

NELSON COUNTY PLANNING COMMISSION

MEETING MINUTES

February 22, 2012

Present: Chair Philippa Proulx, Commissioners Linda Russell, Michael Tapager, Michael Harman, Emily Hunt and Supervisor Connie Brennan.

Staff Present: Fred Boger, Tim Padalino, Melissa Thompson

Call to Order: Chair Proulx called the meeting to order at 7:30 P. M. in the Board of Supervisors meeting room, County Courthouse, Lovingston.

Approval of Minutes – January 25, 2012: Commissioner Harman made the motion to accept the minutes. The motion passed 4-0 [Commissioner Hunt was not present at this time] with Supervisor Brennan abstaining.

1. Rezoning #2012-001, Lynn Bowling

Consideration of an application by Lynn Bowling, real estate agent to rezone two (2) acres from M-1 (Limited Industrial Districts) to A-1 (Agricultural). The property is owned by Arlene B. Mays Revocable Trust & Andy Mays, Trustee for the Estate of Marshall A. Mays, Sr., Tax Map #76-A-4A located on Route 671.

It was determined that this item would have to be advertised again due to a clerical error in advertisement printed in the Nelson Times, February 2 and 9, 2012. The advertisement read R-1 (Residential) and should have read A-1 (Agricultural)

Mr. Boger presented the staff report. He said the owner may be required to connect to the public water line. He also stated that VDOT has no issue with the proposal and that land use permits will be required for a private residential entrance and any utility installations within the state right of way to serve this property. He further stated that The Subdivision Ordinance requires that both parcels have soil work performed by an AOSE (Authorized Onsite Soil Evaluator). Supervisor Brennan asked Mr. Boger if the residue would extend to Route 29. Mr. Boger answered no saying that Saunders Brothers owns the property bordering Route 29. Mr. Boger stated that the seven acre residue of this tract will have road frontage on Stage Road and Cooperative Way. He also stated that considering the curve in Cooperative Way it may be problematic for the owner to install a commercial entrance on either of these roads. Expressing concern about the view from the parcel to be rezoned, Commissioner Hunt asked Mr. Boger about the height limits in M-1. Mr. Boger stated that the height limit is 35'.

Lynn Bowling stated that she had spoken at length with Massie Saunders (Saunders Surveys, Inc.) regarding the development of the residue property in question. Ms. Bowling stated that the Mays family has no interest in developing this property at present. She also stated that the person requesting the rezoning works at CVEC and being closer to work is the reason this location was chosen.

The public hearing was opened, there were no comments, and the public hearing was closed.

Commissioner Russell stated that she thought the proposed rezoning was appropriate for the property. However before making a final recommendation she requested that Mr. Boger contact VDOT concerning

commercial access to the residue. The inability to install a commercial entrance could render it unavailable for M-1 use.

Commissioner Russell made the motion to continue consideration of rezoning application #2012-001 at the March 28, 2012 meeting due to the fact that the advertisement was incorrect and requested Mr. Boger to contact VDOT concerning the commercial entrance. Commissioner Tapager offered the second. The vote was 5-0 with Supervisor Brennan abstaining.

2. Class II Communication Tower, Application #2012-001, Verizon Wireless

Consideration of an application by Verizon Wireless/AT&T to construct a 68 foot communication tower to be located on property leased by Crown Castle, USA, Inc.,

6049 Howardsville Turnpike, Afton, VA., Tax Map # 3A2-1-A-10.

Mr. Boger presented the staff report stating that the request is to replace an existing wood communication tower with 2' lightning rod with a tower constructed of metal. He stated that the proposed tower will allow collocation between Verizon and AT&T instead of erecting an additional tower. Mr. Boger stated that a fence is already in place as well as trees planted by the National Parks Service. He further stated that the tower to be replaced was approved by the Board of Supervisors in 2000.

Mr. Boger said that a letter from the National Parks Service states they have reviewed the proposed design and location, concluding that the proposed height should not have a negative impact on the Blue Ridge Parkway provided their mitigations are followed. They included tower paint color, profile, height of tower and cable placement. The letter also stated the proposed tower would be unlit.

Lori Schweller, attorney for Verizon stated that Verizon would sublease antennas on the proposed tower to allow for coverage in a dead zone at the top of Afton Mountain where calls are often dropped. Commissioner Hunt asked if steel could be painted as she was concerned about chipping paint. Ms. Schweller stated the communication tower would be painted at the factory.

Mrs. Virginia Edwards, property owner had questions concerning the property line setback and fall zone. Mr. Boger answered Mrs. Edwards' questions and demonstrated how a monopole communication tower is designed to collapse.

The public hearing was opened and the following person spoke:

Ms. Mary Tyson, Washington, D.C.

Ms. Tyson asked the Planning Commission for information about constructing a communication tower in Wingina, VA. Chair Proulx explained the process to Ms. Tyson.

The public hearing was closed.

The following motion was made:

The Nelson County Planning Commission recommends that the Board of Supervisors approve the Class II Communication Tower application #2012-001 by Verizon Wireless and Crown Castle, USA, 6049 Howardsville Turnpike, Afton, Va., Tax Map #3A2-1-A-10. In addition the Planning Commission recommends approval of the following exceptions: (1) Section 20-7-2a, fall zone requirement based on letter dated 2/1/12 from Victor Engineering, (2) 20-7-2d and (3) Section 20-7-2e based on the fact that this is replacing an existing 70' tower. The tower and attachments are to be painted brown as approved

by the Director of Planning and Zoning. Furthermore, the new wood fence shall be at a height sufficient to screen the top of both the new and existing shelters.

The motion was made by Commissioner Russell. Commissioner Harman offered the second and the motion passed 5-0 with Supervisor Brennan abstaining.

3. Class II Communication Tower, Application #2011-010, New Cingular Wireless/

AT&T

Consideration of an application by New Cingular Wireless/AT&T to construct an 80 foot communication tower with a 4 foot lightning rod. The tower will be located on property owned by Robert & Brenda Woody, 6109 Richmond Highway, Gladstone, VA., Tax Map # 97-A-23.

Mr. Boger presented the staff report stating that the original application was submitted for a Class I Communication Tower. This application was deferred at the request of the applicant in January. It was determined that the application should be for a Class II Communication Tower because the proposed height is greater than 80'. Mr. Boger stated that after consulting with the County Attorney, it was determined that there is no separation requirement between towers for a Class II Communication Tower application. In this case the two Class III Towers have already been approved on Richmond Highway in Gladstone, VA. Mr. Boger stated that the two mile proximity requirement only applies when the applicant is requesting a Class III tower permit.

Mr. Boger stated that a revised site plan has been submitted. He said the building at 6109 Richmond Highway has been used for commercial/residential purposes for many years. The existing buildings will effectively screen the equipment shelter and other outside cabinets from view. Commissioner Hunt stated that she was concerned about how close the tower would be to the garage. Mr. Boger said the metal monopole is designed to collapse referencing a letter from BC Architects, PLC which was submitted with the application.

Ms. Valorie Long, attorney for AT&T asked the Planning Commission to look at page 2 of the Site Plan. She explained the fall zone and how the monopole is designed to collapse. Commissioner Hunt asked Ms. Long about the determination process between using a metal communication tower verses a wooden tower. Ms. Long stated that AT&T prefers a metal tower as it is built in sections making it easier to erect and transport. She also stated that a metal pole can be smaller in diameter. She further stated that termites and woodpeckers are a problem with wooden towers. Commissioner Hunt asked if the collapse of a monopole is field tested. Mr. Joe O'Conner explained that the monopole is designed to collapse in sections. Commissioner Russell stated that the letter from the engineer does not give any information about how the tower will collapse when it is loaded with antennas. Ms. Long stated that that information is assumed in the letter. Commissioner Russell asked about the 15' proposed utility easement saying it should be 20'. Ms. Long stated that the correction would be made to the document and utility easement would be 20'. She will also correct the access/utility easement reference on the Site Plan.

The public hearing was opened, there was no comment, and public hearing was closed.

Supervisor Brennan asked for information about the Stormwater Calculations report included in the Planning Commission package. Mr. Boger stated this report is a new requirement.

The following motion was made:

The Nelson County Planning Commission recommends that the Board of Supervisors approve the Class II Communication Tower application #2011-010 for New Cingular Wireless/AT&T to construct an 84' communication tower to be located on property owned by Robert & Brenda Woody, 6109 Richmond

Highway, Gladstone, Va., Tax Map #97-A-23. In addition approval is recommended for the following Zoning Ordinance exception: (1) Section 20-7-2a, property line setback. The decision is based on the set of drawings (11 pages) dated 2/21/12 as submitted with 2 corrections: (1) all utility easements must be 20' in width, (2) the easement from Route 60 to the site is to be used for access only.

Commissioner Russell made the motion. Commissioner Harman offered the second and the motion passed 5-0 with Supervisor Brennan abstaining.

4. Amendment to Appendix A, Zoning of the Code of the County of Nelson

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The purpose of this amendment is to revise the County's Zoning Ordinance to comply with §15.2-2292.1, of the Code of Virginia requiring local zoning ordinances to have provisions for temporary family health care structures. The proposed amendment will create Article 23, Temporary Health Care Structures in the County's Zoning Ordinance to comply with the State Code and the requirements listed in §15.2-2292.1.

Mr. Boger reported the addition of Article 23, Temporary Family Health Care Structures to the County's Zoning Ordinance is necessary due to the Virginia State Code. Mr. Boger stated that the proposed Article 23 is modeled after a similar ordinance in Virginia Beach, VA. Commissioner Hunt asked if the structure has to be removed from the property. Mr. Boger stated that the structure would have to be removed when health care is no longer needed.

The public hearing was opened, there were no comments, and public hearing was closed.

Supervisor Brennan began the discussion of Article 23 and the following corrections were made: (1) Section 20-4, Placement of temporary family health care structures on a permanent foundation shall not be ~~required~~ or permitted. (2) Section 20-5, The applicant shall provide sufficient proof of compliance with this section, initially and annually thereafter, for as long as the temporary health care structure remains on the property. (3) Section 20-6, Any temporary family health care structure installed pursuant to this section shall connect to any water, sewer, and electric utilities that are serving the primary residence on the property and shall comply with all applicable requirements of the Virginia Department of Health.

Chair Proulx asked Mr. Boger if there is a general section allowing exemptions to be made. Mr. Boger stated that per the State Code, if the structure is not being used it must be removed in thirty (30) days. Supervisor Brennan offered an example of an extended hospital stay. Mr. Boger said a judgment call would need to be made if a long term hospital stay became an issue.

Commissioner Tapager made the motion to recommend adoption of Article 23 with corrections by the Board of Supervisors. Commissioner Russell offered the second. The motion passed 5-0, with Supervisor Brennan abstaining.

Other Business

1. Mr. Boger reported that a draft copy of the revised Communication Tower Ordinance had been given to the Board of Supervisors for review. There was discussion about tower height and the Planning Commission's role in the recommendation process emphasizing that public awareness often brings compromise with a better result.

Supervisor Liaison Report-Connie Brennan

Supervisor Brennan gave the Planning Commission copies of reports on the Lovington Ridge Apartments renovation, Chesapeake Bay-TMDL (Total Maximum Daily Load) and the proposed Nelson County Recreation Facility. Reports were given on the following items:

1. Rockfish Valley Vol. Fire Dept. Communication Tower location was approved.
2. The Boardband Authority is scheduled to meet to finalize the Communication Tower agreement with Gladstone Vol. Fire Dept.
3. The BOS is proceeding with the refinancing of 2002 Lease Revenue Bonds and Radio Project.
4. The deed granting ownership of the Millennium Group/Heritage Center property continues to be discussed with ongoing review of the water situation (well on the property).
5. There has been discussion on the Wintergreen Partners, Inc., situation.
6. There was a called meeting with the assessment company and the decision was made to accept this reassessment.
7. Blue Ridge Medical Center ribbon cutting

Adjournment

Commissioner Russell made the motion to adjourn the meeting at 9:00 PM.

Next Meeting: March 28, 2012

Respectfully submitted,

Melissa M. Thompson, Secretary

Planning & Zoning