Albemarle County Planning Commission
June 19, 2018

The Albemarle County Planning Commission held a public hearing on Tuesday, June 19, 2018, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Tim Keller, Chair, Julian Bivins, Jennie More, Daphne Spain, Bruce Dotson and Bill Palmer, UVA representative. Absent was Karen Firehock and Pam Riley, Vice-Chair.

Other officials present were David Hannah, Natural Resources Manager; Andrew Knuppel, Planner; Tim Padalino, Senior Planner, Bill Fritz, Manager of Special Projects; Andrew Gast-Bray, Assistant Director of Community Development/Director of Planning; Sharon Taylor, Clerk to Planning Commission and John Blair, Deputy County Attorney.

Call to Order and Establish Quorum

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

The meeting moved to the next agenda item.

From the Public: Matters Not Listed for Public Hearing on the Agenda

Mr. Keller invited comment from the public on other matters not listed on the agenda. Hearing none, Mr. Keller said the meeting would move to the next item.

Regular Item.

B201800883ATWR Country Green-Special Exception for a Tier I personal wireless facility proposed on an existing Virginia Dominion power structure
PROPOSAL: Alteration to an existing 100 foot power tower to add antenna on a platform for wireless communication at a new top height of 110 feet and ground equipment in an approximately 300 square foot equipment area that will be fenced and landscaped. The site would be accessed using a 15' wide access and utility easement running parallel to Redfields Road before turning to follow the Dominion power lines. A special exception is requested to permit the platform mounting type.
WAIVERS: Yes – § 18-5.1.40.a(4)(f) - showing trees within 50' of the facility, § 18-5.1.40b(2)(c) - projection of antenna beyond 18 inches, and § 18-5.1.40.b(3) - tree conservation plan
ZONING CATEGORY: R1 Residential LOCATION: Dominion Virginia Power transmission lines south of Redfields Road; between Hayrake Lane and Fieldstone Road TAX MAP/PARCEL: 076S0-02-OS-001II, 076S0-02-00-06300 MAGISTERIAL DISTRICT: Samuel Miller
(Andrew Knuppel)

Andrew Knuppel, Neighborhood Planner, presented a PowerPoint presentation to summarize the staff report. This is an application for a proposed Tier I personal wireless service facility to be collocated on an existing Dominion power transmission tower. As you know, the Tier I application type permits the collocation of facilities on existing structures, subject to administrative review and approval if they meet the design standards outlined in the Zoning Ordinance. This proposal has requested three special exceptions, including requests to waive showing trees within 50 feet of the facility and a tree conservation plan, and a request to modify a design standard related to projection of antennas and mount type. This request to modify a design standard is why this item is before you tonight.

In a context map, Mr. Knuppel pointed out the site is located between the Redfields and Oak Hill Farm (Wintergreen Farm) developments, along a Dominion Virginia Power transmission line easement that runs north south between the developments. The area was designated as open space in the Oak Hill Farm development.

Overview

- This is a request for approval of a special exception for a Tier I Personal Wireless Service Facility collocated on an existing Dominion power transmission tower.
- Tier I applications are intended to allow for the collocation of wireless facilities on existing structures while minimizing visibility.
- Tier I facilities are subject to administrative review and approval if they meet the Zoning Ordinance's design standards in Section 5.1.40.
- The applicant has requested the following special exception requests to modify the regulations found in Section 5.1.40:
    - 5.1.40.b(2)(c) projection of antennas and mount type
    - 5.1.40.a(4)(f) showing all trees where the dripline is located within 50 feet of the facility
    - 5.1.40.b(3) tree conservation plan

Mr. Knuppel pointed out it was one of the design standards that was the main reason you are seeing this application tonight. The ordinance allows for flush antenna mounted types essentially that the back of the antenna be between 12" and 18" from the back of the facility and the specific language is above on the first bullet. This antenna proposes a platform mounting type and increases the projection or standoff of the facility to about 3' 6". They are requesting this platform mount type to a change in a new policy that no longer permits flush mounted types on Dominion towers, which requires a facility to be located above the static line hence the platform mount located above the power line. Again, this change requires a special exception to modify the distance requirement.

As you are aware special exception requests are evaluated based on their consistency with the County's Comprehensive Plan and in this case the Personal Wireless Service Facility Policy. The reason this request is before you tonight is for direction regarding the interpretation of the Wireless Policy particularly the two points shown on the slide.

- Electric transmission towers are specifically identified as Opportunity Sites in the Wireless Policy.
- Platform mount types are specifically discouraged and identified as not complying with the Wireless Policy's design guidelines.

The pages from the policy describing these two points were included in the staff report. As you may be aware Dominion's policy that is, they do not allow platform mount types and this request presents a conflict between these two principles as platform mount types are again effectively the only type of mount permitted on Dominion transmission towers.

This is not the first time a request like this has come before the Commission. However, prior approvals were based on the screening and mitigation of visibility impacts and a recognition of the fact that strict adherence to the design guidelines outlined in the zoning ordinance and the wireless policy would preclude the usage of these Dominion towers as Opportunity Sites. We are here tonight because staff seeks direction regarding interpretation of the Wireless Policy with regard to these two points. More specifically, we are asking for a recommendation regarding which point is more important in the context of this applicatio**n.**

Again, a summary of why this policy was included in the staff report, but here are a few of the most relevant points.

- The Policy encourages the construction of facilities that have limited visual impact on the community.
- Visibility is the primary focus in the review of personal wireless service facilities.
- Facilities with limited visibility are encouraged.
- Personal wireless service facilities should utilize existing structures where possible.
- Antennas should be mounted close to the supporting structure and be designed to minimize visibility.

The Zoning Ordinance and Wireless Policy do not require that facilities be invisible: facilities can hide in plain sight with mitigating techniques to reduce or eliminate visual impacts. In the context of this application, these can include:

- Camouflage: A way of painting and mounting a personal wireless service facility that requires minimal

changes to the host structure in order to accommodate the facility and will not increase the massing of the structure.

- Screening: Siting the facility to be screened from view by trees, terrain, buildings, etc. where the tower stands. Therefore, do the trees block it or provide a backdrop. The Tier 1 Design Standards act as a camouflage so no screening or siting standards are involved in review of a Tier 1 facility. However, again, the proposed platform mount prevents this camouflage and review of a special exception may consider the facility in the broader context of the Wireless Policy.
- Siting the facility to avoid skylighting, (e.g. the sky is the backdrop of the facility).

The Tier I design standards in Section 5.1.40 work to camouflage the facility.

The photos in the next slide were all in your staff report, but he will walk through a few photos to show why this issue was raised. He noted on Pfister Avenue, which was the lower point on the road, you can see the facility and the tower is mostly back dropped here but the facility above may be skylit from this point. Another view is from the Maroon Creek Court and from the intersection of Bleeker/Pfister you can see the top of the tower is already skylit here, as well as Pfister at the end of the cul-de-sac is skylit. He pointed out the view near the access road where you can see that there are some trees nearby that may screen it from the immediately adjoining property but for the most part, they are few and far between in the area. Looking down Redfields Road again, you can see the transmission tower rising above the tree. Looking down Morningside Lane, you can see a tree buffer immediately around properties but ultimately screening is not doing a whole lot in this area and you can see the topography. Looking at the easement from Redfields it basically is a straight on shot. In the next photo was a picture from a similar facility that was approved in early 2016; it went through both the Commission and Board for gaining approval and at that time the visibility impacts would be minimal.

Just to recap Mr. Knuppel said it remains entirely possible, based on the prior photos that a by-right flush mounted facility could have been visible, but the design type would have served to camouflage and mitigate the visibility impacts. With this said,

- The proposed platform mount and 10' extension clearly prevent opportunity for "camouflage".
- The site lacks opportunities for screening.
- The proposed platform mount and extension may increase skylighting.
- While these requests are reviewed on their own merits, prior approvals have used screening techniques to mitigate visibility impacts from the usage of the platform mount and these techniques are not present in this request.
- However, these prior approvals have supported an interpretation of the Wireless Policy that prioritizes the usage of existing structures as Opportunity Sites. It is with this interpretation in mind that staff is making its recommendation.

Factors favorable

- The facility would utilize an existing structure, not located in an avoidance area.
- The facility would fill in coverage gaps in wireless service to surrounding neighborhoods and adjacent roadways.

Factors unfavorable

- The proposed "top hat" or platform-mounted antenna array is specifically discouraged by the Wireless Policy because of negative visual impacts.
- The height of the proposed antenna platform, relative to the surrounding trees, increases visibility.
- The applicant has not submitted applications to pursue alternative options in the area.

However, again, staff is recommending approval of this special exception request based on the utilization of an existing structure. The applicant has requested the following special exception requests to modify the regulations found in Section 5.1.40:

- 5.1.40.b(2)(c) projection of antennas and mount type
- 5.1.40.a(4)(f) showing all trees where the dripline is located within 50 feet of the facility
- 5.1.40.b(3) tree conservation plan

Although staff is recommending approval we understand that our interpretation maybe depart from what the Commission and Board have decided in prior cases and that is why it is being brought to your attention this evening. That said, he would be happy to answer questions.

Mr. Keller invited questions for staff.

Ms. Spain asked if there was a homeowner association meeting or anything with the neighbors and Mr. Knuppel replied that there was not.

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

Valerie Long, representing the applicant with Williams Mullens, said joining me here tonight is Ryan Fletcher with NB&C, a consulting firm that assists Shentel with locating wireless sites in the area. She thanked Mr. Knuppel for laying out the issues clearly and thinks it is probably fairly clear what we are looking for. She said as the Wireless Policy contemplates collocation is always the first choice for any wireless provider. The ordinance provides an incentive that is very attractive in the sense that Tier 1 collocations are a by right application; all they require is a building permit. It is faster to get those sites built; they provide better coverage; the wireless providers like the service that they provide and it is the number one priority recommendation of the Wireless Policy as well as the County's Wireless Ordinance. The challenge, however, is that up until a few years ago Dominion Power would allow the antennas on their facilities to be flush mounted. She said that a few years ago Dominion Power determined that was no longer a safe mounting technique for their employees. In addition, it also creates challenges with the reliability of their system. Since it requires a six-week lead-time to shut down one part of their system in order to desensitize the line and enable their employees to install the antennas. She pointed out they only require their employees to actually go up and install the antennas because of too many safety challenges and no longer willing to allow those risks to their employees or allow challenges to the reliability of their system. They are still willing, however, to support collocation just in the manner that we have applied for here.

Ms. Long said as staff noted there are two criteria for the special exception. We have to demonstrate that compliance with the ordinance, in this case the flush mounting requirements, would not forward the purposes of the Zoning Ordinance or otherwise serve the public health, safety or welfare and also that the modified regulation as we have requested would satisfy the purposes of the ordinance at least to an equivalent degree. Just as the staff looked to the Wireless Policy from 2000 for guidance as did we and there is some language in there that also supports our proposal. It talks about Design Standards, which include flush mounting suggestions and recommendations, and those are less critical when evaluating opportunity sites. She said the Wireless Policy specifically designates collocation on existing structures as an opportunity site.

Ms. Long said it is our conclusion that a collocation that does not meet the flush mounting requirement and still provides less visible impacts than a completely new facility would even one with flush mounted antennas. She said also that collocation in and of itself is a form of camouflage, which the Wireless Policy expressly refers to as a tool to mitigate visual impacts. She pointed out that there have been a lot of changes that have taken place since the Wireless Policy was adopted in 2000, and has not been updated in over 18 years. As you all know, some components of your Comprehensive Plan gets updated at least every five years and some of them more often than that since you usually have one rolling in and out of updates. She said at the same time the technology and equipment needs and requirements for wireless facilities have dramatically changed technology. We all know how much our technology has changed since some of us had cell phones and certainly not everybody and we all rely on them so much more than we did back in the year 2000. She said the antennas on the facilities have become larger and heavier, which is just part of the challenge for the Dominion employees in putting them up and mounting them. She said they have to use bucket trucks and it is just not safe for them.

Ms. Long said in 2000 the wireless providers were merely trying to provide in-car coverage trying to cover the major roads and nobody was even thinking about in-building coverage so we could use our phones in our homes,

businesses, schools and our places of gathering. She said the carriers were merely trying to cover the major thoroughfares and now in 2018 everybody is demanding and requiring in-building coverage meaning we want and need our phones to work wherever we are. More and more household's everyday are relying on wireless phones exclusively in their homes, businesses, service establishments and related facilities.

Ms. Long said as you may know the Federal Telecommunications Act which governs the Wireless Policy, among other things it governs local regulation of wireless services, expressly provides that local regulations shall not prohibit or have the effect of prohibiting the provision of personal wireless services. There are no other locations near the coverage objective, Redfields Subdivision, available for lease that would provide a facility. She said staff noted in the staff report a factor that was unfavorable that we have not submitted any other applications and it is because we don't have any to submit; this is the application that is available. She pointed out NB&C and other consultants for Shentel have been working literally for years trying to find a location in this area that would provide service to the Redfields residents. They spent several years working with the Redfields Homeowner's Association to collocate on one of the structures that is actually in their common areas but because it would have required an access road to be built through their attractive meadows in their open space they were not comfortable with that.

Ms. Long said again she would reiterate some of the things she already mentioned and would show them a map in a moment but this is a very densely developed area and part of the designated Development Area. She said most of the area that is not in lots is in either roads or sensitive areas such as streams, critical slopes and other areas. The green space areas are wide open just like the Redfields area is – their open space is in many cases open views. She pointed out on a slide a map that shows the proposed facility location that is along an existing Dominion Power line easement. She pointed out the location Shentel first sought to work with the Redfields Association but in order to provide access to those they would have had to cut an access road from Redfields Road into their open meadow so that the facility could be accessed and they were just not comfortable with the impact that would have on their open space. By contrast, once Wintergreen Farm was sold to a developer and subdivision began the developers knew that they wanted their residents to have wireless access. She said Shentel reached out to them and asked if they would work with us and their response was absolutely since the structure is already there and anybody who is buying a home in our neighborhood will buy knowing that structure is there and that a little bit of additional height on top of that tower is a small prices to pay in exchange for having robust wireless service for these residents.

Ms. Long pointed out that they have streams, stream buffer areas, large areas of critical slopes, preserved slopes, lakes and there really is nowhere else. She noted the only area was in the middle that would provide wireless service to all these Redfields residents as well as the Wintergreen Farm, which is called Oakhill now, and a number of other residential communities in that area. She said as we outlined in our application we contend that the special exception criteria has been satisfied, the minimal incremental visibility resulting from our request will be outweighed by the benefits that this facility would provide in terms of public health, safety and welfare. In addition, the modified regulation as requested would satisfy the purposes of the wireless intent to at least an equivalent degree; the Wireless Policy says we are going to allow service, we want you to mitigate your visual impacts, we want you to collocate whenever you can, and collocation is so important the ordinance created this tiered review and approval process that makes these facilities normally by right and we are just caught up in this unfortunate situation with Dominion and the fact that the Wireless Policy has not been updated nor has the Wireless Ordinance been updated since Dominion changed its policy. She also has copies of the photo simulations that are in your packet and we have propagation maps showing the significant increase in in-building coverage that this would provide. She said since she was out of time she would continue if you like or can take a seat.

Mr. Keller said if we have questions that it will be on your return. He invited public comment. Hearing none, he invited the applicant to come back for questions. He invited questions from the Commissioners.

Mr. Dotson asked Ms. Long to put up the existing coverage map.

Ms. Long replied certainly and that this is the existing coverage map the areas in yellow show where Shentel or Sprint phones are only available outside, not in a car or building; the green areas have in-vehicle coverage but not

in-building coverage; and finally the areas in blue have in-building coverage. As you may note those areas tend to be concentrated around the interstate and is because the providers covered the interstates first and those who happen to live close to an interstate get the benefit of more robust coverage than those who do not. Another challenge has to do with the dramatic increase in the number of devices that we all have in our homes and businesses now. It is not only about coverage it is about capacity so we are using our phones for not just phone calls but pulling up our board packets, things on the internet, doing research, telemedicine, video and all those things with significantly more data and straining the network far more than just mere voice phone calls. Therefore, these sites are necessary to provide that infill coverage.

Mr. Dotson said in ignoring the topography is there sort of a normal distance that a tower can provide in-house service.

Ms. Long replied that it depends on the height and you said beside from topography but topography really does play a role. It also depends on the level of tree coverage and the heights of trees relative to the antennas. This facility will be very effective. It just so happens that the area around the tower had been cleared for a long time, which was one thing she wanted to clarify it, is an existing cleared easement area. She said Shentel or the developer has not cleared the area and it has been there for a very long time. However, unfortunately just the nature of the topography the Redfields area was more open so there is not the level of dense tree coverage that is there. Therefore, it will provide better service than if it were shorter and even if there were trees unless there were trees about 100' tall they will not impact as much.

Mr. Dotson said let me go to what is behind my question since he knows you represent a number of different companies and you have been before us before so you are familiar with the larger context. He said if what you say here is true that today people expect much more in-house coverage and we obviously have Dominion lines at various locations in the community are we going to see requests like this every 2 miles or 5 miles widely.

Ms. Long replied that it was a good question and hard to say. She said certainly again the Wireless Ordinance encourages collocation so if we did not have this disconnect, which she will call it, between Dominion's policy and procedures and the Wireless Ordinance then she thinks you would because they would then be by right and would not have to ask for a special exception. If there were a location that Shentel could find to put a tree top tower in this location they would have done that. We have already spent six or eight months, actually a lot longer than that, on this application just trying to get it processed through. She said if there had there been an equally effective easily approvable Tier 2 facility location we would have pursued that, but we literally do not have an option in this area.

Ms. More said my question is about coverage and you did say there is not any coverage at all in the areas that you are showing and it is just for the company that you represent.

Ms. Long replied that this is for Sprint, which Shentel is the wireless provider for Sprint in this community but yes it does not talk about other carriers. She said the ordinance talks about having all the carriers being equal so we don't have to demonstrate that there is no coverage since all the carriers have the opportunity to provide their own network coverage.

Ms. More pointed out she was asking because you were saying that it was attractive to the new neighborhood that the owner could tell the residents that they would have coverage which was implying that they have no option for coverage through another carrier.

Ms. Long replied that she did not intend to imply that and my intention was that when people move to new neighborhoods and they are a Sprint customer they want to know that their Sprint phone is going to work and don't always want to switch to another provider just in order to have their service work.

Ms. Spain asked Mr. Fritz are we going to be seeing some modification of the Zoning Ordinance of the flush mount at some point or updating that.

Mr. Fritz replied that the applicant is correct that the Comprehensive Plan was adopted in 2000 and the ordinance was originally adopted in 2004. It has had some changes over time to reflect changes in technology, the law and the like. The Albemarle Broadband Authority recently requested that the Board of Supervisors review the County regulations about wireless communications as it related to whether or not it is potentially inferring with the deployment of broadband services particularly in the rural portions of the county, but to some extent within the urban areas of the county also. Therefore, there has been some discussion about doing that. It is a significant undertaking. There are also things afoot at the state level and you will be seeing a zoning text amendment we will be bringing to you late this summer or early fall to respond to some changes that were made in Richmond. The FCC seems perpetually has rule making under consideration and there have been some discussions at the federal level to revisit the Telecommunications act. He said so the answer is yes.

Ms. Spain asked if that would also include the flush mount versus the platform.

Mr. Fritz replied yes, it would include flush mount versus platforms, new construction, collocations, 5G, different technologies, and the issue of legacy phones that are basically operating on the older systems whether they still need to be served or you could discontinue service to those like the switch from analog to digital television. He said that was at the federal level not at a state or local level. He said it was fair to say that where we are right now with the state of wireless communications at a major transition point much like the 1996 Telecommunications Act that he thinks forces are starting to form that will take us in a new direction and could only give ideas of what those directions are. He said Mr. Keller and I discussed bringing something to you in the future to talk about these kinds of things I can give you some ideas of where think we might be going but to say he had a clear picture he would be lying.

Mr. Bivins asked staff to go to page 7 of attachment D, he was trying to get a sense of how large the platform is when you look at collocating it on the power line to have a sense of what we see on Georgetown Green. He asked if that was what we are saying, if that is the size of it, and how big is that.

Mr. Fritz noted that Andrew had a picture of it and would switch it back to it.

Mr. Bivins asked if that was what we are talking about.

Ms. Long replied that it is and she would go back and show you our photo simulations of a few. She said the difference is that the existing structure on Georgetown Green was painted white; the existing structure at issue here is painted brown; and she would show one that is closer. She said you can see how open that area is already and this was taken from a cul-de-sac of the new subdivision and someone who buys a house will see that structure. She said what we are showing is that the antennas would match the existing structure but we are certainly open to doing it any other way but we thought that would be most appropriate. She said that was the standard is you match the color of the structure so in some places it blends in better that way and some places not as much and that is why they often do them just gray. We are open to any of those options but it is essentially the same design. She pointed out they get it as close into the pole as possible given the requirements of Dominion's safety policy.

Mr. Keller asked if there were any other questions. He asked Ms. Long to go back to the image of Georgetown and asked if another provider wanted to collocate there would they be able to go up, add more in that particular 360 degree array or would they have to go to another pole.

Ms. Long replied that she did not know if the Dominion Policy would allow them to extend higher than that since she had never seen one where Dominion has allowed that. She said usually what happens they will go to one down the row if they can.

Mr. Fritz said there were three issues at place, one is whether or not Dominion would allow, the second would be whether or not the structures are capable of supporting it, and the third is the exempt collocation regulations that

were handed down to us by the FCC. He said they say that if Dominion would allow it and if the structure was capable of supporting it we would have to allow an extension of 10 percent of the height of the tower or 20' whichever is greater for the placement of a new facility. Also, the antenna from those structures could extend from the tower ½ the diameter of the tower or 20' whichever is greater, and we would not be able to deny it.

Ms. Long said at this point she was not aware that any proposal like that has been submitted anywhere in the county.

Mr. Fritz said that he did know that Dominion would allow it and if the structure can do it, which is why he giving you that there are three very distinct issues, would Dominion allow it, is it structurally possible and then if those two he was giving you what the FCC impact is.

Mr. Keller said as a follow up to that if we are successful and Andrew will support you coming back and having a discussion with us, a question would be whether Dominion in the new lines that they are doing, like the new one towards 231 towards Gordonsville. He asked if those towers now are starting to be the replacement towers that VEPCO has started structuring in such a manner to accept greater weight and height.

Mr. Fritz replied that our understanding from some conversations that we have had is there have actually been some instances where the provider has coordinated with Dominion for the replacement of old towers that were sufficient strength and height to support not only the Dominion power lines but also the new equipment. He said he did not know if Dominion is automatically putting in lines with the idea that it pulls new construction with the idea that they may be used; their primary business is the delivery of electricity not the power. He said based on our limited knowledge that we do not believe that is something they are doing, but something open during the construction process if a telecommunication provider would go to them and say we would like to have the tower at this location to be beefier, then they could work out something between Dominion and the provider.

Mr. Dotson said just to follow up on this the reason that FCC policy does not apply here is because we are not dealing with a cell tower we are dealing with an electrical transmission tower.

Mr. Fritz pointed out that right now it is not an eligible facility because it does not house transmission equipment that approved by the local jurisdiction. He said once we approve this it becomes an eligible facility and that makes it eligible for the exempt collocation.

Mr. Dotson said the answer was that no there was not a community meeting when Commissioner Spain asked it, as a follow on was there adjacent property owner or other kind of notification.

Mr. Knuppel replied that adjacent owners were notified of this and he has not received any contact regarding the notification letter.

Mr. Dotson asked if we have a parcel map that we could see what the adjacent property is.

Mr. Fritz pointed out that one of the things Andrew and he had been talking about that we have a policy if the property owner owns abutting property jump over and because the Homeowner Association owned that property and they owned the adjacent we really had to jump over quite a few properties beyond what we normally would do. He said the distance was greater than normal.

Mr. Knuppel pointed out on the tax map the parcels notified.

Mr. Dotson pointed out that he did not pick that up from the staff report and asked when this goes to the Board of Supervisors they would like to have the notification point out, and Mr. Fritz replied that it was a good idea.

Ms. More asked if the Georgetown facility that was approved the only other example we have of this.

Mr. Knuppel replied that on May 9, the Board approved a similar special exception for a facility on Profit Road but he did not think it had been constructed yet. He said he believed there are others within the county as well. He said there is another one on Sunset Avenue that has a similar type of mount.

Mr. Fritz pointed out there are two at the intersection of Route 20 and 250 East that was approved not that long ago.

Ms. More asked was visibility an issue here because that feels like we are having these two things where we want to collocate but it is highly visible. She asked about the other ones.

Mr. Fritz replied some of the other ones had better screening or because of where they were sited and the other had a very different situation in it was much more an urban commercial area than this. He explained the reason that we are bringing this before you is just that issue that we are trying to reconcile the two things that are within the Comprehensive Plan and the Zoning Ordinance. He said we have the Comprehensive Plan saying make use of opportunity sites and then saying but and then we have a process that says make use of opportunity sites but and we are trying to reconcile those two things. He said staff did not want to be presumptive in saying well that we think that obviously one should win over the other. In addition, we did not want to put it on the consent agenda since we wanted to have a discussion to help guide us for future applications as we think we likely are likely to get more of these. He said as we now know Dominion has changed their policy, which they have done in the past because when we did the Wireless Policy that was what Dominion required and then changed to allow the flush mounting and now have changed back again. He said they have had those concerns about safety and can absolutely understand those concerns; but we are trying to reconcile those two things. He asked if we are significantly closing the door on what are absolutely opportunity sites or not. He said staff recognizes that they are opportunity site; the Comprehensive Plan and Zoning Ordinance talk about them and we are not trying to diminish the value of them at all but we want to have that conversation.

Ms. Spain said the decision on the one at Pantops was made with the priority put to collocation and Georgetown Green was within the Entrance Corridor and there was more discussion about that.

Mr. Fritz replied that the Pantops one would have been in the Entrance Corridor also.

Ms. Spain pointed out that it was that those structures already exists and that takes precedent over the visibility issue.

Mr. Keller invited further discussion.

Ms. More asked staff regarding the third unfavorable factor to elaborate in response to what we have heard from the applicant that says the applicant has not submitted applications to pursue alternative options in the area.

Mr. Knuppel replied that is just staff stating that we have not received other applications and we have not denied any of the applications at this point to create that effective denial of service. He said there has not been anything else brought before us at this point.

Ms. More asked staff to explain if this goes on to the Board and approved for the Dominion site would that be for every application that would come through for future Dominion sites. She asked how that would be handled.

Mr. Fritz replied not; they would still require a special exception. However, if we received guidance from the Board of Supervisors that the use of opportunity sites is really the driving factor what we would then do is place those special exceptions on the consent agenda for the Board to consider. He said if the Board thought that a particular site was inappropriate, re-thought the policy or wanted to take a bigger look at it, they could then pull that off the consent agenda and have a more robust conversation. So no, it is not an automatic approval because under the current ordinance each one that would be like this would still have to go through an approval process by the Board of Supervisors.

Mr. Keller asked if anyone cared to make a motion.

Ms. Spain moved to recommend approval of the modifications for the reasons outlined in the staff report for B2018-00883ATWR Country Green-Special Exception for a Tier I personal wireless facility.

Mr. Dotson seconded the motion.

Mr. Keller Invited discussion.

Ms. More said that she was not going to support this and had gone back and forth quite a bit since she thinks the colocation is important but also thinks the visibility is equally important. She said given Dominion's new rule because of safety the suggestion had been made we need to possibly revisit our policy, however, in the meantime she still feels there are opportunities for collocation where visibility can still be taken into consideration. She said we have seen an example of one of those and would not be comfortable with it moving forward as a consent agenda item on the Board's agenda. She said so those are my concerns in how it would be a major change in that process.

Mr. Fritz pointed out now when there is a special exception we put that on the Board's consent agenda if we are supporting the request.

Mr. Keller said he would support it but with some reluctance. He said since the director has supported the idea of you coming for a "wireless" 101 we will talk about it under new business. He said it seems in light of 4K, 5G, the deregulatory nature of the moment, the County Broadband Plan that is focusing more on fiber and made a decision to focus more in fiber than wireless. He said it would be helpful to have the 101 to think about this in a time when we are not focusing on one particular item.

Mr. Fitz replied yes, we can do that.

Ms. Spain said on the other hand not putting this array on the top of that Dominion structure is not going to make that structure more attractive. She said it does not seem to be marginally less attractive by the addition of an array and she thinks that is part of what we approved with the Pantops position as well.

Ms. More said my concern is what you outlined is that we don't know if they can say that Dominion is okay with it and the structure can support it that it couldn't then go up 20' more or out 20' more. She said we do not know that once we say yes to this. She agreed that it was not very attractive anyways and so it is something unattractive on top of something that is already attractive. Ms. More said she feels like there could be other sites along that stretch that might have some concealment elements that this one is not giving.

There being no further discussion, Mr. Keller asked for a roll call.

The motion was approved by a vote of 4:1 (More no) (Riley, Firehock absent)

Mr. Dotson asked what B2018 meant, and Mr. Fritz replied it meant building permit and because this is a Tier 1 that is how we do it.

Mr. Keller said the request for B2018-883ATWR would move forward to the Board of Supervisors with our recommendation.

The meeting moved to the next agenda item.

Public Hearing Items.

a. **ZMA201700010 Boar's Head Connector Road (Sign # 53)**
MAGISTERIAL DISTRICT: Samuel Miller TAX MAP/PARCEL: 059D2-01-00-01500 LOCATION: 200 Wellington Dr., Charlottesville, VA 22903 PROPOSAL: Amend ZMA200400015 to construct a permanent vehicular and pedestrian connection between the Boar's Head Sports Club and the adjoining Birdwood property. PETITION: Amend the approved application plan from ZMA200400015 to allow for the construction and permanent, unrestricted use of a new private street and associated pedestrian infrastructure, which would establish interparcel connectivity between this 12.1-acre subject property and the adjoining 544-acre Birdwood property (TMP #07500-00-00-06300). ZONING: HC Highway Commercial – commercial and service uses by right, and residential by special use permit (15 units per acre). OVERLAY DISTRICT(S): AIRPORT IMPACT AREA and STEEP SLOPES – MANAGED. PROFFERS: Yes COMPREHENSIVE PLAN: Neighborhood Mixed Use Center in Neighborhood 6 of the Southern and Western Urban Neighborhoods, which allows for a mixture of residential uses (up to 18 units/acre); office, retail, and service uses primarily to serve nearby residential areas; and places of worship, schools, and public and institutional uses. (Tim Padalino)

b. **SP-2017-00032 UVA Outdoor Tennis Facility (Sign #57)**
MAGISTERIAL DISTRICT: Samuel Miller TAX MAP/PARCEL(S): 07500-00-00-06300 LOCATION: 410 Golf Course Dr., Charlottesville, VA 22903 PROPOSAL: Amend SP201700023 to allow for the construction of a new outdoor tennis facility for use by the University of Virginia men's and women's varsity tennis teams, as well as the expansion of the existing Birdwood Golf Course to consist of a new short course containing six (6) holes, on the Birdwood property. Proposal also includes a request to allow for unrestricted, permanent vehicular use of a new private street to establish interparcel connectivity with the adjoining Boar's Head Sports Club property (TMP #059D2-01-00-01500). PETITION: Swim, golf, tennis, or similar athletic facilities under Section 13.2.2.4 of the zoning ordinance. No new dwellings proposed on this 544-acre parcel. ZONING: R1 Residential, which allows residential use by right (1 unit per acre). OVERLAY DISTRICT(S): ENTRANCE CORRIDOR, AIRPORT IMPACT AREA, and STEEP SLOPES – MANAGED and – PRESERVED. COMPREHENSIVE PLAN: Institutional, which allows for schools, libraries, parks, major utilities, hospitals, universities, colleges, ancillary facilities, and undeveloped publicly owned property; and Parks and Green Systems, which allows for parks, playgrounds, play fields, greenways, trails, paths, recreational facilities and equipment, plazas, outdoor sitting areas, natural areas, and preservation of stream buffers, floodplains, and steep slopes adjacent to rivers and streams in Neighborhood 6 of the Southern and Western Urban Neighborhoods. (Tim Padalino)

Tim Padalino presented a PowerPoint presentation to summarize the staff report for the Commission's consideration. He said the presentation for these applications were mixed with the zoning map amendment (ZMA) and the special use permit (SP) since the location maps are similar and other information there is a lot of overlap and he would attempt to provide some summary level information and leave lots of space for questions and answers.

The applicant is the University of Virginia Foundation. Looking at a location map for these two applications, the ZMA-2017-10 would be at the Boar's Head Sports Club property identified as tax map 59D2-1, parcel 15 and the special use permit for the Birdwood property is shown as tax map/parcel 75-63. There are two proposal and two different subject properties and in fact, the special use permit application involves a special exception request for an outdoor lighting waiver so there is actually three applications with three separate votes before you tonight.

Looking quickly at the existing zoning, the Birdwood parcel, 75-63, is an R-1 Residential and the Boar's Head Sports Club property is zoned Highway Commercial (HC) as is the rest of the Boar's Head Inn. The future Land Use Map, as contained in the Comprehensive Plan, the Boar's Head Sports Club property is currently identified as a Center and is designated on the future Land Use Map as a Neighborhood Mixed Use Center. All of the areas under consideration for this special use permit amendment request at the Birdwood property are identified for Institutional future land uses.

Just as a point of information, you are aware that the University of Virginia Foundation and the University are undertaking an Area B Study for the Birdwood property and just wanted to point out on the map from the

Comprehensive Plan that the Boar's Head Sports Club property is actually not in Area B. That is just a minor point or observation.

Regarding the ZMA request, this is the Boar's Head Connector Road and it would be an amendment to the existing ZMA-2004-15, which established the Highway Commercial zoning to allow for the Boar's Head Sports Club. This proposal would amend that existing ZMA plan to incorporate the permanent location and unrestricted use of the connector road. As you are aware the temporary connector road has been approved, is under construction, and this would be a request to use it in an unrestricted permanent fashion to connect the existing Berwick Road alignment on Boar's Head properties with the existing alignment of the Golf Course Drive private street on the Birdwood property.

Mr. Padalino said the proffer statement that was submitted in conjunction with this application; the first proffer would be development of the property in general accord with this application plan. It also highlights the potential conversion of existing tennis courts to parking, just kind of a potential future opportunity there and it highlights a possible future service drive or interparcel connection that would be between the rear of the Sports Club and the rear of the proposed UVA Tennis Facility on the Birdwood Property. The first proffer, as submitted, would be the development in general accord with that ZMA plan. The second proffer is quite lengthy and it identifies the permissible uses of the property. It is consistent with the existing proffer statement established with the previous ZMA approved in 2005. Proffer 3 has been satisfied in full but it is included in their proffer statement just as a way of carrying that forward for historical accuracy. The fourth proffer would be the event management plan and to operate and use the property in conjunction with that event management plan that would have to be approved by the Zoning Administrator.

Mr. Padalino said a note about the proffers in keeping with other ZMA's staff believe that it would be appropriate for the owner to formally make a commitment to provide their proportional share of the cost of future transportation improvements that may be determined by VDOT and the County to be appropriate at the US 250/Ivy Road intersection based on the amount of traffic contributed from the development to that intersection that would require improvements. There has been a lot of communications with the applicants on that issue in the last two weeks and my understanding is they have recently made a verbal commitment to modify the proffer statement in accordance with that concern of staff and provide some type of pro-rata commitment to provide for their proportion of their traffic and transportation impacts. However, any such commitment would need to be finalized prior to the public hearing with the Board of Supervisors, and we certainly can circle back to that issue and talk about that in more detail if necessary or if interested.

Staff has analyzed and evaluated this proposal pursuant to Section 33.6.b of the Zoning Ordinance and that includes 13 factors for consideration and we identified several factors, which are favorable to this request.

1. The proposal would establish a permanent, unrestricted vehicular connection between the Birdwood property and Boar's Head properties, as specifically called for in the Master Plan.
2. The proposal would provide pedestrian interparcel connectivity (sidewalks and crosswalks), which is also called for in the Master Plan.
3. The proposed permanent connector road would improve transportation management during events at Boar's Head properties; would increase safety for people at Boar's Head and surrounding neighborhoods by establishing a second point of ingress and egress, and thereby improving emergency response; and would allow vehicles to travel between Boar's Head properties and Birdwood without using U.S. 250 / Ivy Road.

Staff have identified the following factors, which are unfavorable to this request:

1. The permanent, unrestricted use of the connector road could potentially create negative impacts on nearby residential properties from new traffic patterns and increased traffic levels on Berwick Road and Golf Course Drive; however, this will be partially mitigated through adherence to the Landscaping and Screening Exhibit requirements established by the Board of Supervisors in a Special Exception approved on April 4, 2018. (This is for condition #3 in particular.)

2. There is no formal commitment to provide a proportionate share of the cost of a traffic signal or other transportation improvements if or when warranted.

Staff recommend approval of the ZMA proposal provided that the owner/applicant make technical changes noted in the report, specifically just changing a date in the proffer statements; and further modifying the proffers to include a commitment for the proportionate share of the cost of transportation improvements.

Mr. Andrew Gast-Bray said that he would just like to make a note this may sound like it is more contentious than it is; it is just very difficult to define pro-rata of a given transportation improvement when we do not know what a given future transportation improvement would be when that would be enacted and what that pro-rata share would be at that time, etc. He said it is not that there has not been good dialogue on that, it is just a sticky issue to ensure that a fair representation in addressing that future need that we do not have. He said the only alternative up to this point would have been to say we would have to take the worst-case scenario and have them set that on the side. He said the applicant has as you have seen in an earlier traffic analysis demonstrated that there is a really good chance that there won't be any requirement whatsoever because their current modeling is showing there is no need at this time, for instance, for a traffic light. He said but that is a modeling and not the reality, they had agreed to a warrant analysis over two years to demonstrate to see how the modeling turns out because there are many factors that could go into that. He said we have come to some sort of an agreement but just have not agreed to terms on that particular item.

Ms. Spain asked how much a traffic signal at that location would cost, how many zeros.

Mr. Padalino said he spoke with Kevin McDermott, our Transportation Principal Planner, this morning and he used a half a million dollars as just a very general estimate and he noted that it depends on the type of traffic signal and other site-specific factors. Mr. Padalino said he would have thought that would be on the high end of a cost estimate.

Mr. Keller asked how much a roundabout would cost, and Mr. Padalino replied that they had also talked about that briefly and he thinks that this was just off the cuff he mentioned something between 5 and 10 million dollars. He said the pro-rata formulas for these types of costs are vastly different depending on the type of improvements so the percentage of the development's traffic would be far less for something like a traffic circle versus their proportion of a traffic signal.

Mr. Keller invited other questions for staff. Hearing no none, Mr. Keller opened the public hearing and invited the applicant to address the Commission.

Valerie Long, representative for the applicant the UVA Foundation, said joining me tonight is Elise Cruz with the Foundation and my colleague Ashley Davies, our land use planner. She said it is very exciting to be here tonight on this joint application since we have been working very hard on it over the past year and so. She said we are comfortable and agreeable to the idea of kind of taking the time out between the Planning Commission and the Board of Supervisors to fine tune those conditions. She said we can talk about the proffers as well and were happy to do that and just focus tonight on the other issues, and believed we have addressed all of them to staff's concern.

Ms. Long said a summary of our request involves the permanent connector road as you may remember the temporary road was approved recently for use during the World Squash Championships that will take place in July. She said that was a three-week span when it can be used, but after that, it cannot be used. She said the hope is that the road will actually be constructed and we could maybe get this SP approved in time so that it would just stay open and provide the benefits from day one.

Ms. Long said second is the new Outdoor UVA Tennis Facility, would have a maximum of 12 courts and we have a lighting waiver request associated with that, which she will speak to briefly. Finally, the addition of a Par 3 Course.

She said this application is follow-up to a number of other investments that the Foundation has made in the Birdwood and Boar's Head Sports Club property just in the last few years. She said there were indoor tennis courts added back in the 2005 range and then a squash facility was added; they are actually adding onto the squash facility now, which enabled them to attract the world squash championships. She said a year or two ago we obtained approval for the indoor golf practice facility and the Foundation has approval to renovate the entire Birdwood Golf Course consistent with some industry standards. She said in trying to attract more golfers we are renovating it; they have engaged Davis Love, a professional golfer, who has prepared a wonderful plan and actually consolidates the boundaries of the course somewhat trying to make the course faster, less daunting for beginners, and attract new players. She said another component of that is the proposed Par 3 Course, which is a shorter course with only six holes, that would be in addition to the 18 hole standard course that is there now even after renovation. She said it is going to be a great addition to the facility.

Ms. Long said the Foundation had a number of community meetings and they actually now host them with all the surrounding neighborhoods on essentially a monthly basis. She said every once in a while they have deviations where they don't have it but generally speaking it is once a month, standing time and a certain day of the month. She pointed out a list of the recent dates that they hosted. She said we already the Comprehensive Plan designation for Birdwood being Institutional. She said the exhibits in the presentation are all in their packet and again was happy to elaborate on any of them. She pointed out we have individual plans and exhibits that address each of the proposals as well as a rendering of how the connector road would look if you entered the Birdwood Golf Course and continue down Golf View Drive. She said you would have just passed the new Indoor Golf Practice Facility on the left and if you curve to the left you would go to the Golf Club House and if you turn to the right, you can see the roof of the existing Sports Club Facility. She said that it is a short span but provides a critical connection.

Ms. Long said the only reason we actually needed a rezoning was the Sports Club has different zoning than the golf course. The Sports Club is zoned Highway Commercial and the Golf Course is zoned R-1, Residential so we have a special use permit to amend the existing special use permit for swim, golf and tennis facility on the Birdwood property. However, because a small segment of the connector road is located right on the edge of the Sports Club's parcel and in order for this to be permitted to be permanently used we also had to provide an amendment to the Sports Club zoning plan. Therefore, it is kind of a small technicality but she just wanted to explain that we are not proposing to rezone or change the use at the Sports Club merely to have the ability for the portion of the connector road to be permanent. She noted the same exhibit that approved the temporary connector road had lots of pedestrian and bicycle facilities that will all be required with the approvals. Next, is the proposed layout for the new tennis facility, the squash segment of the Sports Club, the indoor tennis and the area for hard surface tennis courts with where the connector road connects.

Ms. Long said this is a conceptual plan and it is continuing to go through revision and refinement with the new University tennis coaches and the new Athletic Director. She pointed out the latest iteration shows the concept to have the courts be lower into the ground and provides the exhibition court concept that we think will be very exciting. She noted the approved concept plan that would control the Indoor Golf Practice Facility; we are not proposing any changes to it but because it is all part of the golf course, we are just codifying all of those prior approvals in this one. Finally, this is the plan that attaches officially to the Sports Club property because of the location of the connector road there on the edge.

Ms. Long said we also have a lighting waiver request because the tennis facility would be used for the UVA Tennis Team and there is the idea that in the future they may want to have some matches televised. She said in order to do that there are specific industry requirements for lighting for television so we have asked for the ability to have special lighting taller mast poles than would normally be allowed to be used when those matches are being televised. She said the good news if the technology with LED lighting has dramatically improved in recent years and she has a few exhibits to show. She noted the old outdated lights that have lots of spillover and light pollution, which have been improved dramatically, and now today the technology that is available today provides the lighting needed for televised matches without creating any spillover of lighting or light pollution. She pointed in the exhibit they were trying to show the height of the light poles and the sunken design of the match courts

compared to the proposed tennis pavilion building compared to the existing Sports Club Building. She said it is at a lower ground elevation so even though the poles are taller than normally would be allowed they because you are starting at a lower point and the technology for full cut-off lighting we think that we will meet all of the goals and objectives providing the necessary lighting for television without creating any adverse impacts.

Ms. Long pointed out all of the parking options that the two facilities have that the Foundation controls; they do a great job managing today a variety of events at their properties often on the same day or the same weekends. She said that because they have so many spaces they have shared parking because those who use the office buildings during the week and daytime do not need those spaces in the weekends when they have events. Ms. Long said she would be happy to go into this more and likewise we can talk more about our special event management plan and traffic issues. However, as Mr. Gast-Bray indicated our current traffic study confirms that when you add the tennis facility and the relatively few additional trips for the Par 3 Course even when you factor in the proposed permanent nature of the connector road it does not trigger the need for any additional signals at Golf Course Drive, the access road to Birdwood. Ms. Long said she was happy to answer any questions.

Mr. Keller invited public comment.

Mike McCory, resident of Ednam Village Street, said he was part of the Board of Ednam Village and Gay Stillwell is a member of the Board. He said only being a community member there for approximately six months that we are well aware of the village and its relationship with Boar's Head; it is excellent and anything that they do appears to enhance our community and make it a very wonderful place to live. As one person here knows he was very concerned yesterday about light pollution on the new lights if it affects Ednam Village. He said we have been assured that it will not have a major impact but thinks we have to address that more as they follow-up and build the tennis courts. Therefore, we are concerned about that for one issue. He said the second issue has been discussed at past meetings is how much traffic is going to go through that access road. If we put a light out in front someday is the traffic going to go streaming down there and we have basically a mini 250 right near some of the houses at Ednam Village and he believes there is a solution to that but does not know what it is. He said that is a second concern. He said the residents of Ednam Village have known about those two concerns for the last couple of months in working with the Foundation to solve that particular issue. He said something came up tonight that we were not aware of and that is parking and if he understood staff's presentation two or more of the tennis courts right across the street from the Village are going to be turned into parking lots. He said if that is true, we really have to talk about that because that could really be a blight on the Village itself. He said that he would be happy to answer questions.

There being no further public comment, Mr. Keller invited the applicant back up for rebuttal.

Ms. Long said that with respect to the connector road the Foundation is obviously very sensitive to ensuring that there are no adverse impact to the residents of Ednam Village or any of the other surrounding neighborhoods there. She said we think that the design of the road and the speed limit and the elements of that road design as well as its location is not going to be a 55 mile per hour road; it is a connector road through private property. She said the road is on the Comprehensive Plan and always has been contemplated. She said when assisting the Foundation in 2004/2005 with the rezoning of the Sports Club to add the existing indoor tennis courts it was actually a request at that time, but the Foundation was not ready for it yet. She said the time is now since it has been on the Comprehensive Plan for a long time. She said we think it really will provide an immense number of benefits for all the reasons that staff noted in the staff report that it provides additional emergency access for those neighborhoods; it disburses traffic during events and reduces vehicle trips on Route 250. She said it will be many benefits and she knows the Foundation will continue to work with the residents of all the neighborhoods there to ensure that it will not have an adverse impact.

Ms. Long said with regard to the new parking on the Sports Club property there are four clay courts here, four clay courts here and four hard surface courts here. She said it is a potential to consider converting those hard courts into a parking lot in the future because they are going to have up to 12 new hard courts here and she just wants to ensure that they are going to have enough parking. She pointed out they are going to have additional parking here

for the golf course parking lot that is rarely full and can be slightly added onto. She noted they could rearrange those spaces and stripes to add more spaces. They are also proposing to add a road that would provide some additional spaces as well, but they just want to ensure that they have the additional parking that is available. She said they would obviously be working with the residents to ensure that there is sufficient landscaping around the area if they did go that route to ensure that it is appropriately screened; they would require that for their own standards as well. She pointed out it is not a definite but we have asked for that flexibility to be able to make that change since it is something that has been on their master plan for a long time to have that flexibility and would be happy to discuss that further.

Mr. Keller invited questions for the applicant.

Mr. Bivins asked if there was a gate that can control and if she could speak a little bit about when it might be put into use and where is it.

Ms. Long replied that the reason for the gate was that as it is currently approved it is only for temporary use for a three-week span late July through early August when the World Squash Championships are here. Therefore, the condition of approval for that special use permit amendment says you have to have a gate put up so that when it is not during those three weeks you can close it off and people will not use it. She noted that it was in that general location and we hope to not actually need it because if we can get the special use permit approved it will be a moot point. With that being said, Ms. Long said they might want to use it so that during every once in a while during a big event if they want to steer people one way or the other they can do that. However, she did not think that would be needed.

Mr. Bivins said since we are talking about internal roads he was wondering whether the Fox Haven Farm that sits at the bottom of all of this at some point if we are going to have a conversation of connecting that property to the Club and some of the work that is taking place now at Birdwood. He asked if that is an Area B conversation or are we just going to have a piece of that come before us at some other point.

Ms. Long replied that is a good question and thinks Mr. Gast-Bray will echo my comment, it is not only an appropriate Area B conversation; it is an Area B conversation we are having with Mr. Gast-Bray and others on the staff. She said as you may know we are moving forward with an Area B Plan; it is essentially a small area plan for Birdwood and one of the many things we are looking at is what types of connections might be appropriate. She said maybe it was just trails and paths, maybe it is some future connections, but we do not know and it is definitely something that we have been discussing.

Ms. Spain asked if you have an estimate of the number of televised events.

Ms. Long replied that she did not know but did not think it was very many. She introduced Elise Cruz who is with the UVA Foundation and has been more involved in those specifics.

Elise Cruz, with the UVA Foundation, said she had the pleasure of speaking with Mr. McCory yesterday on the phone about the lights and the number of televised events would be very few. She said that right now we are working with the UVA varsity tennis coaches and staff from athletics to determine what their needs are for the programming of the tennis facility and their answer to the question of how often you have night events whether it is practices or any sort of game and they said right now none. She said they do not plan to have very many events at night because it just does not work out with how they do their practices, games and everything. She said every other tennis facility that is in D1 that is somewhat high level has lights but most do not use them. She said the specific lights are required by ESPN and the ACC Network if they were to televise that event; it seems like most of the tennis games, if not all of them, would happen during the daytime. She said we do not know how often they would be used, but we do know that UVA would like to have the flexibility to use them perhaps if they were practicing at dusk. She pointed out the nice thing about those lights is they are fully adjustable so the lights don't have to be up at 100 percent all of the time and could have them at a lower lumen level just to provide enough light that you might need for that game.

Ms. Spain said right now you are saying there are none, but there could be a couple of dozen a year.

Ms. Cruz replied that she was sure because they don't have lights now that is probably why they don't have some night events and it is also just a preference of the coaches and the students to perhaps have their practices in the afternoon after classes are done and before dinner time as well as evening activities. However, that may change over time but depending on the priorities they may decide to just install the posts and infrastructure for those lights; they may be installed at a later day when fundraising may line up to pay for those lights. She said that is something we want to ask now just so we have the flexibility to install them if that is the route that they decide to go.

Ms. More asked how many courts would be lowered.

Ms. Long replied that at the most it would be two, but at this time there is only likely to be one and Ms. Cruz could answer the question better.

Ms. Cruz replied that the concept shown was not of this plan; this is a image of a different facility but the same type of idea for the sunken court; this is not what the UVA facility would look like and just an example.

Ms. More said that something like this would be where it was televised and that would be with the need for the lighting.

Ms. Cruz said the bank of six courts on the southern side would be the ones that would be the lit courts where any televised matches may occur. She said the majority of matches will happen on those courts and the coach's vision for what we call the sunken court is actually more for practice and intimate experience for the player to be focused on their game and be able to be in a more enclosed environment with less detractions to focus on different specific aspects of improving their game. She said the nice thing about those courts being lit and where they are is that is the lowest point on the site, so again more screening for the residents of Ednam Village and Ednam Forest. She said Fred Missel our Director of Design and Development he has actually gone to our neighbors here in Ednam Forest, they are the very first house and he stood there with them and looked over to see where this might be that was his first concern is we want to make sure if these lights are on they are not glaring our neighbors faces. However, they have many tall trees and just the orientation of the site no one is concerned about those lights being on. She said again the lights are full cut-off as well so there is no light pollution up or to the side and are just going exactly where they need to be, of course we don't want to install any more lights than we need because they are very expensive.

Ms. More said in our packet it talks about a possible future service drive and another interparcel connection and asked where that is on the larger map. She commented that on a larger map that gives us a bigger idea of all of this she did not see where you were showing residential properties.

Ms. Cruz pointed out the section for parking labeled C would be the interparcel connection and would cross from the Boars Head parcel into the Birdwood parcel. She said these are all shown as options and the only one that we have definitely decided to build is B that is shown as the Squash Expansion being constructed right now. She said A, as Valerie mentioned, is just a possibility and it may not even be that orientation or that size of a parking lot; this is something we are looking into to redesign and make the Birdwood Golf Course Club House parking more efficient but C is just when we get to the site plan stage of a plan for the site plan for the tennis that will something that will be discussed at that point. Ms. Cruz pointed out Berwick Drive, the UVA Foundation Office, Boar's Head Sports Club, the Inn and Restaurant, Ednam, Ednam Village, Ednam Forest and then Bellair.

Mr. Dotson said my question builds on Commissioner More's question, I think it would be very useful as this goes to the Board to have an additional diagram that more clearly treats the project not as an island and to see Ednam Village and residential properties to know what the relationship and distance that he would be looking. He said my concern would not be light being cast in my backyard; it is too far away but simply the visibility of this well lite

activity and is it far enough away, does the building block all of it or a little. He said that diagram would be very helpful to understanding what is going on. He said the second question is with Berwick. It does not look like a road that was designed to be a collector or an arterial and you are not proposing that it is either of those. He said it feels almost like a driveway through a property and there are a lot of side frictions with parking along it. He said in the traffic study he could not find a place that gave an idea of how much traffic is on Berwick now and how much would be on it in the future to see what the difference is. He said those are my two concerns – the visibility of the lighting and just wanting to understand Berwick and its new role.

Ms. Long said thank you for your comments Mr. Dotson I agree with your suggestion on the lighting waiver exhibit and will do just that. She said we tried to measure using the GIS maps and other maps the distance how far is the nearest residence to the closest point of the tennis courts and we roughly measured the closest house which is about 750' from this area and similarly the closest home in Ednam Village is also about 750'. She said the Ednam Village homes that are at a higher elevation because the topography does drop off a bit as you move away from that area, but we will certainly have an exhibit that shows that more thoroughly. She said with regard to Berwick Road I can't cite the specifics either but generally speaking what the traffic study looked at was how many trips the proposed tennis facilities and the new Par3 golf course would add and the outcome was that it would actually add very few trips particularly they are not peak hour trips since people are not playing golf at rush hour or traveling to and from golf as much or tennis. Therefore, their off-peak trips it was 273 trips or so per day on average and that is over a 24 hour period and so the number of additional trips from those uses was relatively small and then when you factor in the connector road that shifts things a little bit. She said that on the one hand you would have perhaps more cars coming along Berwick and using the connector road to get to the golf course particularly residents of Ednam Village who right now have to go out on 250 and come in here. She said yes, those would have more trips along Berkwick from those residents but the good news is it will be offset by reduced trips on 250. She said likewise Ednam Village residents already are using Berwick because that is their only means of ingress and egress to and from their neighborhood and Route 250 but with the connector road potentially they will decide to use the connector road and Golf Course Drive instead which would in theory reduce the number of trips on Berwick. She said there are a lot of assumptions and expectations but it is difficult to model until that is open, which is why as Mr. Gast-Bray indicated we thought it appropriate to agree to conduct follow-up traffic studies after the road is opened on a permanent basis to understand what really is happening, how is Berwick, the connector road and the intersections handling the additional traffic. She said it is more about disbursement of traffic and changing traffic patterns than it is about additional trips. She said there are additional trips but we think the bigger uncertainty is how will people react and respond to this change and we think it will be overall good because it will disburse traffic in multiple directions.

Mr. Dotson said it was mentioned in the staff report that service vehicles might now come in on the Golf Drive and go to Berwick and he assumed now they come in Edman to Berwick.

Ms. Long replied that is exactly right and we think there will be many benefits some will depend on where you are coming from and going.

Mr. Keller commented that it seems with GPS routing it is going to be fascinating to see as we get more and more real time routing for everyday events instead of trips because many people are going to be arriving from east to west which is going to mean turning across the row of traffic where there is not a light. He said you have pointed out all the configurations that might add to that so it is going to be interesting to see kind of congestion might or might not occur there. He asked have you explored telescoping poles.

Ms. Long replied no, and she was speculating since she did not know if the technology exists for the type of fixtures required for televised sports.

Mr. Keller pointed out he had experience with the Musco lighting from Iowa that has done the NASCAR Races and they bring temporary lighting into places that do not have lighting. He said they have done NFL games in Europe and around the world for temporary lighting. He said there are two alternatives that at least would be nice to have mentioned at the next level at the Supervisors and one is the availability of temporary sports lighting if it really is

not going to be often and it might include a significant savings of the Foundation in the short term. He said the other one is the telescoping poles that is used in Europe when they are adjacent to neighborhoods.

Ms. Long replied that the architects that we have been working with who have been advising on those issues we could certainly ask them those questions.

Mr. Keller said the bottom line is what was suggested by Mr. Dotson for a section of the design would be most helpful to see that relative location and scaled distance both horizontal and vertical.

Mr. Bivins said the traffic report did not say we would add a light or control entrance at Golf Course Drive but the conversation was to remove the one that is near the Inn so there would not be three – the Farmington Drive one, the Inn one and then put another at Golf Course Drive but remove one most likely the one at the Inn and put one there.

Ms. Long replied that he was generally correct although at this point nothing has been decided. She said part of what makes it more challenging is that VDOT is in the middle of a Corridor Study of that actual span and maybe all of 250. She said among other things they are looking at how we can improve traffic generally along 250 in that area and even further west towards Crozet and the one thing they have said is we do not want more lights. She said before we finished our traffic study there were comments like well if you trigger a need for a signal at Golf Course Drive we would probably make you remove the one at Ednam first. She said we were hesitate to propose that because that would be an adjustment for folks, but the good news at least now the traffic study says you don't need another signal. She said our study did evaluate at VDOT's request three different scenarios – one is exactly the way things are now, two was what if you had a signal at both and three was what if you flip the signals. She said we looked at all of those to just demonstrate depending on the scenario that VDOT wanted what are the impacts on the level of service at each of those intersections. She said for what it is worth the good news is that the traffic study says regardless of what scenario occurs the levels of service at each of those intersections is maintained as it is today. She said so again we are not proposing to change the signals, VDOT may make that decision in the future, we are not encouraging it so a lot of it is just unknown and Mr. Gast-Bray may want to add onto that.

Mr. Keller pointed out that there is another lane because there is the lane that goes directly to the Birdwood House.

Ms. Long replied that is correct although that would as you may have seen in the conditions have very limited access just for the residents of that road and I believe the longest term the Foundation is looking to perhaps eliminate that point of access and integrate it with Golf Course Drive.

Mr. Keller noted that is part of the significance of the layout of that historic resource so even if it was closed off most likely that lane needs to remain.

Ms. Long pointed out they have good historical preservationists and landscape architects looking at those issues.

There being no further questions for the applicant, Mr. Keller closed the public hearing to bring the matter before the Commission for discussion and action. He invited questions for staff.

Mr. Spain said in Attachment H in the special use permit application there is mention of footcandles and several months ago, Ms. Brumfield gave a presentation about updating standards to incorporate LED measures as opposed to the footcandles. She asked is this something that we will be addressing in the future.

Mr. Gast-Bray replied that it is definitely something we want to address in the many performance standards being revisited but it is currently not programmed and he did not believe we have a date for you as to when we will be addressing it. He said yes, it is planned to be done.

Ms. More said she appreciates in staff's report that you make specific reference to the S&W Master Plan and give page numbers. She said it was a good example of master planning for this specific area and is giving you very specific guidance, which you have passed on to us. Therefore, it is not a vision but is very clear and specific for this area the need for the connection and then the other areas of importance that you have outlined and that is very helpful and speaks a lot to the importance of master planning. She thanked staff for that and make that comment.

Mr. Bivins said my hope with this if it is in fact approved to go to a permanent connector road that knowing the two communities that are there that people are going to appreciate that now they can do all kind of recreation pieces from Ednam Forest and Ednam Village that is going to allow biking, dog walking, stroller pushing and all the things that go along with that. He said in the creation of that connector that it actually facilitates that kind of multi-modal use there and otherwise, speaking with Commissioner Dotson it will look like a driveway. He said you have an opportunity to set the characteristic of the Inn and the golf course in a way that he thinks is important as opposed to just a connector and hopes you are thinking it is more than a connector and in fact a way for people to move and enjoy that beautiful piece of property in ways that they don't do now.

Mr. Keller asked for a motion.

Mr. Blair noted there would be three items being a special use permit, a zoning map amendment and a special exception.

Mr. Keller asked if that included the tennis facility, and Mr. Blair replied that the special exception is for the tennis facility.

Mr. Keller said technically we need to reopen the public hearing and say that the public hearing is for b. as well since he read a. but not b.

Mr. Blair said it would be advisable.

Mr. Keller opened the public hearing and noted that besides item a., which was the Boar's Head Connector, there was b. SP-2017-00032 UVA Outdoor Tennis Facility. He asked if there was anybody from the applicant that cares to speak or anyone from the public who cares to speak. Hearing none, Mr. Keller closed the public hearing to bring the matters before the Commission for discussion and action. He requested that the first action be on the zoning map amendment.

Ms. More said for the zoning map amendment for the connector road it says recommended changes from staff and asked are we to take the handout about the cost share language change in condition #9 highlighted.

Mr. Blair noted that was for the special use permit.

Mr. Keller pointed out we have page 11 from the document, page 15 from the other document and then the 2 pages from the other.

Ms. More moved to recommend approval of ZMA-2017-00010 Boar's Head Connector Road with recommended changes from staff.

Ms. Spain seconded the motion.

Mr. Keller invited staff to clarify.

Mr. Padalino replied that was correct for the motion that the recommendation from staff for the zoning map amendment did include some commentary provided that the date, for example, was changed and the technical changes were made. He said we could recommend that for approval if the language about providing a commitment for the proportionate share of traffic for that whole issue were included in the proffer. He said so

there was some recommended commentary from staff for the zoning map amendment (ZMA) separate from that handout which was for the special use permit (SP).

Ms. More agreed to add to the motion with recommended changes from staff for the zoning map amendment (ZMA).

Mr. Blair replied that was correct.

Mr. Keller invited further discussion. Hearing none, he asked for a roll call.

The motion passed by a vote of 5:0. (Firehock, Riley absent)

Mr. Keller asked for a motion for the next item.

Ms. More moved to recommend approval of SP-2017-00032 UVA Outdoor Tennis Facility permanent connector road and Birdwood Golf Course addition with the conditions outlined in the staff report.

Mr. Bivins seconded the motion.

Mr. Dotson asked if the motion included the modification.

Ms. More said it was including the modification in the handout from staff for #9, and Mr. Blair said yes, that was correct.

Mr. Keller invited further discussion. Hearing none, he asked for a roll call.

The motion passed by a vote of 5:0. (Firehock, Riley absent)

Mr. Keller asked for a motion for the special exception.

Ms. More moved to recommend approval of the requested special exception for an Outdoor Lighting Waiver for the reasons outlined in the staff report and with the conditions outlined in the staff report.

Mr. Keller asked if we want to add to that those recommendations that came from us or would staff just include those in moving that forward and Mr. Padalino replied yes, that was correct.

Ms. Spain seconded the motion.

Mr. Keller invited further discussion. Hearing none, he asked for a roll call.

The motion passed by a vote of 5:0. (Firehock, Riley absent)

Mr. Keller said the recommendation would be forwarded to the Board of Supervisors to a date to be determined. He said this would go to the Supervisors in a timely manner as we talked about previously to expedite it so not to have this temporary and be a final piece from the beginning. He said that was the goal and so from our vantage point we hope that will happen. Mr. Keller thanked staff and the applicant. He thanked staff for trying to put this very complex three-piece component in front of us in a way that we could understand.

The Planning Commission recessed at 7:50 p.m. and the meeting reconvened at 7:56 p.m.

Mr. Keller called the meeting back to order at 7:56 for the next item.

Presentation

a. Biodiversity Action Plan

Informational presentation about the recently completed Biodiversity Action Plan for Albemarle County. No action is required at this time by the Planning Commission. County staff developed the plan in consultation with and with approval of the county's Natural Heritage Committee. (David Hannah)

David Hannah, Natural Resources Manager, said he would present an overview of the Biodiversity Action Plan just for the Commission's information and was not requesting you to take any action tonight. The document is not publicly available yet but will be very soon and I will be discussing the plan with the Board of Supervisors on July 5 so in a week or so all of the information will be available to everyone.

Mr. Hannah said first he would like to acknowledge all the people who had a hand in creating the action plan, first and foremost the Natural Heritage Committee that was an advisory committee of citizen volunteers appointed by the Board of Supervisors. It has focused on biodiversity education in the past and it also advises the county staff and elected officers on issues of biodiversity as needed. He said staff members assisted including in particular Andrew Walker, GIS Specialist and others but I would also like to recognize a lot of volunteers some of them former members of the Natural Heritage Committee that have stepped away but have remained active and supportive of what the committee is trying to do. He noted the Green Infrastructure Center developed two data sets that were crucial to developing the plan and we used data from the Virginia Department of Conservation and Recreation the Natural Heritage Division. He said that hits the highlights of those who have been active in this. However, he pointed out that the Biodiversity Work Group, which was a temporary group in place from 2002 to 2004, produced a report in 2004 that set the stage for all of the biodiversity work in the county that has come since then and sets a high bar in talking about and reporting on biodiversity.

Mr. Hannah presented a PowerPoint presentation. Presentation-BAP-Planning Comm 06-19-18.pptx

Mr. Hannah said that discussion under Section 4a in the Comprehensive Plan calls for adopting the Biodiversity Plan into the Comprehensive Plan. So again, everything circles back to the Comprehensive Plan.

Steps to Implement Biodiversity Action Plan (BAP)

- April 4 – Informational Presentation to BOS
- Tonight - Informational Presentation to Planning Commission
- July 5 – Work Session with BOS
- Aug./Sept. – Resolution of Intent to Amend the Comprehensive Plan by Planning Commission
- Begin process to Amend Comprehensive Plan

Mr. Hannah noted these dates are general ideas at this point. He said again, everything stems from the Comprehensive Plan and it gave several guiding principles to follow in developing the plan. One, that it be a landscape-level analysis of the county, identifying priority areas for conservation, and that the plan be revised periodically on a set timeframe. The plan also identified several concepts that are key in any kind of conservation planning process.

Figure 4 from Comprehensive Plan Natural Resources Chapter

- Also illustrates several concepts that are critical in conservation planning
- Illustrates interior forest and edge habitat, Forest Conditions are very different
- Some species evolved in & are adapted to interior forest habitat
    - Require it to sustain population
- Other species use or thrive in edge habitat - illustration shows different species

Fragmentation illustrated when a large forested area is divided into smaller fragments

- Coupled with historic loss of forest, more edge habitat & less forest interior
- Many interior species are in decline

Figure 5

- Illustrates connectivity of areas of habitat
- Connectivity, allows plants to disperse and animals to more across the landscape
- Helps reduce the impacts of fragmentation

Mr. Hannah said there were two different site-specific types of data that we used one from the Natural Heritage Division of Virginia DCR and two are other important sites identified by the committee as shown on the map in the slide. The focus for the committee moving forward is to continue visiting and reassessing these sites and working land owners and educating them about what they have on their property. Staff identified 24 different important sites in the county that we think are high priority sites and that need attention in the next five years. We have assigned us, the committee and me, to focus on 13 of these sites and the county should take the lead on nine of those 24 sites.

Mr. Hannah discussed the landscape analysis that began with the land cover data that the state provided back in 2009. This is a subset of that land cover data which shows just three type of forest cover as shown on the slide. He explained the process in determining the conservation value as noted on the map. The next map leads to what we concluded were three conservation focus areas for the county. These boundaries are very general and we do not want the boundaries to be interpreted very strictly but it does identify the areas that are rich in biodiversity across the county, and again were the focus we think should be over the next 5 years. He reviewed the three conservation focus areas noted the following summary:

- Broad brush, landscape level look at county and not intended for parcel level analysis but did it for work at the parcel level. It lays the groundwork that could be done at the parcel level.
- Significant threats to biodiversity.
- Update the plan every 5 years
- Forests and conservation focus areas (All types of habitat and landscape features are important so these areas should not be focused on to the exclusion of other areas.)
- Goals and recommendations are in the plan and a shorter list is in the executive summary. The report should be available within the next 7 to 10 days and we can talk about them at that point.

Mr. Hannah said he would stop and take questions and comments and would send the report to the Commissioners when available.

The Planning Commission held a discussion about the following concerns:

- The need to educate the people who live in the urban center about areas outside the development area.
- The plan is very well done and needs an education piece. The areas of connectivity and fragmentation is a concern in Crozet and suggested an educational piece be done about how we interact safely with the wildlife such as the bear and deer.
- There are many other special areas in the county that need to also be investigated in addition to these 53 sites identfied.
- Encouraging working with landowners and interested from hearing ways to do that from other groups including the PRFA.
- Suggestion made to give presentation to the School Board since the best way to get parents educated is through children.

Mr. Keller thanked staff and said we look forward to seeing this move through the process and are supportive of everything including support for the five-year review.

The meeting moved to the next item.

Committee Reports

Mr. Keller invited committee reports.

Ms. More reported the Crozet CCAC met last month and had a presentation about Western Park in Old Trail.

Ms. More reported that the ACE recommendations to change the ordinance goes to the Board on Wednesday.

Julian Bivins reported the Rivanna Water Authority met tonight for discussion on a water issue about running a pipeline between the two reservoirs

Mr. Bivins reported that Rivanna Water met tonight with an issue about running a pipeline between the two reservoirs.

Review of Board of Supervisors – June 13, 2018.

Mr. Gast-Bray reviewed the actions taken by the Board of Supervisors on June 13, 2018. He pointed out as a part of this because tonight not being able to see the Biscuit Run presentation there are other opportunities and they will come in front of the Commission as well. He noted that the Community Recreation Needs Final Report will also be a part of that discussion along with Biscuit Run and was covered at the Board of Supervisors meeting.

Mr. Dotson asked when the John Warner Entrance Corridor was going to be heard by the Board, and Mr. Gast-Bray replied that he believed it was scheduled for August. He apologized for failing to include this in his report.

Mr. Dotson said all Entrance Corridors are being addressed as part of that, not just the one addressed by the Planning Commission in our resolution of intent, just so everyone knows.

Mr. Gast-Bray replied yes, as far as I know.

Old Business

Mr. Keller invited old business. Hearing none, the meeting moved to new business.

New Business

Mr. Keller said that he had two items, one he wondered if the Commission was interested in following up with wireless folks on staff to do a little 101 again on the different types of cell towers and how they may be impacted by the Virginia legislative and what has been going on there, the federal communication because of changes. He said Bill Fritz said that he thought he could do it quite quickly and just give us an update that might be relevant to the questions that we are all happening. He requested Andrew to try to set that up for a short presentation in the next couple of months possibly from the counsel's office. He asked if other Commissioners had thoughts on that. He said that several of us have been wondering about the precedence if we keep doing exceptions whether that in effect is having a negative impact on our legislation. He said they did not have to answer now but he thinks that is kind of the jest of it because either by our votes or by being asked to do an exception we might be doing that.

Mr. Keller said Vice Chair Pam Riley and I met with Andrew today and there is a preliminary calendar that he wants to solidify for next week so he is passing it along right now because he thought it might be helpful in this summer schedule but don't hold Andrew to it since this is a work in progress.

Mr. Bivins asked that we not only as a listening and learn session on wireless can we actually think about having some work that moves us from an 2004 Ordinance to something that is closer to. He asked if we would be able to do that.

Mr. Keller replied that we can do that because if there are going to be these zoning text amendment changes on lots of other fronts then maybe that is an opportunity for that recommendation.

Mr. Bivins asked for a recommendation for a Wireless Policy update.

Mr. More said staff was before us tonight looking for direction that goes to Board and that could be direction from the Board that we revisit the ordinance overall. She said that direction could come from the Board.

Mr. Blair said that he would just jump in a couple of quick points. He said number one as to the ordinance it was not a comprehensive rewrite but there were some significant changes in 2013 to the current ordinance. However, number two your question about the exceptions the ordinance does provide for the special exception process and he thinks that as long as the exceptions are going through that legislative process it would not create a precedent that just would override any other decision as long as it is going through the special exception process. It does not mean that eventually if you approve so many special exceptions that the ordinance itself is overwritten. Now it is probably best practice if you keep granting special exceptions repeatedly to amend the ordinance but just to allay any fears it would not so long as it is going through that special exception process there is no quantum that you would reach and what you finally say well the exception is the rule.

The meeting moved to the next item.

Item for follow-up.

Mr. Keller invited items for follow-up. Hearing none, the meeting moved to adjournment.

Adjournment

There being no further business, the meeting adjourned at 9:04 p.m. to the next meeting on June 26, 2018 at 7:00 p.m. at the COB-McIntire, Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

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Andrew Gast-Bray, Secretary

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

Approved by Planning Commission
Date: 8-14-2018
Initials: sct