Albemarle County Planning Commission
December 6, 2011

The Albemarle County Planning Commission held a meeting on Tuesday, December 6, 2011, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Commission members attending were Russell (Mac) Lafferty, Ed Smith, Don Franco, Calvin Morris, Vice Chair, Linda Porterfield, Thomas Loach, and Duane Zobrist, Chair. Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia was absent.

Other officials present were Brent Nelson, Planner; Scott Clark, Senior Planner; Meagan Yaniglos, Senior Planner; J.T. Newberry, Planner; Bill Fritz, Director of Current Development; David Benish, Assistant Director of Planning; Wayne Cilimberg, Director of Planning; Sharon Taylor, Clerk to Planning Commission; and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

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

Committee Reports:

Mr. Zobrist asked for committee reports from the Commissioners.

- Mr. Morris reported the Pantops Community Advisory Council met last week with Joel DeNunzio in preparation for a dual meeting with the Village of Rivanna Community Advisory Council about Route 250 traffic.
- Ms. Porterfield reported the Village of Rivanna Community Advisory Council & Pantops Community Advisory Council joint meeting on traffic will be held on December 15th. The traffic on Route 250 would get worse when the Shadwell Bridge is closed next spring for a projected minimum of three months.
- Ms. Porterfield, in a follow up to the material she requested for the Historic Preservation Committee, publicly thanked Ms. McCulley for the quick response on the demolition permit and the email from Margaret Maliszewski to the committee. She will forward to Commissioners.
- Mr. Zobrist reported the Ace Committee met regarding a couple of easements to get done this year. It was unclear how much more would get done due to funding issues. The MPO Committee met and discussed traffic measurement. The data distributed was incredible. Anyone interested in the data should contact David Benish.

There being no further reports the meeting moved to the next item.

Other Matters Not Listed on the Agenda from the Public:

Mr. Zobrist invited comment from the public on other matters not listed on the agenda. There being none, the meeting moved to the next item.

Regular Items:

Ms. Porterfield asked since the next five requests are similar that the Commission discusses them all together.

Mr. Zobrist agreed that was a wonderful suggestion. The applicant has asked for approximately 12 or 13 minutes to discuss all of the requests. The items will be reviewed in a group receiving the staff report altogether and then taking the actions individually.

Mr. Fritz noted there were three staff members who would need to make a separate brief presentation. Separate actions will need to be taken on each item.

Mr. Kamptner noted that the public hearing for 5a, 5b and 5c can be opened at once.

Mr. Fritz introduced Brent Nelson, Planner, who had been with the County for quite some time and previously had done work for the Architectural Review Board.

4.a. SDP-2011-00067 Verizon Wireless Mechums River/Gallihugh Property
PROPOSED: Request for extension of an existing steel monopole in order to support the attachment of a second vertical array with two new flush mounted antennas that will be located above existing antennas. The new proposed height of the existing monopole will be 82.5 feet, an 8.5 foot extension from the top of the existing antennas, and will be approximately 2.5 feet below the reference tree.
ZONING CATEGORY/GENERAL USAGE: RA, Rural Areas- agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
SECTION: 10.2.1 (22) which allows for Tier II personal wireless facilities in the RA Zoning District
COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas in Rural Area 3 - Preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (.5 unit/acre in development lots)
ENTRANCE CORRIDOR: NO
LOCATION: 3624 Dick Woods Road
TAX MAP/PARCEL: 07400-00-00-002C0
MAGISTERIAL DISTRICT: Samuel Miller
(Brent Nelson)

Brent Nelson presented a PowerPoint presentation on 4.a. Verizon Wireless Gallihugh Property.

Last week staff sent an email forwarding a letter from Mr. Robert Hogue of 3638 Dick Woods Road regarding this proposal. The applicant, Verizon Wireless, is proposing to extend an existing steel monopole, located at 3624 Dick Woods Road, to allow for the attachment of a second vertical array with two new flush-mount antennas above the existing antennas. Please note that the staff report you received incorrectly references three flush-mount antennas. The proposed height of the monopole, with the existing 8.5 foot extension, will be 82.5 feet, approximately 2.5 feet below the top of the reference tree. The existing facility was permitted by Special Use Permit 2000-28. The 74 foot monopole located on the north side of Dick Woods Road State Route 637) is approximately a half mile west of the interchange with I-64 West. The property is heavily wooded containing just the monopole under review along with associated ground equipment in a fenced lease area.

The photos show:
- The existing facility and proposed height of the extension as represented by the red balloon.
- The existing lease area and ground-mounted equipment.

The drawing shows the existing and proposed conditions for the existing monopole; the proposed 8.5 foot extension; and the top of the reference tree and the 2.5 foot distance down to the top of the proposed extension.

A balloon test was conducted on October 17, 2011. The balloon was floated at the approximate height of the modified facility. Staff traveled nearby roads to determine the visual impact on other properties in the area. Staff noted that the EXISTING facility was not visible from any of the locations traveled. The balloon was visible from Rosemont Drive as shown in the photo. It was also visible from the intersection of Dick Woods Road and Rosemont Drive as shown in the photo and from the adjoining parcel to the west as shown in the photo.

Factors Favorable:
The proposed extension is on an existing facility and will not have any negative visual impact to adjacent properties, roadways or Entrance Corridors.

Factors Unfavorable: none

Recommendation: Staff recommends approval of the proposed extension of the existing monopole with antennas and associated ground equipment.

There being no questions for staff, Mr. Zobrist asked staff to present the next item, SDP-2011-00068 Verizon Wireless Mechums River / Barrell Property.

4.b. SDP-2011-00068 Verizon Wireless Mechums River / Barrell Property
PROPOSED: Request for extension of an existing steel monopole in order to support the attachment of a second vertical array with three new flush mounted antennas that will be located above existing antennas. **The new proposed height of the existing monopole will be 95 feet, an 8.5 foot extension from the top of the existing antennas, and will be approximately 10 feet above the reference tree.**
ZONING CATEGORY/GENERAL USAGE: RA, Rural Areas- agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
SECTION: 10.2.1 (22) which allows for Tier II personal wireless facilities in the RA Zoning District
COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas in Rural Area 3 - Preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (.5 unit/acre in development lots)
ENTRANCE CORRIDOR: YES
LOCATION: 998 Mechum View Drive
TAX MAP/PARCEL: 07200-00-00-043B0
MAGISTERIAL DISTRICT: White Hall
(Brent Nelson)

Brent Nelson presented a Power Point presentation on 4.b. Verizon Wireless Mechums River / Barrell Property.

Staff sent an email last week forwarding a letter from Jean Vieille, of 371 Shelton Mill Road, regarding this proposal. The applicant, Verizon Wireless, is proposing to extend an existing steel monopole, located at 998 Mechum View Drive, to allow for the attachment of a second vertical array with three new flush-mounted antennas above the existing antennas. The proposed height of the monopole, with the existing 8.5 foot extension, will be 95 feet, approximately 10 feet above the top of the reference tree.

The existing facility was permitted by Special Use Permit 2000-29. The 86.66 foot monopole is located on a parcel adjoining the north side of I-64 immediately west of Mechums River. The parcel has a rural character containing wooded and cleared areas. The facility under review is located on a hillside just inside the wooded area. A second Personal Wireless Service Facility is located approximately 75' east of the facility under review.

This site plan drawing shows the location of the existing facility.

The photos show: The existing facility and proposed height of the extension as represented by the red balloon and the existing lease area and ground-mounted equipment.

This drawing shows the existing and proposed conditions of the existing monopole, the proposed 8.5 foot extension, and the top of the reference tree and the 10 foot distance up to the top of the proposed extension.

A balloon test was conducted on October 17, 2011. The balloon was floated at the approximate height of the modified facility. Staff traveled nearby roads to determine the visual impact on other properties in the area and the I-64 West Entrance Corridor. The existing facility and balloon were visible, but not sky-lit, from: An adjoining parcel to the north as shown in the photo and from the west bound and east bound lanes of I-64 in the vicinity of the bridge over Mechum's River as shown in the photo. However, they were seen through the trees that line the I-64 right-of-way.

Staff identified the following factors favorable to this proposal:

- The proposed extension is on an existing facility and will not have any negative visual impact to adjacent properties, roadways or Entrance Corridors.

The balloon test findings were presented to the Architectural Review Board at their November 21, 2011 meeting. The Board granted a Certificate of Appropriateness for the ground equipment and base station as proposed. They forwarded a recommendation to the Planning Commission indicating that the ARB finds the proposed location of the facility sufficiently minimizes its visibility from the Entrance Corridor.

Staff did not identify any factors that were unfavorable.

Recommendation: Staff recommends approval of the proposed extension of the existing monopole with antennas and associated ground equipment.

Mr. Zobrist noted the two requests did not require Board approval and would be taken separately. He opened the public hearing and invited the applicant to address the Planning Commission.

Lori Schweller, Attorney with LeClair Ryan in Charlottesville, and Stephen Waller, zoning consultant, represented Verizon Wireless. Ms. Schweller presented a PowerPoint presentation. She pointed out initially she would address the two site development plan applications for SDP 2011-67/Gallihugh ("Ivy Exit") and SDP 2011-68/Barrell ("Mechums River"). However, she would begin with a brief introduction.

As an introduction she noted that Verizon Wireless was licensed to operate on the personal cellular service PCS wave lengths in Albemarle County. In January of 2009 Verizon Wireless acquired Alltel. They also operate at the former Alltel signal at 850 MHz's. The five applications are all about their third technology the LTE, which is usually referred to as 4G technology that operates at 700 MHz. In fact, four applications are for extensions and one is for replacement of existing monopoles at existing facilities that don't involve additional ground cover changes, any tree removals or anything like that. They are minor modifications to existing monopoles. These are all, in fact, former Alltel facilities that Verizon Wireless acquired in the January, 2009 purchase.

Verizon Wireless Licensed Technologies

- **Cellular service ~850MHz - former Alltel signal**
- **Personal Cellular Service (PCS) ~1850-1990 MHz**
  Third Generation (3G) Standard -- Verizon Wireless uses CDMA (Code Division Multiple Access)/EV-DO (Evolution Data-Optimized) technology -- enables data transfers 5-10x faster than earlier systems. Enables efficient web browsing, streaming video, working remotely, GIS mapping, email/video/picture sharing, downloading large files such as Power Point presentations. Download speeds: 600 kB/s – 1.4 mB/s; upload speeds 500-800 kB/s
- **Long-Term Evolution (LTE)~700 MHz**
  Verizon Wireless' Fourth Generation (4G) Standard - ~10x faster than 3G and enhanced penetration. Download speeds 5-10 mB/s and upload speeds 2-5 mB/s.

  In addition to giving background on these five applications, she also would like to provide some connection with potential upcoming discussions at the Board about the Wireless Policy and Ordinance and the changes being contemplated. A lot of changes have occurred since the adoption of the 2008 Wireless Policy in the County such as changes in terms of technology available, services offered, carrier goals and user expectations. As noted in the chart, at the time the Wireless Policy was adopted they were using first and second generation cell service only. That was the former Alltel wave length. They are now using 3G technology and are moving into 4G. That is what these applications are all about. It is the priority of Verizon Wireless to provide 4G service across the county as soon as possible and across the nation by 2013. At the beginning when the policy was adopted people focused on cell phone voice and something that was convenient and often used on the road when one was away from home. Now all the growth is in data uploading and downloading documents, emails, palm work, movies, music and books. They need the high speed of 4G to do that effectively. Also carriers are looking at universal in car and in building service. Everyone expects to be able to use all of their mobile devices, all of their laptops and computers wherever they go as they go. Also they find that consumers are using cell phones as their primary form of communication often. They expect to have fast speeds

everywhere. **(See Chart at end of minutes – Addendum A - 2000-2011 Changing Technology and Consumer Demand)**

The following tidbits illustrate those points:

Wireless Usage: Reliance on Wireless and *the Move toward Data-*

- The FCC estimates that 70% of 911 calls are placed from wireless phones and the number continues to grow. (www.FCC.gov). Therefore cell phones are very important for safety within the county.
- In 2008 10% of Americans owned a smartphones (voice + data); by Christmas of this year 50% of Americans will own one. Already, 62% of users 25-34 own smartphones. (Nielsen.com)
- Time spent streaming videos online has doubled in the past 3 years. (Nielsen.com)
- The average teen sends 3,339 text messages every month. (Nielsen.com)
- More videos were uploaded to YouTube (48 hours of video per minute) in the last two months than ABC, NBC and CBS created in the past 60 years. (YouTube.com)

As noted that is a lot of capacity needed.

Improving and Expanding Existing Verizon Wireless Coverage

- Update existing sites to provide 4G service to all Verizon Wireless customers
- Increase capacity to handle greater numbers of callers
- Enhance signal strength for in-building coverage
- Expand area of coverage

Considerations for Updating Current Wireless Policy and Ordinance

- **The County should recognize the benefits wireless communications provide to the County for education, business, safety, and convenience and encourage network improvements. In the Comprehensive Plan and Wireless Policy the County needs to:**
  - *Balance goals of minimizing visual impact with providing needed service to community.*
  - *Simpler zoning process for collocations, including simple modifications such as they will see tonight, including antenna additions and replacements, pole replacements and minimal extensions.*

- **Shift focus from visibility to adverse visual impact.**
  - *Wireless technology works on site distance signal propagation or point of site technology. If one cannot see it, then it probably is not working. It does need to peak above the trees. They have to recognize that they may see them. But they also see lots of telephone poles, electric poles, and a lot of utility equipment that they have become used to seeing. These are placed very carefully by their site acquisition folks and their engineers. So they are only put there when they are needed to be put there.*
  - *Limitations of flush-mounted antenna, technology need, particularly when they have to add the third technology to these facilities. The only way to add the 4G technology due to interference is to add a second set of flush mounted antennas vertically in order to have vertical separation. OR, it can be separated on a horizontal plane if they have a kind of antenna mount that is not flush mounted. In that case they can be separated so the signal will not interfere.*
  - *Strict reference tree guidelines are restrictive and distracting from actual visual impact. It should be considered.*
  - *Evaluate Tier III applications by Special Use Permit factors, not Tier II criteria.*

Monopole Antenna Mounts - Examples reviewed in presentation. The decisions can be made by the County and applicant in tandem.

Support Structure and Antenna Mount - Options Reviewed.

Returning to the first two requests, Ms. Schweller noted that all of the requests are about providing the 4G service as quickly as possible. She made the following points.

SDP-20111-67 "Gallihugh Property" - "Ivy Exit"

- Short 74' monopole shorter than the reference tree – The proposal is to extend the monopole a little bit just to add the 4G service.
- The monopole is has a less visual impact than the existing short utility pole. From the entrance to Rosemont it is hard to see the monopole.

SDP 201100068
"Mechum's River" / Barrell Property

- 87' monopole to be extended to 95', 10' above reference tree
- Visible only from the property and from I-64, 900+ feet from the site
- Screened by roadside trees going westbound
- Eastbound that is not true, but the monopole would be very difficult to see since it would not be in the viewshed of anyone not looking for it (not in drivers' site line)

She offered to answer questions about the first two applications.

Mr. Zobrist invited questions from the Commission regarding the first two applications.

Mr. Lafferty asked if the 700 megahertz antenna requires more power to get the coverage.

Ms. Schweller replied that she did not know the answer to the question. She noted that all three technologies will be there.

Mr. Lafferty asked if they are still restricted by the line of site at 700 megahertz.

Stephen Waller, consultant with GD & Sites for Verizon Wireless, replied they would still be restricted by the line of site at 700 megahertz. Actually as they go lower in frequency and number that frequency has a higher coverage area. The 1900 megahertz PBS for the footprint of coverage for that service is actually smaller than the 700 for the LTE basically now. A lot of that is detected by the number of radios that can be put at the base of the site. As they higher in the frequency range the lower the power the smaller the footprint. They are not losing anything by adding LTE. All the frequencies are dedicated to different uses. LTE is mainly going to be used for broad band services and things of that nature. The 850 and the 1900 Cellular PBS will continue to be used for the lower end data for text messaging, but also for voice quality. Basically with PBS even though it has a smaller footprint the closer one gets to the site the better the call quality. The 850 has a wider ranger the call quality as one gets further away from it is less and less. Not being a radio frequency engineer he can only explain it in layman terms and can't tell them exactly what it is.

Mr. Lafferty noted that as an electrical engineer he would take the question off the board and talk about it in a few minutes. He could understand going to a lower frequency they could get better penetrations in buildings and cars.

Mr. Waller noted when driving one should not be surfing the internet. It is important if they wanted to have a WIFI hotspot to get broad b the benefit comes into play to penetrate into the building.

Mr. Zobrist opened the public hearing and invited public comment.

Robert Hogue said his property line is approximately100 feet from the cell tower. The Gallihugh property where the cell tower is located is 200 feet in width and 200 feet wide. He could very plainly see this tower from his kitchen window every morning. This tower has malfunctioned before. For several weeks he had to listen to a high pitch noise that could be heard from inside his home with the windows closed. It was

painful for him to be within 110' to 150' of this cell tower with his hands over his ears. He has run chain saws before and knows loud noises. Also, the sun reflects off the cell tower antenna panels. If they notice all of the photographs were taken when the leaves were on the trees. He could really see the cell tower now when the leaves are off the trees. When they talk about calling 911 he asked how many accidents are caused by using cell phones and texting while driving. When the existing cell tower was approved by the Supervisors they limited the tower height. The Supervisors felt with age and height of the surrounding trees that some of these trees would not live much longer. He asked that the Commission turn the extension down.

There being no further public comment, Mr. Zobrist closed the public hearing to bring the matter before the Planning Commission. He asked if the applicant had anything further to say.

Ms. Schweller noted she would share the information Mr. Hogue has shared with them tonight to Verizon Wireless. Any type of malfunction like that should be taken care of by the company. She just wanted to let them know that.

Mr. Zobrist noted that the matter was before the Planning Commission. He asked if the Commission should take separate actions.

Mr. Kamptner suggested that two separate actions be taken.

Mr. Zobrist invited further discussion on Gallihugh.

Mr. Lafferty noted that both requests were for existing towers. That will not change.

Mr. Smith said he was sorry he was not invited to the balloon test since it was in his district.

Motion: Mr. Smith moved and Mr. Morris seconded for approval of SDP-2011-00067 Verizon Wireless Gallihugh Property Tier II.

The motion passed by a vote of 7:0.

Mr. Zobrist noted that the matter passes.

Motion: Mr. Loach moved and Mr. Smith seconded for approval of and SDP-2011-00068 Verizon Wireless Mechums River / Barrell Property Tier II.

Mr. Kamptner noted that this one has a request to go 10' above the reference tree. That should be included as part of the motion because that is a specific approval that the Commission must grant.

Amended Motion: Mr. Loach amended and Mr. Morris seconded the motion to include the proposed height of the monopole with the 8.5 foot extension that would be approximately 10' above the reference tree.

Ms. Porterfield voted aye noting that this is an existing tower.

The motion passed by a vote of 7:0.

Mr. Zobrist noted that the following two actions did not require Board of Supervisors approval.

APPROVED SDP-2011-00067, by a vote of 7:0, for an 8.5 foot extension of an existing steel monopole at approximately 2.5 feet below the reference tree.

APPROVED SDP-2011-00068, by a vote of 7:0, for the 8.5' extension of an existing steel monopole for the proposed height at 10' above the reference tree.

Public Hearing Items

SP-2011-00021 Herring Property Tower
PROPOSED: Special use permit amendment to allow replacement of existing 53.5-foot treetop monopole with a 97-foot treetop monopole, with associated ground equipment.
ZONING CATEGORY/GENERAL USAGE: RA, Rural Areas- agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
SECTION: 10.2.2 (48) which allows for Tier III personal wireless facilities in the RA Zoning District
COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas in Rural Area 4 - Preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (.5 unit/acre in development lots)
ENTRANCE CORRIDOR: YES
LOCATION: 8268 Newtown Heights, approximately 600 feet from its intersection with Green Hill Lane (Route F0174).
TAX MAP/PARCEL: 05300-00-00-00600
MAGISTERIAL DISTRICT: White Hall
(Scott Clark)

Scott Clark presented a PowerPoint presentation and summarized staff report.

The applicant proposes an amendment to an existing special use permit to allow replacement of an existing 53.5-foot treetop monopole with a 97-foot steel treetop monopole, with associated ground equipment. This use requires a special use permit because there are already four personal wireless service facilities on the site. The new proposed monopole would be at the same height as the reference tree, which is located on a steep slope behind the site.

This is a very large steep site that is mostly wooded. The existing tower is compared to the reference tree to the left. However, the new tower is compared to the reference tree to the right. The towers are not sky lit on the site. The site is to some degree visible from Newtown Road south of I-64 and from some places on I-64. He reviewed the balloon test noting the backdrop of trees.

Zoning Ordinance Modifications:
The applicant has requested the following modifications:
- Section 5.1.40 (c)(4)- Requirement for a tree conservation plan to be submitted prior to the issuance of a building permit.
- Section 5.1.40 (c)(5)- The installation, operation and maintenance of the facility to be conducted in accordance with the tree conservation plan.
- Section 5.1.40(c)(9)- Fencing around the ground equipment. The ground equipment is not visible from any spot staff was able to find. There is no need to fence the equipment since it is invisible from any public view.

It is an existing steep forest. It is not necessary to change any vegetation to replace the pole.

SUMMARY:

Staff has identified factors which are favorable and unfavorable to this proposal:
Factors favorable to this request include:

1. The replacement is proposed on an existing facility and will not have any visual impact to the entrance corridor or adjacent properties.
2. The Architectural Review Board staff has recommended approval based on minimal visibility from I-64, which is an Entrance Corridor.

Factors unfavorable to this request include:
- none

RECOMMENDATION: Staff recommends approval of:

1. The requested Zoning Ordinance modifications:

Zoning Ordinance Modifications:

Section 5.1.40 (c)(4)- Requirement for a tree conservation plan to be submitted prior to the issuance of a building permit.

Section 5.1.40 (c)(5)- The installation, operation and maintenance of the facility to be conducted in accordance with the tree conservation plan.

Section 5.1.40(c)(9)- Fencing around the ground equipment.

2. SP 2011-00021 Herring with the condition listed below, based on the analysis provided herein.

1. Development and use shall be in general accord with the conceptual plan titled "I-64 West – Herring Property" prepared by Stuart P. Patterson and dated 8/30/2011 (hereafter "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in accord with the Conceptual Plan, development and use shall reflect the following major elements within the development essential to the design of the development, as shown on the Conceptual Plan:

- Height
- Mounting type
- Antenna type
- Number of antennae
- Distance above reference tree
- Color
- Location of ground equipment

Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

Mr. Zobrist invited questions for staff.

Ms. Porterfield asked if the reason the applicant was here was they were replacing a pole owned by that company with a new pole. They were not increasing the numbers, but simply replacing.

Mr. Clark replied that was correct. The conditions were changing to refer to the new plan.

Mr. Kamptner noted when the Commission took an action on the modifications they were making a recommendation to the Board. This modification is a little different than those accompanying other type of approvals.

Mr. Fritz noted staff does not view this as a replacement. If they were going to take down the tower that is there and replace it with one at the same height that would be a replacement. This one would be removal and construction of a new tower. There is a distinction.

Ms. Porterfield noted that it was still because there were more than three. She viewed it that there was still going to be four towers.

Mr. Fritz agreed that it qualifies as a Tier III facility, but is not a replacement.

SP-2011-00023 Verizon Wireless / Hudson Property

PROPOSED: Request for extension of an existing steel monopole in order to support the attachment of a second vertical array with three new flush mounted antennas that will be located above existing antennas. The new proposed height of the existing monopole will be 96.5 feet, an eight foot extension from the top of the existing antennas, and will be approximately 16 feet above the reference tree. The proposal includes modifications to 5.1.40(c)(4),(5) and (9) and 5.1.40 (d)(6)

ZONING CATEGORY/GENERAL USAGE: RA, Rural Areas- agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)

SECTION: 10.2.2 (48) which allows for Tier III personal wireless facilities in the RA Zoning District

COMPREHENSIVE PLAN LAND USE/DENSITY: Neighborhood Density Residential in Neighborhood 5-residential (3-6 units/acre); supporting uses such as religious institutions, schools, and other small scale non-residential uses.
ENTRANCE CORRIDOR: YES
LOCATION: 1097 Teel Lane
TAX MAP/PARCEL: 07600-00-00-021A0
MAGISTERIAL DISTRICT: Samuel Miller
(Megan Yaniglos)

Megan Yaniglos presented a PowerPoint presentation and summarized staff report.

Proposal

- Extend the height by eight (8) feet, which will be 16 feet above the reference tree
- Install new ground equipment
- Zoning Ordinance Modifications:
  - Sec. 5.1.40 (c)(4)- Requirement for a tree conservation plan to be submitted prior to the issuance of a building permit
  - Sec. 5.1.40 (c)(5)- The installation, operation and maintenance of the facility to be conducted in accordance with the tree conservation plan
  - Sec. 5.1.40 (c)(9)- Fencing around the ground equipment. Currently there is no fencing at this site.
  - Sec. 5.1.40 (d)(6)- Height of the monopole not more than ten (10) feet taller than the tallest tree within 25 feet. The applicant is proposing the monopole to be 16.25 feet above the reference tree.

- A balloon test was conducted in October.
- Staff traveled along Interstate 64, Route 29 south, and other areas surrounding the site.
- The balloon was only visible for a brief period of time along Interstate 64. And was visible from the on ramp connecting route 29 to i-64 eastbound when stopped.

Factors Favorable:

1. The extension is proposed on an existing facility and will not have any visual impact to the Entrance Corridor or adjacent properties.
2. The Architectural Review Board staff has recommended approval based on minimal visibility from Interstate 64 and Route 29, both Entrance Corridors.

Factors Unfavorable: none identified

Recommendation: Staff recommends approval of the modifications and the proposed wireless service facility with the conditions outlined in the staff report and listed.

Conditions of approval:

1. Development and use shall be in general accord with the conceptual plan titled "Gold Eagle-Hudson Property" prepared by Clark Nexson and dated 8/30/11 (hereafter "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in accord with the Conceptual Plan, development and use shall reflect the following major elements within the development essential to the design of the development, as shown on the Conceptual Plan:
   a. Height
   b. Mounting type
   c. Antenna type
   d. Number of antenna
   e. Distance above reference tree
   f. Color
   g. Location of ground equipment

Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

Two Separate Actions:

1. Zoning Ordinance Modifications:

1. Sec. 5.1.40 (c)(4)- Requirement for a tree conservation plan to be submitted prior to the issuance of a building permit
2. Sec. 5.1.40 (c)(5)- The installation, operation and maintenance of the facility to be conducted in accordance with the tree conservation plan
3. Sec. 5.1.40 (c)(9)- Fencing around the ground equipment
4. Sec. 5.1.40 (d)(6)- Height of the monopole not more than ten (10) feet taller than the tallest tree within 25 feet.

2. Approval of SP-2011-023 Hudson Property

Mr. Zobrist invited questions for staff.

Mr. Lafferty noted staff mentioned that the ground equipment would need to be changed. He assumed with the two previous requests the ground equipment would have to be modified too.

Ms. Yaniglos replied that she could not answer that question and suggested that the applicant might be able to answer that. She did not review those applications.

Mr. Lafferty assumed that with the change in frequency the equipment would have to be changed or added to.

Ms. Yaniglos agreed since they were adding equipment here.

Mr. Zobrist suggested the Commission hold that question for the applicant.

Mr. Morris noted he had one question for staff. For the last eight years they have been extremely strict in the height of the towers. For the first four years he was on this Commission it was like pulling hen's teeth to get it above 7 feet. They are now going to 10 feet. He fully understands exactly what the applicant was saying that they need to look at the height requirement again. However, right now the Code says maximum of 10 feet. He questioned why the jump to 6 feet above that limit. It just does not make any sense without doing what they are going to be doing tomorrow with the Board of Supervisors.

Mr. Fritz replied that they were going to be bringing those very things up. It was one of the questions staff is posing to the Board of Supervisors. The Wireless Policy was written 12 years ago and the applicant has pointed out there was a different level of usage and potentially a different level of acceptance. He thought there has been some change in the level of acceptance in terms of visibility impact of 7 feet versus 10 feet. Also, there has been a great deal of refinement in the siting of them. He felt that the applicant and the County have gotten much better at siting them so that 10 feet is okay. They are putting the towers in good places. That is what was envisioned all along with the policy. However, his point is well taken and that is exactly the kind of thing the Board is going to need to tackle tomorrow.

Mr. Morris agreed because it is the Code.

Ms. Yaniglos pointed out she has been reviewing towers for five years. She had never had an application where it was a Tier III above the ten feet that someone was proposing.

Mr. Morris agreed that was correct.

Ms. Yaniglos said that a lot of the applications were the Tier II where that was a strict requirement. However, they have never gotten an application where the tower was above the ten feet.

Mr. Fritz noted they have had relatively few Tier III applications.

Mr. Zobrist asked if staff is recommending that the Commission waive the ten feet.

Ms. Yaniglos replied that staff is recommending that the Commission waive that section for the height in 5.1.40.d(6) to go an additional 6.2 feet to be 16.2 feet.

Ms. Porterfield asked why is this request is before the Commission.

Ms. Yaniglos replied because it is a Tier III and has to be approved by the Board of Supervisors.

Mr. Zobrist asked for the staff report on the third one for the Moyer property.

SP-2011-00024 Verizon Wireless - Moyer Property
PROPOSED: Request for extension of an existing steel monopole in order to support the attachment of a second vertical array with three new flush mounted antennas that will be located above existing antennas. The new proposed height of the existing monopole will be 89.5 feet, an 8.5 foot extension from the top of the existing antennas, and will be approximately 12 feet above the reference tree. The proposal includes modifications to 5.1.40(c)(4),(5) and (9) and 5.1.40 (d)(6).
ZONING CATEGORY/GENERAL USAGE: RA, Rural Areas- agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
SECTION: 10.2.2 (48) which allows for Tier III personal wireless facilities in the RA Zoning District
COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas in Rural Area 4 - Preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (.5 unit/acre in development lots)
ENTRANCE CORRIDOR: YES
LOCATION: 1841 Thomas Jefferson Parkway
TAX MAP/PARCEL: 09200-00-00-056B3
MAGISTERIAL DISTRICT: Scottsville
(Megan Yaniglos)

Megan Yaniglos presented a PowerPoint presentation and summarized staff report. She apologized that there were some typos in the staff report. The applicant had to go back and resurvey the reference tree. When the application originally came in the proposed height from the reference tree was lower than what actually existed out on the site. Some misinformation got into the staff report. She stated that the tower was 6 feet above when it is actually 12 feet above the reference tree.

- This is a request for an extension of an existing monopole in order to support the attachment of a second array that will contain 3 new flush mounted antennas.
- This original monopole was approved with a Special Use Permit with conditions for an 80 foot monopole and ground equipment
- The property is mostly wooded and currently contains two personal wireless service facilities on site. It is located along Route 53

Proposal
- Extend the existing monopole in order to support the attachment of a second array with three new flush mounted antennas
- Extend the height by eight (8) feet, which will be **12** feet above the reference tree.
- Install new ground equipment
- Zoning Ordinance Modifications:
  - Sec. 5.1.40 (c)(4)- Requirement for a tree conservation plan to be submitted prior to the issuance of a building permit
  - Sec. 5.1.40 (c)(5)- The installation, operation and maintenance of the facility to be conducted in accordance with the tree conservation plan
  - Sec. 5.1.40 (c)(9)- Fencing around the ground equipment
  - Sec. 5.1.40 (d)(6)- Height of the monopole not more than ten (10) feet taller than the tallest tree within 25 feet.

There is an AT&T site located right above the Verizon site.

- A balloon test was conducted in October. There was only one location where the balloon could be seen, which was approximately 1/3 of a mile from the site along Route 53.

Factors Favorable:

1. The extension is proposed on an existing facility and will not have any visual impact to the Entrance Corridor or adjacent properties.
2. The Architectural Review Board staff has recommended approval based on minimal visibility from Route 53 an Entrance Corridors.

Factors Unfavorable: none identified

Recommendation: Staff recommends approval of the modifications and the proposed wireless service facility with the conditions outlined in the staff report and listed.

Conditions of approval:

1. Development and use shall be in general accord with the conceptual plan titled "Nix Way- Moyer Property" prepared by Clark Nexson and dated 11/9/11 (hereafter "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in accord with the Conceptual Plan, development and use shall reflect the following major elements within the development essential to the design of the development, as shown on the Conceptual Plan:
    a. Height
    b. Mounting type
    c. Antenna type
    d. Number of antenna
    e. Distance above reference tree
    f. Color
    g. Location of ground equipment

Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

Mr. Zobrist invited questions for staff.

Mr. Loach asked with the towers going now above 10' is there any consideration in the new regulations of decreasing the number of towers that can be in vicinity. Across from VDOT on I-64 there are three or four of them just above the tree line. This tower will not be back lit. However, all of a sudden if they are going from 53 in 1997 are they going to have several more requests in the not too distant future. In the future where one of them as you go by is not too visible, but with three or four towers at 16 to 20 feet above the reference tree how will it appear.

Mr. Fritz replied that the short answer to his question is yes. All of those things are on the table in terms of looking how potentially could the regulations be modified changing the tiers around and is it possible. He has talked about this before. These types of requests could be modified to the Tier II level so it is not a special use permit. It would be an administrative process through the Planning Commission to raise the tower to more than 10 feet so that this would fall within a Tier II. Then also to change potentially the number of horizontal total number of sites and when one jumps from a Tier II to a Tier III and the relationships there. All of those things are on the table, but he does not have the answer to what it would look like.

Ms. Porterfield said that is why she was asking the answer question of why they are here. So that is what they are starting to look at to see that these are realistically to come before the Commission.

Mr. Fritz said this is really a conversation different from the special use permit that they have before them. Yes, they realize they and the community have learned a great deal on how to process these things. There may be ways to make it more administrative.

Mr. Zobrist opened the public hearing and invited the applicant to address the Commission.

Ms. Schweller, representative for Verizon Wireless, asked to go back to her presentation. In response to Ms. Porterfield's question about the I-64 site she noted one of the reasons why it requires a special use

permit is that there are more than three facilities within 200 feet of one another. The facilities are not visible, but they are all there. One of the requirements is that it has to go through the whole process. This particular facility has trees in front and behind it. It is going to be very difficult to see. It is going to be much more difficult to see than a 5' in diameter yellow balloon. She did not think it would add to any to any visual impact.

Verizon Wireless obtained a special use permit for another metal monopole about three years ago in this very same complex. That is not being built because with the Alltel acquisition they can simply remove the existing Alltel wooden pole replace it with a taller metal monopole that can hold the antennas that they need. They are not increasing the number of monopoles on this site. The current wooden pole is shorter than all of the other three poles that are there. The new pole will be the tallest on the site. Part of the reason for that is they can't have all of the same antennas at the same height since they will interfere with one another. They took this opportunity to put a strong taller metal monopole with two sets of flush mounted antennas to bring all of the three technologies.

All four monopoles are on the site. When looking at the site from a distance the monopoles are not visible because they are painted brown. That helps the monopoles blend in with the trees. The monopoles look much like the utility poles that are seen in some of the photographs, which are in the foreground.

She emphasized that in going through these applications that one of the points they are trying to make about how they view their Wireless Policy and changes they might consider to the Zoning Ordinance is that currently, as the Commission has been discussing, even Tier III applications are being reviewed by Tier II criteria. Tier III applications are special use permits. The Board can do anything it wants and the Commission can recommend conditions that are very different from Tier II restrictions. The way the ordinance currently reads a Tier III application needs to meet all of the conditions of a Tier I and all the conditions of a Tier II except for a couple of them, except all of those conditions that are changed by the Board. So whether it is 10 feet or 25 feet above the reference tree is really not of a concern if it is a Tier III and a special use permit. The County has the power to do that. There is a distinction between Tier I and Tier II as well as Tier III, which is a special use permit. She would like to suggest that this application and all Tier III applications should be evaluated by the special use permit criteria. There is no substantial detriment to the neighborhood. There is no additional visual impact and no change to the character of the district. This monopole has been in place for ten years.

SP-201100021
"I-64W" / Herring Property

- Located within 200' of three other monopoles so requires Special Use Permit
- Fulfills all Tier II ("Treetop") design elements; of even height with reference tree (97')
- Forested mountain slope background – no skylighting
- Screening from trees on all sides
- Replacement is in lieu of constructing a previously-approved monopole at site

Views from the site and from Newtown Road

Special Use Permit Approval Criteria

- No substantial detriment to neighborhood; will provide improved service with minimal visual impact;
- No change to character of district; existing wood monopole has been in place nearly 10 years; no tree removal or ground disturbance;
- In harmony with by-right uses because would be by-right but for nearby poles;

- In harmony with the purpose and intent of the zoning ordinance:
    - Will facilitate the creation of a convenient and harmonious community by providing increased service, including wireless internet for this rural area of western Albemarle;
    - Will enhance police and fire protection with more reliable voice service;
    - Will support economic development, providing connections for students, home businesses, and workers on the road and in the field.

She noted that fencing is not required by the ordinance. Fencing is permitted if the agent determines that it would be required in certain circumstances. Therefore, it is not a waiver that they are requesting. They just don't have fencing and are not adding fencing unless they desire it.

Mr. Zobrist invited questions. There being no questions on the Herring proposal, he asked the applicant to review the next request.

Ms. Schweller reviewed the next proposal SP-2011-00021 "Gold Eagle" / Hudson Property.

SP-201100021
"Gold Eagle" / Hudson Property

- Just off U.S. 29N near I-64 interchange, visible only briefly on the ramps and briefly on westbound interstate
- Increase of 8.5' to 16' above reference tree (88' to 96.25')
- Meets all Tier II design guidelines except for the proposed distance above reference tree but would add no significant visual impact.

Complies with the Special Use Permit Approval Criteria

- No substantial detriment to neighborhood; will provide improved service with little or no visual impact;
- No change to character of district; existing monopole has been in place since 2006; no tree removal or ground disturbance;
- The only change on the ground would be to add equipment in order to provide the LTE.
- In harmony with by-right uses because would be by-right but for nearby poles;

- In harmony with the purpose and intent of the zoning ordinance:
  - Will facilitate the creation of a convenient and harmonious community by providing increased service, including wireless internet;
  - Will enhance police and fire protection with more reliable voice service;
  - Will support economic development, providing connections for students, home businesses, and workers on the road and in the field.

One other point was that some of these older sites may only have a couple of antennas. She pointed out the ordinance allows three antennas by right. So they would have the ability to simply add another antenna if need be.

Mr. Zobrist invited questions. There being none, he asked the applicant to review the next request.

Ms. Schweller reviewed the final application for SP-2011-00024 "Nix Way" / Moyer Property. .

SP-201100024 "Nix Way" / Moyer Property

- Off Route 53, not visible from either direction except briefly at one point of higher elevation
- Existing 81' pole does not clear trees. The pole needs to be extended in order to clear the trees.
- Extension to 89.5' requires SUP because within 200' of state Scenic By-Way and 12' above reference tree, but well-screened by surrounding trees; initial drawings included incorrect reference tree height so 6' above, but no difference in visual impact (example of inutility of reference trees). Originally either they mismeasured the reference tree or measured a different tree or the one behind the reference tree inadvertently. They thought it was going to be 6 feet above the reference tree. All of a sudden nothing changes and they go from a Tier II to Tier III. However, visually the impact is exactly the same. She mentions this to make two points:
  - Sometimes a reference tree reference is not very useful. It may be the tallest tree on the parcel. What is usually more helpful is looking at the site from different locations and looking at the average vegetative canopy to see what does it look like. They can use one tree and finagle the results however you want to. This is an example of how changing the reference tree to all of a sudden become 12 feet above the reference tree does not change that view.

- This one is within 200 feet of Scenic Byway. That is another thing that kicks this out.

Special Use Permit Approval Criteria
- No substantial detriment to neighborhood; will provide improved service with little or no visual impact;
- No change to character of district; existing monopole has been in place since 2004; no tree removal or ground disturbance;
- In harmony with by-right uses because it would be by-right but for nearby poles and being close to the Scenic Byway;

Special Use Permit Criteria
- In harmony with the purpose and intent of the zoning ordinance:
  - Will facilitate the creation of a convenient and harmonious community by providing increased service, including wireless internet for this rural area of western Albemarle;
  - Will enhance police and fire protection with more reliable voice service;
  - Will support economic development, providing connections for students, home businesses, and workers on the road and in the field.

Mr. Zobrist invited questions. There being none, he opened the public hearing on these three matters. He asked if there were any members of the public that would like to be heard. There being none, he closed the public hearing to bring the matter before the Planning Commission.

Motion on SP-2011-00021 Herring Property Tower

Action on Modifications:
Motion: Mr. Loach moved and Mr. Morris seconded to recommend approved of the three (3) modifications, presented in the staff report for SP-2011-00021, Herring Property Tower, to waive certain requirements of the following sections as follows for the reasons outlined in the staff report:

1. Section 5.1.40 (c)(4)- Requirement for a tree conservation plan to be submitted prior to the issuance of a building permit.
2. Section 5.1.40 (c)(5)- The installation, operation and maintenance of the facility to be conducted in accordance with the tree conservation plan.
3. Section 5.1.40(c)(9)- Fencing around the ground equipment.

The motion passed by a vote of 7:0.

Motion for Recommendation on SP-2011-00021:
Motion: Mr. Loach moved and Ms. Porterfield seconded to recommend approval of SP-2011-00021, Herring Property – Verizon Wireless Tier III PWSF with the conditions outlined in the staff report.

1. Development and use shall be in general accord with the conceptual plan titled "I-64 West – Herring Property" prepared by Stuart P. Patterson and dated 8/30/2011 (hereafter "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in accord with the Conceptual Plan, development and use shall reflect the following major elements within the development essential to the design of the development, as shown on the Conceptual Plan:
   a. Height
   b. Mounting type
   c. Antenna type
   d. Number of antennae
   e. Distance above reference tree
   f. Color
   g. Location of ground equipment

   Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

The motion passed by a vote of 7:0.

Mr. Zobrist noted that SP-2011-00021 Herring Property – Verizon Wireless Tier III PWSF and the recommended modifications are scheduled to go to the Board on a date to be determined with a recommendation for approval.

Motion on SP-2011-00023 Verizon Wireless / Hudson Property

Action on Modifications:
Motion: Ms. Porterfield moved and Mr. Franco seconded to recommend approved of the four (4) modifications, presented in the staff report for SP-2011-00023, Verizon Wireless / Hudson Property, to waive certain requirements of the following sections as follows for the reasons outlined in the staff report:

1. Section 5.1.40 (c)(4)- Requirement for a tree conservation plan to be submitted prior to the issuance of a building permit.
2. Section 5.1.40 (c)(5)- The installation, operation and maintenance of the facility to be conducted in accordance with the tree conservation plan.
3. Section 5.1.40(c)(9)- Fencing around the ground equipment.
4. Section 5.1.40(d)(6)- Height of the monopole not more than ten (10) feet taller than the tallest tree within 25 feet.

The motion passed by a vote of 6:1. (Mr. Morris voted nay by reason that it exceeds the height stipulated in Section 5.1.40(d)(6).

Motion for Recommendation on SP-2011-00023:
Motion: Mr. Smith moved and Mr. Franco seconded to recommend approval of SP-2011-00023, Hudson Property - Verizon Wireless Tier III PWSF with the conditions outlined in the staff report.

1. Development and use shall be in general accord with the conceptual plan titled "Gold Eagle-Hudson Property" prepared by Clark Nexson and dated 8/30/11 (hereafter "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in accord with the Conceptual Plan, development and use shall reflect the following major elements within the development essential to the design of the development, as shown on the Conceptual Plan:
    a. Height
    b. Mounting type
    c. Antenna type
    d. Number of antenna
    e. Distance above reference tree
    f. Color
    g. Location of ground equipment

    Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

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

Mr. Zobrist noted that SP-2011-00023 Hudson Property – Verizon Wireless Tier III PWSF and the recommended modifications are scheduled to go to the Board on a date to be determined with a recommendation for approval.

Motion on SP-2011-00024 Verizon Wireless / Moyer Property

Ms. Porterfield asked staff if SP-2011-00024 Verizon Wireless – Moyer Property is being changed to be12 feet above the reference tree, and Ms. Yaniglos replied that was correct.

Action on Modifications:

Motion: Ms. Porterfield moved and Mr. Franco seconded to recommend approved of the four (4) modifications, presented in the staff report for SP-2011-00024, Verizon Wireless / Moyer Property, to waive certain requirements of the following sections as follows for the reasons outlined in the staff report:

1. Section 5.1.40 (c)(4)- Requirement for a tree conservation plan to be submitted prior to the issuance of a building permit.
2. Section 5.1.40 (c)(5)- The installation, operation and maintenance of the facility to be conducted in accordance with the tree conservation plan.
3. Section 5.1.40(c)(9)- Fencing around the ground equipment.
4. Section 5.1.40(d)(6)- Height of the monopole not more than twelve (12) feet taller than the tallest tree within 25 feet.

The motion passed by a vote of 6:1. (Mr. Morris voted nay by reason that it exceeds the height stipulated in Section 5.1.40(d)(6).

Motion For Recommendation on SP-2010-00024:

Motion: Ms. Porterfield moved and Mr. Franco seconded to recommend approval of SP-2010-00024, Moyer Property - Verizon Wireless Tier III PWSF with the conditions as stated and at the height of 12 feet above the reference tree.

1. Development and use shall be in general accord with the conceptual plan titled "Nix Way- Moyer Property" prepared by Clark Nexson and dated 11/9/11 (hereafter "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in accord with the Conceptual Plan, development and use shall reflect the following major elements within the development essential to the design of the development, as shown on the Conceptual Plan:
    a. Height
    b. Mounting type
    c. Antenna type
    d. Number of antenna
    e. Distance above reference tree
    f. Color
    g. Location of ground equipment

    Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

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

Mr. Zobrist noted that SP-2011-00024 Moyer Property – Verizon Wireless Tier III PWSF and the recommended modifications are scheduled to go to the Board on a date to be determined with a recommendation for approval.

The Planning Commission took a break at 7:11 p.m. The meeting reconvened at 7:17 p.m.

Discussion of the Wireless Policy

Mr. Lafferty said he was very appreciative of the work that has been done with the antennas around Albemarle County. When you drive one county away you see these monstrosities. Tonight they had to go against what Mr. Morris' convictions were and what was actually stated. Basically his feeling is they are sending a message to the Board that visual impact of towers is very important and maybe more important than an artificial reference of a tree next to it. He thought the Commission was put in an awkward position in that they was having to rule on something the Board is going to be looking at tomorrow at their meeting.

Mr. Franco said along those lines he would like to add that part of what he heard tonight that was interesting was the idea of evaluating it as special use permit conditions as opposed to the Tier II

conditions. One of the things he thought was awkward though was the balance of goals about the minimum visual impact being one of the criteria. He thought they need to acknowledge that going to a monopole, painting it brown and having surface mounted antennas is mitigation. He was not sure that they could mitigate it much further. He did not know if he had a problem with the tower being higher or taller as long as it was not backlit or exposed. He agreed that it was a shame this had happened. However, he would like to put it on the record that it was a good idea to move forward with some changes in updating our policies and to fast track it.

Ms. Porterfield suggested the Commission make a motion to that effect so at least the Board would think that they really would like to see them get it on the list of things to do and fast track it. She moved that the Commission let the Board of Supervisors know through either the staff presenting tomorrow to them that the Planning Commission would like to see them undertake a resolution of intent to study the cell tower ordinance and please put it on a fast track because they were getting behind in the technology.

Mr. Morris seconded the motion.

Mr. Zobrist invited discussion.

Mr. Lafferty said he did not know if others had a chance to read the memo, but the staff is terribly overworked right now. Looking into this is very expensive. A consultant was like $60,000 and they were going to discount it if they did the whole packet to $48,000. If they are asking the Board to fast track it he thought that they have to say in relationship to the other studies they are doing. However, it is something that needs to be addressed and addressed soon. He did not know if they are ready to say that this should be the number one priority.

Ms. Porterfield replied that she did not say it was the number one priority, but that it needs to be fast tracked. In one of the presentations or information sent within the last day or two by the applicant it is apparent this is becoming like heat, electricity and that type of thing. They need to make sure that Albemarle County is a technologically advanced County in order to keep good business here as well as individuals that need this type of thing in their daily use.

Mr. Zobrist questioned if anybody was satisfied with their cell phone service. His office is in Barracks Road and he has to have a separate unit in his office to be able to talk on the phone. The message is to let the Board decide the priority, but the Commission highly recommends that they get this done because they need to keep up with the technology.

Mr. Smith asked Ms. Long how many they have in the bushes looking at us.

Valerie Long replied that she was working with AT&T and they have quite a few in the works. In the pipeline they have one that is pending, two they are working on and hoping to submit within the month, and approximately 20 they have site acquisition specialists out looking for new sites. They are very actively working to compete with her friends from Verizon to keep up with their service. Then in addition she was working with them about coming forward with the exact types of proposals that they have seen tonight. AT&T sites, like a lot of the sites they saw tonight were Alltel sites. At the time Alltel was doing was theirs AT&T was doing theirs and several of them are on the same properties that the Commission saw. The trees have grown or the sites were approved so long ago when the rules were different. They were all finding our way and figuring out how to handle them. They are below the trees and were approved at 6' above the trees and it does not work. So they have quite a few that are coming. They appreciate all the Commission's support tonight. She was here listening and learning. She appreciates the Commission's support of the Verizon proposals because she thought they were very reasonable and AT&T is working.

Ms. Long asked to add one comment that nobody asked her about concerning the consultant, which is very expensive. They might talk to the Board about whether a consultant is actually needed. She has been here since before the policy existed 12 years ago. A lot of others have been around that long working on these sites. There is a lot of institutional knowledge and a lot of industry knowledge. Between us and input from the other stakeholders in our community she thought they could make a significant

number of changes to the policy that don't require the expensive consultant. There are a lot of simple changes she has discussed with the staff about easy changes that could be made that would save tremendous amount of staff time and staff resources. She would welcome the opportunity and she has let staff know that. She was sure Verizon and their consultants have done the same thing.

Mr. Zobrist asked if they wanted to add to the motion that they also recommend that the Board consider not using the consultant and spending the money to expedite it.

Ms. Long agreed that it could be done much faster at nearly no cost other than the cost of the staff time.

Mr. Lafferty said there was some question about FCC compliance.

Ms. Long replied FCC compliance is really not as significant and not directly related with the land use and zoning decisions. In terms of the health and safety risks it is all on the applicants to comply, self comply and self report. Otherwise, it is really the land use and the siting questions about deciding how you want the ordinance to work and what they want their rules to be in terms of visibility and process.

Mr. Lafferty asked if she was volunteering time.

Ms. Long replied absolutely. She has made that very clear to the staff. She works with both AT&T and Intelos. They have a number of sites that they want to work on both existing sites and those sites they are out actively looking for. The date Ms. Schweller showed them in the charts about how they are all evolving the demand is all for the data and the more towers is only becoming more and more important to all of us.

Mr. Loach asked if her requests were going to be similar in nature that is to say above the 10' reference mark.

Ms. Long replied that they do have one application pending that is above the trees. It is not unlike some of these proposals. It is for a new tower is the difference. She noted that it can't be seen at all. Staff found there is only one little peak through the trees driving 5 miles an hour 30' above the trees. It is on a 400 acre wooded parcel on Route 20 south in Keene. They could not see it at 10' above and raised it to 20'. They still could not see it and raised it to 30' above. They could not see it when they did it the first time in September or October when the leaves are on the trees. It was not until they did it in November and most of the leaves had fallen off that they could see it in one location. That is an example that someone used the term the visual impact has not changed. It is no different at 30' above or 12' above than at 10' above. That is a case where there is no visual impact effectively. But it will work if it is at that height. They do have some where, as Mr. Lafferty said, where the actual visual impact is more important than an arbitrary number above the trees. There are some sites where they are 10' above the trees and it might not look good at all. Then they have some sites at 20' or 30' above the trees and it looks just fine.

Mr. Morris agreed with everything she was saying, however, as long as they change the code. It could be 50'.

Ms. Long agreed. Ms. Schweller was correct when she said as a Tier III special use permit they have the authority to allow it higher. It is the Tier II that is technically a by-right tower where they don't have the authority to approve it more than 10' above the reference tree. However, a Tier III because it is a special use permit they can approve it at whatever height you want it and with whatever conditions were deemed reasonable. So it is confusing. That is one of the things that she thought should be looked at because it is confusing for the applicants and the Commission. There are a lot of confusing criteria in the review with the question of why is this Tier I, Tier II or Tier III. One of the sites reviewed tonight was the Moyer property that ended up being more than 10' above the trees. Even before they knew that they thought it was only 6' above the trees. So it should have been a Tier II. But there is a provision that says if they area along a scenic by way and the pole is within 200' of the by way or road that kicks it from a Tier II to a Tier III. It is not like they are reviewing it any differently as a Tier III than as a Tier II. But it changes the application fee, the application form and the application process. Sometimes they go to the ARB and sometimes they don't. It now has to go to the Board. It is significant with more staff resources. It is one

of those little nuances that she did not think anybody thought about at the time. That is one of the easy changes they have talked about. Staff has indicated that they would probably agree. There is no need for that. She very much appreciates the opportunity to weigh in. She appreciates everybody's interest because this is an issue that is so important for our clients and their service to their customers like all of you. Therefore, she appreciates their focus and interest on the issue.

Mr. Zobrist said it is a big deal for everybody in the County. In his grandchildren's life it is more than food, arraignment or heat. It is life everyday for them.

Amended Motion: Ms. Porterfield amended the previous motion to recommend that the Board of Supervisors adopt a resolution of intent to study the Wireless Cell Tower Ordinance based on the information given to the Commission as follows:

- The Planning Commission would like the Wireless Cell Tower Ordinance update to be fast tracked.
- There could be economic repercussions from that as far as the county is concerned. However, there are numerous entities in the county who will donate their time to work on the ordinance. Therefore, the County does not have to spend money on consultants.

Mr. Franco seconded the motion.

The motion was approved unanimously by a vote of 7:0.

Mr. Zobrist asked that all commissioners to call their supervisor and tell them about this.

Ms. Porterfield asked who was going to the Board of Supervisors meeting tomorrow.

Mr. Benish replied that Mark Graham would go to the Board meeting tomorrow and he would relay the information to him.

In summary, the Planning Commission held a discussion with Valerie Long about potential changes to the Wireless Policy in advance of The Board of Supervisor's consideration of the Wireless Policy on Wednesday, December 7, 2011. The following action was taken by the Planning Commission.

By a vote of 7:0, the Planning Commission made a recommendation to the Board of Supervisors to adopt a resolution of intent to study the Wireless Cell Tower Policy and Ordinance due to changes in technology, as follows:

- The Planning Commission would like the wireless cell tower ordinance update to be fast tracked.
- There could be economic repercussions from that as far as the county is concerned. However, there are numerous entities in the county who will donate their time to work on the ordinance. Therefore, the county does not have to spend money on consultants.

- Staff was requested to forward the Planning Commission's action to the Board of Supervisors at their December 7, 2011 meeting about the Wireless Cell Tower Policy.

SP-2011-00018 Colonial Nissan—Parking Deck
PROPOSAL: Special Use Permit to allow construction of a rooftop parking deck on new building. No dwellings proposed.
ZONING: HC Highway Commercial – commercial and service; residential by special use permit (15 units/ acre)
SECTION: 24.2.2 (11) Stand alone parking and parking structures.
ENTRANCE CORRIDOR: Yes
COMPREHENSIVE PLAN: Office/R&D/Flex/Light Industrial – commercial, professional office; research and development, design, testing of prototypes; manufacturing, assembly, packaging in Neighborhood 1.
LOCATION: 200 Seminole Trail
TAX MAP/PARCEL: 045000000094B0
MAGISTERIAL DISTRICT: Rio
(Megan Yaniglos)

Ms. Yaniglos summarized the staff report in a PowerPoint presentation.

Proposal:

- The request is for approval of a standalone parking structure.
- Structure to house employee parking and excess car inventory.
- Located in the rear of the proposed new building where there is currently lot parking.
- The new building that will be located on the site will also contain an indoor display area and office space.

Favorable Factors:

1. The proposed parking structure will support an existing motor vehicle sales and service use in the HC zoning district, furthering the purposes of said district.
2. Adjacent properties will not be adversely affected by the development of the proposed parking structure.

Unfavorable Factors: None Identified

Staff recommends approval of SP2011-018 Colonial Auto- Parking Deck with the two recommended conditions.

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

Pete Borches, with CMA Properties for Colonial Auto Center, said he was present to answer any questions. He thanked staff for all their hard work on this and for getting him to this point.

Mr. Zobrist invited questions for the applicant.

Mr. Smith asked if there was a net gain or loss of parking spaces.

Mr. Borches replied that they were expecting to break even. However, it will probably be a loss unless they count the roof deck that would be inventory storage. They are hoping to sell more cars. There is some language in the second condition that says no tree removal take place. When he went through the ARB he found there are a couple of trees perimeter to the building that will need to be removed and replaced as part of the construction. The ARB did make note of that. He thought that might need to be clarified in the second condition. The ARB condition #6 was identified and to note the species of the trees to be removed and replaced.

Mr. Zobrist asked staff to clarify the condition.

Mr. Benish said staff could remove the reference to no tree removal so that there is no grading. It looks like it might be a typo.

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

Mr. Franco asked how they could take away the reference to no tree removal.

Mr. Kamptner asked if the second sentence of the proposed condition was consistent with the ARB condition.

Mr. Benish suggested that they delete tree removal. The standard language for #2 is no grading or disturbance shall take place within the drip line. The tree removal is what is incorrect. For the trees to be retained there is no work underneath those trees. It is to protect the trees to be left. Staff can review that condition.

Mr. Zobrist said they understand the intent that they are going to remove a couple of trees as referenced in the ARB report and replace them.

Mr. Borches asked for clarity that they reference the trees as referenced on the plan. That way they would be clear that they have the right to remove them and replace them.

Mr. Zobrist said they would get that into the motion.

Motion: Mr. Franco moved and Mr. Smith seconded for approval of SP-2011-00018 Colonial Nissan – Parking Deck for the reasons stated in the staff report with the recommended conditions set forth in the staff report with amendment to condition 2 to allow removal and replacement of trees as indicated in the concept plan or site plan that is attached.

The motion passed by a vote of 7:0.

1. Development and use shall be in general accord with the conceptual plan titled "Special Use Permit 2011-018 Colonial Auto- Parking Deck" prepared by Townes Site Engineering and dated October 17, 2011 (hereafter "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in accord with the Conceptual Plan, development and use shall reflect the following major elements within the development essential to the design of the development, as shown on the Conceptual Plan:

    a. limits of disturbance
    b. location of buildings and structures
    c. location of parking areas
    d. employee parking and inventory storage parking layout

    e. Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

2. In areas designated for tree protection, the applicant shall have the dripline of the trees surveyed and shall mark the dripline in the field with temporary fencing. In areas designated for tree protection, no tree removal shall occur. No grading or disturbance shall take place within the driplines of trees located within the tree protection area. Any grading or disturbance within ten (10) feet of any dripline shall necessitate submittal of a "Tree Protection Plan" in accord with section 32.7.9.4 of the Zoning Ordinance. No grading or disturbance within ten (10) feet of any dripline shall be permitted until a) the survey has been completed and the fencing has been installed and b) the Planning Director approves a plan that shows the grading or disturbance and the surveyed dripline of the existing trees.

Mr. Zobrist noted that SP-2011-00018 Colonial Nissan – Parking Deck would be forwarded to the Board on a date to be determined with a recommendation for approval.

SP-2011-00020 L & B Towing-Snows Business Park (Robert Snow property)
PROPOSAL: Allow towing company on a portion of 5.78 acres under Section 27.2.2(12) of zoning ordinance. No dwellings proposed.
ZONING: LI – Light Industrial which allows industrial, office, and limited commercial uses (no residential use)
ENTRANCE CORRIDOR: Yes
COMPREHENSIVE PLAN: Industrial Service – warehousing, light industry, heavy industry, research, office uses, regional scale research, limited production and marketing activities, supporting commercial, lodging and conference facilities, and residential (6.01-34 units/acre) in Neighborhood 4.
LOCATION: 1833 Avon Street Ext.
TAX MAP/PARCEL: 090000000035X0
MAGISTERIAL DISTRICT: Scottsville
(JT Newberry)

Mr. Zobrist pointed out for the record this is the Robert Snow property and not the Duane Snow property. He noted that he has done work in the past for Robert Snow, but not on this matter. Therefore, he feels comfortable in participating.

J.T. Newberry presented a PowerPoint presentation and summarized the staff report.

The applicant has applied to use a 0.5 acre section of the back of Snow's Business Park for a Towing and Temporary Storage of Motor Vehicles use, at the back of Snow's Business Park. This parcel is zoned Light Industry where this use is only permitted by special use permit. The applicant is also requesting a waiver of § 5.1.32 (b).

The applicant's concept plan submitted with the application shows that towed vehicles will be kept securely in the fenced lot behind the building at 1833 Avon St. Extended. Three parking spaces will be provided for any customers on the left-hand side of the building and maintaining the existing landscape behind. Photographs of the site were reviewed in the presentation.

One issue discussed in the staff report is the supplemental regulations in Section 5 that address this specific use. Section 5.1.32 (b) specifically states in part that "No vehicle shall be located ***on any portion of such property so as to be visible from*** any public road or ***any residential property*** and shall be limited to locations designated on the approved site plan." (Added 6-6-90) The property shown with a red arrow is zoned R-1, Residential. Staff obtained permission from the property owner at Parcel 35N to determine the potential for impact on the closest residential property and took a photograph.

Staff discovered an approximately 15 foot section of chain link fence is visible from the back of Parcel 35N. Based on the difference in elevation, it is likely that the bumpers of vehicles parked behind this fence would technically be visible from the residential property.

However, staff notes the purpose and intent of this ordinance is substantially met through the existing conditions. There is approximately 250' to 275' of mature woods that provides a very strong buffer for the residence on Parcel 35N from any visual impacts caused by the proposed use on Parcel 35X. But, before the Commission considers the waiver any further, he reviewed the special use permit conditions.

For the reasons stated in the staff report, staff recommends approval of SP-2011-00020 L & B Towing – Snows Business Park with the following conditions.

1. Development of the use shall be in general accord with the Concept Plan entitled L&B Towing for SP201100020, prepared by Brian Tate and dated November 17, 2011, (hereinafter, the "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator.
   To be in general accord with the plan, development shall reflect the following major elements essential to the design of the development:
   - location of the area for towed vehicles
   - location of additional parking
   - location of existing landscaping area

   Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.
2. Landscaping shown in the concept plan shall be maintained in its current condition, unless authorized to change by the Zoning Administrator;
3. Vehicles may be stored on-site for a period of time not to exceed 60 days, unless directed by a law enforcement or state government agency to keep them longer than 60 days.

Staff recommends that Section 5.1.32 (b) be waived through the following motion.

Mr. Zobrist invited questions for staff.

Ms. Porterfield asked if they ask that the applicant take that chain length fence and do some kind of lattice work through the chain link fence that would serve as a barrier. She asked if they would then need to give them a waiver.

Mr. Newberry replied no, they would not.

Ms. Porterfield asked if this waiver will run with the land.

Mr. Newberry replied that was correct.

Mr. Benish noted that it was for temporary parking. However, the special use permit would run with the land.

Ms. Porterfield said if they ask them to do that with the fence and maintain that with the fence they would not have to give them a waiver or worry about what would happen on the residential lot if a lot of that vegetation should die.

The residential lot is providing the vegetation.

Mr. Newberry said that was true. He has brought up the Comprehensive Plan designations for the area. It is all zoned Industrial Service. The plan is for it to eventually be used for an industrial use, but she is correct that right now it is a residential lot.

Mr. Lafferty asked if there is any provision for run off for instance for oil coming down onto the residential property.

Mr. Newberry replied that they don't have anything in there right now. His understanding from the applicant, and he may be able to better answer the question, is that from any of the vehicles that he has towed that have been damaged any of the liquids or dangerous materials that would have come out of the incident are released on the site where he tows it from. So on the lot there is very minimal impact from any run off. He could let the applicant better address that for him.

Mr. Benish noted the larger site is going to be subject to the storm water detention. He did not know what method there is for this particular portion of the site. Storm water detention is covered for the larger size site.

Mr. Smith suggested the applicant buy some trees to put in on the back of the lot.

Mr. Zobrist opened the public hearing and invited the applicant to address the Planning Commission.

Brian Tate, applicant and business owner, noted that his friend who helps him out a lot when he was not available was present. As Mr. Newberry was just talking about that most of the time during an accident radiators are broken. Usually by the time they tow the vehicle to the lot and stuff like that there is really nothing left coming out of them. That is pretty much it. The lot he has now he really does not see any drainage. Every once in a while they see a little drip age here and there, but no big spillage. Unfortunately he now has a lot in the city. He was trying to move his operation out to Snow's property. He was born and raised in southern Albemarle County. He started this business about seven years ago and wants to work out of southern Albemarle County. This year he decided to take a shot at it to see if he could get approved to move to southern Albemarle County. He would work there and pay his taxes there. That way he would get the use of the money he pays in taxes back.

Mr. Zobrist invited questions for the applicant.

Ms. Porterfield noted that this was in her district. The idea is great. Personally she would prefer not to give the waiver. She would like him to do something with that back fence that will make it so they can't see through it.

Mr. Tate said Mr. Newberry had discussed that with both he and Mr. Snow. They wanted to wait to see what was said about it. Mr. Snow said something about the possibility of planting some kind of plants or something to cover the fence. But they decided to try for the waiver.

Ms. Porterfield said if they don't want to plant anything, then they could come up with a fence that could not be seen through at the same height that is currently there. That would solve the problem for the residents behind them. She asked if he was amendable to that.

Mr. Tate replied yes that he could talk with Mr. Snow tomorrow. They could get things moving to get that taken care of.

Mr. Zobrist invited public comment on this matter. There being no public comment, the public hearing was closed and the matter before the Planning Commission.

Ms. Porterfield moved to recommend approval of SP-2011-00020 L&B Towing – Snows Business Park with the recommendations from staff 1, 2, and 3 to be in general accord with an additional condition saying that that applicant is to either modify the existing fence or construct a new fence along the residential property line at the same height as the current fence that is opaque.

Mr. Zobrist asked if it the condition could include plantings.

Ms. Porterfield replied no, that they would be better off to go with the fence. She felt he needs the fence since she did not know if he had enough room to plant on his own property on the other side. She did not want to see plants go in that don't truly screen.

Mr. Franco pointed out there was a motion on the table. He could not second the motion at this point.

Mr. Kamptner noted that a second actually opens it up for discussion.

Mr. Morris seconded the motion.

Mr. Zobrist invited further discussion.

Mr. Franco said he liked the way staff looked at this. He was weighing that the adjacent property owner did not show up and obviously knew about it since staff went and talked to them and got permission to come onto their property. Looking at the Comp Plan designation and seeing that it will eventually or it is at least designated for industrial he sees that as somewhat of a waste. He could support the staff recommendations as is and not require additional fencing or screening.

Mr. Morris supported Mr. Franco's idea simply because this was going into heavy and light industrial.

Ms. Porterfield said she did not disagree with that, but this travels with the land.

Mr. Loach asked if she could make it optional based on the adjacent landowner since the landowner is happy with it.

Mr. Franco said he did not think they can do it that way. He thought it should be independent of third parties.

Ms. Porterfield asked staff to put the pictures back up.

Mr. Zobrist said it was 75' away from the house.

Ms. Porterfield said that was mostly on the adjacent residential land owner's property. When they see the aerial it is showing vegetation on this property. She asked if that is true and if that vegetation currently exists. She asked is the fence at the lot line.

Mr. Newberry replied no, the fence shown in the picture is up around the two lots. It is 30 feet higher in elevation and probably about 50' from the back property line.

Ms. Porterfield asked if the property line is a big slope.

Mr. Newberry replied that was correct. When he visited parcel 35N he went through all that vegetation as shown on the aerial. It is certainly there and very thick. He pointed the camera through the trees and took the photo to show that technically it does not meet the supplemental regulation. The supplemental regulation is really broad to say it can't be visible from any residential property. Some people brought up later what if a residential property was up on a mountain and they could look down at this. The County has never faced enforcing this regulation. This is only the second time they have reviewed a special use permit for this use. It is kind of a new thing. The fence is 8 feet tall.

Ms. Porterfield noted the only thing she was concerned about is if they see lots that have damaged automobiles or other vehicles on them they are not very pretty. Many of the lots are fenced with something that they can't see through it or simply the ability to not have to look at that kind of damage. The vehicles are going to be there for quite a while, which means that they could have rusting and other things happening to them. She was only suggesting that since this is residential property, since the applicant is not opposed to doing a screening that they simply ask him to do it along that lot line only. She was not saying that he had to take the fence all around.

Mr. Franco noted that he remained concern that is sort of a needless expense.

Mr. Zobrist asked if the Commission wants to vote on the motion as made.

Mr. Loach asked staff if they have spoke to the residents there.

Mr. Newberry replied that people are renting that property right now. He had an email and a quick phone conversation and he gave permission for him to take a picture. He did not seem to indicate any significant future plans for the property. He is just renting the house that exists there.

Ms. Porterfield asked if he actually spoke to the land owner.

Mr. Newberry noted he spoke with the owner briefly. They were going out of town and just said to just keep them informed of anything and if they had any problems they would let him know. He thought the owner understood the nature of the request.

Ms. Porterfield said based on that she would withdraw her motion.

Mr. Loach said he could support her motion.

Mr. Kamptner questioned if the yellow portion in Attachment A backs up to parcel 35P.

Mr. Newberry replied yes it does. Parcel 35P is also zoned Light Industrial. The section of Snow's property that is applying to be used tonight backs up to that Light Industrial parcel. However, from that back corner of parcel 35N that is where you get that 15 foot section of fence.

Motion on Special Use Permit:
Ms. Porterfield moved and Mr. Franco seconded to recommend approval of SP-2011-00020 L&B Towing – Snows Business Park with recommended conditions 1, 2 and 3 as noted by staff.

1. Development of the use shall be in general accord with the Concept Plan entitled L&B Towing for SP201100020, prepared by Brian Tate and dated November 17, 2011, (hereinafter, the "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator.
   To be in general accord with the plan, development shall reflect the following major elements essential to the design of the development:
   - location of the area for towed vehicles
   - location of additional parking
   - location of existing landscaping area

Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

2. Landscaping shown in the concept plan shall be maintained in its current condition, unless authorized to change by the Zoning Administrator;
3. Vehicles may be stored on-site for a period of time not to exceed 60 days, unless directed by a law enforcement or state government agency to keep them longer than 60 days.

The motion passed by a vote of 7:0.

Motion on Waiver:
Ms. Porterfield moved and Mr. Morris seconded to recommend approval of the waiver for Section 5.1.32(b) of the zoning ordinance as recommended by staff and based on findings presented in the staff report.

The motion passed by a vote of 7:0.

Mr. Zobrist noted that SP-2011-00020 L & B Towing – Snows Business Park and the waiver would be scheduled to go to the Board on a date to be determined with a recommendation for approval.

Old Business:

Mr. Zobrist asked if there was any old business. There being none, the meeting moved to the next item.

New Business

Mr. Zobrist invited new business.

- NEXT MEETING ON DECEMBER 13, 2011

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

Adjournment:

With no further items, the meeting adjourned at 8:02 p.m. to the Tuesday, December 13, 2011 Planning Commission meeting at 6:00 p.m. at the County Office Building, Second Floor, Auditorium, 401 McIntire Road, Charlottesville, Virginia.

_____

V. Wayne Cilimberg, Secretary

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

Addendum A
2000-2011 Changing Technology and Consumer Demand

	At the time of Policy Adoption	**Now**
Technology	1st and 2nd generation cell service only (800 mHz)	3rd generation (3G) PCS, moving to "4th Generation (4G)" service (launched December 5, 2010).
Services Offered	Voice	Voice Text High-speed data streaming over broadband internet for work, e-readers, movies, gaming, internet radio etc.
Carriers' Goals	Basic coverage along primary road corridors and densely populated areas	- Universal "in-car" and "in-building" coverage - Increased capacity to handle demand for all services offered
Users' Expectations	Convenience, additional phone to land line Limited use for emergencies when traveling	Reliance for primary phone service Text messaging Access to internet (via broadband) with high data download/upload speeds Substantially increased reliance for use in emergencies