Albemarle County Planning Commission
February 26, 2008

The Albemarle County Planning Commission held a meeting and public hearing on Tuesday, February 26, 2008, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

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

Other officials present were Bill Fritz, Chief of Current Development; Tamara Ambler, Natural Resource Manager; Joan McDowell, Principal Planner; Gerald Gatobu, Senior Planner; Glenn Brooks, County Engineer; Wayne Cilimberg, Director of Planning and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

Mr. Morris called the regular meeting to order at 6:02 p.m. and established a quorum.

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.

Regular Items:

SDP-2007-00079 Forsberg (Verizon) Tier II PWSF - Final
Request for approval of a treetop personal wireless service facility with a steel monopole that would be approximately 88 feet tall (10 feet AMSL above the height of the tallest tree within 25 feet), with a 6-foot high 360 square foot shelter/equipment cabinet. This application is being made in accordance with Section 10.1.22 of the Zoning Ordinance, which allows for Tier II wireless facilities by right in the Rural Areas. The property is 4.815 acres, described as Tax Map 92, Parcel 36E, and is zoned RA, Rural Areas and EC, Entrance Corridor. The Comprehensive Plan designates the property as Rural Area in Rural Area 4. (Gerald Gatobu)

Mr. Gatobu presented a power point presentation and summarized the staff report.

- This is a proposal to install a Tier II personal wireless service treetop facility. The proposed facility consists of an 88-foot tall steel monopole, painted with Sherwin Williams Java Brown, which is a matte enamel color that has been previously approved as an appropriate color for Tier II facilities at other sites in Albemarle County. The top elevation of the monopole is 528 feet, measured above mean sea level (AMSL). The proposed monopole will be ten feet higher than the identified reference tree. The monopole will be equipped with three (3) flush-mounted antennas, a two (2) foot long lightning rod, and coaxial cables that will be run within the monopole's interior. Supporting ground equipment will be contained within a prefabricated equipment shelter measuring 12' x 30'x 10.58' (W x L x H) at the base of the tower.
- This project went before the Architectural Review Board on December 3, 2007. In terms of visibility, a balloon test was conducted on August 31, 2007. The balloon was not visible from Route 53, which is an Entrance Corridor. Views from the Entrance Corridor are obscured by tree covering and an embankment. An arborist report is attached to the staff report. A tree conservation plan will be reviewed and approved before the Architectural Review Board will give them a Certificate of Appropriateness. Staff contacted Monticello and the balloon was not by visible by Mike Merriam from Monticello.
- Staff has identified factors which are favorable and unfavorable to this proposal:
    - Factors favorable to this request include:
        1. The lease area for the ground equipment and monopole are not visible from state route 53 and from Thomas Jefferson's Monticello. The tower will not impact any

significant features identified in the Open Space Plan.

- Factors unfavorable to this request include:
  None Identified.

- **RECOMMENDATION:** Staff recommends approval of this personal wireless service facility. Based on findings presented in the staff report, staff recommends approval at ten feet above the reference tree.

- Staff recommends approval of the request

Mr. Morris asked if there were any questions for staff.

Ms. Joseph noted that the arborist's report suggested that a couple of the trees need fertilizing. She asked if that was something that was in tandem with the conservation plan.

Mr. Gatobu replied yes, that actually the applicant does not have to submit that to staff right now, but they are being diligent to make sure that the trees around the monopole site are protected. The Architectural Review Board will not give a Certificate of Appropriateness until they have a tree conservation report.

Ms. Joseph asked if fertilizing and protecting are part of that report.

Mr. Gatobu replied that the report would be inclusive.

Ms. Joseph said that there is a graphic of the shelter in the staff report labeled A1 and they call it a mirrored shelter. She asked the shelter would be mirrored because of the layout or is there going to be shiny stuff all around it.

Mr. Gatobu referred the question to the applicant who noted it was a reverse layout.

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

Maynard Sipe, attorney representing Verizon Wireless, said that also present was Stephen Waller from Wireless Resources, Incorporated who was a consultant with Verizon. Basically they agree with the staff's findings that are on page four of the staff report regarding the visibility. They think that the fact that it is not visible from Route 53 and also not visible from Monticello speaks to the quality of the site in terms of the visibility. The mirrored shelter is a mirrored layout of the standard shelter. The standard equipment shed that Verizon uses has the doors on one side. This equipment shed because of the site uses one of the layouts switched so that the doors and air conditioning units are flipped. There is a condition approved by the ARB that they can use an aggregate stone finish on the building or hardy plank painted brown. Their intention is to make the building as unobtrusive as possible and blend with the other accessory buildings on the property. They wanted that option and the ARB included that in their conditions.

Mr. Loach asked what is inside the mirrored shelter.

Mr. Sipe replied that generally speaking it is the equipment that supports the broadcasting, transmitter and other equipment. It also includes a generator powered by diesel. Verizon does intend to have the site remain on air when there is a power outage.

In his capacity as a volunteer firefighter, Mr. Loach asked how many gallons of diesel it had.

Mr. Sipe replied that they will get that information. He noted that it was not a large generator and was contained in the building.

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

Motion: Ms. Joseph moved, Mr. Loach seconded to approve SDP-2007-00079, Forsberg (Verizon) Tier II PWSF - Final at the proposed height of ten feet above the reference tree.

The motion passed by a vote of 6:0. (Mr. Strucko was absent.)

Mr. Morris said that SDP-2007-00079, Forsberg (Verizon) Tier II PWSF - Final was approved.

Public Hearing Items:

SP-2005-00028 Biscuit Run Stream Crossing (Middle) - Sign # 3
PROPOSED: Allow stream crossing #2 (Mid), which is currently vacant to have a road crossing. There are no residential units proposed with special use permit.
ZONING CATEGORY/GENERAL USAGE: R-1 Residential (1 unit/acre) and RA-Rural Area: agricultural, forestall, and fishery uses; residential density (0.5 unit/acre).
SECTION: 18-30.3.05.2.1 Fill in the floodplain for crossing
COMPREHENSIVE PLAN LAND USE/DENSITY: Neighborhood Density Residential-residential (3-6 units/acre) and supporting uses such as religious institutions and schools and other small-scale non-residential uses.
ENTRANCE CORRIDOR: Yes_X __
LOCATION: Tax Map and Parcels 90-5, 90-6D. 981 Old Lynchburg Road, 951 Forest Lodge Lane. Between the east side of Old Lynchburg Road and the west side of Route 20; adjacent and to the south of the Mill Creek subdivision, adjacent and to the west of the intersection of Avon Street, Extended and Route 20.
MAGISTERIAL DISTRICT: Scottsville
(Tamara Ambler)

AND

SP-2006-00001 Biscuit Run Stream Crossing (Southern) – Sign # 3
PROPOSED: Allow stream crossing #3 (Southern), which is currently vacant to have a road crossing. There are no residential units proposed with special use permit.
ZONING CATEGORY/GENERAL USAGE: R-1 Residential (1 unit/acre) and RA-Rural Area: agricultural, forestal, and fishery uses; residential density (0.5 unit/acre).
SECTION: 18-30.3.05.2.1 Fill in the floodplain for crossing
COMPREHENSIVE PLAN LAND USE/DENSITY: Neighborhood Density Residential-residential (3-6 units/acre) and supporting uses such as religious institutions and schools and other small-scale non-residential uses.
ENTRANCE CORRIDOR: No__X __
LOCATION: Tax Map and Parcel 90-6D. 951 Forest Lodge Lane. Between the east side of Old Lynchburg Road and the west side of Route 20; adjacent and to the south of the Mill Creek subdivision, adjacent and to the west of the intersection of Avon Street, Extended and Route 20.
MAGISTERIAL DISTRICT: Scottsville
(Tamara Ambler)

AND

SP-2006-00002 Biscuit Run Stream Crossing (Northern) – Sign # 3
PROPOSED: Allow stream crossing #1 (Northern), which is currently vacant to have a road crossing. There are no residential units proposed with special use permit.
ZONING CATEGORY/GENERAL USAGE: R-2 Residential (2 units/acre).
SECTION: 18-30.3.05.2.1 Fill in the floodplain for crossing
COMPREHENSIVE PLAN LAND USE/DENSITY: Neighborhood Density Residential-residential (3-6 units/acre) and supporting uses such as religious institutions and schools and other small-scale non-residential uses.
ENTRANCE CORRIDOR: No__X __

LOCATION: Tax Map and Parcel 90-A-3 and 90-A1-1. Oak Hill Drive. Between the east side of Old Lynchburg Road and the west side of Route 20; adjacent and to the south of the Mill Creek subdivision, adjacent and to the west of the intersection of Avon Street, Extended and Route 20.
MAGISTERIAL DISTRICT: Scottsville
(Tamara Ambler)

Mr. Morris noted that the next items to come before the Commission are three separate items all dealing with the area on Biscuit Run for three stream crossings. The Commission will be discussing the middle stream crossing, the southern stream crossing and the northern stream crossing. Staff will discuss all three of these separately. The applicant has agreed to do the same thing. Public comment will be taken on any one item or all three of the requests. After the discussion the Commission will discuss and take action on each item.

Ms. Ambler gave a power-point presentation and summarized the staff reports for the three special use permits for the northern, middle and southern stream crossings in Biscuit Run. (See Staff Reports)

The specific requests are for fill in the floodplain to construct crossings to serve the Biscuit Run community. In keeping with the final approved proffers for the rezoning which was approved in September 2007, the crossings are intended to be bridges to minimize impacts on the floodplain and the stream channels. The concept plan from the approved rezoning shows the anticipated crossing locations circled in red. The northern and middle crossings are within the floodplain associated with the Biscuit Run proffer. The southern crossing is within a floodplain that is associated with a perennial tributary to Biscuit Run.

The 2005 FEMA Flood Study Maps included this area in a detailed study. That means that more precise base flood elevations were determined. The applicant has analyzed how the crossings and the associated fill will impact the elevation of the 100-year flood. The floodplain is very broad throughout the project area. The addition of fill, even though it may be a good amount of fill, will not significantly raise the base flood elevation for any of the three crossings. The County Engineer has reviewed this analysis and he does agree with the applicant's findings.

- In the slide, the northern crossing shows the bridge span and that the addition of the fill would raise the base flood elevation a minor amount of .10 foot or 1.2".

- The middle crossing again shows the placement of the fill and the span and again another insignificant increase in the base flood elevation raising it 1.2".

- The southern crossing shows a little higher increase of about 4.8" in the base flood elevation.

Even though these changes are significant, since FEMA has calculated base flood elevations the applicant will need to coordinate with FEMA to amend our flood plain information to keep the County's maps up-to-date. This is not unusual and is required of any applicant that proposes an action to change flood plain elevations in similar conditions on North Pointe and other projects. Later in the design phase, VDOT will need to approve these crossings. Staff has coordinated with VDOT, and so VDOT is aware that staff is recommending bridges for the crossings. The crossings are not expected to be visible from Entrance Corridor. There still needs to be some coordination from the applicant to obtain their necessary water-quality permits from federal and state agencies. There will need to be mitigation in the form of new buffer planting. These later issues are addressed as conditions of approval should the Planning Commission decide to approve these projects.

In terms of factors favorable, no impact to neighboring properties is expected as a result of this special use permit and no significant increase in flood levels will result from installation of the new crossing. Staff did not find anything unfavorable.

Staff included recommended conditions for approval, which are fairly standard for these types of special use permits.

- A mitigation plan has to be approved as noted in condition five. Staff has already identified a reach of stream along that same perennial tributary to Biscuit Run that is currently in a pasture characterization that would be very suitable for additional planting to mitigate impacts to the buffer.
- Regarding condition six, the grading in the floodplain needs to be confined to the minimum necessary to construct a bridge. If it turns out that a longer span is utilized than what is shown in the application, that would be acceptable if in the opinion of the County Engineer it actually reduces impacts to the floodplain. If a longer span is used, then it would actually require less filling of the floodplain and would be less of an impact.
- The next condition was not contained in the staff report due to an oversight by staff. Because of the complexity of these sorts of crossings the applicant may wish to ask for a longer life span for the special use permits beyond the two-years since it takes a while to coordinate with all state and federal agencies. Therefore, staff has included as the last condition language that has been used before to provide for a five-year life span for the special use permits.

Mr. Morris asked if there were any questions for staff.

Ms. Joseph asked if there was any reason why VDOT is not included in the approval process at this early stage. It has the County Engineer approving the road and bridge plans. She wondered why VDOT was not included because they will need to approve the plans. Ultimately VDOT is going to take this over as a public road.

Mr. Cilimberg reiterated that Ms. Joseph was asking why the third condition could not have County and VDOT approval as determined by the County Engineer and VDOT. He pointed out that the Commission could include that if they want even though VDOT approval will happen anyway. Inclusion would be covering all the bases so to speak.

Ms. Joseph noted that she would like to include it right at the beginning. It takes VDOT a long time to review things. If they are doing their review in conjunction with the County Engineer and if there are any problems, then the applicant knows at that point in time rather than later on.

Mr. Cilimberg said that the actual process when road and bridge plans are submitted for a public road is that the County Engineer in fact does include VDOT automatically. So it is routine. But, certainly including it in a condition is not a problem.

Ms. Joseph asked if the applicant has submitted the road plans yet, and Ms. Ambler replied no, not to her knowledge.

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

Scott Collins, engineer for Forest Lodge, LLC noted that also present was Stephen Blaine, attorney with McClair Ryan, to address any parts of this project that might affect some of the proffers. Mr. Blaine will answer any questions about how these stream impacts relate to the proffers. There are 2 things that he wanted to discuss tonight. One, he was going to talk about some of the design considerations that went into the plan of these stream crossings. Secondly, he wanted to talk about some of the specifics of the crossings in the flood plain study.

The design considerations included:

- Design considerations are based on the value of the stream that you are crossing and the value of that corridor. Biscuit Run stream quarter was rated at a very high value. That affected the next design consideration as to how many times they are going to make those crossings. They balanced that with the Neighborhood Model planning and the number of connections they wanted to try to achieve to get interconnectivity between the west side of the property and the east side. That all went through simultaneously with the rezoning of the project. It came down to two main crossings across the main Biscuit Run corridor and one crossing across the tributary that would go to the District Park. Because this was a highly rated corridor and because of the width of the

flood plain and the flood way, they looked at and explored all options. But it came out of the rezoning that it had to be a bridge crossing. That is what they are still proposing.

- They also looked at the amount of flood plain that could be increased. That really has to do with the function of where the crossing lies in respect to the adjacent property lines. They can increase the floodplain on a property only to the point where it does not make a significant impact to the adjacent properties. As three of the crossings are fairly close to adjacent properties, the design criteria cannot raise the base flood elevation a whole lot with these stream crossings.
- They also considered emergency access and whether this crossing was giving access to a piece of property that did not have access from another means. (i.e. if it was a 100-year storm and whether the crossing was passable or not.) That is not the case in this situation because the west side has access from Fifth Street and Old Lynchburg Road. The east side has access from Route 20. So at no time are the parcels totally isolated if there is a 100-year storm. All of these crossings allow a 100-year storm passage because the spans are going to be much higher than the actual flood way.

The significance about the crossings and the floodplain study included:

- One of the exhibits goes into a blow-up of the floodplain of the plan view of the three crossings, which was in the staff report. There are three floodplains shown on those cross sections. The first is called the FEMA Floodplain, which is based on what FEMA has right now logged in as the floodplain along the stream corridor. That floodplain is based off of three cross sections run along that entire stream corridor. Also shown is the existing floodplain, which is based on 58 cross sections that they ran during their floodplain hydrologic analysis of this corridor. That is why the existing floodplain that they show and the FEMA floodplain are different. Their floodplain is a much more modeled and exact than the FEMA one. When this is all said and done all of their information will be sent to FEMA who update their FEMA model with the more exact cross sections and floodplain. The third floodplain is called the proposed floodplain, which represents the new floodplain as it goes through these three stream crossings underneath the bridges. There is a small increase at the upstream part of the floodplain for a short period of time and then it gets back into the existing floodplain. The proposed and existing floodplains are almost simultaneously on top of each other.
- For the most part, all three of the profiles look about the same. Most of the time the span is off set one way or the other. On either side there is the limit of the stream buffer and then there is the span that goes right over top of the creek, which depends on how the creek is centered within the floodplain of the project. Then they show basically the amount of fill and the bridge span within the floodplain and the crossing. They did that for all three trying to model how it was going to look. They looked at number of different spans for each of these three crossings. They looked at a 200' span, which had the same effect as the 120' span they went with. But, they also found that the 120' span was about the minimum length of span that would keep the floodplain from increasing dramatically. They modeled an 80' span and 100' span. It really started to cause an increase in the floodplain behind that in the neighborhood of a couple of feet here and some other places 4' to 5'. At that point they found that was the span it was going to be. The spans are long enough to where the stream actually crosses in-between one of the two sixty (60) foot spans. The other span more or less helps with the floodway during a 100-year storm.
- Once they come up with the final road design for the project that span may become larger. At this point, this is basically showing the minimal span that creates no floodplain increase.

Mr. Morris asked if there were any questions for Mr. Collins.

Ms. Joseph said that from looking at the sections there was a lot of fill going in. She assumed that they will get the fill from the site somewhere.

Mr. Collins said that was correct.

Ms. Joseph said that when the Commission was looking at Biscuit Run, one issue was phasing. The phasing should indicate where they are going to get this fill. It appears from the diagram that 50', 40' and 10' of fill is needed in some areas. She was trying to figure out if they have the phasing worked out so that there are no denuded areas and that the floodplain is not filled in. She understands their request for

two of these crossings. One is the spine road that is going through. In the documents, they had agreed to do that first. At some point they were also discussing that the connection to the park was going to be one of the connections that they would look for first. The northern most and the southern most of these requests would be done first. She was trying to figure out why they need the stream crossing that is going to the west right now. Again, it has to do with phasing because that was just an enormous topic of conversation.

Mr. Collins said that was the middle one. They thought that they would go through all of the three stream crossings at the same time and try to address all of the issues. That was before he realized the last proffer with the sunset clause being available for the first 5 years. If they do get approval for the middle crossing, constructing that crossing within five years obviously is all market driven. But, there is a lot to do especially with the phasing as laid out in the rezoning before they hit that middle crossing.

Ms. Joseph said that she totally understands but, as Ms. Porterfield said, why are they looking at it now? That was her question. She just wanted to make sure that all of the hard work done by the Planning Commission is going to make sense in this instance.

Steve Blaine, representing the applicant, explained the request.

- Ms. Joseph called this afternoon and alerted him to her question. So he had a chance to go back and review the proffers. There are no fewer than 33 references to phasing and timing requirements within the 20 pages of the proffers. The Code of Development also, as Ms. Joseph mentions, has a diagram that describes the areas which will be developed first. In terms of the impacts to the environment related to grading, there is a thorough proffer regarding overlot grading. This was not fully developed at the Planning Commission, but it was certainly developed before the rezoning was completed as was an erosion and sediment control proffer, which set the new standard in the county in terms of protection of the environment relating to erosion and sediment control.
- With respect to the stream crossings, there is a proffer that requires the developer to construct three stream crossings. It was an inducement as part of the rezoning to build span bridges. The modeling that Mr. Collins has described is an overall modeling of the floodplain and the design to do it in one integrated comprehensive fashion. If there are entitlements, they are simply at the zoning stage now. In the list of conditions, there are other county approvals as well as state and VDOT approvals that will be necessary before they can actually build the roads.
- In terms of timing, there was a very thorough discussion vetted about when the stream crossings would occur. It was specifically contemplated that the crossings providing the East/West connection would be first and also providing the access to the park. The remaining stream crossing will be constructed at the time that the adjacent roadway is constructed. But, in no case will it be later than the time provided in proffer 6C, which relates to their whole roadway network that had specific triggers when certain amount of units would be delivered. They would be willing to consider a condition that makes clear that the approval of the special use permits in no way aggregates, reduces, diminishes or mitigates the commitments that have been made in the proffers. They hope they would not have to readdress the proffers tonight.

Ms. Joseph pointed out that when she looked at the fill needed, she wondered where it would come from. If they want to get the dirt from the site, it means that they would be grading lots of areas on the site.

Mr. Blaine said that he would hope and trust the fill would not come from off the site.

Mr. Morris asked if there were any other questions.

Ms. Ambler pointed out that Mr. Cilimberg had advised regarding the wording for the condition regarding the five-year limit that Mr. Davis has more updated language for extending that special-use permit life. If the Planning Commission was going to approve that, then staff would want to use the updated language.

Mr. Cilimberg said that it establishes the date and time rather than saying five years from approval. It is a wording modification. This was an earlier standard condition that has been more recently modified. Staff can adjust that condition by the time it gets to the Board if the Commission chooses to recommend that.

Mr. Morris asked if the Commission includes VDOT being a part of this, where will that fall. He asked if that would fall under condition three.

Mr. Cilimberg said that condition 3 seems to be the most appropriate place. It should include both the county and VDOT.

Mr. Kamptner agreed that it would be fine to add that to condition three.

Mr. Morris noted that hopefully that would eliminate any surprises down the road.

Ms. Porterfield said that Ms. Joseph was concerned about the amount of fill. She was concerned that the 120' spans might not handle the 100-year floods and have the water go over the bridge. She asked if there would be some logic to increasing the number of spans so that they decrease the amount of fill and have more area for water flow. From where she has come from, 100-year floods seem to be happening frequently.

Ms. Joseph invited Glenn Brooks to address the question. Glenn Brooks, County Engineer, said that increasing the spans will decrease the fill. He felt that the floodplain issue was a moot one because both the public roads on either side of a bridge would be flooded. He noted that these bridges would be built better than ones on Old Lynchburg Road.

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

Action on SP-2005-28 Biscuit Run Stream Crossing Middle:

Mr. Edgerton said that Mr. Blaine responded in a positive way to Ms. Joseph's question about phasing. He suggested that they add a condition that would give assurance that the approval of these special-use permits would not in any way alter the commitments for phasing that have already occurred and were part of the rezoning. He suggested that they accept that suggestion and add another condition.

Mr. Morris noted that is a very accurate paraphrasing to Mr. Blaine's suggestion.

Mr. Kamptner suggested the wording, "The approval of this special use permit does not supersede or modify any proffer related to ZMA-2005-00017 or any subsequent amendments."

Mr. Cilimberg noted that some of the aspects of phasing were referenced in the Code of Development. It might be that they will want to say proffers and Code of Development to cover all the bases. In reality that is going to happen anyway because a special-use permit cannot supersede a rezoning or any of the proffers or Code of Development that applies. This is basically just reaffirming that.

Ms. Joseph noted that they don't know ultimately who is going to develop this property. If they keep hammering away at that point, it will sink into whoever is doing this development that this has to happen.
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Mr. Morris said that the Commission has 8 conditions and one of the original 6 has been modified.

Mr. Kamptner asked to go back to condition 3 that had the addition of VDOT. He felt that they need to add more than just tack on "and VDOT" at the end. What condition 3 is focusing on is the County Engineer's determination that the road and bridge plans are in accord with the application plan. That is not something that VDOT really has any interest in. They want to be certain that the roads and the bridges meet VDOT standards.

Mr. Cilimberg agreed that was a very good point. Actually VDOT is a normal reviewer in road plans. So it would either need to be a separate condition or just be understood that is normal process. This is interpretative condition that they would not want VDOT actually playing a part in.

Ms. Joseph said that is fine, but it is normal for DEQ and the CORPS to look at this. So it is just another condition that says let's remind everybody that VDOT has to approve this stream crossing also.

Mr. Cilimberg asked that the Commission include that in their motion, and staff will make sure that it gets in the right place in the conditions.

Mr. Morris noted that there would be 9 conditions. He noted that condition seven would be what Ms. Ambler had on the screen extending the time to 5 years.

Mr. Cilimberg reiterated that in essence above the six they want the VDOT condition, the assurance that the proffers and Code of Development are not superseded and the five-year condition.

Action on SP-2005-28 Biscuit Run Stream Crossing (Middle):

Motion: Mr. Edgerton moved, Ms. Porterfield seconded to approve SP-2005-00028, Biscuit Run Stream Crossing (Middle) with staff's recommended conditions, as adjusted and modified.

1. The applicant must obtain a map revision, letter of revision, or letter of amendment as required from the Federal Emergency Management Agency (FEMA) and copy the County Engineer on all correspondence.
2. Army Corp of Engineers, Virginia Department of Environmental Quality, and other necessary state and federal agency approvals must be obtained prior to issuance of grading permits for construction of the new stream crossing and approaches.
3. County approval of road and bridge plans for the crossing to be in accord with the application plan, as determined by the County Engineer.
4. County approval of a grading and an erosion and sediment control plan prior to the issuance of a grading permit for construction of the new stream crossing and approaches.
5. County approval of a stream buffer mitigation plan prior to the issuance of a grading permit for construction of the new stream crossing and approaches.
6. Grading within floodplain shall be confined to the minimum necessary to construct the bridge. Changes in final design of the bridge, such as use of a longer span, are acceptable if the changes reduce impacts to the floodplain, in the opinion of the County Engineer.
7. Construction of the new crossing shall commence on or before April 9, 2013, or this special use permit shall be deemed abandoned and the authority granted hereunder shall thereupon terminate.
8. VDOT approval shall be required for the stream crossing to ensure that the roads and the bridges meet VDOT standards.
9. The approval of this special use permit does not supersede or modify any proffer or provision of the Code of Development related to ZMA-2005-00017 or any subsequent amendments thereto.

The motion passed by a vote of 6:0. (Mr. Strucko was absent.)

Mr. Morris said that SP-2005-00028, Biscuit Run Stream Crossing (Middle) would go to the Board of Supervisors on April 9 with a recommendation for approval.

Action on SP-2006-00001 Biscuit Run Stream Crossing (Southern):

Motion: Ms. Joseph moved, Mr. Edgerton seconded to approve SP-2006-00001, Biscuit Run Stream Crossing (Southern) with staff's recommended conditions, as adjusted and modified.

1. The applicant must obtain a map revision, letter of revision, or letter of amendment as required from the Federal Emergency Management Agency (FEMA) and copy the County Engineer on all correspondence.

2. Army Corp of Engineers, Virginia Department of Environmental Quality, and other necessary state and federal agency approvals must be obtained prior to issuance of grading permits for construction of the new stream crossing and approaches.
3. County approval of road and bridge plans for the crossing to be in accord with the application plan, as determined by the County Engineer.
4. County approval of a grading and an erosion and sediment control plan prior to the issuance of a grading permit for construction of the new stream crossing and approaches.
5. County approval of a stream buffer mitigation plan prior to the issuance of a grading permit for construction of the new stream crossing and approaches.
6. Grading within floodplain shall be confined to the minimum necessary to construct the bridge. Changes in final design of the bridge, such as use of a longer span, are acceptable if the changes reduce impacts to the floodplain, in the opinion of the County Engineer.
7. Construction of the new crossing shall commence on or before April 9, 2013, or this special use permit shall be deemed abandoned and the authority granted hereunder shall thereupon terminate.
8. VDOT approval shall be required for the stream crossing to ensure that the roads and the bridges meet VDOT standards.
9. The approval of this special use permit does not supersede or modify any proffer or provision of the Code of Development related to ZMA-2005-00017 or any subsequent amendments thereto.

The motion passed by a vote of 6:0. (Mr. Strucko was absent.)

Mr. Morris said that SP-2006-00001, Biscuit Run Stream Crossing (Southern) would go to the Board of Supervisors on April 9 with a recommendation for approval.

Action on SP-2006-00002 Biscuit Run Stream Crossing (Northern):

Motion: Mr. Edgerton moved, Mr. Cannon seconded to approve SP-2006-00002, Biscuit Run Stream Crossing (Northern) with staff's recommended conditions, as modified.

1. The applicant must obtain a map revision, letter of revision, or letter of amendment as required from the Federal Emergency Management Agency (FEMA) and copy the County Engineer on all correspondence.
2. Army Corp of Engineers, Virginia Department of Environmental Quality, and other necessary state and federal agency approvals must be obtained prior to issuance of grading permits for construction of the new stream crossing and approaches.
3. County approval of road and bridge plans for the crossing to be in accord with the application plan, as determined by the County Engineer.
4. County approval of a grading and an erosion and sediment control plan prior to the issuance of a grading permit for construction of the new stream crossing and approaches.
5. County approval of a stream buffer mitigation plan prior to the issuance of a grading permit for construction of the new stream crossing and approaches.
6. Grading within floodplain shall be confined to the minimum necessary to construct the bridge. Changes in final design of the bridge, such as use of a longer span, are acceptable if the changes reduce impacts to the floodplain, in the opinion of the County Engineer.
7. Construction of the new crossing shall commence on or before April 9, 2013, or this special use permit shall be deemed abandoned and the authority granted hereunder shall thereupon terminate.
8. VDOT approval shall be required for the stream crossing to ensure that the roads and the bridges meet VDOT standards.
9. The approval of this special use permit does not supersede or modify any proffer or provision of the Code of Development related to ZMA-2005-00017 or any subsequent amendments thereto.

The motion passed by a vote of 6:0. (Mr. Strucko was absent.)

Mr. Morris said that SP-2006-00002, Biscuit Run Stream Crossing (Northern) would go to the Board of Supervisors on April 9 with a recommendation for approval.

Old Business

Mr. Morris asked if there was any old business.

SP-2008-00027 Emmanuel Episcopal Church – Waiver for disturbance of critical slopes (Joan McDowell)

Mr. Morris noted that last week the Planning Commission did not vote on the applicant's waiver request for disturbance of critical slopes. Ms. McDowell noted that this is a housekeeping item. The County Engineer is present to answer any questions. There is quite a lot of critical slope in the shaded area around the proposed building to the rear of the property. In the County Engineer's review, it was determined that there might be a little more critical-slope disturbance than the applicant had originally proposed, but the recommendation was still for approval.

Mr. Cannon asked the amount of critical slope disturbance.

Ms. McDowell replied that the applicant had asked for a disturbance of no more than 2,000 square feet, but it was determined that there might be an addition to that.

Mr. Brooks said that it was about 1/3 to 1/2 an acre of disturbance. There are basically three dips in the topography, and each of those areas would have sediment traps built into it. A portion of each one of those areas would be disturbed.

Ms. McDowell noted that the applicant did change the location of the structure at staff's request. This placement avoided as much critical slopes as possible and gets the same size building.

Mr. Cannon asked what does "avoidable" mean.

Mr. Brooks said that means that they would have to scale back the development or move it all over to the right side behind the existing house. It would involve similar layout of the property or they would put the building on the street side instead of the critical slopes side of the lot. But, he was just throwing out ideas.

Mr. Cannon noted that there might be upsides and downsides to those alternatives as well.

Mr. Brooks agreed noting that staff does not feel comfortable deciding that and leaves it up to the Commission.

Ms. Joseph asked if with appropriate erosion and sediment control measures is this waiver something that he could support. Mr. Brooks replied yes.

Mr. Morris noted that the applicant was not present. There being no further discussion, he asked for a motion.

Action on Critical Slopes Waiver:

Motion: Mr. Loach moved, Mr. Edgerton seconded to approve the waiver of Section 4.2 for critical slopes with regards to SP-2008-00027, Emmanuel Episcopal Church.

The motion passed by a vote of 6:0. (Mr. Strucko was absent.)

Mr. Morris said that the critical slopes waiver for SP-2008-00027, Emmanuel Episcopal Church was approved.

Planning Commissioner Certification Training:
Mr. Cilimberg sent an email last week to the Commissioners regarding the Certified Planning Commissioner Training. No response was received by the end of the week. Therefore, he assumed no

one has decided to enroll. He asked if anyone was interested. There being none, he noted that there will be other opportunities during the next year.

There being no further old business, the meeting proceeded.

New Business

Mr. Morris asked if there was any new business.

Ms. Porterfield asked if the staff report could have one page at the end with all of the recommended Commission actions separate from the report so that the Commissioners did not miss any actions as with the previous waiver.

Mr. Cilimberg replied that staff needs to make sure that the recommendation section has everything in it. Staff has been asked to try to save paper for environmental purposes. He suggested that staff make sure that within the recommendation section they spell everything out rather than going to a separate page. That section must point out every action that the Commission needs to take.

Mr. Morris suggested that the recommendations all be on one page so that the Commissioners do not miss something.

Development Review Task Force and Scheduling:

Ms. Joseph noted that she received the information on the Development Review Task Force and this year's ZMA and SP scheduling in the mail. She thought that this schedule would stop what happened in Biscuit Run where the applicant wanted to come sooner than information was given to staff. She assumed that the time built into this is adequate to get the information, review it and get it back to the Commission and Board. That is why she was very interested in this.

Mr. Cilimberg said that the scheduling itself gives staff enough time to review and then go back to the applicant and let the applicant know what the issues are. Then the applicant can decide whether or not they want to go to public hearing. If the applicant decides to go to public hearing, the applicant does not submit anything else. The Commission gets a staff report based on just what the applicant originally submitted and staff reviewed. However, staff is hoping that if the applicant sees the staff's issues they will choose to resubmit instead of coming to the Planning Commission for public hearing. With a new submittal and staff review, the issues will have been addressed and the project can be brought to the Commission clean. Staff is also working on the scheduling of applications for the Board after the Commission has acted. The Board has been in the situation where new information is provided by the applicant after their initial submittal is made, the item is scheduled for the public hearing and the staff report has been forwarded to the Board. Staff is working with the Clerk's Office to not schedule or advertise applications for public hearings until the applicant has provided all submittal material in its final form "signed, sealed and delivered."

Mr. Edgerton requested that staff schedule a discussion with the Commission on this item so that they could understand the process. He questioned item five that says if neither a work session nor a resubmittal is needed, a project will come to the Commission approximately 12 weeks from the initial application. This time period is one week earlier than the 2007 schedule. He felt that 12 weeks still leaves no opportunity for a deferral by the County if the state mandates action within 90 days.

Mr. Edgerton asked if the applicant decided to resubmit does the clock start over for 90 days.

Mr. Kamptner replied that they have never interpreted or applied it that way.

Mr. Edgerton asked staff to work on a resolution on this issue regarding the clock starting over.

Mr. Cilimberg noted that staff can work further on this, but the best way to deal with the issue is for the Commission to simply recommend denial rather than asking the applicant to defer if they feel an application is inadequate.

Ms. Joseph said that one of the things she did not see in here was the rezoning in a two-step process. She wondered how that fits, and whether Mr. Graham and Mr. Cilimberg could address that.

Mr. Cilimberg noted that this would require formally amending the ordinance; but, in lieu of that the applicant has been given the choice of a work session with the Planning Commission first. This is not mandatory.

Mr. Edgerton noted that many of the emails regarding cell towers the Commission has received from David Booth and others have valid points. He asked that the Planning Commission have a work session to discuss these points.

Mr. Cilimberg pointed out that the Commission has a work session scheduled to discuss cell tower policies and the big picture.

Mr. Kamptner noted that it has been ten-to-12 years since they looked at this issue. After the 1996 Telecommunications Act came into being, they were trying to figure out how to implement it. During those first couple of years, staff tried to get information from the wireless providers on the cumulative towers needed and they said that it was proprietary information. He did not know if the times have changed or not, but they could look at that.

Mr. Cannon noted that the build-out process is not over yet. There seems to be continuing competition for good sites and some potential for massing at sites.

Ms. Joseph asked staff to provide a graphic to show the Commission where all of these facilities are in the county.

Mr. Cannon also asked for some follow-up on the particular tower visibility concern expressed by some adjacent owners at a prior Planning Commission meeting.

Ms. Porterfield pointed out that the work session was scheduled on April 22.

Regarding the Historic Preservation Committee Meeting, Ms. Porterfield said that a number of new members were needed for the committee. If anyone knows of someone interested, please let Margaret Maliszewski know.

Mr. Cilimberg pointed out that the Board of Supervisors will advertise for the positions.

- Mr. Edgerton said that he would probably be absent on March 11.
- Ms. Joseph said that she would be late on the March 11.
- Ms. Porterfield will be absent on March 18. She asked to get a copy of the presentation made at that meeting.
- There will be no Planning Commission meeting on March 4, 2008. The Planning Commission's next meeting will be Tuesday March 11, 2008.

There being no further items, the meeting proceeded.

Adjournment

With no further items, the meeting adjourned at 7:21 p.m. to the Tuesday, March 11, 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)