Albemarle County Planning Commission
April 23, 2013

The Albemarle County Planning Commission held a public hearing on Tuesday, April 23, 2013, at 4:00 p.m., at the County Office Building, Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Ed Smith, Bruce Dotson, Don Franco, Thomas Loach, Richard Randolph, Russell (Mac) Lafferty, Vice Chairman, and Calvin Morris, Chairman. Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia was present.

Other officials present were Andrew Sorrell, Senior Planner, Elaine Echols, Principal Planner; Scott Clark, Senior Planner; David Benish, Chief of Planning; Sharon Taylor, Clerk to Planning Commission; and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

Mr. Morris, Chair, called the regular meeting to order at 4:00 p.m. and established a quorum.

Work session

CPA-2013-00001 Comprehensive Plan Update (Elaine Echols)

In a work session staff reviewed the first four sections and highlighted comments from the public, to date and reviewed the following topics:

- Values and Vision
- Growth Management
- Introduction and Background
- People of Albemarle County (Demographics)
- Natural Resources

In general, the Commission talked about formatting needs. In particular the Commission asked for the following changes:

- Provide context on how the plan came to be.
- Explain the different documents (Comprehensive Plan, Master Plans, Implementation, Metrics, Annual Report, etc.) and how they work together. Also, provide a table of acronyms.
- Explain the rationale for the order of the plan, a "how to read this document" and the role of the Appendix and Reference Documents.
- Talk about "cross-over" topics up-front, such as the relationship of Economic Development to Natural Resources.
- Talk about priorities of goals and the rationale, when one goal may appear to conflict with another.
- Explain the time frame for the plan.

For ***Values and Vision,*** no substantive changes were suggested; however, the Commission asked that the word "rivers" be added next to "streams."

For ***Growth Management,*** the Commission requested the following changes:

- Add something about the importance of business development and jobs for existing residents, not new jobs with more people moving to the County.
- Add wording which indicates the small amount of money for improvements that comes from proffers and existing infrastructure needs.
- Add a process diagram to help explain the Capital Improvements Program
- Clarify how the Board should assess development proposals in non-priority areas. Will paying more than the maximum proffer amount justify rezonings and special uses in the non-priority areas?

For the ***Introduction and Background***, the Commission requested the following changes:

- Add back to the document a reference to the fact that the County does not want to be a large metropolitan area like Richmond and its suburbs or the Washington D.C metro area.
- Trim the text relating to sustainability, but don't drop the Sustainability Accords from this chapter. Indicate how the Accords are used or applied.
- Reduce the bulk of text related to the Livability project.

For ***The People of Albemarle County***, the Commission asked for the following changes:

- Change Table 4 from a table to a bar graph to show median household income by groups. The groupings by income should be reduced so that there aren't 10 different categories.
- For Table 6, Projected Population, see what information can be included in relation to University of Virginia growth projections.
- Make sure that the population projections are consistent with the time period for the Plan.
- Add a disclaimer that income and net assets are different and in Albemarle County, "income" does not necessarily represent "wealth."

For ***Natural Resources,*** the Commission asked for the following changes:

- Review and revise the section to explain why natural resource preservation is important to the County.
- Place reference material and some educational material in the Reference section.
- For air quality, more information is needed to explain what affects air quality in Albemarle County and what can be done to improve it.

The Commission agreed to continue the discussion on Natural Resources at their meeting on April 30. Public comment was deferred to the regular meeting under other matters due to time restraints. No formal action taken.

Mr. Morris invited public input under matters not on the agenda at their regular meeting starting at 6 p.m.

Ms. Echols asked the Commission to read through natural resources, historic, cultural and scenic, and economic development for the next discussion on April 30. Staff will start with natural resources. She asked the Commission to look through the implementation strategies and put some stars on what they think are the priorities.

Ms. Monteith left the meeting at 5:38 p.m.

The Planning Commission adjourned at 5:38 p.m. for a dinner break and reconvened at 6:01 p.m.

Mr. Morris, Chair, called the Albemarle County Planning Commission regular meeting to order at 6:01 p.m. and established a quorum.

Members attending were Ed Smith, Bruce Dotson, Don Franco, Thomas Loach, Richard Randolph, Russell (Mac) Lafferty, Vice Chair, and Calvin Morris, Chair. Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia, was absent.

Other officials present were Andrew Sorrell, Senior Planner; Amelia McCulley, Director of Zoning/Zoning Administrator; Amanda Burbage, Senior Planner; Stewart Wright, Permits Planner; Trevor Henry, Director of Office of Facilities; Brent Nelson, Planner; Scott Clark, Senior Planner; David Benish, Chief of Planning; Sharon Taylor, Clerk to Planning Commission; and Greg Kamptner, Deputy County Attorney.

Other Matters Not Listed on the Agenda from the Public:

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

- Charles Battig presented comments regarding concerns with Stonefield traffic, definition and scope of Monticello's viewshed; and enforcement and new restrictive zoning codes. He understands the

Commission did look at his 20 page document, which he did not think the work session was open to the public. He thanked the Commission for considering the document. (Attachment A1 & A2 – The 20 page document is on file with written minutes in office of the clerk and A2 two-page comments) In addition, Mr. Battig noted the attention paid to the Monticello's Viewshed in the local press prompts him again to ask what the definition was of its viewshed. How large an object subtending what maximum angle of view was to be deemed objectionable. It must be no larger than a credit card pencil or a toothpick at arm's length when viewed from the grounds. Why are there no similar concerns for Mr. Jefferson's other beloved creation such as the UVA Academicals Village. What about the Rotunda viewshed, which includes coffee shops, banks, and UVA souvenir shops and more. What is the point of viewshed concern at all in expanding it four-fold if the assurances are correct that it is voluntary and the private property rights will not be violated by the wishes of this commercial enterprise. Why four-fold and not three- or six-fold. What about other property owners and their own viewshed desires. Is enforcement and new restrictive zoning codes the implied threat? He noted there were no answers.

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

Consent Agenda

a. Resolution of Intent: Dam Breakage (Mandy Burbage)
b. Approval of Minutes: 08-28-2012

Mr. Morris asked if any Commissioner wanted to pull an item from the consent agenda.

Motion: Mr. Dotson moved and Mr. Loach seconded for acceptance of the consent agenda.

Mr. Lafferty said he did not want to pull an item but just ask a question. He asked how many other dams Albemarle County owns out of the 109.

Ms. Burbage replied that staff will have to look it up on the computer. The Environmental Services Department is responsible for the mapping of those dams. Staff has received four dam inundations or maps from other dam owners so far, which is the only ones staff was responsible for reviewing development within their inundation area.

Mr. Lafferty asked if there was any timeline on the rest of those getting it in or is there any penalty.

Ms. Burbage replied no and no. The DCR recently made some funding available to assist the dam owners in getting the mapping done. However, there is no timeframe in which they have to send that test.

There being no further questions, Mr. Morris called for a roll call on the motion.

The motion carried by a vote of 7:0.

Deferred Item

SP-2012-00032 Bellair CSA
PROPOSED: Special events in and around existing barn
ZONING CATEGORY/GENERAL USAGE: RA, Rural Areas- agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
SECTION: 10.2.2.50, which allows for Special events (reference 5.1.43)
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: No
LOCATION: 5363 Bellair Farm
TAX MAP/PARCEL: 11300-00-00-01000, 11300-00-00-003A0, 11300-00-00-00800
MAGISTERIAL DISTRICT: Scottsville
DEFERRED FROM MARCH 19, 2013 PLANNING COMMISSION MEETING

(Scott Clark)

Scott Clark presented a Power-Point presentation and summarized the staff report.

This is a special use permit for special events on a farm in the rural areas. The applicants are requesting events for up to 150 people up to 24 times a year, which is the base amount permitted in the County ordinance. They are not requesting any waivers for size or frequency of the events.

Bellair Farm is located on Secretary's Road just east of Route 20 at Carter's Bridge. It is a 900-acre farm. He pointed out the scale of this. The barn is about ½ mile from Secretary's Road. It is a very large site. The events would take place in the barn and open patio areas to the east of the building. The main entrance into the farm leads to the barn. On the adjacent parcel there is a gravel driveway that would be used at times as an exit only from the events to help improve traffic flow on the property.

In the review of the proposal's conformity with the comprehensive plan, staff found that it supports the comp plan's goals of protecting agriculture in the county and providing alternative sources of income for farms to help improve their viability.

In terms of the health and safety impacts, VDOT has analyzed both Bellair Farm itself or the main paved entrance road and the proposed exit on the gravel driveway and approved both of those. The Building Official has visited the building, the barn itself, and has recommended some minor changes in terms of signage to make it acceptable for the proposed events. Given the 900 acres on the property, staff does not expect to find any problem with water or septic treatment.

The item he failed to mention at the beginning was the proposal includes a prohibition on amplified sound, which has often been the big issue with special events or winery events in other locations. There will be music for these events, but it would be unamplified acoustic music. That is one of the conditions of approval as recommended. So, given that this is near the center of a 900 acre farm and there was no amplification, staff does not expect any impacts on the neighboring properties from noise.

SUMMARY:

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

Favorable Factors:

1. The use would support a working farm in the Rural Areas.
2. The proposal would not create significant impacts on adjacent properties.

Unfavorable Factors"
None

Staff recommends approval of SP-2012-00032 Bellair with the conditions recommended in the staff report.

Mr. Morris invited questions for staff.

Mr. Dotson asked if no amplified sound is allowed on the exterior or both interior and exterior. He wanted to make sure that was clear. He was curious about the hours of operation; why not an all day Saturday event; and why it is that on no date can they begin before 3:00 p.m.

Mr. Clark replied the applicants can probably explain better why those particular hours work best for them.

Mr. Loach asked is there any other special use permits in this area for similar uses.

Mr. Clark replied that he was not aware of any.

Mr. Loach asked if they have to comply with the dark skies regulations or anything like that.

Mr. Clark replied no, there are no particular regulations about that.

Mr. Lafferty said he believed that wineries by right can have up to 200 people.

Mr. Clark replied that is true. In some cases, special events, applicants have requested a waiver of a 150 person limit to get up to that same 200. It is not the case here.

Mr. Lafferty said he was just wondering whether they might be interested in that since they have almost set that as a precedent.

Mr. Morris agreed.

Mr. Smith asked if the parking is sufficient. He knows there is plenty of area.

Mr. Clark replied yes, there is a parking area around the barn itself and then just to the west of the barn there is the farm driveway that leads from the main paved road. There is a long linear area of parking along both sides of the road that is more than sufficient.

Mr. Morris said if any of the lighting outside of the barn would be regulated lighting, or is there going to be any?

Mr. Clark replied that he did not recall that there was any proposed new lighting for this. However, the applicant can clarify that.

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

Cynthia Davis, owner of Bellair Farm, thanked the Commission for considering this application. Her mission with Bellair is to preserve it as an agricultural, natural and historic resource. She believes that being able to hold events will be compatible with those goals and help to offer more people in the community the opportunity to come and see the farm and enjoy it. It will bring in extra revenue to help support what is primarily an agricultural enterprise on the farm. She hoped very much that the Commission would consider the application favorably.

Mr. Morris invited questions for the applicant.

Mr. Dotson asked about the starting time of 3 p.m. all days as opposed to the possibility of having an all day event, such as on a Saturday. He noted that the applicant had proposed 3 p.m.

Ms. Davis replied yes, that is what they were proposing. She had not thought about having all day events. The reason primarily is they have a CSA that is operating on Saturdays and Wednesdays. That would conflict with things going on during the day.

Mr. Smith said he applauds her on the acoustic sound system.

Ms. Davis pointed out she lived on the farm and it would not suit her to have amplified sound.

Mr. Morris asked if she would have any exterior lighting.

Ms. Davis replied there is exterior lighting on the outside of the building, which is not very evasive. It is not crime lights. It is sort of down lighting that provides soft light around the barn, which the technical term would be safety lights.

Mr. Smith asked staff if an agricultural event would count against one of 24 events.

Ms. Davis noted that she had not thought about that.

Mr. Clark replied the events for the community supported agricultural operation would not be counted against that. A horse show or something like that would be a separate use as a temporary event.

Ms. Davis pointed out they already have potlucks associated with the CSA. She did not consider those events in this context necessarily. That is a couple of times a year.

Mr. Franco said there was one question he had when he thought about the farm and the use. There is a condition about all activities taking place within 250 feet of the barn. He asked if there were no visions of hay rides, walking trails or things like that. He could see those as good things. He would just want to make sure that those are not considered activities.

Ms. Davis agreed that was a good point. She could envision events where they might want a hayride. She really had not thought about that detail.

Mr. Kamptner said there appears to be a lot of spill over between some activities that may fall more on the agriculture side, which would be allowed by right. So between now and the project going to the Board staff should explore some of these types of activities with the applicant so they can have conditions that are clearly crafted for the Board.

Mr. Lafferty said he thought the concern about lighting was the people going out to the parking lot at midnight and their safety.

Ms. Davis agreed that was an issue. They don't have lighting where the parking is. She supposed they could provide flash lights. She would have to give some thought to that.

Mr. Morris noted it was something to think about and not that it is required.

Mr. Loach asked what a CSA is.

Ms. Davis replied that CSA stands for community supported agriculture. A CSA is a way of marketing farm products locally such that people subscribe to the crop each year and they are entitled to a share of the crop each week through the season.

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

Motion: Mr. Randolph moved and Mr. Smith seconded to recommend approval of SP-2012-000032 Bellair CSA with conditions outlined in the staff report and with the recommendations of staff to ensure agricultural activities that are appropriate to the site are guaranteed to the owner.

The motion passed by a vote of 7:0.

Mr. Morris noted that a recommendation for approval of SP-2012-000032, Bellair CSA would be forwarded to the Board to a date to be determined with conditions. He invited the applicant to think about all of the different types of events and if anything needs to be changed between now and the time they take it to the Board if they would just work with staff on that.

1. The maximum number of events per calendar year shall not exceed 24.
2. The maximum number of event guests shall not exceed 150 persons.
3. All event activities (not including access or parking) shall take place within 250 feet of the barn whose address is 5290 Bellair Farm.
4. Hours of operation for the events shall be no earlier than 3 p.m. and no later than midnight.
5. There shall be no amplified sound permitted for this use.

6. The use shall not commence without approval from the Virginia Department of Transportation of the entrance to the property at Bellair Farm and of the proposed driveway exit on Tax Map Parcel 11300000000800. The exit on Tax Map Parcel 11300000000800 shall be posted for exit-only use to the satisfaction of the Zoning Administrator.
7. The use shall not commence without approval from the building official, the fire official, and the Virginia Department of Health.
8. The use shall commence on or before [date two years from Board approval] or the permit shall expire and be of no effect.

Public Hearing Item

SP-2013-00003 – Verizon Wireless/Simeon/Orrock Property - Tier III Personal Wireless Service Facility
PROPOSAL: Request for installation of a 97' tall monopole structure and associated ground equipment on 15.61 acres. No dwellings proposed
ZONING CATEGORY/GENERAL USAGE: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots), and Entrance Corridor (EC) Overlay to protect properties of historic, architectural or cultural significance from visual impacts of development along routes of tourist access. SECTION: Chapter 18 Section 10.2.2.48 of the Albemarle County Code, which allows for Tier III personal wireless service facilities (reference 5.1.40)
COMPREHENSIVE PLAN: Rural Areas in Rural Area 4 – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (0.5 unit/ acre in development lots)
ENTRANCE CORRIDOR: Yes
LOCATION: 1240 Thomas Jefferson Parkway (Route 53)
TAX MAP/PARCEL: 092000000005A0
MAGISTERIAL DISTRICT: Scottsville
(Brent Nelson)

Brent Nelson presented a PowerPoint presentation and summarized the staff report.

The applicant, Verizon, is proposing to install a 97 foot tall Tier III Personal Wireless Service Treetop Facility, along with associated ground equipment at 2140 Thomas Jefferson Parkway. The top of the proposed monopole will be 10 feet above the 83 foot tall reference tree, indentified as a 30" caliper Oak.

The proposed facility is to be located on a 15.61 acre parcel located on the northeast side of Route 53, just southeast of Monticello and the Kenwood Library. The facility is to be situated approximately 820 feet northeast of Route 53 in a wooded section of the parcel. The general character of the parcel is rural consisting of heavily wooded areas and a single family home. Because the proposed facility is located in an avoidance area, the Southern Albemarle Historic District, a special use permit is required. The property is adjacent to three open-space easement properties and within the vicinity of other easement properties held by the Virginia Outdoors Foundation.

The site plan drawing shows the location of the facility on the parcel, the existing access drive used to reach it from Route 53, and the existing cell towers to the left and right.

The site plan drawing shows the location of the proposed monopole, the reference tree, the entrance drive and the gate/fence enclosure around the lease area. The lease area is heavily wooded as shown in a photo. Another drawing showed the proposed conditions of the proposed 97 foot tall monopole, the top of the reference tree, and the 10 foot distance to the top of the proposed monopole.

A balloon test was conducted on February 27, 2013 and repeated again on March 8th due to adverse wind conditions. The balloon was floated at the approximate height of the proposed facility. Staff traveled nearby roads and visited the historic properties of Monticello, Kenwood and Ash Lawn to determine the visual impact. A photo was taken from Mulberry Row at Monticello located along the southern edge of the mountain top. The balloon's visibility is minimal due to the significant wooded back drop from this vantage point. A representative for Monticello attended the balloon test and has verbally indicated that all

issues and concerns have been adequately addressed.

Another photo was taken from the lawn in front of the Kenwood estate on the opposite side of Route 53. The balloon is located above the treetop level and is sky-lit. Staff believes that the 1,400 foot distance from which this is viewed sufficiently mitigates its visual impact.

A photo was taken from the parking lot of the Jefferson Vineyards at Simeon. The balloon rose above the treetop level and clearly sky-lit. Staff believes even the greater distance of 2,800 feet from which this is viewed sufficiently mitigates its visual impact.

A photo taken from the field next to the Ash Lawn parking lot shows the red arrow pointing to the balloon which is visible at treetop level and with a wooded backdrop. Staff believes the expected visual impact from this vantage point is negligible.

Staff identified the following factors favorable to this proposal:

1. The proposed monopole is located so that only the top section of the monopole containing the antennas is expected to be visible. As a result, it is not expected to have any negative visual impact to adjacent properties, roadways, Entrance Corridors, historic districts or conservation easements.

2. The Architectural Review Board staff has recommended approval based on minimal visibility from Route 53, an Entrance Corridor and nearby historic properties.

3. The Stewardship Specialist for the Virginia Outdoors Foundation, easement holder for the adjacent conservation easements, has reviewed the proposal and has identified no issues with regard to this proposal.

Staff did not identify any factors that were unfavorable.

Staff recommends approval of this facility at ten (10) feet above the tallest tree with the conditions outlined in the staff report. The Planning Commission's role in this case is to make a recommendation to the Board of Supervisors.

Staff learned yesterday that the zoning notice, notifying the public of this proposal, was not posted at the site as is typically done. Staff is working to get it posted in advance of the Board of Supervisors June 5th review and has been told that this does not prevent the Planning Commission from making a recommendation.

Mr. Morris invited questions for staff.

Mr. Franco said when he first looked at the picture taken from Monticello he thought it was a simulation and questioned how that could be 10'. Therefore, he would suggest in the future using a diagonal arrow.

Mr. Franco noted that staff mentioned that a specialist from the Virginia Outdoors Foundation looked at it. If they said it was not a problem or it was not an issue, then in the future it would be helpful not to have that as an unfavorable factor. Recently they had the ordinance revisions come through the Commission going to the Board. He asked if this is one of the ones that would have dropped out because of that new ordinance.

Mr. Kamptner replied this is probably one that could be changed under the Phase 2 zoning text amendment. However, they have changed the avoidance areas, which is the key thing here.

Mr. Benish pointed out in the future something that might be considered is adjusting some of the avoidance areas. However, that is in Phase 2.

Mr. Franco said that would be nice because it seems like a lot of them are in these kinds of areas.

Mr. Benish pointed out an avoidance area in particular that they were going to pay attention to are the historic districts because they cover so much area.

Mr. Morris asked if there was any problem with having three towers in such close proximity on the same property.

Mr. Nelson replied no, there is no problem.

Mr. Kamptner pointed out the regulations elevates the application to a Tier III once they exceed three within 200 feet of the circumference of the radius of another one.

Mr. Morris opened the public hearing for the applicant and public. He invited the applicant to address the Commission.

Lori Schweller, an attorney with LeClair Ryan representing Verizon Wireless, presented a PowerPoint presentation. She believed Mr. Nelson has addressed everything perfectly and adequately. She would just make a few points.

They are asking for a recommendation of approval for a special use permit for a Tier III. To reiterate what has already been discussed, this is only 10 feet above the reference tree. It is a Tier III both because it is in the Southern Albemarle Historic District and it is on an Entrance Corridor. Having evaluated our past 20 Tier II and III requests she has noticed that almost all of them are on Entrance Corridors. That is the point where they get shifted up to Tier III. Therefore, she thought they would find under the new ordinance amendments that only a couple would have been approved administratively.

Three of the adjoining parcels to the Orrock parcels are in the Virginia Outdoors Foundation Conservation Easements. Both the grantors and the grantees had no comments about the application. Two of the adjacent parcels are also owned by Ms. Jeannette Orrock, who is our subject property owner. Other adjoining properties are owned by the Thomas Jefferson Foundation and Mr. Woodward.

She explained the site layout. Two other monopoles are on the subject property owned by Ms. Orrock. Originally, they had this site in a slightly different location about 15' farther northeast and the reference tree was killed by storm. Therefore, when they moved it they needed to have the fall zone easement. Ms. Orrock has granted that fall zone easement on her neighboring property.

The tree is 83' above means sea level, which is not above ground level. The difference in elevation between the base of the monopole and the base of the tree needs to be taken into account. It is more effective that way and makes more sense.

She pointed out in photographs the AT&T monopole is on the subject property and the Ntelos monopole on the neighboring property. By viewing those monopoles from a distance it gives a good sense. She referred to maps from the original balloon test, which was done by their environmental consultant, to show locations where photographs were taken. This exercise was repeated when they did the photos for the County on the two dates mentioned, February 27 and March 8. Their area of potential effect, in fact, was even expanded to make sure they covered all of Monticello and some other historic properties. Again, they found that visual impact was negligible.

Mr. Morris invited questions for the applicant.

Mr. Loach asked in the photo simulations if they can see the top of the pole does that mean that they have line of sight so they would have connectivity.

Ms. Schweller replied yes, that is a line of sight technology. It is important to have the antennas not covered by the leaves of the trees. In fact, that is why they did another balloon test. It was not only because they shifted it 15 feet because of the reference tree dying, but also because Monticello and maybe others were interested in seeing visual impact without leaves on the trees. They can see there

was some difference from some locations. It was not so much for this site because it is so far from those historic sites. Sometimes there is a difference when there are no leaves on the trees.

There being no further questions, Mr. Morris invited public comment. There being no public comment, the public hearing was closed and the matter before the Commission.

Motion: Mr. Randolph moved and Mr. Smith seconded to recommend approval of SP-2013-00003 Verizon Wireless/Simeon/Orrock Property – Tier III PDSF with the conditions outlined in the staff report.

The Planning Commission recommends approval of this facility at ten (10) feet above the tallest tree with the conditions outlined below.

1. Development and use shall be in general accord with the conceptual plan titled "Simeon (Orrock Property) 1240 Thomas Jefferson Parkway, Charlottesville, VA 22902" prepared by Justin Y. Yoon latest revision date 4/2/13 (hereafter "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in general 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 and monopole

    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. Benish pointed out that the sign has been reposted properly today on the property.

Mr. Morris noted that a recommendation for approval for SP-2013-00003, Verizon Wireless/Simeon/Orrock Property – Tier III PDSF, would be forwarded to the Board of Supervisors to a date to be determined.

Regular Item

CCP-2013-00001 Rio Road Property Compliance Review
PROPOSAL: Potential location for public library, local government or schools storage, temporary or permanent rescue squad location, and/or vehicle storage, or support services and school technology facilities on 3.114 acres.
ZONING: HC Highway Commercial which allows commercial and service uses; and residential uses by special use permit (15 units / acre).
ENTRANCE CORRIDOR: Yes
COMPREHENSIVE PLAN: Urban Mixed Use (in areas around Centers) the goals of which are to provide for commercial and retail uses that are not accommodated in Centers. Residential uses are also allowed at a density of 3-34 units/acre as well as all public uses.
LOCATION: 705 Rio Road West which is the south side of Rio Road West (Route 631), approximately 600 feet west of the intersection of Route 29 Seminole Trail and Rio Road West.
TAX MAP/PARCEL: 06100-00-00-120K0
MAGISTERIAL DISTRICT: Rio
(Andy Sorrell)

Andy Sorrell presented a PowerPoint presentation and summarized the staff report.

Proposal: Compliance with the Comprehensive Plan review for County purchase and use of a 3.114 acre property for future capital needs. Those needs include a potential public library location, local government or schools storage, temporary or permanent rescue squad location, or support services and school technology facilities. This would be basically a new location for the Northside Library.

Use & Character of Property: Building formerly used as part of the Phillips Building Supply Company, developed.

Staff reviewed the proposal noting some specifics of the site that would need to be looked at and addressed at the site development stage if the project was to proceed through development, as follows:

- The entrance is shared with the adjacent parcel 721.
- There is a shared access road that travels the center of the property in a north/south direction. When it was a building supply company, the shared access road was convenient because they owned both parcels. Since the County is not pursuing both parcels, some consideration would need to be given about a shared access agreement. There is a potential need for a shared parking arrangement with the adjacent property;
- At the site development stage they will get into details about some of the specifics of the site. However, since it was developed 20+ years ago it is not meeting current storm water management requirements, which would need to be addressed on site as it is redeveloped.
- Being on the Entrance Corridor it would need to follow the EC Guidelines.
- The parking lot slope in the front is exceeding what our guidelines are today. The surfacing of it is in rough shape. However, these are things that would be addressed at the development stage.
- The basement would be used to replace some of the space that the County currently leases. That storage space would be used during normal business hours. There is the possibility for periodic surplus property auctions that may happen no more than once per month to have when there are facilities the County needs to sell off. There would be a need for better security in the rear of the property.
- Staff reviewed the conceptual library plan.
- There would be a potential temporary location for up to a year for a rescue squad in a portion of the basement.
- Any other future uses beyond what they have discussed would require another Compliance with the Comp Plan Review. In the staff report and some of the application material potential uses were mentioned for police and a vehicle storage yard. However, that was when the County was also looking at parcel 721 West Rio, which was parcel 120. That is not proposed at this time.
- Potential issue with noise from rescue squad. No residential uses intermediately adjacent to the site would limit its impact on residential uses.
- The site has an existing left turn lane. There is traffic light signalization on Route 29 with the Seminole Station being so nearby.
- It is generally consistent with the recommendations of the Places29 Master Plan. However, there are other aspects of the Comp Plan including the general standards in the Community Facilities. It would meet the need for a library facility in the northern region of the County.
- Parking and Access – 40 spaces are provided and more may be needed with a higher volume use. Some of the mitigating factors for the need for more parking would be that it is on Route 5 of the Charlottesville Area Transit and there are sidewalks that front on Rio Road. With the existing sidewalks there are ways to get people to the site without just coming by personal vehicle. There is a left turn lane into the site. There is not a right turn lane now and VDOT said that may be something that needs to be looked at. From a staff perspective someone getting to this site going towards Route 29 would start to slow down as they get closer to the traffic light, which could help reduce the need for the right turn lane. However, that will have to be studied. If a right turn lane is needed, it will take out parking in the front.
- (See staff report and PowerPoint presentation for further details on the proposal.)

Factors Favorable:

1. The site is centrally-located in a designated Development Area and has access to necessary public infrastructure including a good transportation network and public utilities.

2. A public library on this site will provide for an institutional use that will complement and support the Urban Mixed Use Center and areas around it.
3. The existing building can be renovated to meet the general community facility standards and more specific library facility needs and standards as set forth in the Comprehensive Plan.
4. The renovation of the building and site will not impact streams, floodplain, WPO or steep slope.

Factors Unfavorable:

1. At peak usage, the onsite parking may be inadequate. This will need to be addressed as part of the development review / permitting process.
2. Stormwater management facilities and the slope of the front parking area do not meet current regulations. This will need to be addressed as part of the development review / permitting process.

RECOMMENDATION: Staff recommends that the Commission find that the location, character and extent of the proposed uses of 705 Rio Road West are in substantial accord with the County's Comprehensive Plan for the reasons identified as the favorable factors of the staff report and outlined in said report.

Trevor Henry, with the Office of Facilities Development, explained the proposal and the need for the County to move forward in a timely manner in consideration of purchasing the site. The reuse of the property would be a good opportunity to replace the Northside Library and some uses in the capital needs could be serviced. He explained the specifics of the site and offered to answer questions.

The Planning Commission discussed the proposal with staff and noted the following:

- For the optimal safety for people coming to the library and storage facility given the volume and speed of traffic on Rio Road the right turn lane needs to be looked at.
- The question was raised about how many residential units are within a quarter mile. There is a need to provide pedestrian accessibility to the library.
- If the library site is not accessible to pedestrians, then it is not the walking and bike friendly neighborhood community center it needs to be. A suggestion was made to provide access to the rear of the site.
- At peak usage, the onsite parking may be inadequate. Try to achieve the higher level of parking on site to the extent possible.
- Important that the library reflects the Neighborhood Model for pedestrian and bike access to the site.
- Partner with adjacent owners for mixed use.
- There should be commitment to creating public space and green space as talked about in the Neighborhood Model.

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

Mr. Franco said there may be ways to make the site more conformable with the Neighborhood Model. The County should go through the same process as applicants since it is a rezoning in essence. They can make the site work, but he would like to see the commitment that they are going to do the things that are inadequate and address the concerns they have as part of it. They could make the finding with the requirement for some additional interconnections and pedestrian & bike access.

Mr. Benish noted that the action would be forwarded to the Board of Supervisors for information. The Board can choose to discuss it, but the responsibility for the finding is with the Planning Commission. The proposal will be reviewed as a public project at the site plan process to ensure that the concerns or conditions are addressed.

Mr. Loach asked what conditions Mr. Franco would have.

Mr. Franco replied that it would be to provide pedestrian and bicycle facilities to this and increasing the accessibility. They talk about the neighborhoods behind it that are not directly accessible to it. It is

finding some way to get those people to have access to the site. The parking at the higher use (1 per 300) would be what he would target as opposed to the lower number. Therefore, making sure they have access and taking care of the other aspect of things would be the other important component.

Mr. Loach asked for Mr. Henry's input.

Trevor Henry replied that the design certainly could afford rear access and elevator access that would be ADA compliant. How they connect to other neighborhoods in Berkmar may be largely out of their control. He did not know if they could commit to connecting to Berkmar Road. They would have to look at what those opportunities might be.

Mr. Morris asked if there were any other items to add to Mr. Franco's list.

Mr. Dotson replied that he did not have other items. However, he had heard the following items:

- Design it in such a way to further the principles of the Neighborhood Model.
- Provide pedestrian and bicycle access.
- In the long term, partner with adjacent owners for mixed use and redevelopment to try to be a positive force there. Provide adequate parking at the 1 to 300 ratio.

Mr. Franco said it was the commitment to creating that public place that is talked about in the Neighborhood Model. If that is green space, again, it is talked about in the Comp Plan as providing some kind of outdoor open space. He thinks there are opportunities here that don't necessarily exist in its current location. However, they need to take advantage of those opportunities.

Mr. Morris said the public space was taking a giant leap forward because they would have two or more training rooms. Currently, they only have one right now at Northside Library. The public space would be greatly amplified as he reads this report.

Mr. Loach said he had no problem adding the language outlined by Mr. Dotson. However, they have to realize that it is conditional to some degree on what is actually doable. Essentially what they are doing is holding the County to what they said the County would already submit to, which was trying to come out with the best plan they could within the context of the Neighborhood Model and those elements that he brought up.

Mr. Franco said he was hearing that it was in context with the site. If they came back and said there was no way they can afford to put in bike lanes, then he did not know if he would support this location. In moving it forward he was saying if they can address these concerns he can support it. If they can't, then he did not.

Mr. Morris noted that the Commission was split. However, if they can handle it with the two caveats they put on it, then fine, they have total agreement.

Mr. Benish said there was a timing issue with the practicality of this site being able to provide as a condition of its construction trails off site because they may have to be done at timing different from the library potentially. If there is a timing mechanism where these are conditions of a CO, he thinks that is important for the Board to understand. Certainly working with neighboring property owners to encourage mix use development is only going to go as far as the neighboring property owners are willing to participate. He was not sure that is a condition that they can control very well. But, even sidewalks off site may have a timing issue that does not match up with the need for the lease to end at the shopping center and this site to be started.

Mr. Loach said he was hearing the condition to be that the site and the planning mirror the Neighborhood Model to the fullest extent that the County is able to facilitate.

Mr. Lafferty asked if that was agreeable.

Mr. Franco noted that they don't have to have complete agreement. He is hesitant to say yes because of

the ending words to the best degree possible. He was hung up on the expectations of other developments. They have held people at a different standard. If the bike lanes are important, then he felt they should be almost concurrent. Otherwise, they will run into some problems with that.

Mr. Lafferty supported adding bike lanes in this area. He noted that theoretically people can ride on the sidewalk. He acknowledged that the Comp Plan says that it should not be done. Under Virginia law unless it is specifically prohibited you can ride on the sidewalk. He felt it is an opportunity that probably won't present itself for some time.

Mr. Dotson suggested they say they find compliance and indicate that it is very important that it mirror the Neighborhood Model to the fullest extent possible. Then when they get to the Comp Plan they will put in some detail that says this is what that means.

Mr. Franco said he would be comfortable with that because the Board is ultimately going to make this decision because it is a financial decision. Therefore, he was really trying to address the land use aspects of it and say here are my concerns with the Neighborhood Model as well as the Community Facility's aspects. As long as they are striving for what they write in the Comp Plan, he supported it.

Mr. Morris noted that they have to be realistic with their timeframe.

Motion: Mr. Lafferty moved and Mr. Loach seconded that the location, character and extent of the proposed uses of 705 Rio Road West are in substantial accord with the adopted County's Comprehensive Plan for the reasons identified as the favorable factors as outlined in the staff report and to request that the final design come as close to the Neighborhood Model as possible.

Mr. Morris invited discussion.

Mr. Franco asked if they could also say Neighborhood Model and Community Facilities' Plan components of the Comp Plan.

Mr. Lafferty agreed with Mr. Franco's suggestion to say that it be as close as possible.

Mr. Morris asked for a roll call.

The motion passed by a vote of 7:0.

Mr. Benish asked for a clarification, which would help Trevor Henry with the Board's presentation. Two of the three specific things he heard that seemed to be important that reflect the Neighborhood Model is pedestrian and bike access to the site. There was also a discussion of trying to achieve the higher level of parking on site to the extent possible. Those seem to be pretty important components.

Mr. Franco said the other would be the design having the open space for the community and public space, which would be creating that public space or that center as part of this.

Mr. Morris noted that the following action would be forwarded to the Board of Supervisors on CCP-2013-00001 Rio Road Property Compliance Review, as follows:

The Planning Commission finds that the location, character and extent of the proposed uses of 705 Rio Road West are in substantial accord with the adopted County's Comprehensive Plan for the reasons identified as the favorable factors of the staff report, and further requested that final site design comply with the Comprehensive Plan's Neighborhood Model principles and the Community Facilities Plan to the greatest extent possible. This does not require Board of Supervisors action.

The Planning Commission took a break at 7:52 p.m. The meeting reconvened at 8:00 p.m.

Work Sessions

ZTA-2012-00010 Off-Site Signs
Review and Focused Discussion of Proposed Ordinance Changes to Off-site Signs Zoning Provisions (Amanda Burbage/Amelia McCulley)
The Planning Commission held a work session to set general direction and provide feedback on the following issues: Off-Site Signs - Discussion of the criteria and reviewing process for applications for off-site signs.

Amanda Burbage with the assistance of Amelia McCulley and Stewart Wright, presented a PowerPoint presentation entitled ZTA 2012 – 010 Off-Site Signs - Planning Commission Work Session.

Staff is requesting feedback on the qualifying criteria for directional signs and the by right permissions for bundle signs. Specifically:

- Are the proposed qualifying criteria for directional signs clear and reasonable?
- Is the Commission comfortable allowing bundle signs by right for businesses or properties in industrial, commercial and <R4 residential zoning districts?

There was no public comment at this time.

The Planning Commission made the following comments/suggestions:

- Having directional signs to community facility makes sense by right.
- Clarify criteria - Suggestion that examples of signs be provided where the proposed language would work and would not work.
- Staff should consider the possibility of including other kinds of maybe privately owned but public facilities as part of that by right public use category for directional signs.
- Clarify in which zoning districts - is it the sign or the business or both would constitute eligibility for a bundle sign.
- Is the directional sign limited to the name of the business and the address? The bundle sign does not say anything about what information is allowed.
- Clarify that the applicant before qualifying would have to exhaust all other signage both onsite and offsite signs as well as pursue a directional sign from VDOT.

The Planning Commission agreed with staff's recommendation and suggested staff move forward with the draft and set a public hearing.

Old Business:

Mr. Morris asked if there was any old business.

- Mr. Morris noted there would be an executive session early on next week's agenda.
- Ms. Burbage noted as a follow up on the previous question that there were six state regulated county dams.
- The Planning Commission would meet next week, April 30 to discuss the Comp Plan Update.

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

New Business:

Mr. Morris asked if there was any new business.

- THE NEXT PLANNING COMMISSION MEETING WILL BE ON TUESDAY, APRIL 30, 2013 AT 6:00 p.m.

Adjournment:

With no further items, the meeting adjourned at 8:29 p.m. to the Tuesday, April 30, 2013 meeting at 6:00 p.m. at the County Office Building, Second Floor, Room #241, 401 McIntire Road, Charlottesville, Virginia.

V. Wayne Cilimberg, Secretary

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