns and comments from residents and staff about the master planning process for Rivanna Village. The Planning Commission agreed to defer making a decision regarding the Rivanna Village Master Plan process until after Lee Catlin's presentation on what options are available. The Commission generally agreed that they want to set up some sort of committee. The Commission invited Lee Catlin to come to their October 16 meeting. Tentatively the October 24 hearing was cancelled unless staff finds some compelling reason not to. The next meeting will be posted on the County's A Mail.

There being no further new business, the meeting proceeded.

Consent Agenda:

Approval of Minutes: March 7, 2006, November 14, 2006, December 5, 2006, January 30, 2007, February 27, 2007, June 5, 2007, July 24, 2007, August 14, 2007,

Motion: Mr. Morris moved, Mr. Strucko seconded for approval of the consent agenda.

The motion passed by a vote of 7:0.

Deferred Items:

SUB-2007-00120 Pounding Branch Phase II – *DEFERRED FROM SEPTEMBER 18 PC MEETING*
The request is for preliminary subdivision plat approval to create 15 lots (14 development lots and one (1) preservation lot) as a Rural Preservation Development on 245.29 acres. The property, described as Tax Map 72 - Parcel 54 (portion) and Parcel 32A (portion), is located in the Samuel Miller Magisterial District on Dick Woods Road [Route 637] and Pounding Creek Road [Route 689] approximately .53 miles east of the intersection with Miller School Road [Route 635]. The Comprehensive Plan designates this property as Rural Areas in Rural Area 3. (Megan Yaniglos)

AND

SUB-2007-00135 Pounding Branch Phase III – *DEFERRED FROM SEPTEMBER 18 PC MEETING*
Request for preliminary subdivision plat approval to create 20 lots [18 development lots and two (2) preservation lots] as a Rural Preservation Development on 299.1 acres. The property, described as Tax Map 72 - Parcel 52 and Parcel 36B, is located in the Samuel Miller Magisterial District on Dick Woods Road [Route 637] approximately .07 miles [422 feet] northeast of the intersection with Pounding Creek Road [Route 689]. The Comprehensive Plan designates Parcel 52 and Parcel 36B as Rural Areas in Rural Area 3. (Megan Yaniglos)

Ms. Yaniglos – presented a Power Point presentation and summarized the staff report. (See Staff Report.)

- This is a proposal for a rural preservation development located off of Dick Woods Road and Pounding Creek Road. It is a portion of a larger residential development planned for the area. The applicant is requesting preliminary plat approval for a total of 15 lots with 14 development lots and 1 preservation parcel. It is proposed that this subdivision be considered for a rural preservation development, and; therefore, needs Planning Commission approval.

- If the Commission approves the rural preservation development the proposal will also require the approval of 2 waivers. The first is for the disturbance of critical slopes for the access way to the building sites of lots 4 and 15. Lot 15 is exempt from the need for a critical slopes waiver because it contains a legal building site and access proposed for that building site disturbs the least amount of critical slopes.

- The second waiver, a 14-404 waiver to accommodate an additional entrance from the preservation lot, lot 15, onto an existing public street, Pounding Creek Road. Those are the 3 actions that the Planning Commission needs to act on.

Ms. Joseph opened the public hearing and invited the applicant to address the Commission.

Justin Shimp, representative for the request, reiterated that they were submitted as separate complete applications. They were looking for action on each one based on the merit of its individual plan. They have been looking at the area as a whole.

There being no questions for Mr. Shimp, Ms. Joseph invited public comment. There being none, the public hearing was closed and the matter was before the Commission.

Ms. Yaniglos noted that the Commission needs to determine if this was acceptable as a rural preservation development, the disturbance of critical slopes for lot 4 and a waiver from 14-404 for lot 15.

Mr. Zobrist said that this was a little bit of a different example of what they saw 2 weeks ago in the South Mountains where a private road was requested. All of the Commissioners, except 1, concluded that they did not want to allow a private road because it would be conducive to development. He was not so sure that is not what is happening here. They might not see this number of homes get built in this very sensitive steep area on Dick Woods Road if they approve this as a preservation tract. He understands the argument that they are going to put a lot of land in easement with the preservation easement, but on the other hand that land is going to stay in preservation easement anyway. But, he did not know if they would be able to build anything on it. He asked to hear some discussion from the other Commissioners with respect to whether or not this would be encouraging development in the rural areas that would not otherwise occur by right.

Ms. Joseph said that was always an issue with cluster development in whether they are making it easier and more desirable development than if they would if it was by right when they had to slice up in to 21 acre parcels. The other idea is with cluster is that they are creating shorter roads. The good concept is shorter roads and bigger parcels that will remain under conservation easement. .

Mr. Cannon assumed that there was no conservation easement without approval of the rural preservation development. If this was a by right development it would accommodate this number of lots. So this could be developed out in a by right way with the same number of lots without the savings in infrastructure of road length and without commitment of significant portions of the land under a conservation easement.

Ms. Yaniglos replied that was correct.

Mr. Cannon said that is the trade off. He felt that was generally a good trade off. Obviously the devil is in the details. But, he felt that was why they adopted the rural preservation development option and why the Commission actually advocated mandatory clustering the rural areas in order to produce just this result. Therefore, he was generally favorable to this approach as opposed to the alternative.

Mr. Cannon agreed with Mr. Canon.

Ms. Joseph invited Mr. Shimp to come forward and address a question. She asked if he could remember what lot 4 looks like as far as the critical slope waiver request. It looks like there is a nice flat spot that they would not have to go through critical slopes. She was wondering why they decided that is where the appropriate location would go. It is certainly a large enough lot that they could probably be able to find septic site on that other flat area instead of going through the critical slopes.

Mr. Shimp replied that the reason that they placed it there has to do with the location of the power line.

The Commission discussed the request further and took the following actions.

Action on SUB-2007-00120, Pounding Branch Phase II:

Motion: Mr. Edgerton moved, Mr. Morris seconded, to deny SUB-2007-00120, Pounding Branch Phase II for the reasons as outlined in the staff report. The Planning Commission's basis for the motion for denial was that the rural preservation development proposal as brought forward is not consistent with the criteria by which they would approve such an RPD. The Planning Commission cited Sections 10.3.3.2(a), (d) and (f) in their denial of this request.

1. In Section 10.3.3.2(a), the preservation of agriculture and forestal land and activities, staff found that the agricultural land is located where development lots are proposed. If the lots were smaller in size some of the agricultural and additional forestal lands could be preserved in an additional preservation tract.

2. In Section 10.3.3.2(d), which provides that development lots shall not encroach into prime importantly unique agricultural or forestal soils, staff noted that the development lots impact areas of prime and locally important soils and that the impacts on these soils could be reduced by making the development lots smaller.

3. In Section 10.3.3.2(f), development lots shall be so situated and arranged as to preserve historical and scenic settings deemed to be of importance. On page 7, staff found that the building site for lot 15 was in conflict with that provision. The building site for lot 15 is located in the Mountain Overlay District.

The motion passed by a vote of 6:1. (Mr. Morris voted nay.)

Ms. Joseph stated that SUB-2007-00120, Pounding Branch Phase II was denied. She asked if the Commission has to take an action on the waivers.

Mr. Kamptner said that the Commission needs to take an action on the waivers. Since the Commission has essentially denied the form of the plat, he suggested that the motion can be that because the plat will have to take on a conventional form whatever critical slopes waiver that would be required has now changed.

Motion on Waiver #2 Disturbance of Critical Slopes:

Motion: Mr. Morris moved, Mr. Cannon seconded, to deny Waiver 2, Disturbance of Critical Slopes.

The Planning Commission's denial was based on staff's recommendation that there is a potential alternative location for lot 4 from Mechum's Edge Drive via an easement through lots 10 and 11.

The motion passed by a vote of 7:0 to deny the waiver for disturbance of critical slopes.

Motion on Waiver #3 to accommodate an additional entrance from the preservation lot #15 onto an existing public street:

Motion: Mr. Zobrist moved, Mr. Craddock seconded, to deny Waiver 2, Entrance request based on the fact that it is moot because the preservation tract was not approved and it was not necessary.

The motion passed by a vote of 7:0 to deny the waiver for the entrance.

Ms. Joseph said that the requests were denied. Therefore, the applicant has ten (10) days to appeal the decision to the Board of Supervisors.

Action on SUB-2007-00135, Pounding Branch Phase III:

Mr. Cannon asked to send the signal that he liked this plan better than the other. There should be some incentive to move in this direction. They are protecting the right thing apparently. They are protecting something that would not otherwise be protected.

Mr. Zobrist said that the same language on page 3, which they did not like previously, said the development lots impact areas of prime and locally important soils. However, avoiding these impacts would push these lots into more critical slopes. But, the impacts could be reduced by making the lots smaller.

Mr. Edgerton noted that on page 4, second paragraph, the development lots appear to avoid the major areas of critical slopes. Distance to water supply tributaries could be increased by making the development lots smaller. Further down the page it says that the design could be improved. However, a cluster development on this site has greater conservation value. There is no question that it does have a greater conservation value.

Mr. Morris said that here they have an opportunity to get preservation lots and by right they do not.

Mr. Kamptner noted before a vote the Commissioners had cited subsections d and e. Also take note of that which deals with the entrance and the fact that the entrance to the subdivision appears to go through the historic site identified in the Historic Planner's comments for the project. The basis would be subsections d, e and f as noted in the staff report.

Mr. Edgerton said that the building site shown on the smaller preservation tract will require impacting critical slopes as well because they are trying to put it on top of the hill. He asked if that should be mentioned as well.

Mr. Kamptner replied that was fine.

Ms. Yaniglos pointed out that the applicant is requesting a waiver of 14-404 for that tract to avoid the critical slopes and floodplain.

Motion: Mr. Edgerton moved, Mr. Zobrist seconded, to deny SUB-2007-00135, Pounding Branch Phase III for the same reasons as Pounding Branch Phase II, as outlined in the staff report. The Planning Commission's basis for the motion for denial was that the rural preservation development proposal as brought forward is not consistent with the criteria by which they would approve such an RPD. The Planning Commission cited Sections 10.3.3.2(a), (d) and (f) in their denial of this request.

1. In Section 10.3.3.2(a), the preservation of agriculture and forestal land and activities, staff found that the agricultural land is located where development lots are proposed. If the lots were smaller in size some of the agricultural and additional forestal lands could be preserved in an additional preservation tract.

2. In Section 10.3.3.2(d), which provides that development lots shall not encroach into prime importantly unique agricultural or forestal soils, staff noted that the development lots impact areas of prime and locally important soils and that the impacts on these soils could be reduced by making the development lots smaller.

3. In Section 10.3.3.2(f), development lots shall be so situated and arranged as to preserve historical and scenic settings deemed to be of importance. The Commissioners also noted that the entrance to the subdivision appears to go through the historic site identified in the Historic Planner's comments for the project. The Commissioners noted that the building site shown on the smaller preservation tract will require impacting critical slopes as well because they are trying to put it on top of the hill.

The motion for denial passed by a vote of 5:2. (Mr. Morris and Mr. Cannon voted nay.)

Motion on Waiver for SUB-2007-00135, Pounding Branch Phase III:

Motion: Mr. Edgerton, Mr. Strucko seconded, to deny the 14-404 waiver request for SUB-2007-135, Pounding Branch Phase III for the same reasons.

The motion for denial passed by a vote of 7:0.

Ms. Joseph stated that SUB-2007-00135, Pounding Branch Phase III and the 14-404 waiver request were denied. The applicant has ten (10) days to appeal this decision to the Board of Supervisors. She noted that Phase IV Pounding Branch was not before the Planning Commission.

The Planning Commission took a ten break at 7:25 p.m.

The meeting reconvened at 7:33 p.m.

Regular Item:

SUB-2007-00187 Virgie Morris
The request is for preliminary plat approval to create two (2) lots on 6.976 acres zoned Rural Areas, RA. The property, described as Tax Map 112, Parcel 33D, is located in the Scottsville Magisterial District on Harris Creek Road [Route 720]. This proposal includes a request for authorization of a waiver to allow use of a private street, and the authorization of a waiver for the construction standard of a private street in accordance with Subdivision Ordinance Section 14-232(A). The Comprehensive Plan designates this property as Rural Area in Rural Area 4. (Summer Frederick)

Ms. Frederick summarized the staff report.

- The applicant proposes to create one additional lot and wants the new lot and remaining residue to continue using existing separate entrances. The current plan would require a 14-404 waiver. If the 14-404 waiver is approved, the next step is to secure whatever site distance easements are required by VDOT.

Mr. Edgerton asked if the existing roads or driveways were put in as part of the previous family divisions.

Ms. Frederick replied yes, that was correct.

Ms. Joseph opened the public hearing and invited the applicant to address the Commission.

Charles Morris represented the request. He noted that the request was being made in order to respect his mother's will. He asked the Commission to approve the request.

Ms. Joseph invited public comment. There being none, the public hearing was closed and the matter before the Planning Commission. She invited Allan Schuck, Senior Engineer, if he had visited the site and reviewed the possibility of a joint drive.

Mr. Schuck replied that he had visited the site and took the photographs. As shown in the photographs both of the existing entrances have adequate sight distance as proposed. However, there may be some problems with the sight distance on the sharp curve to the south if a joint easement was required. Therefore, in engineering's opinion it is safer with the two driveway entrances as it exists today than putting one entrance in the middle. The other thing taken into consideration was environmental degradation. To do a joint access easement and new driveway would require excavation and soil erosion as opposed to doing nothing, which is proposed in the subdivision.

Motion: Mr. Cannon, Mr. Morris seconded, to approve SUB-2007-00187, Virgil Morris – 14-404 Waiver based on staff report recommendations.

The motion passed by a vote of 7:0.

Ms. Joseph stated that SUB-2007-00187, Virgie Morris – 14-404 Waiver, was approved.

SDP-2007-00024 CV 339 Wild Turkey / Cross Property
The proposal is to install a Tier II personal wireless service treetop facility. The proposed facility consists of a 98-foot tall monopole, painted brown with an approximate top elevation of 779 feet, measured above sea level (ASL). The proposed monopole will be 10 feet higher than the identified reference tree located 21 feet south of the tower site. The lease area for the proposed facility is located on property described as Tax Map 57, Parcel 41L, which is approximately 6.00 acres and is zoned RA, Rural Areas and EC, Entrance Corridor. The site is located south of Rockfish Gap Turnpike [Rte. 250] off of Wild Turkey Lane [Private] in the White Hall Magisterial District. The Comprehensive Plan identifies part of this property as Rural Areas within Rural Area 3. (Summer Frederick)

Ms. Frederick summarized the staff report.

Staff cannot support the facility at the proposed 109.2'. However, staff finds that this facility would not have any adverse impacts on adjacent and nearby resources and recommends approval with the conditions listed in the staff report that the height of the pole shall be reduced to 98' as depicted during the required balloon test. Photographs were distributed for review.

Mr. Strucko asked if staff has heard from the adjoining property owners.

Ms. Frederick replied no, but that the Architectural Review Board reviewed and approved this request with the condition that the height be reduced to the 98'.

Ms. Joseph opened the public hearing and invited the applicant to address the Commission.

Will Dribling, of the Roanoke Law Firm of Gentry, Lockrates and Moore, represented New Cingular Wireless PCS, LLC. He noted that they do business as AT&T Mobility. Dale Finnochi, who was their planning and zoning consultant, was present. Mr. Coss, property owner, was present. He owns two contiguous parcels that comprise a total of 21 acres. The Architectural Review Board reviewed the request on August 20. A Certificate of Appropriateness was granted with four conditions. Three of the conditions were technical issues that require revisions of the site plan, which will be made at the time of final site plan review. The final condition was that the monopole be approved at 98'. That is acceptable to New Cingular. The tower will be less than 2' taller than the reference tree. He requested approval of the facility.

Bob Coss, property owner, requested that the request be approved.

Ms. Joseph invited public comment. There being none, the public hearing was closed and the matter before the Planning Commission.

Mr. Zobrist disclosed that he was an AT&T wireless user. He lived in Crozet and had a significant interest in the elimination of that dead spot. But, he felt that he could vote objectively on this.

Motion: Mr. Morris, Mr. Zobrist seconded, to approve SDP-2007-00024, CV 229 Wild Turkey/Cross Property as presented with the condition recommended by staff.

1. The height of the pole shall be reduced to ninety-eight (98) feet, as depicted during the required Balloon Test.

The motion passed by a vote of 7:0.

Ms. Joseph stated that SDP-2007-00024, CV 229 Wild Turkey/Cross Property, was approved.

SDP-2007-00025 CV 340A Brownsville / Ramsey Property

Proposal to install a Tier II personal wireless service treetop facility. The proposed facility consists of a 73-foot tall monopole, painted brown with an approximate top elevation of 735 feet, measured above sea level (ASL). The proposed monopole will be 10 feet higher than the identified reference tree located 24 feet east of the tower site. The lease area for the proposed facility is located on property described as Tax Map 56, Parcel 35B, which is approximately 6.82 acres and is zoned R-1, Residential and EC, Entrance Corridor. The site is located north of Rockfish Gap Turnpike [Rte. 250] just east its intersection with Shepard Run [Private] in the White Hall Magisterial District. The Comprehensive Plan identifies part of this property as CT-2, Development Area Reserve within the Crozet Community. (Gerald Gatabu)

Mr. Gatabu summarized the staff report. (See staff report.)

- Proposal to install a Tier II personal wireless service treetop facility. The proposed facility consists of a 67.4 foot tall monopole measured above ground level (AGL), painted brown with an approximate top elevation of 730.7 feet, measured above mean sea level (AMSL).
- This went before the Architectural Review Board on August 20, 2007 and received approval.

- The applicant is requesting the steel monopole to be 10' above the tallest tree within 25'. There will be a concrete equipment pad. There are 3 antennas each measuring approximately (51.6" X 12.1" X 4.5"). Supporting ground equipment will be contained within a proposed 12' by 16' Cingular concrete equipment pad.
- There is a 20' access easement. Staff has photographs of the balloon test.
- Staff recommends approval of this facility at (7) seven feet above the tallest tree. The height approved by the Planning Commission may be up to ten (10) feet taller than the tallest tree if the owner of the facility demonstrates to the satisfaction of the Commission that there is not a material difference in the visibility of the monopole at the proposed 10 feet above the tallest tree.
- Staff received 2 letters from adjacent property owners. One letter was from Mr. Baldwin, which was included in the staff report. Another letter was received yesterday from Mr. Custous. There are several neighbors that are opposed to a tower being located on this site.

Ms. Joseph asked if there were any questions for staff. She asked to see photographs of the dead pine trees.

Mr. Gatabu presented photographs of the balloon test for review by the Commission. He noted that there were several locations from Shepherd's Run where the balloon was visible. There are some trees that are proposed to be removed. The issue concerning the dying trees he would leave that to the applicant to justify. It would be great if the applicant could provide an arborist report.

Ms. Joseph opened the public hearing and invited the applicant to address the Commission.

Dale Finnochi, with Cingular Wireless, spoke for the request.

- The Ramseys own two adjoining properties. The request has been to the Architectural Review Board and received the issuance of a Certificate of Appropriateness with some conditions. All of the plan revisions requested by the ARB will be made. Staff can confirm that the revisions have been made through site plan review. They feel that they have found an ideal site on the Ramsey property. The proposed monopole is an extremely short one of 67.4'. There is no material difference between the 10' and 7' height above the referenced tree or the tallest tree within 25'. It also permits a pole that is 10' higher than the referenced tree if there is no material difference in visibility between 10' and 7' with respect to this particular site. Staff has confirmed that an extra 3' would not make any material difference in their view. When a brown monopole is viewed through trees from 300' away from Route 250 no objective person could concern a material difference between a 67' tower and a 64' tower.
- The lease area and the equipment are similar to the one on the Wild Turkey site. With respect to the 4 trees, there are 4 shrub pines that are proposed to be removed. They have been reviewed and considered by Dave Rosin, an arborist with the Van Yahres Firm, and he will be rendering a report with respect to those 4 trees. They are either dead, dying or leaning. Therefore, they respectfully request the Commission's approval with respect to this site.
- They do have a recorded access easement that will provide access to the site. With respect to the access easement, in 1998 James H. Ramsey and his wife Jean T. Ramsey did a family subdivision. They conveyed a part of their property referred to as Lot A and Lot B to their sons and retained a parcel "X" which they combined with another parcel. The Ramsey's have a total of 8.96 acres. In that 1996 deed it is stated that all 3 of the parcels are subject to the access easements that are set forth in a 1996 deed. They have the 1996 deed, which is a deed from Agnes A. Baldwin on September 13, 1996 to James H. Ramsey, which is the property on which the facility will be located. That deed conveyed 13.96 acres. The second page of that deed states this conveyance is made subject to all easements, restrictions, reservations and conditions contained in duly recorded deeds and plats. Attached to this 1996 deed is a plat, which establishes the access easement 40' in width that is now, known as Shepherd's Run. This easement serves as the access for all of the Ramsey parcels. The access easement as set forth in the 1996 deed is not restricted in any way with respect to time or use. Therefore, any invitees of any of the property owners that are served by this access easement are allowed to use it for their purposes. That addresses the access easement question. The only other question was with respect to the trees. An arborist report will be submitted with respect to the trees.

Ms. Joseph asked if there were any questions for the applicant.

Mr. Strucko asked how close this facility to the Wild Turkey/Cross property facility is.

Mr. Finnochi replied that it was more than 1 mile.

Ms. Joseph invited public comment. There being none, the public hearing was closed and the matter before the Commission.

Mr. Strucko said that he had reservations regarding this request because of the objections from 2 adjacent property owners. The site will be visible from the adjacent parcels for at least one-half of the year. Given there is another facility about a mile down the road he was not as supportive of this project.

Mr. Zobrist asked that the applicant explain technically why they need 2 facilities that close.

Mr. Ramsey pointed out that the Baldwin property was more than 400' away. The Albert's property was more than 500' away from that site. With the leaves on the trees they will not be able to see the sites.

Mr. Finnochi replied that these 2 sites are going to provide the coverage that is lacking along the 250 Corridor for the parcels and schools that Route 250 services. There is a severe degradation of coverage in this area. To bring the coverage up to where they need it along Route 250 to provide adequate coverage is why these 2 sites were selected. A mile apart is a far enough distance when they are dealing with heights of this size. One site is actually beneath the height of the signature tree. In this area the trees, although they are dense, are not very tall. That is why the proposal here is at a much lower height. Of importance, too, are the power lines that go up there as well. The distance is needed and 1 mile is not too close. One site is not going to provide the coverage that the 2 sites would. Of course, they would not propose 2 sites if they only needed 1. The equipment for 1 site is upwards in costs of a million dollars. They would only propose a site in an area where they deem it to be very significant. He assured the Commission that they would not ask for 2 sites without a lot of pre-thought. A lot of engineering goes into it. If the engineers decide that they need both of the sites, then they are certainly needed. These distances were specifically selected to provide the coverage that they need on 250.

Mr. Edgerton asked staff to display the photographs of the balloon test and show where the approximate location of where the tower would be.

Mr. Gatobu presented the photographs of the balloon test and pointed out that location of the tower.

Mr. Edgerton noted that Ramsey's house would be more impacted than Mr. Albert's house. He asked staff to point out the location of Mr. Baldwin's house.

Mr. Gatobu pointed out Mr. Baldwin's house on the photograph. Mr. Baldwin's main concern is the access. The access to the site is 20' off the road and they won't have to travel down Shepherd's Run. There are areas where the site will be seen.

Mr. Strucko said that he could not support this request because it was a commercial venture in a residential area with several objections from the adjoining land owners.

Mr. Zobrist disclosed that he was an AT&T wireless user. He lived in Crozet and had a significant interest in the elimination of that dead spot. But, he felt that he could vote objectively on this. He felt that the greater good for the community prevails over the concerns of the two adjoining neighbors.

Motion: Mr. Zobrist, Mr. Morris seconded, to approve SDP-2007-00025, CV 340A Brownsville/Ramsey Property as presented with the height of the pole to be as recommended by staff.

1. The top of the monopole shall be not more than seven (7) feet above the tallest tree located within 25 feet of the monopole.

The motion passed by a vote of 6:1. (Mr. Strucko voted nay.)

Ms. Joseph stated that SDP-2007-00025, CV 340A Brownsville/Ramsey Property, was approved.

Work Session:

SP-2007-28 Faith Christian Center International Church
PROPOSED: Two story 28,000 square foot multi-purpose building including 500 seat sanctuary, administrative offices, classrooms, playground, parking
ZONING CATEGORY/GENERAL USAGE: RA -- Rural Areas: agricultural, forestal, and fishery uses; residential density (0.5 unit/acre)
SECTION: 10.2.2(35)
COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (.5 unit/ acre)
ENTRANCE CORRIDOR: Yes__x__No____
LOCATION: Northeast corner, Route 250 East and Interstate 64 interchange
TAX MAP/PARCEL: Tax Map 78, Parcels 47 and 47A
MAGISTERIAL DISTRICT: Scottsville
(Scott Clark)

AND

SP-2007-29 Faith Christian Center International Church Daycare
PROPOSED: Operate Daycare/Preschool, 2year olds - Kindergarten, 50 children maximum; proposed located Faith Christian Center International Church (SP2007-28)
ZONING CATEGORY/GENERAL USAGE: RA -- Rural Areas: agricultural, forestal, and fishery uses; residential density (0.5 unit/acre)
SECTION: 10.2.2(7)
COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (.5 unit/ acre)
ENTRANCE CORRIDOR: Yes
LOCATION: Northeast corner, Route 250 East and Interstate 64 interchange
TAX MAP/PARCEL: Tax Map 78, Parcels 47 and 47A
MAGISTERIAL DISTRICT: Scottsville
(Scott Clark)

In summary, a work session on SP-2007-28 Faith Christian Center International (Church) and SP-2007-29 Faith Christian Center International (Daycare) was held by the Planning Commission. In a power point presentation, Mr. Clark (staff) reviewed the applicant's proposal. The Commission reviewed and discussed the proposal, answered the questions posed by staff and made comments and suggestions.

Public comment was taken from the following persons:

- Pastor Wayne Frye, of Faith Christian Center International, made a presentation to explain the proposal. He noted that the church would be willing to work with the residents of the trailer park over a period of time to help them relocate to another area.

- Bill Downer, agent representing the owners Mr. and Mrs. Shipp, noted that it was a difficult site. He explained that they would only be using the site in a different way. This site would be completely surrounded by vegetation. They could stay off of the stream by 100'. To do this project they need some relieve on the critical slopes. They think that the critical slopes can be terraced and planted.

- Brian Smith, engineer for the applicant, noted that if they have the horizontal distance they can terrace up. The 20' buffer required will limit their area. If they have a 12' high wall possibly they could break it up into two 6' walls that may be 6' apart using terracing. They are looking for some guidance on the critical slopes and if it is worthwhile to go ahead and proceed in looking at some

other alternatives. He asked if this property is appropriate for a church and its use, which includes a building and parking.

No formal action was taken.

The Planning Commission made the following comments about the questions posed by staff.

1. **Does the Commission feel that a church of this scale is appropriate in this location, given the setting and the standards included in the Comprehensive Plan?**
2. **Does the Commission feel that this proposal is appropriately designed and scaled for the topography and natural features of the site?**

   The Planning Commission generally supported a church in the location, but felt it would take a different design to make it work. Some felt that this might not be the right parcel for a church of this size. The Commission also wanted to see a design that was sympathetic to the landscape, mentioning terracing and reducing the parking. The Commission cautioned that the costs of this type of design may result in the church desiring to explore other sites.

3. **Would the Planning Commission prefer to process a critical slopes waiver concurrently with the special use permit?**

   The Planning Commission was willing to process a slopes waiver with the SP application, but not for the current design proposal.

4. **Does the Commission share design-planning staff's concerns about the visual character of the design and its impacts on the Entrance Corridor?**

   The Planning Commission agreed that all of design planner's comments should be addressed.

5. **Does the Commission want to consider a more detailed outline of the relocation process for residents of the Sleepy Hollow Trailer Park as part of the special use permit review?**

   The Planning Commission did not want staff to further pursue the housing relocation issue on this site.

Old Business

Ms. Joseph asked if there was any old business. There being none, the meeting proceeded.

New Business

Ms Joseph asked if there was any new business. She asked the Commission to consider that they look at private roads by special permit in the rural areas instead of through a waiver process.

Mr. Kamptner noted that with a special use permit they would have different standards that apply. They could focus more directly on the proposal's consistency with the Comprehensive Plan. It becomes a legislative act, which means there is a presumption of correctness if it is challenged. There is a lot broader scope of evidence factors that the decision makers can consider.

Mr. Cannon asked if there would have to be an ordinance change.

Mr. Kamptner replied yes, that it would require an ordinance change. Staff will need to take a look at their work load issues and schedule a time to come back with a report and resolution at some point in the future.

There being no further new business, the meeting proceeded.

Adjournment

With no further items, the meeting adjourned at 9:24 p.m. to the Tuesday, October 9, 2007 Planning Commission meeting at 6:00 p.m. at the County Office Building, Second Floor, Auditorium, 401 McIntire Road, Charlottesville, Virginia.

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V. Wayne Cilimberg, Secretary

(Recorded by Stephanie Mallory, Planning Assistant and transcribed by Sharon Claytor Taylor, Recording Secretary)