Albemarle County Planning Commission
January 29, 2008

The Albemarle County Planning Commission held a meeting and work session on Tuesday, January 29, 2008, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Marcia Joseph, Thomas Loach, Jon Cannon, Vice Chairman; Linda Porterfield, Eric Strucko, Bill Edgerton and Calvin Morris, Chairman. Julia Monteith, AICP, non-voting representative from the University of Virginia was present.

Other officials present were Bill Fritz, Chief of Community Development; Megan Yaniglos, Planner; Wayne Cilimberg, Director of Planning; Rebecca Ragsdale, Senior Planner; Bill Letteri, Director of the Office of Facilities Development; Brenda Neitz, Budget Analyst of the Office of Management; David Benish, Chief of Planning and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

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

Review of Board of Supervisors Meeting – January 23, 2008.

Mr. Cilimberg summarized the actions taken by the Board of Supervisors on January 23, 2008.

Other Matters Not Listed on the Agenda from the Public:

Mr. Morris invited comment from the public on other matters not listed on the agenda.

- Martha Redinger, resident of 340 Broad Axe Road, voiced concerns over the visibility of a new cell tower from her residence. She asked that the County stop giving away too much leeway to the construction and proliferation of cell towers and slow down on approvals. She submitted a letter and passed around photographs regarding the beginnings of construction of cell tower CV339 on Wild Turkey/Cross Property reviewed under SDP-2007-00024. She asked that the Planning Commission consider some revisions of the ordinance on cell towers to preserve the beautiful land and nature from the invasion of the cell tower industry. She asked that some kind of floating device be floated long enough for affected property owners to see them in advance of the permits being issued rather than depending solely on photographs taken from several vantage points. If the public had some visual warning they might have been able to help the Architectural Review Board understand the tower's affect on their own property. She asked if this particular pole has followed all of the requirements set forth in the process for having received a permit? Is this pole actually 99'? Is it less than 10' above the tree line? Were all of the rules adhered to in the process of receiving a permit? Is there a follow up review so that landowners can be assured that the land permits for cell towers are being strictly followed? She asked for feedback on this particular pole. She asked that the County tighten up their method for approval of cell towers to make sure that no more mistakes are made. (**Attachment A** – Statement or Letter dated January 29, 2008 to Members of Albemarle County Planning Commission and Members of Architectural Review Board from Martha Redinger)
- Kirby Farrell, resident of 240 Broad Axe Road, noted that he owned 240 acres that included the land that surrounded the cell tower being discussed. He was notified by the County that this was going to happen. He was also notified by the land owner that this was going to happen. In fact, he went out and met with the land owner to review the situation. There is an existing cell tower there. When he looked at that he was assured that the new cell tower would be consistent with the old cell tower. The old cell tower cannot be seen from anywhere that he knows of on his 200+ acres. The new cell tower is visible from everywhere on his 200+ acres. It is dramatically different from the old cell tower. He certainly agreed that this needs to be reviewed. He found it hard to believe that it was only 10' above the tree line. He had a beautiful view of the Blue Ridge

Mountains and now there is a large pole right in the middle of the view way above the tree line. This is unbelievably not what he was told was going to happen and he would be following up on the subject.

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

Items Requesting Deferral:

SUB-2007-00392 Bellair #1 Preliminary
Request for preliminary plat approval to create 2 lots on 2.428 acres. The property is zoned R-1 Residential. The property, described as Tax Map 76C-02 Parcel 1 is located in the Samuel Miller Magisterial District on Deer Path Road [Route 809] approximately 750 feet from the intersection with Old Farm Road [Route 846]. The Comprehensive Plan designates this property as Neighborhood Density in Urban Area 6. (Megan Yaniglos) **(Applicant Requests Deferral to February 19, 2008)**

Mr. Morris noted that the applicant has requested deferral to February 19. He asked if there was anyone present that came specifically to address this. He opened for public comment on this matter.

Ralph Feil, resident of Albemarle County and Secretary/Treasurer of the Bellair Homeowner's Association, Incorporated, said that a number of his neighbors have come to the meeting prepared to address the request because they did not know if it would be deferred or not. It is a decision that the Planning Commission has to make. There are a number of concerned neighbors, including the Association, who are interested in assuring that the proper rules and regulations in connection with this subdivision are followed. They believe that more information needs to be submitted by the applicant. On behalf of the Association he would say that they would not object to a deferral, but simply want to make sure that the process works as it should.

There being no further public comment, Mr. Morris closed the public hearing to bring the matter before the Commission.

Motion: Mr. Cannon moved, Ms. Joseph seconded to approve the applicant's request for deferral of SUB-2007-000392, Bellair #1 Preliminary to February 19, 2008.

The motion passed by a vote of 7:0.

Mr. Morris said that this item is being deferred and will be brought back on February 19. The Planning Commission would welcome public input at that time.

Work Sessions:

CIP

Mr. Benish introduced Bill Letteri, Director of Facilities Development, which is a new department that focuses on implementing priority Capital Projects in the County. Mr. Letteri presented the proposed Capital Improvements Program. Brenda Neitz, Budget Analyst, assisted in the presentation.

Office of Management and Budget and Office of Facilities Development staff provided an overview of the proposed Capital Improvements Program. The CIP goes through a major review and update every two years. This year is the "off-year" review and changes consist primarily of updates in schedules/costs or emergency projects which cannot wait for the full-review next year. The work session is to provide the Commission an opportunity to review, discuss and comment on the proposed CIP.

Mr. Letteri presented a power point presentation regarding the following:

- Brief Overview of CIP Process
- Review of Adopted CIP
- Proposed CIP Amendments
- Summary of Changes

- Next Steps –
    - February 29, 2008 – County Executive's Recommended Budget, including amendments to the FY-08-12 CIP and FY13-17 Capital Needs Assessment, presented to the Board of Supervisors
    - March 5, 2008 – Public Hearing on County Executive's Recommended Budget
- Comments and Questions can be emailed to staff.

The Planning Commission asked staff to consider the following comments and suggestions:

- Look at ways to identify bike-lane improvements in the CIP. There was an interest in providing paved shoulders on roads and a strategic approach to establishing bike lanes.
- Provide further information in a list of how much of the funding for this CIP came from proffers that the County has been able to obtain from rezoned development.
- Consider renaming the Human Development category to a more appropriate title.

Crozet Downtown Zoning
Review and discussion of the Crozet Downtown Zoning District project, including a discussion on regulations for a single Downtown Crozet Zoning District and potential boundaries for a County-initiated rezoning. (Rebecca Ragsdale)

In summary, a work session on the Crozet Downtown Zoning was held by the Planning Commission. In a power-point presentation, Ms. Ragsdale reviewed the proposed regulations for a single Downtown Crozet Zoning District and potential boundaries for a County-initiated rezoning. The Commission reviewed and discussed the proposal, answered the questions posed by staff and made comments and suggestions. No formal action was taken. Public comment was taken from the following persons:

- Ross Stevens, resident of White Hall, noted that the front of Carter Street needs to support Downtown Crozet. With the proper buffer and screening that will be required, this will be a good method of protection.
- Mike Marshall, Chairman of the Crozet Advisory Council, spoke.
- Dr. Martin Schulman asked that the Planning Commission withdraw the by-right proposal for veterinary offices in downtown Crozet.
- Ashley Cooper, representative for Atwood Architects, asked that consideration be given to the parking setbacks and the wording that it must be located behind the rear façade of the building. She expressed concerns from the perspective from a planner working on projects in the area and the 10' setback.
- Sandy Wilcox, President of the Downtown Crozet Association (DCA), spoke.

The Planning Commission made the following comments regarding the questions posed by staff:

Potential boundaries of a County-Initiated Rezoning -

- Regarding the area shown in red on West Carter Street, the Planning Commission agreed that the Master Plan can cover future rezonings. They will not initiate a rezoning there now. It is recognized that those properties are designated in the Master Plan as CT-6 and could come in for a rezoning.
- It was the general consensus of the Planning Commission that the lumber yard will not be included as well. Mr. Edgerton felt that the lumber yard should be included.

Proposed By-right & Special Use Permit Uses - Staff would like the Commission to consider whether several of the uses stated as special use permit (SP) in the draft ordinance should be considered by-right uses to allow for additional employment uses and economic vitality in Downtown.

- Regarding the special use permit question, the Planning Commission generally agreed they did not want residential to be the predominant use. The Commission wanted the ordinance to provide that any residential use be secondary to commercial use.

- The Planning Commission liked the idea of mixed use, but wanted the residential to be located above the first floor. The residential use has to be in the same building as the commercial use.
- The Planning Commission agreed that the veterinary office should remain a use by special use permit.
- The Planning Commission supported the by-right uses proposed excluding pure residential.
- Research and development activities including experimental testing should be by special use permit.

Buffer/Screening Requirements Adjacent to Residential Districts – The Commission was asked to advise, considering recommendations regarding the boundary area of a County-initiated rezoning, whether the buffer/screening provisions appear adequate to mitigate impacts to residential properties adjoining the potential Downtown District.

The Planning Commission agreed that the buffer/screening requirements adjacent to residential districts seemed to be addressed by the way the boundaries for the initial zoning change were proposed. Any additional rezoning under the CT-6 for the Downtown District was going to have to address further how the adjacent area would be treated in terms of height of building, spacing, setback and such. This will be addressed through the rezoning because the two most sensitive areas were not going to be included in the boundary.

Entrance Corridor & Architectural Review Board (ARB) - Is there anything that the Commission expects regarding the Entrance Corridor provisions since this district is going to supersede some guidelines. Some guidelines could still be in effect. Does the Commission have any strong feelings about the Entrance Corridor through this area on Route 240.

It was the consensus of the Planning Commission that it was important for the Entrance Corridor to remain within ARB review.

Affordable Housing – In the past, the Commission expressed an interest in providing an incentive to encourage affordable housing within the new Downtown Zoning district.

The Commission agreed with staff that the recommended residential densities do not create an opportunity to apply an affordable housing density bonus, since the draft ordinance would allow up to 36 dwelling units per acre.

Parking Requirements for By-Right and Structured Parking:

It was the consensus of the Planning Commission that structured parking would be by-right and stand-alone parking by special use permit.

Ms. Monteith left at 9:07 p.m.

The Planning Commission took a ten minute break at 9:07 p.m.

The meeting reconvened at 9:15 p.m.

ZTA-2007-00006 Montalto
Monticello Historic District (MHD) – Scholar Housing – Zoning text amendment to amend the MHD regulations by adding Section 11.3.1(24) to allow "scholar housing" as a use permitted by right. The existing density for new residential development authorized in the MHD is one dwelling unit per 21 acres, and the proposed zoning text amendment would not change that density. (Joan McDowell)

AND

ZMA-2007-00023 Montalto (Sign # 87 & 90)
PROPOSAL: Rezone 329.68 acres from RA Rural Areas zoning district which allows RA -- Rural Areas: agricultural, forestal, and fishery uses; residential density (0.5 unit/acre) to MHD Monticello Historic

District zoning district, a planned historic district to permit restoration, preservation, education, programs, research and business activities related to the operation of a historic house, museum and historic site at Monticello; residential density (1 unit / 21 acres)
PROFFERS: Yes____No X
EXISTING 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: 1400 Montalto Loop Road, Route 53 at the entrance to Monticello
TAX MAP/PARCEL: TMP 77-31; TMP 77-31B; TMP 78-25A
MAGISTERIAL DISTRICT: Scottsville (Joan McDowell)

Ms. McDowell presented a power-point presentation and explained the staff reports. (See Staff Report)

Mr. Morris invited the applicant to address the Commission.

Mike Mathews, representative for the Thomas Jefferson Foundation, introduced Mike Merriam, Director of Building and Grounds at Monticello and Valerie Long, Esq. He presented a power-point presentation and discussed the proposal.

In summary, a work session on ZTA-2007-00006 Montalto and ZMA-2007-00023 Montalto was held by the Planning Commission. In a power-point presentation, staff reviewed the applicant's proposal. The Commission reviewed and discussed the proposal, answered the questions posed by staff and made comments and suggestions. The applicant made a presentation. Public comment was taken. No formal action was taken.

The Planning Commission made the following comments regarding the questions posed by staff regarding the following issues:

ISSUE 1: The proposed uses should meet the purpose and intent of the MHD.

Do the proposed uses provide a consistent link with the study of Jefferson and the operation of a historic house and site?

- The Planning Commission agreed that the proposed uses provide a consistent link with the study of Jefferson and to the operation of a historic house and site.

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ISSUE 2: The access to the site is from a narrow access road and parking is limited on-site.

Should additional information regarding shuttle service and on-site parking be provided, such as:
Shuttle service for day visitors from Monticello/
Does Monticello have enough parking for residents, workers and overflow?
What amount of impervious surfaces?

- The Planning Commission supported the alternative of shuttling people to the site in lieu of parking on the mountain, but they wanted a guarantee of clearing of ice and snow. The Planning Commission wanted to make sure that Monticello has enough parking to accommodate these uses, which is part of the analysis that staff will do during the review of the applications.

ISSUE 3: Allowable density – 1 house per 21 acres (MHD).

Should the applicant commit to limit residences to scholar residences only and restrict potential future residential divisions?

Zoning determined that scholar residences are dwelling units and do count toward density
RA – 16 development rights; 13 – 21 ac. Lots (29 lots possible)

MHD – 15 – 21 ac. Lots
8 – 10 scholar residences

- The Planning Commission was in accord with need to define scholar housing.

- The Planning Commission was comfortable that the application plan would establish what they can do and preclude subdivision. Additional limits were not necessary.

ISSUE 4: Little is known about the property outside the project area limits.

Would the Planning Commission like additional information and commitments regarding possible uses on the remainder of the property?

Feasibility study mentioned possible vineyard and overflow parking.
Easements were being discussed

- The Planning Commission was in agreement that the application plan did not need to show future uses in areas outside the project area.
- Future action: The ZTA and ZMA will be before the Planning Commission as public hearing. No date has been set.

Old Business:

Ms. Joseph noted that after looking at the pictures of the cell tower this evening she felt it was important for the Commission to have a work session regarding cell tower process.

Mr. Morris noted that the tower representatives wanted the Commission to hold an information session, also.

Mr. Edgerton said that he would like to hear from zoning staff about what kind of follow-through there is after these cell towers are built. Discussion should include restriction on allowing the cell tower to be 7' to 10' above the referenced tree as well as what kind of enforcement there is on cell towers and how to determine the number of feet above the referenced tree. He noted that perhaps they should extend the notification to the properties that are on the other side of the referenced tree.

Mr. Cilimberg noted that only adjacent property owners are notified. To notify property owners in the distance where the tower may or may not be visible potentially could become arbitrary and someone might be missed.

Mr. Morris suggested the balloon fly for a longer period of time.

Mr. Cilimberg noted that he would let Bill Fritz know that the Commission wants a work session on cell towers.

Ms. Joseph noted that staff had indicated that the Commission would be looking at the Rural Areas and uses that are acceptable.

Mr. Cilimberg noted that it was on the implementation list for the Rural Areas Comp Plan. The problem is that frozen positions prevent staff from getting to those items at this point.

Old Business

Mr. Morris asked if there was any old business.

- **PLANNING COMMISSION COMMITTEE MEMBERSHIP AS OF 1/29/08**

The following Commissioners agreed to serve on the specific committee as follows:

ACE Committee:
Bill Edgerton

CIP Technical Committee:
Eric Strucko

Charlottesville Albemarle Regional Transportation Advisory Committee (CHART):
Tom Loach

City/County/University Planning & Coordination Council (PACC Tech):
Marcia Joseph

Eastern Connector Study Committee:
Cal Morris

Fiscal Impact Committee:
Eric Strucko

Historic Preservation Committee:
Linda Porterfield

Joint City/County Task Force on Affordable Housing:
Bill Edgerton

McIntire Park Committee: (Staff was asked to check to see if this committee was still active.)
Jon Cannon

Metropolitan Planning Organization (MPO) Tech Committee:
Marcia Joseph

Steering Committee for the Meadow Creek Parkway/250 Bypass Interchange:
Cal Morris

University of Virginia Master Planning Council
Bill Edgerton

There being no further old business, the meeting proceeded.

New Business

Mr. Morris asked if there was any new business.

There were no further items.

Adjournment

With no further items, the meeting adjourned at 10:10 p.m. to the Tuesday, February 5, 2008 meeting at 6:00 p.m. at the County Office Building, Lane Auditorium, Second Floor, Auditorium, 401 McIntire Road, Charlottesville, Virginia.

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V. Wayne Cilimberg, Secretary

(Recorded and transcribed by Sharon C. Taylor, Clerk to Planning Commission & Planning Boards)