

ACTIONS	
Board of Supervisors Meeting of July 14, 2004	
	July 22, 2004
<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>
1. Call to Order. <ul style="list-style-type: none"> Meeting was called to order at 4:00 p.m., by the Chairman, Mr. Dorrier. All BOS members were present. Also present were Bob Tucker, Larry Davis, Wayne Cilimberg and Sharon Taylor. 	
2. Work Session: Stormwater Master Plan. <ul style="list-style-type: none"> APPROVED Option B level of service. DEFERRED approval of decision for the funding plan pending work sessions on capital funding needs and plans. 	<u>David Hirschman/Mark Graham</u> : Proceed as directed.
NonAgenda. <ul style="list-style-type: none"> At 5:15 p.m., the Board went into Closed Session. 	
4. Reconvene and Call to Order. <ul style="list-style-type: none"> At 6:00 p.m., the Board reconvened into open session and certified the Closed Session. 	
7. From the Public: Matters Not Listed on the Agenda. <ul style="list-style-type: none"> Tobey Bouch, Renee Townsend, Melissa Stell, Michael Sharman, Paula Rondon and Tara Reed spoke in opposition to the proposed Planned Parenthood Clinic on Hydraulic Road. They asked the Board to revoke the existing special use permit since they feel the proposed use does not fit in a professional office zoning designation. Mr. Davis explained that the Board does not have the authority to revoke the special use permit under the current facts and circumstances. 	
8.2 <u>SP-2003-084. Dennis Enterprises - Rio Road (Sign # 55).</u> <ul style="list-style-type: none"> At the applicant's request special permit DEFERRED SP-2003-084 until September 8, 2004. 	<u>Clerk</u> : Schedule on appropriate agenda.
8.3 Proclamation recognizing July 18-24, 2004, as Probation, Parole and Community Supervision Week. <ul style="list-style-type: none"> Presented proclamation to Pat Smith and Neal Goodloe. 	(Attachment 1)
9. <u>SP-2004-010 Kimco L.C. (Brown, Flow, Crown) Stand-Alone Parking (Sign #83)</u> <ul style="list-style-type: none"> APPROVED SP-2004-010, by a vote of 6:0, subject to the five conditions recommended by the Planning Commission. 	<u>Clerk</u> : Set out conditions of approval (Attachment 2).
10. <u>SP-2004-012 Verulam Farm Conservation Group LLC/Nextel Partners (Signs #85&86).</u> <ul style="list-style-type: none"> APPROVED SP-2004-012, by a vote of 6:0, subject to the 22 conditions recommended by the Planning Commission. 	<u>Clerk</u> : Set out conditions of approval (Attachment 2).
11. <u>ZMA-2004-002. Townhouses Fontaine Avenue (Sign # 80).</u> <ul style="list-style-type: none"> At the applicant's request, DEFERRED ZMA-2004-002, by a voted of 6:0, to November 10, 	<u>Clerk</u> : Schedule for public hearing and readvertise November 10 th agenda.

2004.	
<p>12. ZMA-2004-003. Avon Park (Sign # 81).</p> <ul style="list-style-type: none"> • APPROVED ZMA-2004-002, by a vote of 6:1, subject to proffers dated July 14, 2004 provided at Board meeting. • Board asked for an update from the Affordable Housing Committee. 	<p><u>Clerk:</u> Set out proffers (Attachment 2).</p> <p><u>Ron White:</u> Provide information.</p>
<p>13. ZTA-2003-002. Personal Wireless Service Facilities.</p> <ul style="list-style-type: none"> • DEFERRED ZTA-2003-002, by a vote of 6:0, until September 1, 2004 pending further revisions of the Ordinance related to screening of the equipment and monopole, further amendment of the definition of “avoidance area”, and allowing increases in the height of existing monopoles. 	<p><u>Clerk:</u> Readvertise public hearing.</p>
<p>14. From the Board: Matters Not Listed on the Agenda. <u>Ken Boyd:</u></p> <ul style="list-style-type: none"> • He researched Board minutes and the Board did agree that Allen Road would be the second consideration for the Rural Rustic Road Program. VDOT has not made that change in their Plan. Mr. Tucker said he has made the request to VDOT. • APPOINTED Peter Maillet to the Fiscal Impact Advisory Committee with said term to expire July 8, 2006. <p><u>Larry Davis:</u></p> <ul style="list-style-type: none"> • Concerning a proposal to buy property from the Hedgerow Corporation, such property located in the City of Charlottesville near the existing Juvenile Court, the Board AUTHORIZED the County Executive to execute an agreement for purchase of the property, and AUTHORIZED the County Executive to sign an agreement with the City of Charlottesville regarding the joint purchase and ownership of that real estate. 	
<p>15. Adjourned.</p> <ul style="list-style-type: none"> • The meeting was adjourned at 9:20 p.m. 	

/ewc

Attachment 1 – Proclamation – Probation, Parole and Community Supervision Week
Attachment 2 – Conditions of Approval

**PROBATION, PAROLE AND
COMMUNITY SUPERVISION WEEK**

WHEREAS, District 9 Probation and Parole Department and OAR-Jefferson Area Community Corrections are an essential part of the criminal justice system; and

WHEREAS, these community corrections professionals uphold the law with dignity, while recognizing the right of the public to be safe-guarded from criminal activity; and

WHEREAS, these community corrections professionals are responsible for providing pre and post trial supervision to adult defendants and offenders in the community; and

WHEREAS, these community corrections professionals are trained professionals who provide services and referrals for offenders; and

WHEREAS, these community corrections professionals work in partnership with community agencies and groups; and

WHEREAS, these community corrections professionals promote prevention, intervention and advocacy; and

WHEREAS, these community corrections professionals provide services, support, and protection for victims; and

WHEREAS, these community corrections professionals advocate community and restorative justice; and

*NOW, THEREFORE, I, Lindsay G. Dorrier, Jr., Chairman, on behalf of the Albemarle Board of County Supervisors, do hereby proclaim the week of July 18th through July 24th, 2004 as **PROBATION, PAROLE AND COMMUNITY SUPERVISION WEEK** and encourage all citizens to honor and recognize the achievements of these community corrections professionals.*

Signed and sealed this 14th day of July, 2004.

CONDITIONS OF APPROVAL

Agenda Item No. 9. **SP-2004-010. Kimco L.C. (Brown, Flow, Crown) Stand-Alone Parking (Sign #83)** Public hearing on a request to allow stand alone parking in accord w/Sec 24.2.2 (12) of the Zoning Ord which allows for stand alone parking & parking structures. TM 78 P 16 contains 4.87 acs. Znd HC. Loc on US Rt 250 E (Richmond Rd), approx .1 mile from intersec of Richmond Rd & Rt 20 N (Stony Point Rd). Rivanna Dist.

1. A site plan amendment shall be submitted for approval, which shall be in general accord with the concept plan on Tax Map 78 Parcel 16, dated 3/19/04. (Attachments A);
2. At least one (1) sign shall be posted in the parking area that identifies the use as parking for Brown Automotive, Flow Companies of Charlottesville, and Crown Motor Company only, with size and location of the sign to be determined and approved by staff;
3. No customers of the three (3) dealerships noted above shall be permitted onsite.
4. The use shall be valid for a period not to exceed one (1) year from the approval of the site plan amendment. Any extension of the one (1) year period will require that SP-2004-010 be amended; and
5. Approval of the special permit does not authorize the use to begin. The use may not lawfully begin until all necessary approvals have been received and conditions met. This includes, compliance with applicable conditions of the special permit; approval of and compliance with the site plan; and approval of a zoning compliance clearance.

Agenda Item No. 10. **SP-2004-012. Verulam Farm Conservation Group LLC/Nextel Partners (Signs #85&86)**. Public hearing on a request to allow construction of a personal wireless service fac w/wooden monopole, approx 101 ft in total height & 10 ft above height of tallest tree w/in 25 ft. The proposed facility would include flush-mounted panel antennas & ground equipment stored in a 200 sq ft building. This application is being made in accord w/Sec [10.2.2.6] of the Zoning Ordinance which allows for microwave & radio-wave transmission & relay towers in the RA. TM 74 P 17 contains 356.26 acs. Znd RA. Loc on Bloomfield Rd (Rt 677), approx .75 miles from intersec of Rt 637 & Rt 677. Samuel Miller Dist.

The facility shall be designed, constructed and maintained as follows:

1. With the exception of any minor changes that would be required in order to comply with the conditions listed herein, the facility including the monopole, the ground equipment building, and any antennas shall be sized, located and built as shown on the concept plan entitled, "SP-004-012 - Nextel Partnership/Verulam Farm Conservation Group LLC/Meechum", last revised May 25, 2004 and provided with Attachment A;
2. The calculation of pole height shall include any base, foundation or grading that raises the pole above the pre-existing, natural ground elevation;
3. The top of the pole, as measured Above Mean Sea Level (AMSL), shall never exceed seven (10) feet above the top of the tallest tree within twenty-five (25) feet. In no case shall the pole exceed one hundred one (101) feet in total height at the time of installation without prior approval of an amendment to this special use permit or personal wireless facility permit;
4. The monopole shall be made of wood and be a dark brown natural wood color;
5. The ground equipment building, antennas, concrete pad and all equipment attached to the pole shall be the same color as the pole and shall be no larger than the specifications set forth in the application plans;
6. Only flush-mounted antennas shall be permitted. No antennas that project out from the pole beyond the minimum required by the support structure shall be permitted. However, in no case shall the distance between the face of the pole and the faces of the antennas be more than twelve (12) inches;
7. No satellite or microwave dishes shall be permitted on the monopole;

8. No antennas or equipment, with the exception of a grounding rod, not to exceed one (1)-inch in diameter and twelve (12) inches in height, shall be located above the top of the pole;
9. No guy wires shall be permitted;
10. No lighting shall be permitted on the site or on the pole, except as herein provided. Outdoor lighting shall be limited to periods of maintenance only. Each outdoor luminaire shall be fully shielded such that all light emitted is projected below a horizontal plane running through the lowest part of the shield or shielding part of the luminaire. For the purposes of this condition, a luminaire is a complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply;
11. The permittee shall comply with section 5.1.12 of the Zoning Ordinance. Fencing of the lease area shall not be permitted;
12. Size specifications and other details, including schematic elevations of the antennas shall be included in the construction plan package;
13. Site grading and all construction around the facility shall be minimized to only provide the amount of space that will be necessary for placement of the monopole and equipment building; and
14. Details and cross sections for any future plans to upgrade the existing dirt logging road shall be subject to review and approval by the County's Engineering Department

Prior to the issuance of a building permit, the following requirements shall be met:

15. Certification by a registered surveyor stating the height of the reference tree that has been used to justify the height of the monopole shall be provided to the Zoning Administrator;
16. Prior to beginning construction or installation of the pole, the equipment cabinets or vehicular or utility access, an amended tree conservation plan, developed by a certified arborist shall be submitted to the Zoning Administrator for approval. The plan shall specify tree protection methods and procedures, and identify any existing trees to be removed on the site - both inside and outside the access easement and lease area. All construction or installation associated with the pole and equipment pad, including necessary access for construction or installation, shall be in accordance with this tree conservation plan. Except for the tree removal expressly authorized by the Director of Planning and Community Development, the permittee shall not remove existing trees within two hundred (200) feet of the pole and equipment pad. A special use permit amendment shall be required for any future tree removal within the two hundred (200)-foot buffer, after the installation of the subject facility; and
17. With the building permit application, the applicant shall submit the final revised set of site plans for construction of the facility. During the review of the application, Planning staff shall review the revised plans to ensure that all appropriate conditions of the special use permit have been addressed.

After the completion of the pole installation and prior to the issuance of a Certificate of Occupancy or to any facility operation, the following shall be met:

18. Certification by a registered surveyor stating the height of the pole, measured both in feet above ground level and in elevation above sea-level (ASL) using the benchmarks or reference datum identified in the application shall be provided to the Zoning Administrator;
19. Certification confirming that the grounding rods: a) height does not exceed two (2) feet above the monopole; and, b) width does not exceed a diameter of one (1)-inch, shall be provided to the Zoning Administrator; and
20. No slopes associated with construction of the facility shall be created that are steeper than 2:1 unless retaining walls, revetments, or other stabilization measures acceptable to the County Engineer are employed.

After the issuance of a Certificate of Occupancy, the following requirements shall be met:

21. The applicant, or any subsequent owners of the facility, shall submit a report to the Zoning Administrator by July 1 of each year. The report shall identify each personal wireless service provider that uses the facility, including a drawing indicating which equipment, on both the tower and the ground, are associated with each provider; and
22. All equipment and antennae from any individual personal wireless service provider shall be disassembled and removed from the site within ninety (90) days of the date its use is discontinued. The entire facility shall be disassembled and removed from the site within ninety

(90) days of the date its use for personal wireless service purposes is discontinued. If the Zoning Administrator determines at any time that surety is required to guarantee that the facility will be removed as required, the permittee shall furnish to the Zoning Administrator a certified check, a bond with surety satisfactory to the County, or a letter of credit satisfactory to the County, in an amount sufficient for, and conditioned upon, the removal of the facility. The type of surety guarantee shall be to the satisfaction of the Zoning Administrator and the County Attorney.

Agenda Item No. 12. **ZMA-2004-003. Avon Park (Sign # 81).** Public hearing on a request to rezone 9.976 acs from R1 to R6 to allow 16 single family & 43 townhouse units. TM 90, P 32. Loc on Rt 742 (Avon St Ext), approx one-half mile S of the intersec of Avon St Ext. & Stony Creek Dr. (The Comp Plan designates this property as Neighborhood Density, recommended for 3-6 du/ac, in Neighborhood 4.) Scottsville Dist.

PROFFER FORM

Date of Proffer Signature: 7.14.04
ZMA # 2004-03
Tax Map 90 and Parcel Number 32

9.976 Acres to be rezoned from R-1 (Residential) to R-6

Pursuant to Section 33.3 of the Albemarle County Zoning Ordinance, the owner, or its duly authorized agent, hereby voluntarily proffers the conditions listed below which shall be applied to the property, if rezoned with the offered plans approved for development. These conditions are proffered as a part of the requested rezoning and it is agreed that: (1) the rezoning itself gives rise to the need for the conditions; and (2) such conditions have a reasonable relation to the rezoning request.

- (1) The development on Tax Map 90, Parcel Numbers 32 shall be in general accord with the plan produced by Weather Hill Homes, Ltd, dated April 21, 2004, entitled "Avon Park Site Plan", herein referred to as the plan, (sheet S-1). The development shall be found in general accord with the plan if the layout is generally the same with a buffer area to the south, open space along the Entrance Corridor, a central park space of the same size or larger, and interconnections north and south.
- (2) No building permit shall be issued unless and until the Director of Community Development, or his assigns, determines that the townhome facades are in general accord with the sheets SC-2, SC-3, and SC-5a, of the architectural plans dated April 26, 2004, entitled "Avon Park Townhomes". The façade shall be determined to be in general accord with the architectural plans if the windows are in a similar alignment, and there are architecture features that break up the massing of the buildings, such as the porches, porticos, and gables.
- (3) The owner shall contribute \$59,000 cash to the County for funding pedestrian improvements in the Neighborhood that are identified in the County's capital improvement program prior to or at the time of the first building permit for any dwelling unit within the development. If this cash contribution has not been exhausted by the County for the stated purpose within ten (10) years from the date of the contribution, all unexpended funds shall be refunded to the owner.
- (4) The Owner shall design and construct a water tank for fire fighting purposes and human consumption, and a pump station that will fill the tank. The capacity of the tank and the water flow shall meet the standards specified by the ACSA. The water tank and pump station shall be constructed prior to the issuance of any building permits for any dwelling unit within the development. The water tank, pump station and associated piping will be dedicated to the ACSA upon completion.
- (5) The owner shall provide nine units of affordable housing as identified on the plan produced by Weather Hill Homes, Ltd, dated April 21, 2004, entitled "Avon Park Site Plan", herein required to as the plan. The owner shall convey the responsibility of constructing the affordable units to any subsequent purchaser of the subject property. The current owner or subsequent owner shall create units affordable to households with incomes less than 80% of the area median income, such that housing costs consisting of principal, interest, real estate taxes and homeowner's insurance (PITI)) do

not exceed 30% of the gross household income (e.g., for 2003, the price of the maximum affordable home for purchase was \$172,000). All purchasers of these units shall be approved by the Albemarle County Office of Housing or its designee. The owner/builder shall provide the County or its designee a period of 90 days to identify and pre-qualify an eligible purchaser for the affordable units. The 90-day period shall commence upon written notice from the owner that the units will be available for sale. This notice shall not be given more than 60 days prior to anticipated receipt of the certificate of occupancy. If the County or its designee does not provide a qualified purchaser during this period, the owner shall have the right to sell the unit(s) without any restriction on sales price or income of purchaser. This proffer shall apply only to the first sale of each of the nine units.

- (6) Prior to construction of the sewer connection from the subject property across the Mill Creek South common area, the owner shall submit a tree conservation plan prepared by a certified arborist. The plan shall be submitted to the agent for review and approval to assure that existing conditions in the woodland will be preserved to the extent possible and that the sewer construction zone is the minimum allowed by the ACSA. The plan must be approved by the agent before any trees are removed within the sewer construction zone. The plan shall identify all trees to be removed and specify tree protection methods and procedures, including how root systems and root zones will be protected. Except for the tree removal expressly authorized by the agent, the owner shall not remove existing trees outside of the sewer construction zone.

Marc Powell (Signed)
Signature of All Owners

Marc Powell, Managing Member
Printed Names of All Owners

July 14, 2004
Date