Albemarle County Planning Commission
December 13, 2011

The Albemarle County Planning Commission held a regular meeting on Tuesday, December 13, 2011, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

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

Staff present was David Benish, Chief of Planning; Bill Fritz, Director of Current Development; Wayne Cilimberg, Director of Planning; Sharon Taylor, Clerk to Planning Commission & Planning Boards, Christopher Perez, Senior Planner; 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.

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 no comments, the meeting moved to the next item.

Review of Board of Supervisors Meeting – December 7, 2011.

Mr. Cilimberg reviewed the Board actions taken on December 7, 2011.

Consent Agenda:

a. **Approval of Minutes**: November 8, 2011, October 11, 2011, October 18, 2011, and September 27, 2011

b. **SDP-2011-011 Blue Ridge Swim Club- Site Plan & Critical Slopes Waiver**
PROPOSED: Request for modification of certain details of a site plan for a summer camp, existing swimming pool, special events and concession sales. Associated with this plan is a request for the disturbance of critical slopes.
ZONING CATEGORY/GENERAL USAGE: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
SECTION: 32.2 (c) Waiver of certain details of site plan by the agent; Section 4.2.5 Modification or waiver of Critical Slopes
COMPREHENSIVE PLAN LAND USE/DENSITY: Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (0.5 unit/ acre in development lots)
ENTRANCE CORRIDOR: No
LOCATION: 1275 Owensville Rd. (Rt. 678), north of Holkham Dr.
TAX MAP/PARCEL: 058000000075A0

MAGISTERIAL DISTRICT: Samuel Miller
(Megan Yaniglos)

Mr. Zobrist asked if any Commissioner would like to pull an item from the consent agenda. He pointed out Ms. Porterfield asked that the consent agenda be split in order to take a separate action for the minutes of November 8, 2011 since she was not present.

Motion: Mr. Morris moved and Mr. Smith seconded for approval of the consent agenda items excluding the November 8, 2011 minutes.

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

Mr. Zobrist noted the consent agenda items were approved excluding the November 8, 2011 minutes.

Motion: Mr. Morris moved and Mr. Lafferty seconded for approval of the November 8, 2011 minutes.

The motion was approved by a vote of 6:0:1. (Ms. Porterfield abstained since she was absent from the meeting.)

Mr. Zobrist noted that the November 8, 2011 minutes were approved.

Item Requesting Deferral:

ZMA- 2010-00011, Estes Park
PROPOSAL: Rezone 12.75 acres on Tax Map/Parcel 03200000003300 and TMP 03200000003400 from R-1, Residential zoning district which allows 1 unit/acre to PRD, Planned Residential Development zoning district which allows residential (3 – 34 units/acre) with limited commercial uses and to rezone 0.56 acres on Tax Map/Parcel 046B4000000500 from R-1 Residential zoning district to R-1 Residential zoning district with proffers. Proposed number of units is 66 for a density of 5.33 units/acre.
PROFFERS: Yes
EXISTING COMPREHENSIVE PLAN LAND USE/DENSITY: Urban Density Residential – residential (6.01 – 34 units/ acre); supporting uses such as religious institutions, schools, commercial, office and service uses.
ENTRANCE CORRIDOR: No
LOCATION: in the southeast quadrant of the intersection of Proffit Road (Rt 649) and Worth Crossing, approximately 800 feet south of Proffit Road in the Community of Hollymead.
TAX MAP/PARCEL: TMP 03200000003300, TMP 03200000003400, and
TMP 046B4000000500
MAGISTERIAL DISTRICT: Rivanna
DEFERRED FROM THE SEPTEMBER 27, 2011 PLANNING COMMISSION MEETING.
APPLICANT REQUESTING DEFERRAL TO THE JANUARY 24, 2012 PLANNING COMMISSION MEETING.

Mr. Zobrist noted the applicant requests deferral of ZMA-2010-00011, Estes Park to the January 24, 2012 meeting.

Mr. Morris questioned how many times an applicant can defer, and Mr. Cilimberg replied there were no limits to the number of times for deferral.

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

Motion: Mr. Morris moved and Mr. Lafferty seconded to approve the applicant's request for deferral of ZMA-2010-00011 Estes Park to January 24, 2012.

The motion was passed by a vote of 7:0.

Mr. Zobrist noted that ZMA-2010-00011, Estes Park was deferred to January 24, 2012.

Public Hearing Item:

SP-2011-00028 – NTELOS CV646 Commonwealth Ave. Tier III Personal Wireless Service Facility

PROPOSED: Request for a collocation of antennas and associated ground equipment on an existing tower.
ZONING CATEGORY/GENERAL USAGE: C-1 Commercial – retail sales and service; residential by special use permit (15 units/ acre)
SECTION: 22.2.2 (14) which allows for Tier III personal wireless service facilities in the C-1 Zoning District
COMPREHENSIVE PLAN LAND USE/DENSITY: UDA Places 29 – Office/R&D/Flex/Light Industrial – commercial, professional office; research and development, design, testing of prototypes; manufacturing, assembly, packaging in Neighborhood 1.
ENTRANCE CORRIDOR: NO
LOCATION: 345 Greenbrier Drive
TAX MAP/PARCEL: 061W0-03-00-00700
MAGISTERIAL DISTRICT: Jack Jouett
(Christopher Perez)

Mr. Perez presented a PowerPoint presentation and summarized the request.

A Special Use Permit is required for this proposal because the existing tower was built prior to the special use permitting process and the tower was not approved by the Planning Commission or the Board of Supervisors as a Tier II or Tier III facility. Subsequently any modifications to the tower are subject to Board approval. Thus the facility qualifies for a Tier III review at this time.

The Planning Commission will need to make findings/recommendations on the appropriateness of the proposal.

Proposal: To collocate a vertical array with three new flush mounted antennas at 85' elevation, which is 12' below the existing antenna array (dish with radome) at 97' elevation. The elevation of the existing steel tower is 100' and no height increase is proposed.

- The proposal also includes the associated ground equipment, 4 additional parking spaces, a 24" wooden retaining wall, one security light, and security fencing around lease area.

Proposal:

- Zoning Ordinance Modifications:
  - **Section 5.1.40(a)(4d)-** Requirement to identify each paint color on the facility, by manufacturer color name and color number.
  - **Section 5.1.40(a)(4f)-** Requirement to identify the height, caliper and species of all trees where the dripline is located within fifty (50) feet of the facility that are relied upon to establish the proposed height and/or screening of the monopole…
  - **Section 5.1.40(a)(4g)-** Requirement to identify all existing and proposed setbacks, parking, fencing and landscaping.
  - **Section 5.1.40(a)(6)-** Requirement to conduct a balloon test…
  - **Section 5.1.40(b)(2)-** Requirement to obtain an easement or other recordable document showing agreement between the lot owners…
  - **Section 5.1.40 (c)(2vi)-** Requirement for the applicant to provide a statement to the agent certifying that the height of all components of the facility comply with this regulation.
  - **Section 5.1.40 (d)(2)-** Requirement to provide adequate opportunities for screening and the facility shall be sited to minimize its visibility from adjacent parcels and streets…
  - **Section 5.1.40(d)(6)-** Requirement that the height of tower shall not be taller than…
  - **Section 5.1.40(d)(7)-** Requirement that each wood monopole shall be a dark brown natural wood color; each metal or concrete monopole shall be painted a brown wood color to blend into the surrounding trees…

Proposal:

- **Additional Zoning Ordinance Modification Not in Original Staff Report:**
  - **Section 5.1.40(c)(6) -**Transco will remove the tower if the use for a personal wireless service is discontinued at anytime in the future…

    Reason for Modification: This is an existing non conforming tower and the owner of the facility should not be required to remove the tower if NTELOS discontinues use at this site. Staff feels comfortable with the requested modification.

  - **Section 5.1.40(c)(7) -** The owner of the facility shall submit an annual report to the County regarding the users on the tower…

    Reason for Modification: The applicant, Transco, has expressed some concern they did not want to be responsible to submit the annual report to the County and would rather have Ntelos do it. Staff is proposing this modification to allow Ntelos to submit the annual report to the County.

Summary and Recommendation

Factors Favorable:

- No height increase of the existing 100' tower is proposed, rather only collocation on the existing tower at the 85' elevation.

- The proposal is on an existing facility and will not increase or cause any new impacts to adjacent properties.

Factors Unfavorable: none

Recommendation: Staff recommends approval of the proposed changes to the existing personal wireless service facility, and modifications, based on the analysis provided in the staff report.

Conditions of Approval

1. All work shall be done in general accord with what is described in the applicant's request and conceptual plan, entitled "Commonwealth CV646 Collocation on an Existing 100' Self-Supported Tower" prepared by James A Bumgarner, Jr. and dated 9/27/11.
2. The Conceptual Plan must be amended to provide a light fixture which is fully shielded and meets the definition of Full Cutoff Luminaire as required by Chapter 18, Section 4.17.

Mr. Zobrist invited questions for staff.

Mr. Lafferty asked why a balloon test would be required since it did not exceed the height of the existing tower.

Mr. Perez replied that staff did not require a balloon test. That was one of the modifications.

Mr. Lafferty asked why they require a report of usage.

Mr. Fritz replied that it was one of the provisions put into the ordinance when the special use permit was originally adopted. In most special use permits received for Tier II there is a requirement that the tower be removed if it is not used for a personal wireless facility. The only way the County staff knows is if the applicant provides a report. That is why a report is required.

Mr. Smith asked if the report would say they are just using the facility.

Mr. Fritz replied yes, because literally all they need to say is they have the equipment and are licensed to operate. If they fail to get the report, the applicant could be notified they are technically in violation of the ordinance. The applicant would either need to submit the report or take the tower down because they don't have any evidence that it is being used.

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

Jesse Wilmer, with Ntelos from Waynesboro, Virginia, said Ntelos is proposing this site. It is on an existing structure. She understands the difference between this and a Tier I, which is a simple collocation versus a Tier III. This site does not have a current special use permit on it. So Ntelos had to take the extra step to apply for the special use permit to get the nonconforming tower into compliance. Therefore, it is a Tier III instead of a normal Tier I. They abide by their restrictions to go on existing structures whenever applicable. They will follow all the other wireless service facility requirements – flush mounting, color of the antennas, etc. The only other oddity in this collocation is their ground equipment is going across the parking lot from the tower. They are not taking away parking spaces from Transco. The Williams Gas Pump Pipeline Company is currently at this location. They are not taking

away any parking spaces from them, but adding four parking places for their business. That will require an additional site plan review. They included it in this application. She would be happy to answer questions.

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

Mr. Kamptner noted that two motions were needed – one for a recommendation on the special use permit and two, a recommendation on the modifications.

Mr. Perez noted there were two recommended conditions in the staff report.

Motion On Modifications: Mr. Lafferty moved and Mr. Smith seconded to recommend approval of modifications to Sections: 5.1.40(a)(4d), (a)(4f), (a)(4g), (a)(6), (b)(2), (c)(6), (c)(7), (c)(2vi), (d)(2), (d)(6) and (d)(7) of the Zoning Ordinance for reasons outlined in the staff report and in the presentation.

Mr. Kamptner asked for clarification that the motion includes the two additional modifications to Sections 5.1.40(c)(6) and 5.1.40(c)(7) with the modification being that Ntelos instead of the owner would submit the report.

Mr. Lafferty agreed.

The motion passed by a vote of 7:0.

Mr. Zobrist noted the following Zoning Ordinance modifications will be forwarded to the Board with a recommendation for approval:

- **Section 5.1.40 (a)(4d)-** Requirement to identify each paint color on the facility, by manufacturer color name and color number.
- **Section 5.1.40 (a)(4f)-** Requirement to identify the height, caliper and species of all trees where the dripline is located within fifty (50) feet of the facility that are relied upon to establish the proposed height and/or screening of the monopole…
- **Section 5.1.40 (a)(4g)-** Requirement to identify all existing and proposed setbacks, parking, fencing and landscaping.
- **Section 5.1.40 (a)(6)-** Requirement to conduct a balloon test…
- **Section 5.1.40 (b)(2)-** Requirement to obtain an easement or other recordable document showing agreement between the lot owners…
- **Section 5.1.40 (c)(2vi)-** Requirement for the applicant to provide a statement to the agent certifying that the height of all components of the facility comply with this regulation.
- **Section 5.1.40 (d)(2)-** Requirement to provide adequate opportunities for screening and the facility shall be sited to minimize its visibility from adjacent parcels and streets…
- **Section 5.1.40 (d)(6) –** Requirement that the height of tower shall not be taller than…
- **Section 5.1.40 (d)(7)-** Requirement that each wood monopole shall be a dark brown natural wood color; each metal or concrete monopole shall be painted a brown wood color to blend into the surrounding trees…

- **Additional Zoning Ordinance Modification Not in Original Staff Report:**

- **Section 5.1.40(c)(6) -**Transco will remove the tower if the use for a personal wireless service is discontinued at anytime in the future…
- **Section 5.1.40(c)(7) -** The owner of the facility shall submit an annual report to the County regarding the users on the tower…

Motion for Special Use Permit:
Mr. Lafferty moved and Mr. Smith seconded to recommend approval of SP-2011-00028 Ntelos CV646 Commonwealth Ave. 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 "Commonwealth CV646 Collocation on an Existing 100' Self-Supported Tower" prepared by James A. Bumgarner, Jr. and dated 9/27/11 (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. Color
    f. Location of ground equipment and fencing

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

2. The following change must be made to the Conceptual Plan: The Conceptual Plan must be amended to provide a light fixture which is fully shielded and meets the definition of Full Cutoff Luminaire, "Any outdoor light fixture shielded in such a manner that all light emitted by the fixture, either directly from the lamp or indirectly from the fixture, is projected below the horizontal plane" as required by Chapter 18, Section 4.17.

The motion passed by a vote of 7:0.

Mr. Zobrist noted that SP-2011-00028 Ntelos CV646 Commonwealth Ave. Tier III Personal Wireless Service Facility and modifications will go to the Board of Supervisors on a date to be determined with a recommendation for approval.

Old Business

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

New Business:

Mr. Zobrist invited any new business.

- 2012 Planning Commission Meeting Schedule – comments or questions – No suggested changes.

- There are no Planning Commission Meetings scheduled for December 20, 2011, December 27, 2011 and January 3, 2012.
- The next scheduled Planning Commission Meeting is on Tuesday, January 10, 2012.
- Mr. Cilimberg thanked all Commissioners for their work during the past year, particularly Mr. Loach who would not return next year.

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

Adjournment:

With no further items, the meeting adjourned at 6:21 p.m. to the January 10, 2012 meeting at 6:00 p.m. at the County Office Building, Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

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V. Wayne Cilimberg, Secretary

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