

**ACTIONS**  
**Board of Supervisors Meeting of August 11, 2004**

August 23, 2004

<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>
<p>1. Call to Order.</p> <ul style="list-style-type: none"> <li>Meeting was called to order at 6:00 p.m., by the Chairman, Mr. Dorrier. All BOS members were present. Also present were Bob Tucker, Larry Davis, Wayne Cilimberg and Sharon Taylor.</li> </ul>	
<p>4. From the Public: Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> <li>Eddie Giles, a resident of 1550 Garden Court, asked the Board to revoke the permit for the Planned Parenthood Clinic.</li> <li>Melissa Meeks, representing Charlottesville NOW, asked the Board to adopt a proclamation declaring August 26, 2004 as Women's Equality Day. (The Board discussed this matter under Other Matters at the end of the agenda.)</li> <li>Tobey Bouch, a County resident and member of the Central Virginia Forum, expressed opposition to the Planning Parenthood Clinic.</li> <li>Robert McCready, Executive Pastor of Covenant Church, expressed opposition to the Planned Parenthood Clinic.</li> <li>Mike Sharman, an attorney working with the Central Virginia Family Forum, asked the Board to revoke the permit for the Planned Parenthood Clinic.</li> </ul>	
<p>5.1 <b><u>SP-2003-70. Gregory R. Gallihugh-Nextel Partners (Sign #59).</u></b></p> <ul style="list-style-type: none"> <li><b>ACCEPTED</b> the applicant requests for withdrawal.</li> </ul>	
<p>5.2 <b><u>ZMA-2003-05. The Meadows Expansion Amendment (Sign #57).</u></b></p> <ul style="list-style-type: none"> <li><b>REMOVED</b> from agenda-petition was deferred by Planning Commission.</li> </ul>	
<p>5.3 Ordinance regarding real estate property taxation exemption – Amending Chapter 15, to set public hearing for September 1, 2004.</p> <ul style="list-style-type: none"> <li><b>SET</b> public hearing for September 1, 2004.</li> </ul>	<u>Clerk:</u> Advertise public hearing.
<p>5.4 Set public hearing for September 1, 2004 to include W A Wells property (Loc on Polo Grounds Road) in the Albemarle County Service Authority jurisdictional areas.</p> <ul style="list-style-type: none"> <li><b>SET</b> public hearing for September 1, 2004.</li> </ul>	<u>Clerk:</u> Advertise public hearing.
<p>5.5 Update on Red Hill Water Supply for contaminated wells.</p> <ul style="list-style-type: none"> <li><b>AUTHORIZED</b> staff to proceed with Phase 2 of the study using Option 2 (as set out in the executive summary). This study would include detailed hydrogeologic and engineering analysis, as well as cost estimates for both construction and long-term operations.</li> </ul>	<u>Mark Graham/David Hirschman:</u> Proceed as directed.
<p>6. <b><u>SP-2004-00018. Leroy and Helen Moyer – ALLTEL/Nix Way (Sign #64).</u></b></p> <ul style="list-style-type: none"> <li><b>APPROVED SP-2004-00018</b>, by a vote of 6:0,</li> </ul>	<u>Clerk:</u> Set out conditions of approval (Attachment 2).

<p>subject to the 22 conditions recommended by the Planning Commission, with modification to condition #4.</p>	
<p>7. <b><u>CPA-2003-007 – Crozet Master Plan.</u></b></p> <ul style="list-style-type: none"> <li>• <b>DEFERRED CPA-2003-007</b>, by a vote of 6:0, until either September or October to allow staff to separate the implementation plan from the CPA, and then bring back to the Board the actual comp plan for adoption.</li> </ul>	<p><u>Clerk:</u> Schedule on October agenda.</p>
<p>8. From the Board: Matters Not Listed on the Agenda.</p> <ul style="list-style-type: none"> <li>• <b>ADOPTED</b> resolution recognizing August 26, 2004 as Women’s Equality Day.</li> <li>• <b>CONSENSUS</b> that the Chairman send a letter congratulating Western Albemarle’s 1984 class reunion.</li> </ul>	
<p>9. Adjourned.</p> <ul style="list-style-type: none"> <li>• The meeting was adjourned at 8:20 p.m.</li> </ul>	

/ewc

Attachment 1 – Proclamation – Women’s Equality Day  
Attachment 2 – Conditions of Approval

**RESOLVED** that the Board of County Supervisors of the County of Albemarle County, Virginia, hereby proclaims

**August 26, 2004**  
**as**  
**WOMEN'S EQUALITY DAY**

in remembrance of all those women and men who have worked to develop a more equitable community, a community that acknowledges both the real similarities and the important differences between women and men.

## CONDITIONS OF APPROVAL

**SP-2004-00018. Leroy and Helen Moyer – ALLTEL/Nix Way (Sign #64).** Public hearing on a request to allow construction of personal wireless fac w/ monopole, approx 80 ft in total height & 10 ft above the height of the tallest tree w/in 25 ft. The proposed fac includes flush-mounted panel antennas & ground equipment, in accord w/ Sec 10.2.2.6 of the Zoning Ord, which allows for microwave & radio-wave transmission & relay towers in the RA. TM 92, P 56B3, contains 8.98 acs. Znd RA & EC Overlay Dist. Loc on Rt 53 (Thomas Jefferson Pkway), approx 1.3 mls E of intersect of Thomas Jefferson Pkway & Rt 795 (James Monroe Pkway). Scottsville 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, "Alltel - Nix Way Site", dated March 24, 2004 and provided in this staff report with Attachment A (copy on file);
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 ten (10) feet above the top of the tallest tree within twenty-five (25) feet. In no case shall the pole exceed eighty (80) 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 painted a dark brown natural color or be made of metal and painted a dark matte brown natural wood color;
5. The ground equipment cabinets, 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 equipment cabinets 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 cabinets. Graveling of the total lease area shall not be permitted; and
14. Revise the shape and layout of the lease area and grading to avoid negative impacts to the trees identified as numbers 109,118, 244, 246, 254 and 268.

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 rod's: 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.