Albemarle County Planning Commission
February 1, 2000

The Albemarle County Planning Commission held a meeting and public hearing on Tuesday, February 1, 2000 in the County Office Building. Members attending were: Mr. William Finley, Chairman; Mr. Dennis Rooker, Vice-Chairman; Mr. William Rieley; Mr. Jared Loewenstein; Mr. Rodney Thomas; Ms. Tracy Hopper; Mr. Pete Craddock. Other officials present were: Mr. Wayne Cilimberg, Director of Planning and Community Development; Mr. David Benish, Chief of Community Development; Ms. Elaine Echols, Senior Planner; Mr. Juandiego Wade, Transportation Planner; Mr. Glenn Brooks, County Engineering; Mr. Steve Snell, County Engineering; Mr. Greg Kamptner, Assistant County Attorney.

Approval of Minutes – January 11, 2000 and January 18, 2000
The Commission moved, seconded and approved the minutes of January 11th and January 18th as amended.

Review of Board of Supervisors Meeting – January 19, 2000
Mr. Cilimberg reported that the Board considered two items previously reviewed by the Commission, and granted approval of Sunday School expansion for two homes at the Crozet Baptist Church, and also granted approval for outdoor display at Pegasus.

Other Matters Not Listed on the Agenda from the Public
None were offered, and the meeting proceeded.

Consent Agenda

Prior to voting on the Consent Agenda, Mr. Rooker indicated his abstention as he has a client associated with one Consent Agenda item.

SDP 99-156 Peter Jefferson Place IV Preliminary Site Plan – Critical slope waiver, curvilinear parking modification and modification to eliminate loading spaces.

Mill Creek Market Car Wash – Cooperative Marking Modification.

The Commission moved, seconded and unanimously approved the Consent Agenda as presented, with Mr. Rooker abstaining from the vote.

Public Hearing Items

SP 99-58 Pinnell Custom Leather
Request for special use permit to allow for a workshop for handcrafted items in accordance with Section 10.2.2.36 of the Zoning Ordinance which allows for gift, craft and antique shops by special use permit in the Rural Areas. The property, described as Tax map 40 Parcel 12, contains 7.953 acres, and is located in the White Hall Magisterial District on the west side of Whitehall Road (Route 810) approximately one-quarter mile south of its intersection with Bearwood Road (Route 811). The property is zoned RA, Rural Areas, and is designated Rural in the Comprehensive Plan in Rural Area 1.

Mr. Benish presented the staff report, noting that the proposed site is located on an 8-acre parcel in the White Hall District about ¼ mile south of the 810/811 intersection. The applicant is proposing to establish a leather workshop in old apple packing facility on the property. The site will be used as a workshop only, and no

sales or events are proposed on the site. Mr. Benish noted that there will be no more than 4 employees on the site in addition to the applicant. He mentioned that the applicant is currently using part of the barn as a residence. He reported that staff has reviewed the request, and is recommending approval with conditions, with the only issue of note being the access to the entrance, which has been satisfactorily addressed by VDOT comments.

Mr. Benish said that VDOT is requiring a limited improvement to the entrance to allow for two vehicles to pass; VDOT is OK with the sight distance, but has recommended maintenance monitoring of the existing sight distance to make sure it is maintained. He added that VDOT recommends clearing of a small patch of trees where possible to improve the sight distance; a portion of that area being requested area is probably within the prescriptive easement. Mr. Benish reviewed the conditions recommended by staff as outlined in the staff report.

Mr. Rieley asked where the limitation on the number of employees originated.

Mr. Benish responded that it was agreed upon by the applicant, as they felt it was a sufficient number for the operation, and it minimized the amount of traffic entering and leaving the site.

Mr. Thomas asked how many residents live there now.

Mr. Benish said a husband and wife live there now, with a portion of the barn converted for their apartment.

Mr. Rieley asked if the photos where supplied by the applicant, stating that they were a "big help."

Mr. Benish replied that they were supplied by the applicant.

Mr. Finley commented that he used to pack peaches in that same barn.

Public comment was invited.

The applicant, Virginia Pinnell, addressed the Commission, stating that she feels the use is a good one for the building.

Mr. Rieley asked Ms. Pinnell if she anticipates the limitation on four employees to be acceptable.

Ms. Pinnell said that there business is small, and four is the maximum number they want to work with.

Mr. Loewenstein asked if they had received any feedback from the neighbors in the area.

Ms. Pinnell said that they have spoken with all residents in the area, and only one neighbor – who lives in Germany – expressed concern. She reported that they have corresponded, and they are comfortable with the arrangement. "Everyone seems very positive, and actually glad to see the place cleaned up."

Mr. Finley ask if the young man Ms. Pinnell helped train is now working with them.

Ms. Pinnell said that one employee – from the Living Education Center, had been an apprentice, and now he will work full time. She said that her company has a retail shop in Charlottesville on the downtown mall and is not interested in having the public at their Crozet workshop site.

There being no further public comment, the matter was placed before the Commission.

Mr. Rooker said that it seems to be a very appropriate use of the property, and he is pleased that the owners are maintaining the historic building and improve it. He commended the applicant for using the site in a way that's in keeping with the surrounding rural area.

Mr. Rieley commented that even the use has agricultural associations.

MOTION: Mr. Rooker moved, Ms. Hopper seconded approval of SP 99-58 as presented. The motion passed unanimously.

ZMA 99-14 Hydraulic Dental Center
SP 99-067 Hydraulic Dental Center
Request to rezone 1.23 acres from R-4 Residential to R-10 Residential which permits professional offices by special use permit and a waiver to permit grading and clearing in the twenty foot buffer area. The applicant is also requesting a special use permit (SP 99-067) in accordance with Section 17.2.2.11 of the Zoning Ordinance which allows for professional offices in R-10 zoned areas. The property, described as Tax Map 61, Parcels 36 and 36A1, contains 1.23 acres, and is located in the Rio Magisterial District on Hydraulic Road [Route 743] across from Albemarle High School. The Comprehensive Plan designates this property for urban density residential use in Development Area 1. *(Deferred from the January 11 and January 25, 2000 Planning Commission meetings).*

Mr. Wade presented the staff report, noting that the applicant is proposing to construct a 12,500 square foot professional office building. He explained that staff has found that the parking area previously described as problematic was indeed in violation, and the property owners have been informed by Zoning that that needs to be changed (Attachment "A"). Mr. Wade said that work is underway to rectify the situation.

Mr. Rooker asked if the parking in violation is on the property being considered for the SP and rezoning, or on the adjoining property.

Mr. Wade replied that the parking lot is on the adjoining property, and is not a part of the application.

Mr. Rooker asked if the property owner was the same for both properties.

Mr. Wade responded that there is one joint owner.

Mr. Wade stated that staff recommends approval of the ZMA and SP, but does not recommend approval of the waiver for grading in the clearing area. He mentioned the conditions as outlined in the staff report and the proffer associated with the ZMA.

Mr. Cilimberg elaborated that staff discussed with the applicant (under the rezoning) possible proffers to provide a concept of development should it be developed under R-10, but the applicant felt there would not be a possibility of developing the property under R-10 for residential purposes due to situations with access. The applicant felt that it would be best to keep the existing residential allowances under the R-4 zoning that is in place; if they develop residentially, it would be to the limits of the R-4 zoning. Mr. Cilimberg explained that the only reason they went for R-10 was to get the office special use permit, and added that the operative conditions of this development are really in the special use permit, not in the proffer.

Mr. Rooker asked about the distance from the proposed parking lot to Hydraulic Road, and how it compares to the distance of the buffer area between Hydraulic Road and the adjoining property.

Mr. Wade said that the parking lot would be approximately 35 feet from Hydraulic Road.

Mr. Rooker noted that the setback on the existing commercial property appears to be twice of that proposed for the new development. He also asked if there was any proposal for preserving any of the existing large-specimen trees on site.

Mr. Wade responded that the applicant plans to enhance what is there, and the waiver would allow him just to construct the travel ways for the parking area. If he does not get the waiver, he will have to construct some type of retaining wall. Mr. Wade emphasized that these items would be addressed in more detail at the site plan level.

Mr. Rooker expressed concern that between the building and the paved parking lots, there is not space for trees, the front part of the lot is heavily treed, and there is no plan in the sketch to preserve the trees scattered throughout the site.

Mr. Wade replied that the original conceptual plan was not very clear, adding that the applicant could address that issue. He noted that he thought the applicant might not yet have gotten into that level of detail.

Mr. Thomas asked what the code stipulates for parking lot setback, given that one is set back just 35 feet.

Mr. Rieley noted that it depends on the zone.

Mr. Rooker said, "What we've got in effect is a commercial use taking place under residential zoning."

Mr. Cilimberg said that there is residential R-10 zoning that carries setbacks, but what the applicant will get through the SP is commercial office; "what we really might want to focus on is a commercial office setback, which has a different setback for the use and the parking."

Mr. Rieley said they are not asking for commercial office zoning.

Mr. Cilimberg noted that while they are not asking for it, that is effectively what will be gained under the plan.

Mr. Rooker asked what kind of setback is being looked at for properties in the entrance corridor.

Mr. Cilimberg responded that it is not looked at differently.

Mr. Kamptner indicated that the ordinance stipulates a setback of 30 feet for commercial properties, and 10 feet for off-street parking from a public right-of-way.

Mr. Rieley asked how wide the right-of-way is on Hydraulic Road.

Mr. Wade said he did not have the information on VDOT's right of way.

Ms. Hopper asked if the applicant had indicated what type of screening he plans to provide between his property and the neighbors' properties.

Mr. Wade responded that the applicant was planning to put a fence or some type of screening up to provide a buffer between the problematic parking lot and the residential properties behind it. He mentioned that the applicant has come to a resolution with the neighbors.

Mr. Cilimberg noted that there is not a parking setback in the residential districts stipulated in the ordinance, but in the past the county has used the commercial office setbacks where offices are introduced in residential districts. He added that the Commission may wish to include the setback in the conditions, possibly making it parallel what would be required in commercial office zoning.

Mr. Rooker said, "I think they should be more in line with the neighboring development." He added that the question of whether this commercial property fits into the community is subjective decision that needs to be made by the Commission.

Mr. Loewenstein asked if there was a reason why the arrangement made between the applicant and the neighbors is not a part of the conditions of approval.

Mr. Wade said that they could be, but the applicant was just finalizing them before the meeting.

Mr. Rooker said that was very important, because there was a lot of comment at the January 11th meeting regarding the lack of screening, and lack of property definition. He added that those issues could be addressed through fencing and screening.

Mr. Wade said that given the parking area in violation, the applicant must put back natural screening or amend the plan which would facilitate a requirement for fencing or screening. "It's going to get addressed, either through conditions or through the violation notice."

Mr. Finley asked if it was normal procedure to go through R-10 to get offices.

Mr. Wade said he has never handled one.

Mr. Cilimberg said that occasionally, this does occur. He explained that in the Comprehensive Plan, this is an area designated for residential use, and this gave the applicant the opportunity to have a residential zoning in case it were to be residentially used, or to go to office through special use permit for a transitional use.

Mr. Rooker said, "If they don't build according to the special use permit, then they intend to revert back to the R-4 zoning."

Mr. Cilimberg said that another option would have been a CO zoning with a setback waiver and proffers to only have office use. He added that the advice given to the applicant at the time the review was initiated was to have the flexibility of residential/commercial or combined use, which could also happen in the case of R-10 plus office.

Ms. Hopper asked if the parking lot in violation would be used for access into the new commercial property.

Mr. Rooker commented that this development would have to enter existing parking lots on the adjacent property in order to reach Hydraulic Road, and will not have an entrance onto Hydraulic Road. He asked if staff had an opinion on this means of accessing Hydraulic.

Mr. Cilimberg responded that there would be two travel ways to Whitewood Road, which is "not too unusual" in comparison to office and commercial development in other areas. He cited the example of Berkmar Drive, where there are offices that have a lot of connected parking areas to reach Berkmar Drive. Mr. Cilimberg noted that Hydraulic doesn't have suitable sight distance for direct access, and added that the travel way on the adjacent site lines up to the two aisles that would be created in the new development. "It's not unusual to have that in interconnecting developments that are both residential and commercial."

Mr. Wade illustrated on a map presented where the parking lot was located, explaining that the runoff from the lot is not flowing correctly, causing problems for the neighbors downhill. He said that engineering would probably require curb and gutter from the lot to Hydraulic Road.

Mr. Thomas clarified that the gravel lot causing problems has nothing to do with SP being considered tonight.

Mr. Wade confirmed this, but said that staff was glad it was brought to their attention so the problems could be addressed. He added that the owners would have to amend their site plan in order to keep the parking lot.

Mr. Rooker mentioned that he noticed the lot was being used on a regular basis. He commented that the areas being driven through as exits for the property are comprised of parking places, not roads. "There's no access road along Hydraulic Road servicing these properties in common. What you've got basically is a fairly tight parking lot that will be used as a circulation area for an adjoining property…it's not the same as many other commercial connections you see in between properties."

Mr. Thomas said, "I've seen lots of parking lots connected in different areas of businesses. I don't see where this is any different from any other – going from one parking lot to the other."

Mr. Rooker emphasized that normally with connected lots, the lots are much wider with real travel lanes in them, such as shopping centers. He noted that with the Hydraulic property, "you don't have any real access lanes or roads servicing these properties. What you've got are fairly tight parking lots with spaces on both sides now becoming used as – in effect – an access road from one property to another.

Mr. Cilimberg said that the county has both, mentioning that offices off of Berkmar Drive require that you go through connected parking areas. He emphasized that what the key is to connecting parking areas through travel ways is the distance that you have to go through existing parking. Mr. Cilimberg cited Westgate Apartments and Squire Hill as examples of parking areas that connect in a similar fashion, and said that shopping centers have long aisles that are broken up, with travel ways around them.

Mr. Thomas said that Sachem Village off of Whitewood Road behind the Mexican Restaurant has a similar parking arrangement.

Mr. Rooker stressed that that is a "huge lot," and is not really comparable to the Hydraulic example. He added that the complex in Berkmar was planned to be interconnected.

Mr. Loewenstein said that his major concern is also the tightness of the lot, adding that if the Commission has approved this type of arrangement in the past with similar conditions it's been a mistake. "I think that this is a prescription for disaster, when you've got active use of all the lots during the day, and you've got people backing in and out of what will become a travel way now for much of it's length, I can't imagine that this is going to do anything but create trouble."

Mr. Loewenstein continued that it is going to be confusing to get people back to that location. "It's going to be frustrating to some people to figure out how to get to their front door." He concluded that his concern is primarily with safety. "It looks like a minimal way to fit something in in this location for this purpose, and I don't think it quite passes all the tests to satisfy me. I'm really concerned about the traffic circulation."

Mr. Finley asked if the applicant had suggested any alternative way to parking lot situation.

Mr. Wade said the applicant has not offered any alternatives.

Mr. Cilimberg said that they restrictive factor is that the applicant can't get sight distance on Hydraulic Road. "With any development they would do, they would have to rely on going through the offices to get to their property….if they were not able to go through those offices, essentially they would have their current use."

Mr. Rieley agreed that the circulation is a concern, but said that "I'm struck by the Alice in Wonderland nature of the argument that this is hard to get to, therefore we should make the use much more intensive."

Ms. Hopper said that unlike a grocery store parking lot where you can get speed going, the way the Hydraulic parking lots are set up, "You would be moving a lot slower. So the chances of it being a safety hazard are decreased to some extent."

Mr. Craddock says he uses the building for his daughter's dentist, and the parking is "slow and easy." He also wondered where the employees would park if the gravel lot was not still a parking area, as they use it now.

Ms. Hopper said she would like to hear information about how much traffic is anticipated.

Mr. Rieley asked if there was a standard to convert commercial square footage to vehicle trips per day.

Mr. Wade said they could use the ITE trip generation to determine this.

Mr. Rieley said it would be very useful information to have.

Mr. Rieley also said he had a difficult time making the correlation between the R-4 and the proposed use with the special use permit and the R-10 in terms of square footage and parking coverage. He asked how many units per acre would be permissible.

Mr. Cilimberg said there could be four units per acre.

Mr. Rieley calculated that if the property were developed residentially, there might be about 6000 square feet of residential property permitted with a driveway and a few parking spaces, as opposed to 12,500 square feet of commercial property with all of its associated parking. "It really is a huge increase."

Mr. Wade said that the difference is the applicant has not had the house surveyed, and staff does not know if the basement is finished or not.

Mr. Rooker mentioned that once the property is rezoned, there is no guarantee that this particular development would go forward. "The zoning runs with the land. A new owner could come tear this house down and put up a 14,000 square foot office building."

Mr. Cilimberg commented that the conditions of the SP are based on this concept plan, so the way the square footage would be laid out would have to be consistent with the conditions. "Whoever the owner is, the conditions are those you impose."

Public comment was invited.

Representing the applicants, Mr. Mike Matthews of Matthews Development Co. addressed the Commission. He explained that the dentists have been practicing next door to the site for a long time, and are now out of

space. They would like to build a new facility on the neighboring 1.23-acre parcel, which they have placed under contingent purchase contract.

Mr. Matthews explained that they did not apply for rezoning to CO, but instead applied for R-10 and conditioned everything that is CO. He emphasized that the conditions are all the same, with the setbacks based on commercial standards, as reflected in their plans. Mr. Matthews said that the proffer on the ZMA basically "unrezones" the property if they do not do what their conditioned plan shows.

Mr. Matthews mentioned letters (Attachment "B") signed by all dentists in both adjacent buildings, and a letter from an Oak Forest landowner. He said that he had met with the other next door neighbor – the Old Oak Court Association – and has summarized their discussions in writing. Mr. Matthews noted that everyone he has asked has indicated they would rather see professional offices than apartments or duplexes.

Mr. Rooker asked if the residential use could be made more intense than it is right now, given the existing access on this property.

Mr. Matthews responded that with cooperation from either side, it could be; otherwise, it would probably stay as it is now. He added that every property along Hydraulic in this section has problems with sight distance and other access issues onto Hydraulic. Mr. Matthews explained that the property needs to either become a part of the dental offices already there, or part of a residential complex that would mirror Old Oak in some fashion, using their access. He emphasized that residents are not in favor having additional residential.

Mr. Matthews said, "It's a troublesome corridor, and we think this is a way to solve that problem – to make a parcel that is an infill parcel in the growth area useful in a manner that is in fact exactly the same as the adjacent use – providing a needed healthcare service." He mentioned that the waiver came about from a set of conditions for setbacks for commercial office, because they must build up to setback line in order to get the parking needed and support the buildings for the dentists. "It's a fairly steep property. There's a lot of topo change – 30 feet front to back….You can't build on that without grading some on the side, or you significantly eliminate the development potential on site."

Mr. Matthews said he has met with several neighbors – Mr. Jones and Mr. Stratton – on site, whose concerns involved the gravel parking lot. Mr. Matthews said he told them they would build a fence in the back, and would place it where the neighbors want it.

Mr. Thomas asked him if there would be any pines or buffering plants planted to shield the fence, and asked how far the fence would be from the property line.

Mr. Matthews responded that there is a fair amount of vegetation in some areas, and if the fence is placed "far enough up," it may not be necessary, and said that they had not determined an exact location for the fence yet.

Mr. Matthews noted that the plan the Commission has was submitted in response to a request to show all neighboring properties, and does not show the widening of Hydraulic in front of the existing office building, or the sidewalk and the retaining wall. He mentioned that the front of both sites have power lines with trees that have been cut, not a particular aesthetic asset at this time. Mr. Matthews added that the applicant will be conditioning their plan on improvement of the sight distance that serves the adjacent building, which involves cutting into the banks. He said that the internal circulation was designed with input from staff and VDOT, and really just creates "a larger dental complex."

Mr. Finley asked about the parking on the condemned parking lot.

Mr. Matthews said that the parking lot will probably be corrected and brought into conformity. He said there have been plans in the past for a building there, which was not built because of the parking situation.

Mr. Finley asked Mr. Matthews if VDOT thought the plan was good.

Mr. Matthews responded that there has been no formal VDOT review, but he has spoken with VDOT reps who seem to be supportive of the plan.

Mr. Rieley said that it would be very unusual for VDOT to comment on internal circulation, and what they probably support is having all of the traffic come out in one place.

Mr. Matthews noted that VDOT did suggest some left-turn out restrictions from the existing buildings during peak hours.

Mr. Finley asked if the existing parking was perpendicular spaces.

Mr. Matthews responded that it is, adding that the site plan would be similar to what exists on the other office site. He added that the proposed buildings have a high square footage because the lower building is two stories out of necessity, and their may not be much use at a lower level. Mr. Matthews said the applicant does not plan to offer rent space for anything else in the unused portion.

Mr. Finley asked what the entry width would be, and wondered if it would it be more than the travel lane in the parking lot.

Mr. Matthews responded that it looks about the same, and added that his biggest concern with the internal circulation is making sure the patients know where they're going.

Ms. Hopper asked what the sight distance would be, noting the applicant's mention of the increase to 425 feet.

Mr. Matthews confirmed that the sight distance described would be for the adjacent property onto Hydraulic.

Mr. Loewenstein asked if the width of the parking lot for the new proposed facility was considerably greater than the width of the existing parking lot below it through which the traffic will have to exit.

Fellow Commissioners indicated that the new lot is wider.

Mr. Rooker asked Mr. Matthews to indicate where the fence discussed would be located.

Mr. Matthews said that they do not have a specific location in mind for the fence, and would like to work it out with the neighbors.

Mr. Rieley asked if the fence would be extended onto the property that is the subject of the application.

Mr. Matthews said that given the CO restrictions they are trying to conform with, it's a necessity to have screening through double-staggered evergreens or a fence. The neighbors have indicated that they prefer a fence to stop foot traffic.

Mr. Loewenstein asked if the fence would stop at the applicant's property line.

Mr. Matthews responded that it would continue between them and Old Oak.

Mr. Rieley said he was struck by the strange juxtaposition on the site plan of the proposed building right next to the eave-line of the 1½ story house.

Mr. Matthews said that the applicant is not attempting to present a site plan, but just wants to convey a sense of how the building mass, density and basic layout could be developed as professional office. "These are conceptual blocks, and we've hired an architect whose experienced in these matters…I would hope through that process we could come up with a good architectural solution." He mentioned that most people want to save the house, and the dentists hope to incorporate it in their plan.

Mr. Rieley responded that he is concerned that if the zoning is approved, it is the beginning point for everything that comes afterwards. He stated that the Commission loses 90% of their capacity to influence the final outcome of a project once it passes the zoning threshold and gets to the site plan level.

Mr. Rieley also indicated that the property has a park-like setting which contributes enormously to the ambiance of the entire area, including the neighboring dental offices. "It really is a nice complex of buildings…I do think that is an important consideration that needs to be folded into the design of this site." He said that the site looks as though it is going to be graded from one end to the other, with 8 foot trees replacing 50 foot trees.

Mr. Matthews said that in his discussions with the Old Oak neighbors, he assured them that they would attempt to save as many trees on site as possible. "We've already empowered our surveyor to go out and label every significant tree on the site, and if a little good planning can save those trees, then we will do that." He acknowledged that "most of these trees are going to have to come down, and there's no way around that on a steep site like this. We hope that through the ordinance and the landscaping requirements that we'll leave a nice site, and that the big trees in the back will stay." He added that they would also attempt to protect trees during the building process.

Mr. Rieley said that while staff has not recommended the waiver for grading within the buffer, that's all part of the overall picture, and since there is nothing that shows the proposed grading, "it's a little hard for us to assess the impact of this proposal on this site." He thanked the applicant for his candor in admitting that the foliage is going to be wiped out from the curbline to behind the house. Mr. Rieley said that sidewalks and pedestrian circulation that connect this property with the adjacent property or to Hydraulic Road are not shown in this plan, and wondered if that would be addressed at the site plan level.

Mr. Matthews said the plan currently shows just the sidewalks to serve the site, and no connection is established with the adjacent property. He said that there is not a lot of cross traffic, but added, "if such a connection is desirable, I don't see a problem with that."

Mr. Craddock asked if VDOT would let them put in a deceleration lane.

Mr. Matthews said that VDOT somewhat limits what they can do on Hydraulic Road.

Mr. Rooker said that the landscaping on the bank at the entrance of the existing commercial property onto Hydraulic is somewhat pleasant, and asked Mr. Matthews to what extent the bank would be disturbed.

Mr. Matthews said that the tall junipers may need to be taken out and replaced because they block the site. He mentioned that the frontage of the parcel in question is not great, and it is "going to take a little work" to

gain sight distance there. "We'll have to cut the top of that hill down, and hopefully replace those trees with trees that aren't going to go into the power lines."

Mr. Rieley asked if the proffers received today had been presented previously.

Mr. Wade responded that this is the first time they have been sent out, as some revisions had been made to them.

Mr. Matthews emphasized that the conditions are as they were originally in the submission – except at that time they were proffers – and the applicant has spent a great deal of time working with county staff to perfect them.

Mr. Rooker said that in the staff report there is a description of what the proffer is, but there is not a copy of the exact original proffer language. He asked Mr. Cilimberg to address why they were put into conditions instead of proffers.

Mr. Cilimberg mentioned that when R-10 zoning was explained to the applicant, they decided they would exercise their rights under R-10 zoning. Staff was concerned that there was nothing attached to it that would impact the way the site was developed or access was provided. All the original proffers spoke to office use that was only going to be allowed through special use permit. Staff suggested having proffers that would speak separately to designing the site under R-10 for residential development, but the applicant responded that they would probably not develop it under R-10 for residential. Given that information, staff told them it would be best to proffer it that way, with limiting conditions in the special use permit. "That's why those old proffers are now in the conditions of the office special use permit."

Mr. Matthews concluded that they have not gone to the exhaustive and expensive level of making a site plan, and emphasized that there is a land transaction hanging in the balance. "We hope you will concur with the staff report, and the sentiment of the majority of the neighbors and offer your approval."

Dwayne Jones of Oak Forest subdivision addressed the Commission. He reported that he has spoken to each adjacent resident, and said that all residents are in agreement that there should be a wooden infill fence as a buffer between the commercial property and the residential area. He indicated that Mr. Matthews agrees with the fence and its proposed setback away from neighbors back yards. Mr. Jones said that he and other neighbors agree with Mr. Matthews that this type of development is appropriate for this site, better than apartments or rental units. Mr. Jones said that neighbors felt confident that the situation gravel lot in violation would be rectified.

Mr. Finley asked about the parking lot with the new buildings was a concern.

Mr. Jones responded that if the fence is erected and set back, it would be acceptable. He said that a six-foot fence would be acceptable.

Ms. Molly Dameron addressed the Commission, stating that a professional building would be more desirable than additional residential. She added that they would also like curb and gutter so that basement is not flooded. Ms. Dameron asked where the fence would need to be placed.

Mr. Rooker informed her that there is no setback restriction for a fence, so it would have to be specified in conditions.

Ms. Dameron said it would also be helpful to have some trees on the residential side of the fence to buffer out the sound and the construction noise.

There being no further public comment, the matter was placed before the Commission.

Mr. Finley said, "We congratulate you, Mr. Matthews, and your partners for such good communication with your neighbors. You've come 180 degrees from last time."

Mr. Thomas said he feels the proposal is a good infill project and a good use of this parcel, and said he also approves of the plan to connect parking lots. He added that all residential occupants are in agreement with what the developer wants to put in, and agreed with them that an office complex would be better. Mr. Thomas emphasized the importance of the fence and the trees as buffer.

Ms. Hopper asked about drainage problems and possibility of curb and gutter.

Mr. Wade replied that during the site review, curb and gutter would be addressed.

Mr. Glenn Brooks said that curb and gutter is not a requirement for the site review process, but Engineering would require either that the drainage be managed or be directed back towards the property. "They could do that by grading that area so it drains the other direction, or they could provide curb and gutter and pipe it back the other way, or they could direct it to the site that they're currently developing….Our review would extend only to ensuring that the drainage doesn't damage the neighbors."

Mr. Cilimberg said the curb and gutter matter pertains to the violation parking lot, and emphasized that the owner will have to file for an amendment to their site plan; in that amendment, they would have to reconstruct the parking lot to meet drainage requirements, and that could be done through curb and gutter or through grading.

Mr. Loewenstein commented, "That can't be something that applies to the conditions of approval for this application."

Mr. Cilimberg agreed, adding that the Commission could specify curb and gutter for this application's parking lot.

Mr. Rieley asked if there is storm sewer along Hydraulic on the side where the property is. Mr. Brooks replied that there is.

Ms. Hopper asked if there is a drainage problem onto Hydraulic Road.

Mr. Steven Snell of Engineering said he did not notice a drainage problem, but he did not visit the site at a rainy site. He added that there seemed to be more of a grading problem with the new lot, and all the drainage is going toward the neighbors' property from the back lot.

Mr. Loewenstein asked if there was a storm gutter on that side of Hydraulic Road last year.

Mr. Brooks replied that there is a culvert in back of the sidewalk, and along the curb line there is not a drop inlet on the road side.

Mr. Finley asked if the parking circulation was different than a situation where cars are backing into the lane and pulling up and down.

Mr. Brooks said engineering views the site more or less like a long parking lot. "I think what's unusual about this site is that they didn't have direct access onto a public road, but considering the circumstances, it's very rare that we can say a situation is ideal."

Mr. Loewenstein noted that the elevation in the existing lot is different in grade than the lot that will be constructed, and asked what the approximate difference in the grade would be. He commented that the grade change causes him some concern.

Mr. Brooks responded that he did not see that as a problem. He explained that the ordinance stipulates a 10% grade upper limit on travelways that connect parking areas travelways; within the parking areas themselves, the travelway grade limit is 5%.

Mr. Rooker asked if there would be a requirement that the travelway was marked off.

Mr. Brooks replied that there is no such requirement, although the striping for the spaces tends to do that.

Mr. Loewenstein asked how long the distance is from the travel way between the lots.

Mr. Brooks responded that it is approximately 40-50 feet.

Mr. Finley asked what the contour interval is on the map, noting that the back of the parking lot is the same elevation as traversing the new parking lot. He asked Mr. Brooks if the spaces themselves can be on a 10% grade.

Mr. Brooks replied that the ordinance requires that the spaces themselves be no more than 2% grade along the space, and 5% grade along the travelway.

Mr. Rieley said he agreed with a lot of what Mr. Thomas said, and is sympathetic to the general approach of the project, but has serious concerns. "It seems to me it's entirely too intensive a use for this particular piece of property." Noting the applicant's comment that their intent was to simply "transfer" the same use from next door to this property, Mr. Rieley emphasized that the proposed buildings cover about 16% of the lot area, whereas the building next door covers only 8%. "This is not only twice as intensive as the existing zoning allows, but it's twice as intensive as the use next door that we're supposed to be matching. I think this is really overloading this lot."

Mr. Rieley expressed additional concern that there just hasn't been enough design work on the property to answer a lot of questions needed in order to make a sound decision on this. He said that it is important to have information regarding the massing of buildings, the impact on the surrounding neighborhood, etc. "There is not enough information yet in order for us to make those determinations. Certainly if we are going to put something in motion that is going to require a waiver of a grading setback line, we don't even know what that's going to mean yet, and yet we will have approved by this zoning something that makes it absolutely inevitable, and we will have no choice when it comes up later."

Mr. Rieley said that the materials the Commission has received relative to the application have been appalling – out of scale, fuzzy maps, illegible contour intervals, etc. "I am sympathetic to the use, but not at this level of intensity, and not without some notion that in making a change of this magnitude in the zoning, we don't have any idea what we're getting as a result of it because we simply don't have enough information to go on."

Mr. Rieley concluded, "I would like to be able to support it in a state in which it has a better level of resolution."

Mr. Rooker asked staff if the waiver is not granted and the other actions were, what discretion the Commission has with respect to waiver request.

Mr. Cilimberg responded that when it is before the Commission, the applicant will be asking to grade and replant; if that is not granted, that would probably mean retaining walls so that existing natural vegetation can be maintained.

Mr. Rooker asked to what extent is that a ministerial decision as opposed to a legislative decision.

Mr. Kamptner said that the decision will be a ministerial action on the Commission's part, but they may have authority to impose conditions to address the impacts of granting the waiver.

Mr. Cilimberg confirmed that in previous cases, the Commission has imposed conditions when granting a waiver.

Mr. Rooker said he agrees with Mr. Rieley, but commented that it may be a little bit unfair to expect the applicant to have all desired information because he was not aware of the level of information needed until too late. He suggested imposing a series of conditions that would address concerns expressed. Mr. Rooker said that he was also impressed by the opinion of surrounding property owners that they would prefer this kind of development on property as opposed to residential. Mr. Rooker asked Mr. Rieley if it would be acceptable to address his concerns through conditions.

Mr. Rieley said that while it would be possible, "we're going to be designing it on the fly," because not enough thought has gone into the planning yet.

Mr. Loewenstein said, "I think we're asking to say yes to too much too soon. We really don't have enough information about what this will be like….one of my biggest concerns is that we don't know enough about this to say yes." He added that, "There is a lot here to grapple with that I don't want to have to grapple with at the last moment." Mr. Loewenstein said that he was unsure that imposing conditions was the right way to fix the problems associated with the proposal.

Mr. Rooker suggested reducing the proposed square footage of floor area to 9,000, and said that conditions could address fencing and screening, etc.

Mr. Finley asked that all Commissioners be heard before discussing conditions.

Mr. Craddock said he concurs with Mr. Thomas, as the neighbors' concern was regarding the older property, which has been addressed. He mentioned that he does have concerns about the grading, but is leaning towards approval.

Mr. Rooker asked if he was in agreement with the proposed density.

Mr. Craddock replied that he agrees with whatever density the Commission wants to allow.

Mr. Rooker mentioned Mr. Rieley's concerns related to density, and asked Mr. Craddock if he agrees with the applicant, or whether the density could be adjusted.

Mr. Craddock asked how big the buildings would be.

Ms. Hopper noted that the house is an estimated 4,000 square feet, depending on whether the basement was finished.

Mr. Loewenstein said he got the impression that the 12,500 square feet mentioned in the staff report was the minimum the applicant wanted to achieve.

Mr. Wade said that's initially what the applicant had planned, but in further discussion it became evident the house had not been surveyed; if the house's basement is finished, that would make the total square footage 14,000.

Mr. Loewenstein asked if there was a minimum square footage that would be acceptable to the applicant.

Mr. Wade replied that a minimum acceptable size had not been discussed.

Mr. Loewenstein suggested that would be a good place to start.

Ms. Hopper agreed with Mr. Thomas that having the property developed to be a set of professional offices – especially considering the neighbor's feelings – is a "reasonable way to infill." She explained her concerns about density, stating that it should be a comparable density to the offices next to it, especially for continuity. Ms. Hopper said she is also concerned that the whole lot would be cleared to accommodate the building. She added, "I'm very pleased that the neighbors have been taken into account and the fences to protect them." Ms. Hopper said she would not approve it as presented, and wondered if deferral would be an option.

Mr. Finley said that he agrees with Mr. Thomas, adding that he is not sure if legally the applicant is surpassing density or not. "That existing building is very big, and [if] you push these two new ones together…I don't think it's any bigger."

Mr. Rieley commented, "It's just sitting on a lot smaller piece of land."

Mr. Finley agreed that the waiver should be denied, but said he would support the ZMA and SP as Mr. Thomas suggested.

Mr. Thomas said the application is not a typical example of sprawl, and is in the growth area. He added that to not cause sprawl, "We should develop more intensely in our growth area."

Mr. Rieley said that normally, he would agree, but this area is a little different because of the established character of the area, with a setting of the professional buildings in a forested setting. He said that adding a strip that is all roof and paving in the midst of this wooded area is not going to enhance the area. Mr. Rieley said that while he is not inclined to move the application forward, if the density can be lowered, and conditions could be crafted to address the biggest concerns, he would be willing to support it.

Mr. Finley asked what the biggest concerns are.

Mr. Thomas said grading is a concern.

Mr. Rieley said that grading is a concern, there should be preservation of some of the trees on the site, and there should be some assurance if the zoning is changed and density is increased, "we're going to end up with something that is an asset to this area." He recalled in past projects utilizing the expertise of the design

planner and the guidelines for the Entrance Corridors as a mechanism to help guide the architectural character of an area even if it wasn't in an Entrance Corridor. Mr. Rieley suggested implementing those mechanisms on this project as well.

Mr. Rooker suggested limiting the square footage to 9,000 square feet.

Mr. Loewenstein said there's no point in discussing the limitation unless the applicant feels it's acceptable.

Mr. Rieley said that if the applicant doesn't feel it's acceptable, the property could stay at its existing level.

Mr. Matthews re-addressed the Commission, and said he understands the Commission's concern. He emphasized that "medical office density is not a matter of square footage, it's a matter of parking. The site plan that we showed you has a 4,000 square foot single-story building hooked onto a house, but we can't use the second floor." He added that his research shows there is almost no basement in the house. "We need 48 or so [parking] spaces for these two dental practices."

Mr. Rooker commented, "The parking necessary is somewhat a function of the office space being offered, is it not?"

Mr. Matthews replied, "It's more a function of not so much the square footage, but the fact that in primary care the turnover is so high. Trip generation numbers we throw out the window. I assume we could meet county parking requirements pretty easily on this site, and it would be less than what we're showing."

Ms. Hopper asked if the parking is what would be required for two dentists, and asked if they would be leasing offices to other dentists.

Mr. Matthews responded that his understanding is they would not lease the other offices.

Ms. Hopper agreed that it was the parking that was flattening the site.

Mr. Matthews said it's not the fact that they need that much parking, but the fact that county standards in a rolling area are extraordinarily flat.

Mr. Rooker asked if Mr. Matthews has the power to accept a reduction of square footage.

Mr. Matthews said that the present use/need is 12,500 square feet.

Mr. Rooker emphasized that the zoning will run with the land, and if the dentists did not build the site out, something else could be built to the stipulated size.

Mr. Matthews pointed out that future users are restricted to professional office uses, and due to the proffers and conditions, the property would revert back to R-4 if it were not developed.

Mr. Cilimberg clarified that the 12,500 square feet is figured based on a 3,000 square foot existing house, plus a 4,000+ square foot building next to the house, plus a 2-story building at the front of the property with 5,000 square feet.

Mr. Rooker said there's nothing in the application that limits the use of those buildings to those two dentists.

Mr. Matthews said that the house will probably be used for storage, etc. "We can't unzone the house."

Mr. Finley asked if the condition currently stating 14,000 square feet maximum were removed, if it would limit the size to 12,500.

Mr. Cilimberg said it would be held to whatever maximum the Commission stipulated and the Board agreed to.

Will be limited to according to development plan, two buildings footprint and parking area, would be maximum.

Mr. Loewenstein noted, "There's nothing in the condition that prevents them from removing the existing house."

Mr. Rooker said a subsequent owner could remove the house and put up a single building of 14,000, or two buildings of 7,000 square feet.

Mr. Cilimberg said the last condition would limit an applicant to developing according to the plan described.

Mr. Finley asked Mr. Matthews how he felt about what had been discussed.

Mr. Matthews said the waiver is a problem, and he would be willing to come back to the Commission after surveying and site planning had been done. He said he could not conceive of a different way to address all concerns about the remainder of the application.

Mr. Rooker asked staff if they were to approve the application, and change the density to a level the applicant does not want to except, if the application could be withdrawn.

Mr. Cilimberg said even if the Board approved the application with limitations, the applicant could choose not to exercise it, which would put it back to R-4 zoning.

Mr. Rieley asked where the conditions would reside.

Mr. Rooker said that the conditions would run with the special use permit.

Mr. Rooker offered some suggested language for the conditions:

He suggested changing Condition #7 to 9,000 square feet density, as the proposed size seems to have the biggest impact on problems associated with site.

He suggested changing Condition #5 to state that screening shall exceed that required by Section 32.7.98 according to the discretion of the design planner, and suggested adding to the end of the sentence the phrase "and of the landscaping of the property along Hydraulic Road."

He suggested a condition stating that there will be a wooden infill fence built between the subject property and adjoining residential properties of at least 6 feet of height, with screening vegetation planted along residential side of that fence.

He suggested adding a condition that the site would be developed in a manner so as to preserve as many existing trees throughout the site as is reasonably possible consistent with the development of the property according to the conditions set forth herein.

Mr. Kamptner asked if he wanted some Planning staff oversight of the tree preservation process.

Mr. Cilimberg mentioned previous use of a condition that a conservation plan shall be submitted at time of site plan.

Mr. Rooker agreed to ad that as part of the condition.

Ms. Hopper suggested adding a statement that particular attention be paid to tree preservation along Hydraulic Road.

Mr. Loewenstein said he got the impression it wasn't going to be possible to preserve any trees in front.

Mr. Rieley said that immediately adjacent to the sidewalk under the power line, that's true, but coming back 20 feet on the slope, there are trees that can be preserved.

Mr. Rieley suggested including language that the massing materials and configuration of buildings be in harmony with the existing complex, subject to review of the design planner. He clarified that he meant the buildings on the site adjacent to the north.

Mr. Kamptner asked for clarification of Condition #5, stating that the second clause speaks to the waiver which the applicant is withdrawing, and should be removed.

Mr. Cilimberg said this is just allowing a waiver to be considered. He suggested changing the wording to "may be requested" instead of "is permitted."

Mr. Finley said he does not have any problem with the conditions, except for the 9,000 square foot limitation.

Mr. Rooker said that the 9,000 creates a density that is still greater than the density on the adjoining property. "I think the negative environmental and aesthetic affects are largely a result of the density being proposed."

Mr. Finley asked if the 3,000 square feet would make that much difference.

Mr. Rieley responded, "Well, it's hooked to the parking, and as the building square footage goes down, the parking square footage goes down."

Ms. Hopper said she was uncertain from the applicant how much parking he did need.

Mr. Rooker suggested limiting the parking to that which is required by the code for professional offices of this square footage.

Mr. Kamptner clarified that the code provides for 1 parking space for 200 square feet of net office area.

Mr. Finley said he did not feel comfortable just grabbing out a number of 9,000 square feet.

Mr. Loewenstein commented that he did not feel comfortable with a lot of this. "It's pretty clearly I think a case of not only piecemeal planning work, but [also] under the gun." He said that while the changes to the conditions help, it is difficult to try to make these decisions without enough information. "I think the fact that we're having to do this is an indication of the work that this still needs." He added, "This isn't good planning."

Mr. Rooker said that the 9,000 square feet is no more random than the 14,000 square feet from the applicant. "I think what we should grant is something…that would make that site consistent with the commercial property that is next to it which it proposes to be a part of." Mr. Rooker agreed with Mr. Loewenstein that it is difficult to try to fashion conditions that address the concerns, but the only alternative is to vote against the application in its entirety, and the surrounding property owners agree that a nice commercial property is desirable on the site.

Ms. Hopper said that her calculations based on Mr. Kamptner's information regarding parking show 45 parking spots, and there are 50 parking spots shown.

Mr. Rieley said that if 1 space for 200 square feet is required, the plan doesn't meet the ordinance because it doesn't have enough parking.

Mr. Wade commented, "It hasn't been reviewed through the site plan process."

Mr. Rieley said that, "That is exactly the problem….we approve this with 12,500 square feet or 14,000 and then they have to find enough room to put the parking in there, and it blitzes the site even more."

Mr. Finely said, "The problem is to me, we always talk about infill but we never get it." He expressed concern that if the property goes back to R-4 with duplexes or apartments, nobody wants them.

Mr. Rieley commented, "You can't do much in the way of apartment buildings with three additional building rights."

Mr. Rieley said he shares Mr. Loewenstein's concern about the way this is being planned. Noting one of the earliest concerns raised regarding the proximity of the parking to Hydraulic Road relative to the parking next door, Mr. Rieley suggested adding a condition that says parking will be no closer to Hydraulic Road than the parking on the adjacent property currently is.

Mr. Finley asked if there was a setback on parking.

Fellow Commissioners clarified that the setback is 10 feet.

Mr. Rieley said that the key is that the parking and adjacent building seem really close to Hydraulic, and the thought of having parking twice that close is "pushing the envelope too much."

Mr. Rooker said that lowering the building footprint may provide the latitude for reconfiguration of the parking.

Mr. Rieley asked fellow Commissioners how they felt about the conditions as outlined by Mr. Rooker.

Mr. Thomas said he would prefer 12,500 square feet instead of 9,000.

Mr. Finley agreed.

Mr. Rooker said that the 9,000 square feet is an attempt to make it consistent with the total square footage (as a percentage of the site size) on the adjacent property.

Mr. Craddock agreed with Mr. Thomas and Mr. Finley on the square footage.

Ms. Hopper said she agrees with the conditions, including the 9,000 square feet.

MOTION: Mr. Thomas moved, Mr. Craddock seconded approval of ZMA 99-14 with the proffer as presented. The motion passed in a 6-1 vote, with Mr. Loewenstein dissenting.

MOTION: Mr. Rooker moved, Mr. Rieley seconded approval of SP 99-067 with the twelve conditions as outlined:

1. All new structures and parking shall conform to Sections 21.7.1, 21.7.2 and 21.7.3 of the Zoning Ordinance.
2. The applicant shall provide a sight distance of 425', as required by VDOT, at the existing entrance to the professional offices on Hydraulic Road (Route 743).
3. In addition to Section 4.17 of the Zoning Ordinance, all outdoor lighting shall be arranged or shielded to reflect light away from adjoining residential districts and away from adjacent streets.
4. SP 78-09 for a day care center on this property is revoked.
5. Setbacks for new structures shall be as described in Section 21.7, except a waiver to permit grading and clearing in the 20' setback adjacent to the parking/travelways on the south side of the site (adjacent to Old Oak Court) may be requested for the purpose of construction of the travelways and parking. Screening shall exceed that required by Section 32.7.9.8 of the Zoning Ordinance according to the discretion of the Design Planner and existing landscaping in excess of minimum requirements will be supplemented or replaced as deemed appropriate by the Design Planner to provide good screening for the adjacent residential district and along Hydraulic Road. No portion of the permanent parking or travelways shall encroach on the 20' setback.
6. If the existing house on site is removed and replaced with a new structure, the new structure shall be governed by setbacks per Section 21.7 of the Zoning Ordinance.
7. Total buildings on site shall not exceed 9,000 square feet of floor area.
8. The site shall be developed in general accordance with the concept plan known as Hydraulic Dental Center Conceptual Site Plan Sheet 1 of 1 by Muncaster Engineering dated 12/20/99. Locations of buildings, parking, and travelways are approximate and may change but indicate the general intent for site use and density.
9. A wooden fence shall be built between the subject property and the adjoining residential properties of at least six (6) feet in height. Screening vegetation shall be planted on the residential side of the fence.
10. The site shall be developed in a manner so as to preserve as many existing trees throughout the site as is reasonably possible consistent with the development of the property according to the conditions set forth herein. A conservation plan for the existing trees shall be submitted at the time of preliminary site plan submittal. Particular attention shall be paid to tree preservation and screening along Hydraulic Road.
11. Massing materials and building configuration shall be in harmony with the existing complex on the site adjacent to the north, and shall be subject to the review of the Design Planner.
12. Parking shall be no closer to Hydraulic Road than the parking lot at the existing office complex on the site adjacent to the north.

The motion failed in a 3-4 vote, with Mr. Rieley, Mr. Rooker, and Ms. Hopper voting in favor of the SP, and Mr. Finley, Mr. Loewenstein, Mr. Thomas and Mr. Craddock voting against the motion.

Mr. Finley asked said the Commission should keep the recommendation to deny, or entertain a motion to reconsider.

MOTION: Mr. Rooker moved, Mr. Rieley seconded a motion to reconsider of ZMA 99-14. The motion passed unanimously.

Mr. Cilimberg noted that the proffer associated with the ZMA keeps the property as it is unless the special use permit for offices is exercised. "If you don't approve a special use permit for offices, the rezoning hasn't done anything."

Mr. Rooker said he was uncomfortable leaving the rezoning, given that the SP did not pass.

MOTION: Mr. Thomas moved, Mr. Rieley seconded approval of ZMA 99-14 with the proffer as presented. In a 3-4 vote, with Mr. Thomas, Mr. Finley, and Mr. Craddock voting in favor, and Mr. Loewenstein, Mr. Rooker, Mr. Rieley, Ms. Hopper voting against, the motion failed.

Hydraulic Dental Center – Waiver pursuant to Zoning Ordinance Section 21.7.3 to permit grading and clearing in the twenty-foot buffer area. This waiver would permit only grading and clearing in the buffer area as needed for the construction of the travelways and parking. The applicant will provide screening according to Section 32.7.9.8 of the Zoning Ordinance.

The applicant withdrew his request for the waiver.

The Commission took a brief recess.

(Mr. Loewenstein left the meeting.)

The Commission reconsidered the Hydraulic Dental Center items <u>after</u> discussion and vote on SUB 99-264. The final vote is included here for continuity.

MOTION: Mr. Rooker moved, Ms. Hopper seconded a recommendation to reconsider item SP 99-067. The motion passed unanimously.

MOTION: Mr. Rooker moved, Mr. Rieley seconded approval of SP 99-067 with the 12 conditions as earlier established. The motion for approval passed in a 4-2 vote, with Mr. Rooker, Mr. Rieley, Mr. Thomas and Ms. Hopper voting in favor, and Mr. Finley and Mr. Craddock voting against.

MOTION: Mr. Rooker moved, Ms. Hopper seconded a recommendation to reconsider item ZMA 99-14. The motion passed unanimously.

MOTION: Mr. Rooker moved, Mr. Rieley seconded approval of ZMA 99-14 with the proffer as presented. The motion passed unanimously.

SUB 99-264 Deerwood Phase II Preliminary Plat
Request for preliminary plat approval for a cluster development to create 76 single-family detached lots on 24.46 acres. The property is zoned R-4 Residential. Described as Tax Map 32C-03-02, the property is located in the Rivanna Magisterial District on Deerwood Road, Route 150, approximately 0.2 miles from the intersection of Deerwood Drive and Route 649, Airport Road. The Comprehensive Plan designates this property as neighborhood density in the Hollymead Development Area.

Ms. Echols presented the staff report, explaining that this is a request for a cluster development on 24.46 acres near the airport – 75 lots are requested for single-family detached housing; 6 ½ acres is proposed for open space, which is planned to generally surround the development, as well as exist in the center of the development. She noted that a road profile of curb, gutter, asphalt paths and street trees is proposed; the applicant has verbally committed to street trees, which needs to be a condition of approval. Ms. Echols said a private road has been requested near the common open space; it crosses the stream, which is the preferable

alternative to several culverts over the stream. On a map presented, she pointed out the private road, which would serve 5 lots in the common open space.

She mentioned that minor changes are needed to the preliminary plat to meet approval requirements, which are shown in the staff report; included with the changes is a modification of the road profile show street trees within the planning strip. Ms. Echols said there is a citizen request Planning Commission review of the plat for transportation, trees being left in the development, and a road interconnection. She pointed out three planned road interconnections, which all go to a single point of access – Deerwood Drive at Airport Road. Ms. Echols reported that staff spoke with the applicant about getting another access point – taking Lupine Drive over to Route 606, but the applicant said that the right-of-way would be difficult to get, and upon investigation staff agrees.

Ms. Echols stated that another interconnection is proposed, which would go between Lots #9 and #10, and cross the stream to the adjacent property. She said that is being "stubbed out" for a true interconnection with the adjoining process. Ms. Echols noted that there are a lot of trees on the site now, many of which would have to be removed; however, not a lot of grading is needed as the site is relatively flat. She mentioned that an existing sewer line in place, and staff is recommending that a nature path be taken around the development over the line. Ms. Echols said that the wet areas are left alone on the plat, as are 6 ½ acres of open space, making the development more environmentally friendly than what was shown on the original plat. She concluded that staff is recommending approval of the plat with the conditions as outlined.

Mr. Finley asked if there is a flood plain on the creek.

Ms. Echols replied that a flood analysis was done for the site, which was used in the development of the location of lots and the private road. She added that a single culvert crossing the creek is what's being proposed now.

Mr. Rooker noted that the reason the plat was brought before the Commission was because an adjoining property owner requested that it be reviewed because of access considerations. He asked if there was any alternative access possibility available to the applicant.

Ms. Echols responded that there are no existing parcels that the applicant owns that he could use for access; Lupine Drive goes to the adjoining parcel, and could be aligned to line up with driveway at the airport if the right-of-way were available. She confirmed that the applicant is not in control of any other potential access to the property.

Mr. Finley clarified that the neighbor's concern was that everything went to Deerwood Drive.

Ms. Echols agreed, stating that staff shared this concern and tried to work it out; the applicant is showing an interconnection in another location.

Noting that the property is zoned R-4 and could accommodate 98 lots, Mr. Rooker asked if the applicant could create that amount instead of what is proposed.

Ms. Echols responded that the applicant's first plat had 62 lots on it with generally the same road configuration using the minimum lot size requirement; she noted that it is the minimum lot size that governs.

Mr. Rooker commented that with 25 acres of land with R-4 zoning, the minimum lot size requirement shouldn't prevent the applicant from having four lots per acre.

Ms. Echols noted that open space, roads, wetlands, etc. take property out of potential development. She confirmed that the applicant would not be required to have open space if he didn't cluster the development.

Mr. Craddock asked if Deerwood Drive was private.

Ms. Echols replied that Deerwood Drive is public; the only private road is the one proposed for the southwest section of the site.

Mr. Rieley said that sidewalks and trails had been discussed, and asked Ms. Echols to comment as to where they would be located.

Ms. Echols responded that along both sides of the street there would be an asphalt path between the curb and the lot; there would be a green strip between the curb and the asphalt path, and on the other side of the path would be the houses with required setback. She noted the location of the wood chip nature trail on the map.

Mr. Rooker asked if the asphalt path is really a sidewalk that is made out of asphalt, and wondered why the county wouldn't require that it be made of concrete.

Ms. Echols replied that there are not currently specifications in the subdivision ordinance as to when concrete should be used and when asphalt should be used.

Mr. Rooker asked who would be responsible for maintaining the asphalt sidewalk.

Ms. Echols said that the homeowner's association is responsible for sidewalk, and added that VDOT has become more willing to maintain concrete sidewalks that adjoin a street.

Mr. Rooker mentioned the replacement of the asphalt path along Georgetown Road with a concrete sidewalk, noting that concrete sidewalks are somewhat safer in terms of injury occurrence. "If we don't have the power to require it, then I guess we don't have the power to require it, but it's unfortunate if that's the case."

Mr. Rieley said, "We could certainly make it a condition, couldn't we?"

Mr. Kamptner commented, "The county engineer is vested with the authority to approve the materials use for the sidewalks."

Ms. Echols emphasized that there is nothing in the ordinance that says you should do one or the other.

Mr. Rooker asked if the Commission had the authority to request in the conditions that the County Engineer consider stipulating use of concrete instead of asphalt.

Mr. Kamptner asked if this issue would be expressed in the design manual.

Ms. Echols said that DISC has looked into the issue of surface, and has not come out in favor of one material over another.

Mr. Rooker mentioned that in some instances, asphalt is more appropriate; however, there is a substantial safety and maintenance difference in concrete over asphalt.

Mr. Thomas suggested specifying concrete curb and gutters also.

Public comment was invited.

The applicant, Mr. Katorah Rowell addressed the Commission. He explained that he got the concept for the sidewalk arrangement when he was visiting Cincinnati and noticed a nice layout of street trees, paths, and sidewalks.

Mr. Rooker asked if what Mr. Rowell is proposing is less in width than if it were concrete.

Mr. Rowell replied that what he's proposing is actually wider.

Mr. Rooker commented, "So we're not going to have any less pavement under what you're proposing."

Mr. Rowell emphasized that there would be less *continuous* pavement.

Mr. Rieley said, "Only if you change the concrete to come up right behind the curb. If you leave the sidewalks where they are now, and simply change the material to something that's more durable, it's fine." He added, "There's no reason why you couldn't leave it exactly where it is and simply change the material to something else. Let's be honest. The reason that this is shown as asphalt rather than concrete is that asphalt's a lot cheaper."

Mr. Rowell replied, "I thought it was more attractive, and softer on the feet. But if it's going to be up against a curb, I would typically put in a concrete sidewalk."

Mr. Rieley said, "Nobody suggested that it be put up next to the curb except you."

Mr. Rowell said if the sidewalk were put there, then it would be in the VDOT right-of-way.

Ms. Hopper asked, "Are you saying the location of the sidewalk would change because VDOT would require it, or because VDOT would help you maintain it."

Mr. Rowell responded, "VDOT would maintain it. It would not be a responsibility of the homeowner's association." He confirmed that VDOT would not maintain asphalt.

Mr. Rooker commented that engineers have consistently said that the long-term maintenance on asphalt is greater than concrete.

Mr. Rieley said that asphalt is only cost-effective in the short term.

Mr. Finley asked if the VDOT right of way is 40 feet.

Mr. Rowell replied that it is 44 feet on the Deerwood Drive extension, and the other two roads are 40 feet.

Mr. Finley asked if the asphalt sidewalk begins five feet from the curb.

Mr. Rowell said it begins one foot from the right of way.

Mr. Rieley asked if the Commission approves the plan with concrete sidewalks, and county engineering agrees, if the applicant has the option of eliminating the tree lawn and moving the sidewalks into the back of the curb.

Mr. Kamptner said that the applicant could do this as long as he satisfies the requirements of the subdivision ordinance.

Mr. Rieley said what should be worked toward is a real sidewalk, with a real tree lawn, and it should be standard.

Mr. Rieley commented that one reason given for difficulty in achieving this arrangement is the relationship of the utilities to the tree lawn, sidewalk, and asked Mr. Rowell how that is resolved in this plan.

Mr. Rowell said that the utilities are all underground services on the back of the sidewalk, and are on easements on private property; on every other side lot, there will be a transformer to serve pairs of homes, as well as sewer along the back and the green space. He added that sanitary sewer is around perimeter of development, and in some places in the middle portion of the development. Mr. Rowell said that they concurred with county engineering that one single crossing be put into those four lots so as to reduce any backwater. He mentioned that the private road will be maintained by the five lots it serves, not by the development as a whole, and added that the homeowners would maintain the strip between the sidewalk and curb. Mr. Rowell said the site contains a mixture of hardwoods, but the rest of it is a mix of young pines.

Ms. Hopper asked if the path would be concrete, the area of trees would be eliminated.

Mr. Rowell said that if the path is to be made concrete, it would be moved to the curb so it would all be in the VDOT right-of-way; a tree would then be required on the back side of the sidewalk on each lot.

Mr. Rieley asked Ms. Echols if the street trees would be shown as a condition.

Ms. Echols responded that there are some changes made to the preliminary plat, and the condition would state that it be shown on the profile as a notation on the plat. She explained that #7 would be added to state that the road profile indicate street trees in the green strip.

Mr. Rieley asked if spacing would be specified.

Ms. Echols replied that spacing is generally worked out with VDOT, depending on sight distance requirements, then establish where the street trees would go in relation to the driveways.

Mr. Rieley mentioned that requested street trees once came back spaced 100 feet on center.

Mr. Rooker asked if the spacing would be subject to staff approval.

Mr. Cilimberg commented that it was standard.

Mr. Finley asked if VDOT approved the sidewalk abutting the curb.

Ms. Echols replied that the sidewalk path extending down to airport road is the only proffer that came with the rezoning, and the applicant has not specified whether the path would be concrete or asphalt.

Mr. Rowell said the configuration would become more clear after he submits road plans to VDOT, as they will have an opinion about what would be put there.

Mr. Rooker clarified that the proffer only applied to Deerwood.

Mr. Thomas asked about the other points of access, asking if there would just be one entrance and one exit.

Mr. Rowell said there is only one VDOT-allowed access point at Airport Road.

Mr. Thomas asked the applicant how he can build 75 lots with only one point of access.

Ms. Echols commented that there are three built roads that lead to the 75 lots; they all happen to lead to the same point.

Mr. Cilimberg said there are three points of access for the new development, which was what was allowed originally.

Mr. Craddock asked if more land would be taken if Deerwood Road were widened to 22 feet from center.

Mr. Rowell said that there is a VDOT right-of-way in place.

Janet Dietz of 113 Lupine Lane addressed the Commission. She said her primary concern is the one access onto Airport Road, as the road's present level of traffic makes it dangerous, and said that adding buildings along Airport Road at the entrance onto Deerwood would make it a double problem. Ms. Dietz said that the accesses being discussed, such as Lupine Lane, may not have the right-of-way, and the other one has to cross the creek. She expressed concern about the maintenance of the walking path. Ms. Dietz mentioned that there is flooding now with the creek, and storm sewering will cause even more flooding.

Mr. Rieley asked if the concerns had been passed on to engineering.

Ms. Echols responded that engineering is aware, and said that the flooding area has been examined in depth. She added that the homeowners association would be charged with maintenance of nature trail.

Mr. Thomas asked how much extra water would go into Powell Creek, and what has been done downstream to compensate for the extra water.

Mr. Brooks stated that there is a conceptual stormwater management area shown on the plan, which has been switched around a few times. He said that engineering had wanted it up above the creek, because it presents problems when you try to capture the whole drainage area of the creek on top of the drainage from the development; engineering had wanted to get it before it entered the creek, but the details had not been worked out on it yet.

Mr. Rooker asked if engineering was comfortable that this would be handled so as to prevent flooding of adjacent properties and flooding downstream.

Mr. Brooks said that the ordinance does not address flooding where there's not a FEMA/floodplain or regulatory issue; it speaks to downstream runoff from an area in detention. The runoff from the site is not supposed to increase during certain interval storm. "We don't have regulation that reaches as far as guaranteeing that those lots right next to the creek won't build basements…if they wish to excavate and build lots in an area that use to be a mass septic drainfield in a low spot, there's no regulation that says they can't do that." Mr. Brooks added, "I can't guarantee you that all flooding problems will be solved…our ordinance only speaks to detention of runoff from impervious areas on the property and its meant to protect downstream properties."

Mr. Rooker asked if controlling the runoff might prevent greater flooding downstream.

Mr. Brooks said that they are attempting to do this, but only within the parameters that the county regulates – the 10-year storm.

Mr. Thomas commented, "All we can ask now is to retain it, slow it down from coming downstream so fast."

Mr. Brooks said it's difficult in subdivisions, because all the drainage is not centralized.

Mr. Thomas said that the residential areas along Hydraulic Road used to flood North Berkshire, with lots of houses being flooded. "That's the thing I'd like to see the county avoid happening downstream because there's a lot of other construction planned down the road."

Mr. Brooks said, "We'll do the best we can."

Jerome Ferrence of 113 Lupine Lane addressed the Commission, stating that he enjoys living in Deerwood, and is looking forward to the additional walking space. He stated his concern about how the three exits come into the same Deerwood Drive that exits onto Airport Road. He said that currently there are 57 houses with one egress that is already busy, and asked the Commission to delay action on the item until the applicant is certain there is a second access. Mr. Ferrence said that the applicant, to his knowledge, has not submitted: preliminary maps; stormwater management information; sketch plans for utilities, bridges and culverts; and statements of availability of services with the preliminary plat.

Mr. Rooker asked staff to comment on the items that were to be submitted.

Mr. Brooks said that the list of items to be shown with the preliminary plat are submitted with some judgement by staff, and the conceptual plans and calculations were submitted with the preliminary plat.

Mr. Rooker said that he would like to clarify whether the application submitted contains the items necessary and required by the ordinance.

Ms. Echols said that Mark Graham was the reviewing engineer, and requested additional information; that plan was revised twice to show drainage improvements. "I believe that the…standard information we review was provided from the very beginning….I think it's all covered."

Mr. Brooks said engineering is also satisfied with the information submitted.

Mr. Rooker said that the issue is whether the applicant met the ordinance requirements. He said that the Commission does not have the power to require that the applicant have any additional accesses, because he has three accesses to a public road – Deerwood. "It may or may not be great planning to have this pipe stem situation in accesses, but in fact he has several accesses to a public road…we don't really have the power to require anything beyond what's required by the ordinance, which he is meeting."

Mr. Brooks noted that the applicant was speaking to issues under Sections 14.304 and 14.305, and he believes those requirements have been met.

There being no further public comment, the matter was placed before the Commission.

Mr. Rieley said despite concerns about drainage and flooding, this proposal is "one of the better ones that we've seen," with the clustered arrangement of residences, the connection to other streets in the neighborhood, and the prospect for greater connection, is a "huge improvement over lots of arrangements we've seen in the past." He added that this is a "big move in the right direction, and the kind of thing we should be working towards." Mr. Rieley complimented staff and the applicant on crafting the plan.

Mr. Craddock asked about how many children were factored in to the resident population of the proposed development.

Mr. Cilimberg said that the multiplier used is about ½ child per lot, depending on the neighborhood.

Ms. Echols said that the children in the new development would go to Hollymead.

Mr. Rooker noted that the property was rezoned long ago for this purpose and was put in the designated growth area.

Mr. Cilimberg mentioned that all area schools are near capacity, and if kids weren't here they'd be somewhere else.

Mr. Thomas noted that the Northern Elementary School and two fire companies is planned for that area.

Mr. Rooker commented that hopefully more development will go in growth areas instead of rural areas, where provision of services is much more difficult.

MOTION: Mr. Rooker moved, Mr. Rieley seconded approval of SUB 99-264 and the private road request with conditions as presented by staff, and an additional condition (#7) on the preliminary plat approval that states "The road profile would indicate street trees in the green strip, with spacing subject to staff approval," and a recommendation that county engineering strongly encourage a switch from asphalt to concrete sidewalks with a tree lawn. The motion passed unanimously.

Work Session

CPA 98-03 Post Office Land Trust/Theater

Request to study and amend the Comprehensive Plan designation for approximately 641 acres within the Community of Hollymead (an existing development area), located on the west side of Route 29 North (Seminole Trail), south of Route 649 (Airport Road), east of Route 606 (Dickerson Road), and north of the South Fork of the Rivanna River. The applicant originally requested a change in land use designation from Industrial Service to Commercial designation to permit to a movie theater complex and other mixed commercial/office uses.

Given the length of the evening's meeting, Mr. Benish suggested giving an overview of the information he provided, and scheduling another worksession to discuss the CPA in detail. He explained that the outcome of the last worksession on the item yielded a general direction of pursuing a Town Center type designation as an amendment to the Comprehensive Plan as a general type of new land-use designation, and pursue language for considering how that would be implemented in the Hollymead development area.

Mr. Benish said that his staff report recommends that the county not pursue a new Town Center designation at this time, based in part on the fact that DISC is reaching its conclusion, and hope to have something ready by Spring for review. Some of the DISC recommendations may require significant changes to the land use plan, and staff is cautious about making any iterative changes to the Land Use Plan – creating a new district that may be obsolete in a year. Staff favors a more traditional approach of being area-specific in recommendations for land uses and

development standards for the Hollymead area. Mr. Benish said staff has also provided a first draft at the specific CPA language changes for the Hollymead profile recommendations, which is similar to the Brass, Inc. issues and framework that implemented some DISC concepts of mixed use developments.

Mr. Benish reported that the Kessler Group has taken an option on an adjacent property and may be interested in pursuing development of that site, and has been working with the applicant and staff for a possible concept in this general area of development. One issue Commissioners raised earlier was the feasibility of implementing this type of designation, given the multiplicity of property owners. He said that having another property owner involved will increase the land area where there is an active participant in the process.

Referencing a map presented, Mr. Benish explained the quadrant roughly designated Community Service and Office Service in the Comprehensive Plan, approximately 125+ acres; staff has recommended that CS/mixed use designation be used, re-designating the general area for those land uses, focusing the uses on retail/office/residential mixed use. He noted that maximum square footage for any individual user is 65,000 square feet, but does allow for retail, and mentioned that the final staff recommendation is similar to that for Brass.

Mr. Benish explained the concept of a Town Center area to the west of the parallel road and east of the stream that provides the boundary of the Deerwood development. The area between Route 29 and the proposed parallel road that is currently Regional Service is recommended to be left as RS. Staff is also recommending an undisturbed wooded buffer area to remain between Route 29 and the developed area. He mentioned that the higher density, more pedestrian-oriented mixed use area is the area bound on one end by the proposed theater, with a "Main Street" design and a more residential mix of uses.

Mr. Benish noted that the crossing route that ties into Deerwood is Timberwood Drive extended, and the public road systems consists of Route 29 (limited access), the parallel roads, and a more pedestrian road system that contains urban scale crossings. He mentioned that the roadway in the central area of the property continues onto Airport Road and would intersect where a new crossover had been proposed for the Value America headquarters; the concept for accommodating this area and the area to the north have maintained the notion of creating a new crossover. He mentioned that the stream valley area is recommended to be a border to the Community Service area, and would include pedestrian trails, a bikeway, etc.

Mr. Finley asked if there would be residential development in the Regional Service area.

Mr. Benish responded that the Regional Service recommendations do suggest that residential development may be appropriate, and also allows for office/employment uses.

Mr. Rowell addressed the Commission, noting on the map the Regional Service area which would accommodate larger box-scale business activity.

Mr. Thomas asked what the buffer space would be.

Mr. Rowell said it would be 100 feet.

Mr. Rowell continued by pointing out some of the ownership of surrounding property. He said there were 13 heirs on the multi-heir property, including Mr. Wood.

Mr. Rooker asked if the Regional Service designated area was currently zoned RS.

Mr. Benish confirmed that it is currently zoned Rural Areas.

Mr. Cilimberg said, "This is going to set that stage, though, if this goes off."

Mr. Benish noted that most everything south of the Virginia Land property is Rural Area.

Mr. Rowell mentioned his plan for traffic circles, fully landscaped with brick sidewalks and crosswalks.

Mr. Rieley expressed his relief that they are not planned to be asphalt.

Mr. Finley asked about the total acreage for the developed area.

Mr. Rowell replied that approximately 150 acres total would be included.

Ms. Hopper asked him to point out on the map who owns what.

Mr. Rowell explained that the piece of property at the back edge of Deerwood is under option by the Kessler Group; Wendell Wood owns a frontage parcel; the heir piece is in the middle; Mr. Wood owns another strip; and a trailer park is also in the area.

Mr. Frank Kessler addressed the Commission. He pointed out what parcels they have an option on, and some of his group's ideas for a mix of office and residential.

Mr. Kessler commented that if you pull a concrete sidewalk away from the curb "it costs numbers" because of VDOT requirements and maintenance. He added that if you pull it away from the curb, VDOT's position is that you have to accommodate vehicular traffic across that. Mr. Kessler said that it's preferable to have concrete adjacent to roads even if it is separated by a green strip; he added that it is difficult to get street trees in the strip because it is typically where water lines are. "There are difficulties in achieving those goals." Mr. Kessler said that there are liability issues if paths are placed on private properties and not in public areas; one potential solution to that is to have a path in common area parallel to the road, but the subdivision stipulates you must front the road.

Mr. Benish said that all streets in this area will be urban section sidewalks on both sides, 10 foot minimum width sidewalks in the Main Street area, six feet elsewhere.

Mr. Finley asked what would be next in the process.

Mr. Benish responded that the Commission should read the staff information, and then come back and discuss it further with staff prior to setting a public hearing. He said that they have met with Forest Lakes and Hollymead residents, but additional public comment is needed.

Mr. Craddock asked how the people in Deerwood felt.

Mr. Benish replied that staff would like to have discussions with other development areas, such as Deerwood, but the watchdogs so far have been the Forest Lakes community members. He stated that staff wanted to make sure there was a concept articulated that could be presented to people.

Mr. Ferrence re-addressed the Commission. He expressed concern that a Town Center should be located in the City of Charlottesville, and emphasized that people bought property out in his area because they didn't want to live in the city. Mr. Ferrence also expressed concern that people are continuously added, but the water supply is questionable.

Mr. Rooker pointed out that the property in that area has been designated in the Comprehensive Plan for high-density development for a long time.

Old Business

Mr. Cilimberg said there would be Resolution of Intent for the Subdivision Ordinance at their February 8th meeting.

Mr. Rooker asked about the SP 99-68 Beverage Tractor item that was supposed to be heard on January 25th. Mr. Cilimberg explained that it had to be re-advertised.

Mr. Finley asked about the proposed resolution from Crozet regarding parking. Mr. Cilimberg said that the Commission passed a resolution regarding reducing parking requirements, and can now recommend to the Board changes to the parking requirements, including what has been suggested by Mr. Mike Marshall in Crozet. It will be a Zoning Text Amendment.

New Business

Mr. Kamptner said that the Commission will be considering the wireless design manual next week, and he will send out a brief memo on the case law that's interpreting the provisions of the Telecommunications Act.

There being no further business, the meeting adjourned at 10:40 p.m.