Albemarle County Planning Commission
May 2, 2000

The Albemarle County Planning Commission held a meeting and public hearing on Tuesday, April 18, 2000 in the County Office Building. Members attending were: Mr. William Finley, Chairman; Mr. Dennis Rooker, Vice-Chairman; Mr. Rodney Thomas; Mr. Jared Loewenstein; Mr. William Rieley; Mr. Pete Craddock; Ms. Tracey Hopper. Other officials present were: Mr.Wayne Cilimberg, Director of Planning & Community Development; Mr. David Benish, Chief of Community Development Ms. Yadira Amarante, Planner; Mr. Juandiego Wade, Transportation Planner; Mr. Glenn Brooks, County Engineering; Ms. Jan Sprinkle, Department of Zoning; Mr. Larry Davis, County Attorney.

Approval of Minutes – April 14, 2000
After clarifying the date of the minutes presented, the Commission moved, seconded and unanimously approved the minutes of April 18, 2000.

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

Consent Agenda:

SDP-00-028 Martha Jefferson Medical Offices Center Phase II Preliminary Site Plan- Request for waiver to allow disturbance of critical slopes, and a waiver to allow disturbance within the twenty (20) foot buffer, and modification to allow parallel loading spaces.

MOTION: Mr. Loewenstein moved, Mr. Rooker seconded approval of the Consent Agenda as presented. The motion passed unanimously.

Mr. Rieley asked staff to provide a legible site plan with all items, including those on the Consent Agenda.

Items Requesting Deferral:
ZMA-00-002 Four Seasons Learning Center (Sign #62 & 63) - Request to amend the conditions of Four Seasons Planned Unit Development (PUD) to establish setbacks for a .25 acre parcel currently developed and used as a day care center. The property, described as Tax Map 61 X1, Parcel 5 is located in the Rio Magisterial District on the corner of Lakeview Drive and Four Seasons Drive, approximately one-quarter mile from the intersection of Four Seasons Drive and Hydraulic Road. The Comprehensive Plan designates this property for Urban Density Residential use (6-34 dwelling units per acre in what Development Area One. *Staff requests deferral to May 30, 2000.*

Public comment was invited. None was offered, and the matter was placed before the Commission.

MOTION: Mr. Rieley moved, Mr. Rooker seconded approval of deferral of ZMA 00-002 to May 30, 2000. The motion passed unanimously.

SP-00-005 Trinity Presbyterian Church (Sign #40 & 41) - Request for special use permit to request a change in conditions for clearing and screening of a special use permit for a church on 17 acres. The property, described as TMP 76-17C &17C1 is located in the Samuel Miller Magisterial District at 3101 Fontaine Avenue. The property is zoned R1 Residential. The Land Use Plan shows this property as

Neighborhood Residential (3-6 units per acre) in Neighborhood 5. *Applicant requests deferral to May 23, 2000.*

Public comment was invited. None was offered, and the matter was placed before the Commission.

MOTION: Mr. Thomas moved, Mr. Loewenstein seconded approval of deferral of SP 00-005 as requested by the applicant. The motion passed unanimously.

Public Hearing Items:

SP 99-74 Townwood Mobile Home Park (Sign #75 & 76) – [17.2.2.17] Request to amend the existing special use permit to allow for 19 additional mobile home sites on approximately 12.6 acres zoned R-10, Residential. The property, described as Tax Map 61, Parcel 8 is located eastern side of Rio Road East, just north of the Rock Store. This property is located in the Rio Magisterial District and is recommended for Urban Density in Neighborhood 1 of the Comprehensive Plan.

Mr. Benish reported that the Commission had considered this item on April 4, 2000; however, because of incomplete notification of adjacent property owners, including the Townwood Townhome Homeowners Association, the item is back before the Commission. Mr. Benish reminded Commissioners that they had unanimously recommended approval on April 4th, subject to conditions as provided in the action letter (Attachment "A") noting those conditions. Mr. Benish provided an abbreviated staff report on the item, as presented in written form.

He noted that the planner who worked on this project spoke with the President of the Townwood Townhome Homeowners Association; some of the concerns addressed were the impact of the additional access to Greenbrier Drive, increased density on site, continued nonconformity of some of the units/lots proposed on site, location of the tot lots, and the need for more internal open space area, which the Commission has addressed in their conditions. He added that the homeowners also want to establish screening fencing along the southern end of the property adjacent to the 50-foot treed buffer area.

Mr. Rooker asked how the ARB would be evaluating the site now that Rio Road is an Entrance Corridor.

Mr. Benish responded that the ARB will be able to look at the access and frontage of the site; however, their ability to review the mobile home units themselves will be somewhat limited. He added that the ARB will review the placement of screening. Mr. Benish confirmed that the open areas in the front of the site would also be subject to ARB approval.

Mr. Rieley asked about the Commission's previous recommendation to change one tot lot to one more suitable for older children and adding a central green area, noting the absence of these items in the conditions.

Mr. Benish found them in section B.1.c. of the conditions presented.

Public comment was invited.

Mr. Kurt Gloeckner, representing the applicant, addressed the Commission. Mr. Gloeckner reported that the only new development since April 4th is that the fire lines have been formally approved by the

service authority. He added that the applicant is interested in what the neighbors have to say, and would like to have the opportunity to respond.

Mr. Finley asked for some clarification of how the number 32 was derived.

Mr. Benish explained that the applicant has an approved SP for 13 units, although that permit will soon expire. He noted that current request is for 19 units, so the proposal was reviewed by staff for the full impact of 32 units.

Ms. Lois Tickle, a resident of Townwood for the past seven years, and former President of the Townwood Property Owners Board of Directors addressed the Commission. Reading from a prepared statement (Attachment "B"), Ms. Tickle outlined her concerns, which focused primarily on the impact of the proposed second entrance.

Mr. David Starmer, President of Townwood Townhome Property Owners' Association, addressed the Commission on the Association's behalf, representing 140 units. He read from a prepared statement (Attachment "C").

Photographs of the Townwood Mobile Home Park, illustrating lots of trash and debris on the site, were presented.

Mr. Trey Stegman, representing the management of Townwood Mobile Home Park, addressed the Commission. He pointed out that the Mobile Home park was existing prior to any adjacent developments, and the plans for the park are "consistent with the principles of land use in the designated development areas," and are consistent with the R-10 Zoning designation, and provides affordable, low to moderate income housing, and does provide significant infrastructure improvements to the park.

Mr. Stegman said that he had spoken previously with Ms. Tickle, and tried to address her concerns regarding the second entrance. He mentioned that the original application did not include plans for a second entrance; however, VDOT and county engineering recommended the access for obvious safety reasons, so the owner and manager put that into plan. Mr. Stegman emphasized that the other issues the homeowners association has brought up are issues that could be addressed with the staff at the site plan phase.

Mr. Thomas asked Mr. Stegman what his plans are for relocating the present occupants onto other lots. "How are you going to move those trailers?"

Mr. Stegman replied that the entire development would be handled in stages. The first stage is brining in new fire lines and new water lines. He mentioned that there are three fire hydrants in the plan, not two as previously mentioned. Mr. Stegman said that the plan is to move existing occupants onto 13 new lots, and mentioned that there will also be lots vacated. "We're trying to manage it again in terms of the least impact we can on existing residents…there is going to be some moving around, but it will be handled as carefully as we can."

Mr. Thomas asked if there was adequate space to add more green space inside the park.

Mr. Stegman responded that it is not appropriate to address that at this stage, because a number of the lots may not be able to be installed because of easement issues, parking problems, etc. He mentioned

that each of the new lots is roughly 5,340 square feet, and if they were not able to put in one of the centrally located new lots, that would provide a lot of green space. Mr. Stegman added that there is a 50-foot tree buffer in the rear of the site, in addition to some other open space. He said that there is a cleared space in the southern cul-de-sac that would also remain.

Mr. Thomas asked Mr. Stegman what the plans are for the fence that was destroyed.

Mr. Stegman replied that the fence is along the newly named Townwood Drive, and is in the right-of-way if the road is accepted by VDOT. He explained that they plan to remove the fence and erect a new screening fence along their property line down to the corner of the line, per the staging of the plan.

Ms. Hopper asked if the fence would be out of the right-of-way.

Mr. Stegman said that if it is on their property line, it may not be in the right-of-way. "The property line [may] be out of the right of way."

Mr. Rooker mentioned that the Homeowners mentioned having a new fence put in before the old one is taken down, and asked Mr. Stegman if he had any problem with that.

Mr. Stegman responded that that would be acceptable, especially if there is adequate working room between the existing fence and the newly planned one.

Mr. Craddock pointed out that the fencing along Townwood Drive is planned for Phase II, and asked how long it would be before Phase II commenced.

Mr. Stegman replied that he would have to seek preliminary and final site plan approval from the Commission, which would largely determine the time frame.

Mr. Rooker mentioned the pictures passed around showing the trash, and asked Mr. Stegman what his intention is to clean the area up.

Mr. Stegman responded that there are dumpsters on the site, and there is a management staff for the park that should be dealing with the garbage.

Mr. Rooker asked if there is some method on an ongoing basis to ensure that clean up will be relatively quick and responsive. He asked if the park residents have a place that they can call if they have concerns.

Mr. Stegman replied that the current residents have an opportunity to call management, located on an adjacent property. He added that he will address the issues with the management staff.

Ms. Hopper asked about screening along Townwood Drive, and asked if the trees currently there would be preserved.

Mr. Stegman answered that he doesn't know specifically how screening would fit in there, and would have to answer that at a later point.

Mr. Finley asked if there was a representative from the park management who could answer some of these questions.

Mr. Doug Caton, who owns and manages the park, said that he is appalled by trash and will try to make sure it does not happen again. He said that when his company, Management Services Corporation, took over the mobile home park, they supplied two commercial construction site dumpsters, which were immediately filled up with trash. He added that they also towed abandoned cars away for the residents.

Mr. Caton emphasized that he has tried very hard to improve the park, including improving the water system, and removing problematic tenants. Mr. Caton added that he owns Four Seasons Apartments next door, and bought Townwood because he thought he could do a better job than the past owner. He added that there were four zoning violations when he took over the Townwood site, which he took care of. Mr. Caton stated that he does not have any problem with putting trees along the fence line, as long as it does not impact their ability to put a new fence in. He added that they have a 50-foot green space buffer, and would be happy to put a playground or basketball court up against the edge of the mobile home park.

He agreed with county engineering and VDOT that an entrance with a stoplight entering Rio Road would be better. Mr. Caton concluded that this project will improve the neighborhood, and will also provide some badly needed affordable housing.

Mr. Thomas asked if there was a way Mr. Caton could assure residents that the site would be kept clean.

Mr. Caton replied that there is a dumpster on the site, and his staff goes by on a daily basis to try to see if there is trash on the site. He added that it is not easy to keep the site clean "with this particular quality of tenant," many of which "don't have the benefit of a lot of mentoring." Mr. Caton said that they distribute a newsletter that includes tips on trash disposal and how to keep the place clean. Mr. Caton added that they plan to pave all of the streets, and the main reason for moving the trailers is to give a standard road length through the road, and a standard distance between each trailer, which will allow for better access by police, fire, and maintenance staff, as well as providing more green space for some of the homes. "We thing we're going to bring some organization and improvement to the [neighborhood]."

Ms. Hopper commended Mr. Caton on the improvements made so far.

Mr. Craddock asked if three fire hydrants is sufficient for the park.

Mr. Gloeckner said he has met with the Fire Marshall, who has agreed that the hydrants are adequate, and are situated properly.

Mr. Thomas asked if the water pressure is up to standard.

Mr. Gloeckner responded that the fire lines belong to the service authority, and will have the necessary pressure; the internal domestic supply – a private system – is sized with a 4" loop, which is sufficient.

Mr. Finley asked about the green space, and wondered what would be put there.

Mr. Gloeckner said that they need to work that out with staff. The adjacent residents seem to want play space, but the applicant suggested a tree buffer to keep that in natural state.

Mr. Rooker asked if the water main that serves the mobile homes has been increased in size.

Mr. Gloeckner replied that there was a 1" plastic line, which they are replacing with a 4" iron pipe.

Mr. Rooker asked if the process for installing the new line has started.

Mr. Gloeckner responded that they have started, but not finished. He mentioned that there are several units without water pressure that have now been attached so they now have sufficient water.

Ms. Alice Keyes, Vice-President of Townwood Homeowners Association, addressed the Commission. Ms. Keyes stated that the only reason the community is viable is because of fencing and screening so that the mobile homes cannot be seen from the adjacent properties. She emphasized that the expansion of the mobile home park to 32 units will make the units visible from many areas of the neighboring subdivision. Ms. Keyes said that while the mobile home site may look better from the front, it does not look good as you drive through it.

Ms. Keyes mentioned that while the mobile home park is ½ the size of the townhome neighborhood, they have twice the crime rate, not limited to drugs and statutory rape.

She emphasized that every time an SP is applied for, the area gets cleaned up and landscaped. However, within a month or two, the area is back to looking bad. Ms. Keyes pointed out that there is access from the mobile home park to Four Seasons Drive, which comes out at a light. "That road is capable of handling more traffic than Greenbrier Drive is." Ms. Keyes stated that the Townhome residents were very supportive of the first 13 units to be added, but now feel that the waivers granted for the additional 19 units are "extensive." She concluded that the residents support the 13 units, but 19 more is "too many."

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

Mr. Rooker asked about traffic figures provided regarding vehicle trips per day, specifically the figure of 4.9 that staff used versus the 10 trips per day mentioned by a speaker.

Mr. Benish responded that staff relies on the Institute of Transportation Engineers traffic estimates, which is a nationally recognized standard. He pointed out that the multiplier for this unit type (mobile home) is 4.9. Mr. Benish added that there have not been a lot of mobile home park proposals, but his assumption is that the standard multiplier has been used before.

Mr. Finley asked how many parking spaces would be provided.

Mr. Benish replied that the ordinance requires two parking spaces per lot, and that was one of the modifications requested by the applicant that was not recommended by staff.

Mr. Rooker mentioned that the mobile home park has several nonconformities because it predated the ordinance. He asked what waivers are being given for the new units.

Mr. Benish responded that all the new units would meet the current ordinance requirements, and the waivers are for existing units. He added that one exception has been granted for two units within 30 feet of a dumpster, as the ordinance stipulates a 50-foot minimum distance.

Mr. Rooker asked if the improvements to the park would bring it into more conformity.

Mr. Benish replied that it will be in more conformity, although not in full conformity. "It will be a better situation than the existing location right now."

Mr. Rooker asked about the maintenance of Townwood Drive if it has not been dedicated for public use yet.

Mr. Davis reported that Townwood Drive **has** been dedicated for public use, but has not been accepted into the VDOT system yet. "It's a dedicated road, but the maintenance responsibility remains with the developer until it is accepted into VDOT."

Mr. Rooker asked if improved lighting is something that can be addressed at the site plan level.

Mr. Benish replied that the lighting will have to meet ordinance provisions. "We will evaluate it at that point in time."

Referencing Condition #1C regarding provision of a central open space, Mr. Rooker asked if the Commission would have some discretion at the time of site plan approval with respect to the location and size of the area.

Mr. Benish replied that staff will work towards meeting the intent of the Commission, and said that the Commission could review the site plan in regard to the location of the open space.

Mr. Rooker mentioned that there has not been a fixed size put on the open space yet, asking if that could be addressed at the site plan level.

Mr. Benish remarked that the provisions speak to the facilities that are needed, and not to the square footage needed. He emphasized that there may not be 32 units approved, depending on how other design issues are addressed, and that may free up square footage for the space. "Where that is and how lots will be adjusted is going to be part of that next step with the site plan…"

Mr. Finley asked Mr. Benish if he felt that overall, the appearance of the park will improve with the proposed changes.

Mr. Benish replied that the trash problem is more of an operational situation, but the additional dumpsters proposed will help. He added that improved building orientation does lend itself to a better operational facility. Mr. Benish noted that there is some impact to the character of site from the home relocations, but in terms of operation, the new plan lends itself to improving the livability of the site.

Mr. Finley asked if there was a minimum standard for open space.

Mr. Benish replied that there is not a required minimum amount of open space, but there is a requirement for recreational facilities. "By your special permit action, you are dictating that an open space area be defined."

Mr. Rooker asked if the Planning Commission will have discretion over the size of the open space during the preliminary and final site plan phases.

Mr. Loewenstein said that the Commission has expressed an interest in a centrally located open space.

Ms. Hopper asked if the Commission would have any discretion at the site plan review level.

Mr. Davis responded that the Commission will require that the plan meets the terms of the special use permit, specifying tot lots. "Without a minimum size, [the Commission] will have some discretion to require it to meet a size necessary to fulfill the function of a tot lot…if you want to impose a minimum area size, that certainly could be a condition of the special use permit."

Mr. Benish commented that there is some gray area as to what size open space is adequate.

Ms. Sprinkle commented that staff did recommend against the applicant's request to waive the required 100-foot outdoor area for each mobile home site. "Each home will have an outdoor living space, a well as whatever your require for the open area."

Ms. Hopper asked what the lighting ordinance requirements are.

Ms. Sprinkle responded that the county does not require any lighting, but if the applicant proposes lighting, then it would have to comply with the outdoor lighting standards.

Mr. Rieley asked Mr. Benish about the use of Greenbrier Drive by the Einstein School, and wondered about the vehicle trips per day that the road was designed to carry.

Mr. Benish responded that the road was originally dedicated as a through road connecting to Greenbrier through Whitewood Park.

Mr. Rieley commented that he is struck by the fact that the Homeowner's Association is in the position of maintaining a road for traffic that they don't want, at their cost.

Mr. Davis said that ultimately it is the developer's responsibility until VDOT takes the road into their system.

Mr. Rieley said that the road will get wear and tear from a whole new set of vehicles. He asked if the county could require a sharing of maintenance responsibility until the road is taken over by the state.

Mr. Davis responded that the timing of the road going into the state system is moving forward at such pace that it shouldn't be an issue for very long. He added that he would want to take a look at that issue before giving an opinion. Mr. Davis said that he would want to investigate the status of the road and figure out how to determine shared cost in order to make it "a practical condition."

Mr. Benish suggested that the installation of second entrance take place only at the time the road is accepted into the state system. Commissioners agreed that changing the condition to reflect that timing is a good idea.

Mr. Rieley clarified that the Commission's intent is for the recreation area for older children to be located in the general area of the back tot lot, but not intervene in the buffer area. Mr. Rieley said the Commission should discuss the issue of the size of the central green space. He clarified that the

Commission's earlier action requested that the rear tot lot be converted into a recreation area for older children, and additionally, there should be a central green open space. Mr. Rieley said it would be helpful to get input from staff on an adequate size. He said that approximately 10,000 square feet or 100' by 100' seems to be about the right scale for the development.

Mr. Loewenstein asked how the Commission could address the location of the central open space.

Mr. Rieley replied that area where Lot 29 and Lot 30 are planned seem to be reasonable targets for meaningful central open space. "I think it's important that staff realize that we're talking about a meaningful central space, and not a gratuitous leftover space that can't be used for something else."

Mr. Thomas recalled discussing using Lots 29 and 30 for the central area at the April 4th meeting, as stated that the lots are a good location.

Mr. Rooker commented that the square footage of the area is an easy condition to add to the SP, but the time to address the location of the central area would be at the site plan phase.

Mr. Finley mentioned that there may be a significant walking distance for some residents to access that central area.

Mr. Rooker said that the distance is not far, and there is a requirement for street trees, so the walk area would be nicer than it is now.

Mr. Rooker asked if the Commission wanted to attach a condition that would require some lighting for safety purposes in the park, with staff working out the specifics.

Mr. Benish mentioned that perhaps Planning staff's contact at the police department, who addresses neighborhood lighting safety, could review the plan. He added that there is also a careful balance so that lighting is not excessive. Mr. Benish said that there is also a public lighting project to light Rio Road that will eventually light from the Whitewood Road intersection up to Four Seasons.

Mr. Finley asked if the Commission wanted to place a requirement for lighting as a condition.

Mr. Rooker suggested adding a condition that lighting will be provided as ultimately recommended by staff after researching the safety issues.

Mr. Craddock asked about an entrance through Four Seasons as a viable alternative.

Mr. Benish replied that while there is an emergency access point there, staff did not review that as an option, as the road goes through parking lots and other areas. "It would be difficult for it to be a public sort of access going through a parking area."

Noting the close proximity of the cemetery to the dumpster, Mr. Rieley asked about a condition to put screening between them. Fellow Commissioners agreed.

Ms. Hopper mentioned that the conditions in the letter of action reference two fire hydrants, and there should be three as stated earlier in the meeting.

Ms. Hopper suggested including a requirement for trees along the fence line in the conditions.

Mr. Davis asked if the Commission wanted to require the building of the new fence prior to the removal of the old one.

Commissioners indicated that they did.

Mr. Rieley mentioned the condition requiring that the second entrance not be installed until the road is accepted into the state system.

Mr. Rooker asked if the applicant has any control over that process.

Mr. Davis replied that the county holds the bond for this road, and the engineering staff has requested that the road be taken into the state system. "I don't know…if the bond is sufficient to meet all the punch list items that VDOT might have for the road. If it is, then I think it's just a matter of getting it done…prior to Phase II…I think it's somewhat problematic to require them to share the maintenance, because I think it's going to be difficult to determine the share without some critical examination of what that would be….certainly they can't be required to participate more than what this development is generating for that cost. So I would hesitate to recommend that as a condition."

Mr. Rooker asked who has control over when the road is taken into the public system.

Mr. Davis replied that the engineering department can drive that issue forward, since the county holds a bond to get it into the system. "It's obviously well beyond the date that it's supposed to have been taken into the system."

Mr. Brooks addressed the Commission. He said that the road is in the control of the Kessler Group, which was held up in their plans for the road by the county's deliberations of whether the road should continue through to Whitewood Park. Mr. Brooks added that a year ago, the Kessler Group did some improvements to the road. "The only items that remain to satisfy VDOT's acceptance criteria are a drainage easement which goes through the mobile home park property…and the fencing and a few outbuildings and trees that are within the right of way that need to be cleared. Those items are under the control of this owner, and the Kessler Group has shown a good faith effort to try to get the road accepted. They are sort of held hostage by that drainage easement. It needs to be granted by this owner."

Mr. Rieley asked if the bond held is large enough to cover the required improvements.

Mr. Brooks replied that the physical work can be covered, but when the owner needs to grant an easement, there is no price to put on that.

Mr. Benish mentioned that the condition addressing the timing of the second entrance onto Greenbrier Drive also states that there would be no certificate of occupancy granted until that is done.

Ms. Hopper asked who holds the drainage easement.

Mr. Brooks said there is currently no easement.

Mr. Rooker explained that the owner of the mobile home park has the property where the easement would lie, and he would have to grant the easement in order to get approval for the other units.

Mr. Rieley asked to whom the easement is granted – the county or VDOT.

Mr. Brooks answered that in the past, easements have just been dedicated as permanent drainage easements, in the property owner's purview. Some easements in the right of way that can be maintained by VDOT are dedicated to public use; the county is now considering having easements dedicated to the county.

Mr. Finley asked if the Commission was ready to move forward with their action.

Mr. Rooker reminded the Commission that the item had been previously considered and approved by the Commission with conditions. He stated that this plan helps provide some affordable housing and helps bring the existing site into conformity. Mr. Rooker added that it is important that the ARB will review the plan and approve the site plan. He mentioned that the property is zoned R-10, and under the current zoning, they could have 22 more units than what are being asked for. Mr. Rooker commented that the new plan would bring fire hydrants and a stormwater control facility on site, as well as additional screening. He added that the road will be improved, there will be paved streets, as well as street trees and additional open space. Mr. Rooker concluded that the park may not be exactly what the Townwood residents want, but the area will be greatly improved if the proposal goes forward as planned.

MOTION: Mr. Rooker moved, Ms. Hopper seconded approval of SP 99-74 with conditions as set forth in the April 11, 2000 letter from David Benish to Kurt Gloeckner, modified as follows:

B.

1. Phase 1:

   a.2. Installation of the new water lines for fire safety (including **three** new fire hydrants).

   c. Installation of the tot lot and/or open space play area located in the rear of the site. The applicant may install a flat, grassed area of approximately **10,000 square feet** in an area to be determined with the review of the site plan.

2. Phase 2:

   a. Installation of a second entrance onto Greenbrier Drive that is in accord with the application **plan based on Greenbrier's acceptance into the state system.** A Certificate of Occupancy will not be granted for the 14th unit the second entrance is constructed.

   b. Installation of a screening fence that must be entirely on the Townwood Mobile Home Park property and must span the length of all developed lots adjacent to Greenbrier Drive. **Fence shall be constructed simultaneously or prior to the removal of the existing fence.**

C. No trees are to be removed within the rear fifty-foot buffer. **Preservation of the trees along Greenbrier Drive to the greatest extent possible.**

D. The applicant shall install a street light at the new second entrance onto Greenbrier Drive. **Staff will review the lighting circumstances, and the applicant will provide lighting as requested by staff after that review.**

F. The applicant shall provide screening of the dumpster site from the adjacent cemetery.

G. No waiver for provision of 100 square feet of outdoor living space.

The motion passed unanimously.

The Commission took a brief recess.

Upon reconvening the meeting, Mr. Finley asked the applicants of SP 00-004 and SDP 00-035 if they had any objection to having SDP 99-152 considered prior to their items. There being no objections, the meeting proceeded with consideration of SDP 99-152.

SDP-99-152 Southern Park Preliminary Site Plan - Request for preliminary site plan approval for public recreational park including soccer, baseball, basketball and picnicking on 13.59 acres zoned RA Rural Areas. The property, described as Tax Map 128, Parcels 85G, 86A, & 86B, is located in the Scottsville Magisterial District across Porters Road [Route 627] from Yancey Elementary School. The Comprehensive Plan designates this property as Rural Areas in Rural Area 4.

Mr. Benish presented the staff report, noting that the proposal is for a recreational park to include soccer, tennis, baseball, basketball, and picnicking facilities on 13.59 acres zoned Rural Areas, located in the Esmont area across from Yancey Elementary School. Mr. Benish said that the project is before the Commission because an adjacent property owner has requested its review. Additionally, VDOT is recommending a left turn lane on Route 627 to accommodate the request.

Mr. Benish explained that the project originated from discussions with the Esmont Neighborhood team of the Esmont community to identify recreational facilities as an important improvement to the Esmont area in general. Also, Yancey Elementary School is deficient in recreational facilities, and this site became available to the county; a park was proposed for development. Mr. Benish mentioned that some issues cited by adjacent property owners as concerns are the impact of the development of the site to the area – in particular the trail development and other issues.

Mr. Benish stated that VDOT does recommend establishment of a left turn lane from the south to the north towards Route 6, to establish an entrance into the facility. He added that VDOT's recommendation is based on the notion that providing the left turn lane will provide spacing for left-turn activities into the school, although a left turn into the school is not required with this application. Staff has indicated that VDOT's requirements for a left-turn lane are not met by this proposal; however, if this were a private request – given the character of the road and the traffic volume – staff would not recommend the left turn lane. Mr. Benish emphasized that if the Commission feels that a left-turn lane is warranted, staff will purse funding of such with the Board of Supervisors, including a full left turn lane for both facilities – Yancey Elementary and the Park.

Ms. Hopper asked if each left turn lane would be $30,000 or if that amount would be for both.

Mr. Benish responded that that estimate is for one, as there is only one proposed with this application at this time.

Ms. Hopper asked if the provision of adequate setbacks in the event of left turn lane installation needed to be included as a condition. She added that upon her review of the proposal, she was convinced that a left-turn lane was not necessary.

Mr. Rieley asked how many vehicle trips per day are currently on Route 627.

Mr. Benish replied that there are 400 vehicle trips per day, based on traffic estimates on a segment from Route 6 to the intersection of Route 626. Mr. Benish added that staff's guess is that most of that traffic is oriented to the school, and there is probably much less than 400 vehicle trips per day on the road segment past the school. "The left turning movements from the south into the school would be less than half of that 400 vehicle trips."

Public comment was invited.

Mr. Chip Chandler, an adjacent property owner, addressed the Commission.

Mr. Finley told him that the applicant typically speaks first, then neighbors.

The applicant's representative, Jim Boyd, of Taylor, Boyd & Anderson, addressed the Commission. He stated that he is "pinch hitting" for Bob Anderson, as Mr. Anderson is most familiar with the project. Mr. Boyd mentioned that Mr. Anderson has addressed the left turn issue quite well in the letter included in Commission packets, which has "objective information that we've collected from traffic consultants."

Ms. Waltene Eubanks of Esmont, who served on the Parks & Recreation Commission in 1975, said that they have been working on the plan since that time. Ms. Eubanks commented that neighbors believe that some agreement can be struck, despite concerns about the left turn lane and the nature trail. She suggested putting up a fence between the trail and the neighboring homes.

Ms. Jacqueline Jackson said that her concern is that her property runs very close to the property line of the park, and she worries about her privacy from the park. "The park is right there, and you can look right in my back yard." Ms. Jackson noted that her property is right beside the soccer field and the tennis court.

Mr. Loewenstein asked how far her house is from the park property.

Ms. Jackson estimated that her home is approximately 20 feet from the property line.

Mr. Rooker asked if staff knows what is proposed on the part of the park that adjoins Ms. Jackson's property, and if there is buffer area between them.

Ms. Jackson commented that the nature trail would come up right beside her property edge.

Mr. Benish illustrated this on a map presented.

Mr. Rooker asked about the comment in the staff report that the footpath is approximately 300 feet from the adjacent property.

Fellow Commissioners responded that the reference is to a different property owner.

Ms. Hopper asked if the property next to Ms. Jackson's is cleared.

Ms. Jackson responded that there are trees are at the fence line, but once the site is cleaned up and prepared for a trail, that buffer will be diminished. "I want the community to have the park…it would do the community a world of good. I just have some concern about what kind of privacy I will have from the park."

Mr. Thomas commented that the drawing presented shows trees.

Mr. Benish replied that those trees shown are those proposed to be planted.

Ms. Jackson commented that it has not yet been decided what trees will be planted there.

Mr. Finley asked if those issues could be addressed during the site plan phase.

Mr. Loewenstein suggested adding conditions to the preliminary site plan that address this.

Mr. Rooker suggested adding a condition that "adequate consideration be given for screening of the Jackson property."

Mr. Carlton Buck of Esmont said it would be extremely nice for the community to have the park. He said that as a senior, it would be a good place for him and other seniors to do a little hiking and walking.

Ms. Katie Hobbs addressed the Commission. As a member of the DISC Committee, she said that it is important that Neighborhood Parks, such as this one proposed, have the support of the neighbors. Regarding Ms. Jackson's concerns, Ms. Hobbs said, "Surely we can back up – particularly with the soccer field there – and put some buffer in there, so that we're setting a precedent for the other neighborhood parks we intend to build in this community."

Mr. Chip Chandler, an adjacent property owner, addressed the Commission. He stated that adjacent landowners were not initially included in the planning process, and were not formally notified of the proposal until it was at the site plan review stage. Mr. Chandler emphasized that he feels this is "95% a great project," adding that Yancey School was "shorted tremendously when it was built," as it has no athletic facilities. Mr. Chandler said that the walking trail is "one of the most poorly conceived notions I've ever seen." He said that the trail is very close to Ms. Jackson's home, and the developer is planning to cut every tree down in order to get the trail in, then plant 4-foot cedar trees on 20-foot centers down the entire length of her property. "It is an abomination. A private developer would never get away with being able to do this."

Mr. Chandler said that the trail is in the critical slopes area, although the site plan says there will be no grading. "I don't know how they're going to create a 6-foot wide trail that senior citizens can walk on without grading….it's basically a ravine with 40-year old cutover oak in it that's not very attractive."

Mr. Chandler added that the Virginia Wildlife Federation has been gifted almost 2,000 acres in the Esmont area, and is in the process of creating a significant nature area and nature trail nearby.

He concluded that the sports fields in the Park plan are a great idea, but the walking trail is not.

Ms. Hopper asked if the sediment basin is in the critical slopes area, why it has not come forward as a waiver request.

Mr. Benish said that he is trying to find out why no critical slopes waiver has been needed. "They may have determined that the size [of the sediment basin] is such that it won't encroach into the critical slope areas." He added that he is still looking for supporting documentation.

Mr. Loewenstein said it would still be a good idea to find out to what degree critical slope disturbance is involved.

Mr. Benish responded that the plan has been reviewed by engineering, who raised no issues regarding critical slopes.

Mr. Chandler asked, "If there is not going to be any grading, are we really getting a functional nature trail for seniors, or are we getting something not functional that only becomes a potential for problems." He suggested having the Commission go to the site and stand on Ms. Jackson's property to imagine the view once all the trees are annihilated.

Mr. Finley expressed concern that the trail seems to be in the critical slopes area, given the information presented.

Mr. Benish said that he assumed that the trail would be somewhat primitive, going through a rugged area.

Mr. Rieley noted that if a residence were being built, there would be no restriction if someone wanted to put a driveway across the critical slopes. "There would be a great deal more disturbance than we're talking about for a footpath."

Mr. Benish agreed.

Mr. Loewenstein said that the trail appears from the plan to be running near the bottom of the ravine. He asked about maintenance of the trail, wondering how water would affect the path.

Mr. Benish suggested that the designer answer that question.

Mr. Boyd re-addressed the Commission, noting that this is a preliminary site plan, and the exact location of the walking trail could move. He said he did not think the trees are shown on 20-foot centers, but they could improve the plantings as necessary. Mr. Boyd stated that the footpath is not intended for wheelchairs, and said there is a great deal of path planned around the playing fields. He added that they felt it might be interesting to cross the stream with the trail, and go into different area. Mr. Boyd emphasized that the detention pond is not in the critical slope area, but is in a flatter area; the computer-aided design program may have given the impression of a mislocation.

Mr. Thomas asked about the elevation of the soccer field once the grading is done, in relation to Ms. Jackson's property.

Mr. Boyd replied that there is some elevation change between the two, but he is unsure of the exact difference.

Mr. Rieley said that the difference appears to be about eight feet, with the field being lower than Ms. Jackson's property.

Mr. Boyd added, "We can embellish that screen quite a bit. Between grading and planting, there's a lot to be done to minimize the impact to her yard." He emphasized, "We're not trying to put a road through the critical slope area."

Mr. Rieley said that the grading of the trail itself appears to be about 10%.

Mr. Boyd confirmed this, comparing that grading to that of a parking lot.

Ms. Hopper asked Mr. Boyd about leaving some of the existing trees there, in order to provide adequate screening between Ms. Jackson's house and the fields/trails.

Mr. Boyd responded that there are two very nice trees on the site worth preserving, but he is not sure if there is anything else there of great value. He added that the existing trees are not creating much of a buffer.

Ms. Darlene Gray, whose property adjoins the other side of the nature trail, addressed the Commission. She said that as a single parent, she is concerned that the nature trail will be coming up the side of the hill right by her house. Ms. Gray asked if there would be lighting and fencing in that area.

Mr. Rooker asked Ms. Gray to illustrate on the map presented where her property is. She did so.

Ms. Gray asked how the lighting would be at night, and asked if there could be a fence or something to keep people from wandering onto her property.

Mr. Rooker commented that a fence would have to go along the entire trail to achieve separation from every adjacent property owner. He added that he lives in a neighborhood partially surrounded by the Ivy Creek Natural Area. Mr. Rooker said that it has not been a problem in his neighborhood, and is actually an asset as you can walk from a backyard to the Ivy Creek Natural Area.

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

Mr. Finley asked about imposing conditions to address concerns raised.

Mr. Rooker said that Condition A.1 could be reworded to say "approval of landscape plan to include significant screening of the Jackson property." He asked staff to address Ms. Gray's concerns about her property.

Mr. Benish said that staff did not feel that her home would be adversely impacted, given the topography of the site. He said that the county does control the ability to go back and make revisions if the situation becomes problematic. Mr. Benish said that lighting would not be consistent with the

intent for that area of the park, and would be counter to what the intent is from a safety standpoint. He added that the location of the trail is fairly adequate at this time, but staff will continue to monitor it. Mr. Benish added that it would be helpful for the Commission to specify how they want the landscaping improved, as the plan currently calls for a single row of trees.

Mr. Rooker pointed out that there is a significant difference between the Jackson property and other adjoining properties because she is very close to tennis courts. He suggested that the landscape plan provide for more screening than just a single row of trees 20 feet on center.

Mr. Craddock suggested a double, staggered row.

Mr. Benish said, "I think we understand your intent."

Mr. Rooker added that the other property should be looked at in the final design phase, to see how much privacy the landscape actually provides.

Mr. Benish pointed out that the county owns the property closest to the trail.

Mr. Finley asked if the applicants have spoken with Ms. Gray.

Mr. Benish replied that the Parks & Recreation and Engineering Departments could contact her, if they have not already.

Mr. Rieley observed that the area on Ms. Jackson's side of the property is the most impacted side of the park. "If…everything could shift to the east, it would give us an awful lot of relief for Ms. Jackson…probably the biggest impact is going to be the tennis courts and the basketball courts because they tend to generate some noise." He agreed that there should be a staggered double row of cedars a minimum of ten feet in height, maximum of eight feet on center. Mr. Rieley commented that the trail will provide for a delightful walk, but the least appealing part of it will be walking by the narrow band between the soccer field and Ms. Jackson's back yard. "I wonder if that whole piece couldn't be pulled out and used for additional screening, and then just make the connection from the parking lot…"

Mr. Loewenstein agreed that that suggestion has some merit. "I think it would be nice if we could pull that part out entirely…that would give room for considerable additional screening from the Jackson property."

Mr. Rieley said he agreed with Mr. Chandler that the plan attempts to put an awful lot of programs on a site of this size. But he did add, "We never have enough land for recreation facilities…I do think this is a well-crafted and well-organized plan."

Mr. Finley asked if the trail redesign should be a condition or consideration.

Mr. Rooker answered that it should be a consideration, as the Commission is not in a position to redesign this "on the spot." He asked fellow Commissioners if they were ready for a motion.

Mr. Rieley suggested that the motion include a condition that the width of the park entrance road, relative to its turning radius, shall meet American Association of State Highway and Transportation Officials' criteria.

Mr. Craddock asked if there would be sufficient signage to show that the site closes after dark.

Mr. Rooker indicated that most parks have a sign and a gate as normal operating procedures.

Mr. Benish said that although most of the parks in the county are gated, although he is not sure this one will be.

MOTION: Mr. Rooker moved, Mr. Craddock seconded approval of SDP 99-152 with conditions modified as follows:

1. Sufficient screening of the site from Ms. Jackson's property shall be provided.

2. The width of the park entrance road, relative to its turning radius, shall meet American Association of State Highway and Transportation Officials' criteria.

3. Provision of adequate setbacks to allow the left-hand turn lane.

The motion passed unanimously.

SP-00-004 Forest Lakes Veterinary Clinic (Sign #50) – Request for special use permit to allow a veterinary center in accordance with Section 24.2.2.4 of the Zoning Ordinance which allows for veterinary office and hospitals. The property, described as Tax Map 32 Parcel 37A, is .962 of an acres, and is located in the Rivanna Magisterial District on Seminole Trail [Route 29] near the intersection of Airport Road and Rt. 29 - across from the Forest Lakes community. The property is zoned Highway Commercial-HC. The Comprehensive Plan designates this property as Regional Service in the Hollymead Community.

Mr. Wade presented the staff report, noting that the proposed site is located across the street from the Forest Lakes Shopping Center. He said that he proposed clinic will be 2,060 square feet, and will not – in staff's opinion – be detrimental to adjacent properties, and the character of the community will not be changed in any way. Mr. Wade stated that staff recommends approval with conditions noted in the site plan.

Public comment was invited.

Drs. Ed and Catherine Duval, future owners of the practice, thanked members of the Commission for their consideration. Dr. Ed Duval said that they feel that the location will be able to provide valuable service to the community and its residents, given the growth in this area. Dr. Duval added that they have taken into consideration all stipulations of the county code in their business plan.

Mr. Finley asked if the clinic would serve small animals only, or also farm animals.

Dr. Duval replied that the clinic will serve small animals only.

Mr. Thomas asked about the decibel level limit in the clinic, and asked Dr. Duval if he has taken measures to safeguard the noise level.

Dr. Duval said that because of a requirement by the shopping center owner, they have already taken noise into consideration by providing additional insulation in the walls.

Mr. Loewenstein asked if Dr. Duval was aware of the future road plans for that area.

Dr. Duval responded that they are aware of the road plans, adding that they will probably not be relying on a lot of drive-by business at that time, as their client base will already know where they are.

Mr. Finley asked if there would be animals kept overnight.

Dr. Duval replied that there would be animals kept overnight in medical situations that warrant this; however, there would be no boarding, and no grooming on the site.

Mr. Bill Howard of Real Estate III commercial properties, representing the owners of the shopping center where this clinic will be, addressed the Commission. Mr. Howard explained that the owners of the shopping center went out to several other shopping centers that housed veterinary clinics, and checked with neighbors of other clinics to see how it was working. He noted that none of those neighbors had encountered any problems with a vet locating among them, adding that none of the signed lessees in the 29 North shopping center have objected to the veterinary clinic being there.

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

MOTION: Mr. Rooker moved, Mr. Loewenstein seconded approval of SP 00-004 with the five conditions as presented by staff. The motion passed unanimously.

Regular Items:

SDP 00-035 Bernhardt Site Plan Waiver Request – Request for a site plan waiver to allow a third dwelling (approximately 900 sq. ft.) on Tax Map 60E3-Parcel 1A which is 6.437 acres. Property is located at the end of a 50' access easement off of State Route 601 (Old Garth Road) in the Farmington Subdivision and is zoned RA (Rural Area) and Flood Hazard Overlay District. This site is located in the Samuel Miller Magisterial District and is recommended for Rural Area uses in Rural Area 3.

Ms. Amarante presented the staff report, noting that the correct item number for this is SDP 00-035, and the staff report was mistaken. Ms. Amarante amended the staff report to include the line "the parcel has one development right remaining," and removing the Condition that a well be approved by the Health Department, as the site has county water.

Ms. Amarante explained that this proposal will add a third dwelling unit on an existing lot, which is now six acres. She noted that the reason for Planning Commission review of the SDP is for: the site plan waiver, modification of the building site requirements, and use of the private road. Ms. Amarante stated that staff recommends approval of all three items with conditions as stated, adding that the applicant has been very diligent in responding to staff's concerns.

Mr. Finley asked if the addition of the third structure on this lot requires a waiver.

Ms. Amarante explained that the addition of a third structure requires a site plan, and the applicant is instead asking for a site plan waiver. She said that a building site is required to contain 30,000 square feet and be described by a rectangle with a ratio of 5 to 1 or less; she added that this additional unit

would make that shape more of an "L" instead of a rectangle. Ms. Amarante noted that that is the exception the applicant is asking for.

Mr. Rieley asked if there would typically be a restriction on the number of bedrooms for this one remaining development right.

Ms. Amarante replied that there would not be a restriction, adding that the applicant has offered to limit the size of the additional dwelling by putting a deed restriction on the property.

Mr. Finley asked if there are other applications Ms. Amarante is aware of where the modification for the rectangle scenario has been granted.

Ms. Amarante replied that staff recommended denial of one last fall, but the applicant reconfigured the site and it never made it to the Commission. She added that she asked Ron Keeler, and he could not recall a time when this modification was granted.

Mr. Benish said he does not recall any waivers that the county has had to address with this situation.

Mr. Rooker asked if adding this unit "uses up" a development right.

Ms. Amarante confirmed that this home will take up that development right. She added that Section 4.2 has been modified before for existing properties, where all the elements were already in place; in this situation, the element is a new one.

Mr. Finley asked why all the elements have to be in the rectangle.

Ms. Amarante responded that the idea is to present a minimum standard, where all the elements are fit into a nice, compact lot.

Mr. Benish said that it prevents a situation where there is circumventing of a building path.

Mr. Thomas commented that the northern strip of this site going up by Ivy Creek and Old Garth Road is useless, and this location is a good level spot for the home.

Ms. Amarante agreed. "I think it's probably the only remaining level spot on this parcel."

Mr. Davis added that there were some problems with a restricted covenant recorded, but he has worked with Mr. Bernhardt to make sure that there will be an appropriate one recorded, if that is the desire of the Commission.

Public comment was invited.

The applicant, Mr. Peter Bernhardt, addressed the Commission. He thanked the Commission and the county for their consideration of his proposal.

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

Mr. Rieley commented that this is an extremely clear case of a warranted building site modification and site plan waiver as well. He stated that in this case, the "L" shape configuration for inclusion of

the septic field is better than a rectangle because it has two discreet areas surrounded by space that is not part of the drain field. Mr. Rieley noted that the Bernhardt's strong desire to have this work has led them to offer more than is necessary of their property.

Mr. Rieley stated that limiting the size of the house to one bedroom is not necessary, nor is it in the long-term best interest of the county or serves the public interest. He said that the setback restrictions and control on the number of bedrooms relative to the septic field is "perfectly adequate protection for the public."

Mr. Thomas agreed.

Mr. Loewenstein agreed.

Mr. Rooker said that waivers of this nature are very fact-specific, and are by no means a general statement, but are a particular statement on this application.

MOTION: Mr. Loewenstein moved, Mr. Rooker seconded and approval SDP 00-035 with conditions as follows, and the remaining conditions eliminated:

1. Health Department approval of primary and reserve septic drainfields as shown on the drawing submitted with the request.

2. Virginia Department of Transportation approval of the existing private road entrance.

The motion passed unanimously.

Work Session:

CPA –00 -03 Public Facilities - Proposal to consider amending Comprehensive Plan to allow for the possible location of certain lager scale public facilities in the designated Rural Areas.

Mr. Benish apologized for the Commissioners not receiving complete information on the item prior to this meeting.

Mr. Benish summarized that the Board of Supervisors adopted a Resolution of Intent to consider amendment to the Comprehensive Plan to allow for the possible location of certain larger public facilities within the designated development area. He said that the resolution was passed, based primarily on the amount of land that some of these projects consume in the development areas that could be used to address residential and commercial demands, and also with the concern of the county's ability to find sites in a timely and affordable manner to the expectations of public expenditure. Mr. Benish stated that it was the Board's intent to address this CPA in the context of areas adjacent to the growth/development areas, not in the Rural Areas.

Mr. Benish noted that staff has provided information about the value of properties used for public services, and the holding capacities of those uses. He mentioned that there are several policies that need to be considered with this review – including the jurisdictional area policies in place in providing services to the Rural Areas. Mr. Benish read from his staff report the principles that staff recommends should be followed if the CPA is to move forward:

1. The facilities should not be located in resource areas identified in the county's Open Space Plan.

2. The provision should be limited to the siting of larger land-consuming facilities, defined as 15 acres, and should include uses which may require rural locations to provide adequate service coverage for public health and safety services.

3. The facilities should be located adjacent to existing development areas and limited to those areas identified as possible expansion areas in the work in the 1996 Land Use Plan.

4. For schools, the exceptions should be accompanied by a jurisdictional area amendment, and

5. should not be incorporated in a development area expansion.

Mr. Cilimberg emphasized that those principles should be met in providing for such a facility, and mentioned that in the DISC report, some recommendations are made for smaller schools in the neighborhood areas. He said that if that were ultimately adopted as a policy of the county, than this amendment would not have any impact on that, because it is intended to address larger facilities.

Mr. Cilimberg introduced Tom Foley, Deputy County Executive. He also introduced Bill Moyer of County Engineering, who has experience in siting of public facilities. Mr. Cilimberg emphasized that this CPA is considered an exception from standard land use policy, and is not intended to be the rule. "It is based on some very extenuating circumstances we may face."

Mr. Loewenstein said that this concerns him a little bit, as a Resolution of Intent is addressing the generic, not the specific. "In general…I would think that even a site of some size [should] be incorporated into a development area rather than outside it, particularly if it's a school that's going to be serving both existing as well as future needs."

Mr. Rooker stated that the principles included in the staff report, and explained by Mr. Benish, should be included in the Resolution.

Mr. Cilimberg emphasized that the Resolution has already been passed, and "that's not what goes into the Comprehensive Plan." He added that the actions of the Board and the Commission in the context of these principles will be what holds.

Mr. Loewenstein noted that he is concerned about making a recommendation given the anticipated report of the Rural Areas study and the newly released DISC reports. "I'm concerned that we're opening ourselves up to situations where if we say that we can approve this things that are in close proximity to areas which may be subject to future development area expansion – meaning that they are currently designated as Rural Areas – sort of implies that if we agree to this, we're setting a possible template for the way those areas are going to develop, based entirely on the existence of things like a school….that has the potential for creating problems, if it's not handled very sensitively."

Mr. Thomas said that this decision is just giving the Board a chance to review what is before them.

Mr. Rooker emphasized that the Commission is being asked to recommend a public hearing, and have staff move forward with recommended language in keeping with the resolution.

Mr. Cilimberg said that in directing staff to draft the language, the Commission can be very specific, and cover concerns that the Commission may have.

Mr. Finley said that the resolution seems to indicate that the facilities such as schools will be located in the Rural Area.

Mr. Rooker said, "This is not site specific. We can request in the language that you ultimately come up with that you incorporate these principles you set out." He added that the Commission needs to decide if there are other principles that need to be included.

Mr. Loewenstein asked if there will be significant changes in the thinking about the possible designation of some areas in the 1996 Land Use Plan once DISC and Rural Areas study findings are absorbed. "To what degree do we want to tie it closely to [the 1996 Plan]."

Mr. Cilimberg responded, "You may not want to. And maybe with the combination of avoiding the resource protection areas, and that it's for certain size facilities, you don't need to include that part of the statement. You may just want to say that it is contiguous to existing development areas. And when you combine that with not in areas that have been identified in the Open Space Plan as resource areas, you will hit upon most of the possible areas."

Mr. Cilimberg mentioned that after DISC and Rural Areas studies are reviewed, the next task will be to visit Rural Area development area boundaries.

Mr. Finley mentioned that if the areas must be adjacent to designated development areas, that doesn't leave much flexibility.

Mr. Cilimberg replied that it broadens the candidate possibilities, and makes it not as limiting as just the development areas.

Mr. Rooker asked if language drafted by staff for a recommended change will come back before the county for review before a public hearing.

Mr. Cilimberg said that it would, adding that the language would come back on May 16th, at which time the Commission could set a public hearing for June 5th.

Mr. Finley asked about locating the facilities further away from the development area boundaries.

Mr. Cilimberg mentioned that school sites are going to need water and sewer, and transportation. "You don't really want to be out ten miles from the development area when you need water and sewer and improved transportation."

Mr. Loewenstein said there may also be cases where a site adjacent to an existing development area may not be ideal for a school.

Mr. Rieley said there seems to be a philosophical inconsistency in saying that the justification for looking beyond the development areas is that there are other uses more appropriate within the development areas, but that we want to be adjacent to development areas, which are more likely to be expanded. "I would like to see us look at areas…in which we are in fact targeting to be expansions of the development areas, and think about public facilities – and the things that go along with them –

relative to the kind of development that that should bring with it. And think about all of them from a comprehensive perspective."

Mr. Cilimberg commented that that gets back to the 1996 analysis, which provided good information for guiding this.

Mr. Loewenstein mentioned that he is not objecting to the content of that study, but wants to be sure that the county is not tied only to the thinking that produced that. "There has been so much work done since that time, that I hope the decisions we end up making…will somehow relate that new thinking into the decision process."

Mr. Davis pointed out that this is not a signal that all public facilities will be located on the edge of growth areas. "There's a clear anticipation that most schools will be built growth areas, within future developments… it's just recognizing that in some circumstances, the county may need to pursue locations which are on the boundaries of growth areas."

Mr. Cilimberg said that the intent is that all public facilities be in development areas, and that the county work with the private sector to provide for those facilities; there also needs to be an exception clause put in.

Mr. Finley asked Mr. Davis if what he stated was the intent of the Board.

Mr. Davis replied that the intent of the Board was to look at this as allowing for the exception when a needed facility could not be located in a growth area at a reasonable cost.

Mr. Finley asked if the resolution intended that the facilities be located only adjacent to designated growth areas.

Mr. Davis said that it was clearly the intent of the Board that the county only consider areas adjacent to development areas.

Mr. Rooker asked to what extent parks are required to be located in designated growth areas.

Mr. Benish said that one of the principles allows for exceptions in Rural Areas, such as facilities such as Walnut Creek Park, that are difficult to locate in development areas, especially those that require a rural setting.

Mr. Cilimberg mentioned the previous agenda item for the park near Yancey Elementary, noting that that plan was found to be in compliance because it provided facilities that had not been provided at the school.

Mr. Rooker asked if there was any restriction on the county building a facility such as a ball park out in the county. "If we're so restricted, I think perhaps we should have some distinction between kinds of public facilities we're talking about....I don't know what you'd want to impose an adjacency to a growth area requirement on parks."

Ms. Hopper noted that the exception on page 11 of the staff report seems to allow that not to happen.

Mr. Loewenstein asked if this would include public library facilities.

Mr. Cilimberg replied that they are not large enough to fall under this provision. Mr. Cilimberg said that their acreage is not such that they would need that kind of land area; fire and rescue facilities are the same.

Mr. Davis recommended that the Commission make a motion to prepare language for the Comprehensive Plan for future review, and direct staff to advertise that language subject to Commission approval for a June 5th public hearing.

MOTION: Mr. Rooker moved, Mr. Loewenstein seconded a motion requesting that staff draft proposed language for the amendment to the Comprehensive Plan that is in keeping with this resolution, and also the planned principles set forth in the staff report, and set a public hearing on the CPA for June 5, 2000. The language will be amended to eliminate reference to the Land Use Plan (Item #3), so that it states "…should be located adjacent to existing development areas."

Mr. Finley asked Mr. Davis if the provision pertained just to those facilities adjacent to a growth area, noting sites such as Meriwether Lewis and Stony Point.

Mr. Davis clarified, "This is only expanding what is currently available under the Comprehensive Plan…"

Mr. Cilimberg mentioned that when Meriwether Lewis and Stony Point were built, they were in the growth areas; when Crozet was replaced, it was found to be in compliance outside of the growth area. "It's never been the case that schools since I've been here from the mid 80's were being built outside of development areas."

Mr. Benish commented that Meriwether Lewis wasn't in the development area, but replaced an old school that had been there since the early 1920's.

Mr. Foley stated that staff's principles are in keeping with what the Board really intended, and the resolution does read to be much broader. "I think that the Board would be very comfortable with the principles staff has put together."

Mr. Finley said that if the growth areas need anything, they seem to get it; whereas the Rural Areas do not.

Mr. Cilimberg mentioned that the schools serve the Rural Areas.

Mr. Bob Wack, a resident of Watts Passage, addressed the Commission. Mr. Wack said that he submitted a petition during the Value America project, which brought to light that among their concerns was a concern that the growth area should be shrunk. He said that there is concern that this resolution is a pick-up on Wendell Wood's proffer of a school site on Watt's Passage. Mr. Wack said that residents of that area perceive this resolution as an approach to allow such a school in that location.

Mr. Rooker emphasized that any specific site would require separate action.

Mr. Davis said that it would require a Comprehensive Plan review by the Commission and the Board for compliance.

Mr. Finley asked if the School Board selected school sites.

Mr. Davis replied that they do, but the Board of Supervisors and Planning Commission have to find that the site is consistent with the Comp. Plan.

The motion previously presented passed unanimously.

Old Business
There was no old business presented.

New Business
Mr. Rieley mentioned that the Chamber of Commerce Agribusiness Council is looking for at least one Commission representative to attend a discussion of Rural Area Comp. Plan updates and other issues. The meeting is Thursday, May 11th from 8:00 a.m. to 9:30 a.m.

There being no further business, the meeting was adjourned at 10:00 p.m.

_____

V. Wayne Cilimberg
Secretary