ALBEMARLE COUNTY PLANNING COMMISSION
June 27, 2000

The Albemarle County Planning Commission held a meeting and public hearing on Tuesday, June 27, 2000 in the County Office Building. Members attending were: Mr. Dennis Rooker, Vice-Chairman. Mr. Rodney Thomas; Mr. William Rieley; Ms. Tracey Hopper. Other officials present were: Mr. Wayne Cilimberg, Director of Planning & Community Development; Mr. Greg Kamptner, Assistant County Attorney; Ms. Elaine Echols, Senior Planner and Ms. Joan McDowell, Senior Planner. Absent: Mr. William Finley, Chairman; Mr. Jared Loewenstein, and Mr. Pete Craddock.

Approval of Minutes- June 6, 2000
The Commission moved, seconded, and unanimously approved the minutes of June 6, 2000, as amended.

Review of Board of Supervisors Meeting
Mr. Cilimberg presented a review of the Board of Supervisors meetings for June 7, June 14 and June 21, 2000.

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

Consent Agenda:

SDP 00-046 DMV (Old Site) Major Amendment Waiver Request - Request for waiver of Zoning Ordinance Sections: 4.12.6.2, which prohibits one way circulation patterns; 4.12.6.5, which prohibits angled parking; and 4.12.6.1, which prohibits one-way ingress and egress.

The Commission moved, seconded, and unanimously approved the Consent Agenda as presented.

SP-00-007 Church of the Cross (Sign # 44) - Request for special use permit to allow a church in accordance with Section 13.2.2.10 of the Zoning Ordinance which allows for a church in a R-1 Residential District. The property, described as Tax Map 46 Parcel 26F, contains 20.36 acres, and is located in the Rivanna Magisterial District on Ashwood Boulevard at the northwest corner of Ashwood and Kendalwood Drive near Forest Lakes South. The property is zoned R-1 Residential. The Comprehensive Plan designates this property as Neighborhood Density in the Hollymead Development Area.

Ms. Echols presented the staff report, explaining that the church is a new Episcopal Church to be located in the Forest Lakes neighborhood on the Farenholt property. She said that the proposal is for a campus-type church, which will begin as a 200-seat chapel and eventually expand to 600 seats. She presented a map illustrating the general location of the property, noting that it is surrounded by the Hollymead/Sutherland School complex. Ms. Echols presented a site plan for the church, also included in Commission packets; she pointed out the locations of the Farneholt home, the proposed parking area, the schools, and the proposed church location.

Ms. Echols stated that the property is designated neighborhood density, and could accommodate 60-120 new dwelling units with a rezoning. She added that staff has reviewed the proposal in relationship to the Neighborhood Model, and has concluded that it is in keeping with the neighborhood model in some ways, but not in others. Ms. Echols emphasized that the church would serve as a "center" of the community, surrounded by the school complex and a recreational club – which is not in keeping with the Neighborhood Model, which suggests more residential use instead. She added that because the Neighborhood Model has not yet been adopted by the Board, it is important to review proposals in the context of the current Comprehensive Plan.

Ms. Echols mentioned that the applicant has reserved almost 5 acres of land that could potentially be developed residentially, which would allow for lots that would back up to the existing lots on Kendalwood Drive. She noted that the applicant has provided traffic estimates for Ashwood Boulevard, with most church traffic occurring on Sunday mornings. Ms. Echols stated that Engineering has asked for some improvements, including a left-hand turn lane from Ashwood Boulevard; she added that there may be some additional intersection recommendations at the site plan phase.

Ms. Echols concluded that staff recommends approval of the special use permit, acknowledging that a large campus-style development may not be appropriate if the Neighborhood Model is adopted. She mentioned the seven conditions as outlined in the staff report, and also mentioned letters of support for the project.

Mr. Rooker commented on the good quality of Ms. Echols presentation.

Mr. Rieley asked how many parking spaces required by ordinance.

Ms. Echols replied that the usual standard used is 1 space for every 4 seats, noting that staff is typically seeing is 1 space for every 2 seats. She explained that not everyone comes together to church services, and when there are several services there is an overflow time.

Mr. Rieley commented that the site plan shows a left-hand turn into a parking lot, and has straight-ahead movement coming to a dead end. He asked if this deadened for future connection.

Ms. Echols answered that it is deadended so as not to preclude future connection. She added that in the future, if a rezoning for residential was submitted, another connection to Kendalwood would be needed. "That issue would be reviewed on a future rezoning."

Mr. Rieley said that the trees along the driveway seems to be an internal issue rather than a public issue, and questioned requiring that as a condition. He stated that the potential for a street with houses does make it a public issue.

Ms. Echols responded that the applicant showed the street trees shown before the potential for drive was discussed.

Mr. Rooker commented that it would also serve a screening function from Ashwood.

Public comment was invited.

Bob Anderson, architect with Hayward, Boyd & Anderson addressed the Commission. Mr. Anderson stated that one of the issues that has come up is the concern that the county had about a church taking up so much empty space. He said that a church is a place of healing, and a common problem with modern man is his disconnection with nature. Mr. Anderson explained that the paths that wind around through the property and the small mediation pods are part of the church, with the entire property acting as a spiritual place. "It's also a place where people can pass through…. and take a shortcut to get across to the school on the other side if they wish to."

Mr. Anderson noted that the applicants have held two meetings with the public in the neighborhood and made adjustments after each meeting. He mentioned that at one time the path was on the east side of the site, and the plan now has this moved over because of the public's desire for more buffer between the path and their homes. Mr. Anderson added that parking has also been moved further away from the existing family residences along Kendalwood.

Mr. Anderson reiterated that the plan for the church is phased, beginning with a smaller church, and the larger church being built in the next 7 to 10 years. He emphasized that the impact to the neighborhood is very minimal, and increases gradually over time.

Mr. Thomas asked what was adjacent to the open area on the west side.

Mr. Anderson responded that the clubhouse is adjacent, with the playing fields located in the top corner. He added that the entire area would provide a park atmosphere and buildings that would be open to the public

Ms. Hopper asked why the pedestrian paths were not connecting to the Kendalwood cul-de-sac.

Mr. Anderson answered that the people along Kendalwood requested that they not be connected to Kendalwood. "We were really trying to be cooperative with the people who lived next door."

Mr. Anderson asked those in the audience to stand up if they were in support of the church. They did so.

Rooker invited further public comment.

Ms. Sue Freeman, a homeowner in Brandermill Place, addressed the Commission, speaking on behalf of residential development of this property. She said that Forest Lakes was developed with the concept of residential development, and wants to encourage residential growth in keeping with the intent of the development. "I really feel like the appropriate use of this property would be for additional residential growth, and I would encourage you to consider that."

Ms. Karen Corrales addressed the Commission in support of the development of church. She said that the church in that location would offer an extended back yard for nearby residents,

especially children.

Mr. John Marston, a lifelong resident of Albemarle County, addressed the Commission. He said that this proposal is a good opportunity for a well-rounded neighborhood that will bring the community together.

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

Thomas asked about the location of the property within Forest Lakes.

Ms. Echols explained that while the property is located within the Forest Lakes Community, it is not zoned for Forest Lakes, is not zoned PUD, and has not been proposed for development in the past. She emphasized that it does not carry the designation of Forest Lakes.

Mr. Rieley said that he finds the proximity of the church and its green space to nearby neighborhoods and schools ideal, as it would compliment existing development. He suggested adding an eighth condition that states "impervious parking spaces shall not exceed 1 space for every 2 seats in the church at any time."

Mr. Rooker commented that that would permit parking on grass if there were an overflow.

Ms. Hopper stated that the additional condition seems reasonable.

MOTION: Mr. Thomas moved, Ms. Hopper seconded approval of SP-00-007 with staff conditions and an additional condition stating:

8. Impervious parking space shall not exceed 1 space for every 2 seats in the church.

The motion passed unanimously.

CPA-98-03 Post Office Land Trust/Theater – Amend the Comprehensive Plan land use designation for approximately 175 acres within the Community of Hollymead (an existing development area), from Industrial Service, Regional Service, and Office Service to a "Town Center" designation. This area is located on the west side of Rt. 29N (Seminole Trail) and south of Rt. 649 (Airport Road).

Mr. Cilimberg presented the staff report, noting that this proposal would change the land use designation for approximately 180 acres of land from Regional Service, Industrial Service, and Office Service to a new Town Center designation. He presented maps that show the current Land Use Plan, and the proposed Town Center. Mr. Cilimberg reported that the purpose of the Town Center concept is to provide for a pattern of development which is consistent with the principles of DISC, and to provide a central place for the Hollymead Community. He mentioned that the Town Center concept generally encourages a higher density, more urban scale design and development pattern as opposed to a low-density suburban sprawl development.

Mr. Cilimberg stated that staff recommends that "Attachment A" be incorporated into the Hollymead Community profile to be presented for approval at a subsequent meeting. He referenced correspondence sent to the Commission from Clifton McClure (on behalf of Wendell Wood, a property owner in the area), and from John Oliver (a Forest Lakes resident). Mr. Cilimberg indicated there was an issue raised by Mr. McClure regarding "vested rights," and the Zoning Administrator determined that there is nothing in the Comprehensive Plan Amendment that affects vested rights. He mentioned that that finding has been shared with Mr. Wood.

Mr. Rieley asked about the mix of Regional Service versus Community Service versus Industrial Service in the existing area. He asked if staff has a specific mix in mind.

Mr. Cilimberg replied that staff tried to specify floor area ratio under the Land Use & Density. He noted that staff found that uses of more than 65,000 square feet – which would be Regional Service scale uses – are generally not appropriate; however, compatible uses that are larger than 65,000 square feet should be multi-story and otherwise meet the recommended development criteria. "We didn't break down how much residential there should be, how much office, how much various scales of commercial…I think we wanted to leave as much flexibility as possible [with] the idea that [the plan] was particularly about design and building type and the form."

Ms. Hopper commented that one way to better define that is to restate the 12 principles of DISC in the CPA somehow, especially the definition of the Neighborhood Center.

Mr. Cilimberg responded that DISC was referenced in several places in the CPA.

Mr. Rieley mentioned that the term Town Center has been used for the last six months, but the attachments refer to Neighborhood Centers.

Mr. Cilimberg said that Town Center was used because of the regional components of the plan, and DISC referred to Neighborhood level services. "The Town Center concept I guess is a step up from that in terms of the potential of the services that would be provided…this is in an area where we don't have immediately surrounding at least a large neighborhood – it's across 29." Mr. Cilimberg added that as DISC is implemented, there will be centers designed within large residential areas, rather than independently.

Mr. Thomas wondered if the term "compatible" Regional Service may be too restrictive.

Mr. Cilimberg replied that in a Town Center concept, a Regional Service use might include a department store rather than a car dealership.

Ms. Hopper commented that the term compatible using the DISC model seems to eliminate big-box type department stores.

Mr. Cilimberg responded that the traditional one-floor, large parking area model is being avoided.

Mr. Rooker pointed out a statement in the proposed Town Center language that references "large land-consuming uses" as being inappropriate.

Mr. Rieley asked if it was wise to cap the FAR if a great proposal is presented.

Mr. Cilimberg answered that the statement is trying to give a lower end to the FAR, where it might start.

Mr. Rieley suggested putting wording in that states "at least .5".

Mr. Thomas asked about the 100-foot buffer between the highway and the front of the stores. "I feel like 100 is maybe too much."

Public comment was invited.

The applicant, Katorah Rowell, addressed the Commission.

Mr. Rowell reiterated his plans for the area, which will include retail, hotel, office, and entertainment uses. "It covers a wide variety of uses, and it's only the entrance or approach to this neighborhood center." He mentioned that he would like to include a minimal amount of parking, which will be cooperative parking, adding that the emphasis is on pedestrian-friendly development, with sidewalks, street trees, etc. Mr. Rowell said that the 100-foot buffer is "a good range," which varies from 120 feet to 65 feet as it crosses the frontage, allowing for VDOT's expanded right-of-way on Route 29. He acknowledged that there will be some traffic on the through street that might require vehicles to wait at stoplights, which is expected in a downtown-type area.

Mr. Rowell emphasized that his plan promotes internalized growth & development, rather than strip development. "I hope that this effort is in line with the DISC report, and the neighborhood development concept."

Mr. Rooker asked if Mr. Rowell's map presented shows just the 37 acres intended for development.

Mr. Rowell confirmed that his plan shows 37 of the 180 acres designated, adding that additional acreage would eventually be integrated into the plan.

Mr. Rooker asked if his intent would be to come forward with a joint rezoning request.

Mr. Rowell responded that in cooperation with Mr. Runkle, he would like to see a cohesive plan developed and put forth.

Mr. Thomas asked, "How about with the other property owners?"

Mr. Rowell replied that those individuals may make their parcels available, as developers will be interested in them.

Ms. Hopper asked, "Have you consulted with Mr. Wood about this property?"

Mr. Rowell answered, "We've had some conversations about it. I know he's certainly in favor of his Regional Service property, and doesn't want to be disturbed as to what he has spent years and years working on – his mobile home park, his entrances on 29, and his Regional Services." Mr. Rowell added, "There are very, very few areas in this county where a Home Depot or a Target…[can go]….I think the Commission and the Board should have very serious considerations as to where they can provide those uses for the community."

Mr. Rooker asked if there have been discussions with landowners other than the Kessler Group about an integrated plan for the property.

Mr. Rowell replied that there have not been any direct discussions with other owners regarding the big picture. He added, "Most of the uses that are intended there are anxiously awaiting their opportunity to proceed with their projects forthwith."

Mr. Rieley noted that he is concerned that a decision on the CPA is not necessarily an endorsement for any specific applicant's proposal.

Mr. Cilimberg responded, "What you are looking at would certainly have an affect on those landowners that have more specific ideas….but it's not a review of specific proposals that they might have. That would come at the rezoning stage, and ideally it would come as the Comp. Plan Amendment suggests, through a consolidated plan where a combination of landowners could get together and present something. We can't force that, obviously…an application would be reviewed under the parameters that are being established here."

Mr. Rieley emphasized that the Commission's discussion will not be an endorsement of a specific proposal, but will be geared more toward the general principles of the Comprehensive Plan Amendment language.

Mr. Cilimberg noted that there is an area that has been identified beyond this applicant's particular area of interest, which covers parcels of land and several owners. "If for any reason, there are any pieces that you don't want include as part of the amendment, we need to know that…they would basically stay with their existing land use designation."

Mr. Thomas asked what would happen to the areas now zoned Regional Service.

Mr. Cilimberg responded that predominantly, a large part of the land is zoned Rural Area, and is currently designated in the Plan for different types of use that would come in through zoning. A zoning application in the future would be reviewed under the principles in the CPA. "It would not affect the ability of any property that's currently there to develop according to the zoning it has…the Comprehensive Plan can't change that."

Ms. Hopper asked how much of the land is currently zoned rural.

Mr. Cilimberg answered that he is not certain of exact acreage, noting that the area closer to the Airport Road/29 intersection is zoned Commercial. He mentioned that the original applicant was looking to change lower scale commercial zoning to higher scale commercial zoning.

Mr. Rooker asked if there was any public comment.

Ms. Florence Toms, a resident of the Deerwood area, addressed the Commission. She emphasized that the neighborhood is currently very family-oriented. She expressed concern that the town center will generate more traffic in the area, and more noise. Ms. Toms mentioned that the post office trucks now generate a lot of noise. Ms. Toms stated that a lot of Deerwood residents feel this way.

Mr. Eugene Rader, a 27-year Deerwood resident whose property backs up to this center, addressed the Commission. He stated that he agrees with the Town Center designation if a buffer of at least 100 feet is kept at the back of the property to protect the stream. Mr. Rader said he prefers Light Industry and family dwellings to heavier commercial uses.

Mr. Bruce Applegard, Transportation and Land Use Planner for the Southern Environmental Law Center, addressed the Commission. He stated that the SELC supports developers who want to work together to design their properties so that they become more livable environments. He added that they approve of the initiative to incorporate the DISC principles into the Comprehensive Plan. Mr. Applegard questioned whether this was the best location for a town center for the Hollymead area, noting that the location is isolated from the community it is meant to serve by a high-speed highway, especially with the expansion of Route 29, which will prevent pedestrian access.

Mr. Applegard noted that the designation of this site as the town center may preclude the development of a more appropriate center on the eastern side of Rt. 29, more accessible to the community it will serve. He suggested that the county undertake a master plan process for the entire growth area that identifies appropriate sites for a town center. Mr. Applegard that the proposed development is likely to be a "scattershot, auto-oriented development," adding that a 16-screen theater is out of scale with the needs of the community, given that there are currently only 18 screens in the Charlottesville/Albemarle area.

Mr. Applegard emphasized that the SELC does feel that developing the 175 acres under the guiding principles of DISC has some merit. He provides some suggested changes to make the plan more consistent with DISC principles:

1. Change designation of these 175 acres from town center to neighborhood center so that this site is not seen as the sole center of the community;
2. Allow higher FARs than 1. This amendment specifies a FAR range of .5 to 1. Increasing this cap will permit development more in line with the DISC model.
3. Strengthen requirements for mixed-use development to insure that residential units are included in the development of this site.
4. Strengthen pedestrian and bicycle requirements. The current amendment does not adequately address the need for better pedestrian access across Rt. 29. Require the developers to work

with VDOT to ensure that an effective link is constructed from this site to the Hollymead/Forest communities.

Mr. Jeff Werner of the Piedmont Environmental Council addressed the Commission (see handout for comments).

Mr. Tom Loche addressed the Commission. He stated that the DISC process maximizes community input, and a public process is needed to work with the development community to establish a plan for this area.

Mr. Wendell Wood addressed the Commission, requesting that the Commission read the minutes of Sept/Oct 1992 minutes, which included a Comprehensive Plan Amendment that designated these areas. He noted that this land was chosen to be Regional Service, because of the highway system, and potential for water/sewer. "If you read those minutes, you'll see very clearly that we proffered entrances [on 29]." He added that it is in the minutes that a master plan had to be submitted for the area, and the county conditioned that there had to be 100 mobile homes built before the applicant could apply, there had to be 3 entrances on 29 before the applicant could apply [for Regional Service].

Mr. Wood emphasized that there are 13 parcels involved in the entire area, and 11 have never been included in any discussions. He added that this is not a good location for a Town Center for a community when the community you are trying to get to go there is located on the other side of the highway. "People are not going to walk from Hollymead across a bridge or through a tunnel to that. It's just not logical, it's not going to happen….You need a large piece of property under common ownership. You're penalizing [with] a 100-foot buffer along 29, when there are property owners there whose property is only 300 feet deep. Mr. Wood emphasized that it is "unreasonable to expect this many diverse property owners to get together when you have such a diverse plan to try to do a Town Center…it's no equitable way that you can ask someone to give up 30% of their property for the benefit of someone behind them."

Mr. Wood concluded, "A Town Center is a great idea, but this is not the location for it."

Mr. Rooker clarified that this is a Comprehensive Plan Amendment, and any change in rezoning would have to go through the rezoning process

Ms. Hopper emphasized that this is not about the approval of a multiplex theatre, it's about the principles in the Comprehensive Plan.

Mr. Steve Runkle stated that the Kessler will soon own land in the area comprising about 30 acres. He said that as a member of DISC, he sees a lot of misunderstanding about the conclusions of DISC and how they relate to a DISC neighborhood center. "This is not a DISC neighborhood center…there would be multiple neighborhood centers within that Hollymead growth area." He added that the characteristics of this area call for more than what is typically part of the DISC neighborhood center, particularly the land between the frontage road and Route 29. Mr. Runkle said that the land his group is buying will be slated for dense residential

development. "I don't think we've envisioned anything having a 180 [acre] center." He emphasized that the characteristic of the center involves more of a core area than what DISC has envisioned as a neighborhood center. He also offered to sit down with anyone who wants to make a multi-party proposal.

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

Mr. Rieley mentioned the advantages of having broader public consideration of the area, and wondered what capacity the county has to incorporate a public process into the design of this area. "Do we have a mechanism to engage public process?"

Mr. Cilimberg replied that the DISC recommendations include a recommendation that the county initiate a public process in each of the development areas. "We anticipate that this is going to mean staff involvement, and probably the assistance of a consultant, and a lot of pretty diligent work with those communities." He noted that the city's plan involving10 square miles for neighborhood plans has been very intense. "We do not have the staff to do this master plan in every community in the urban neighborhood, and there's not enough money for enough consultants to do it all in the next year or two years." Mr. Cilimberg continued that there is a decision that needs to be made by the Board on how much it wants to undertake in terms of staffing and consultants.

Mr. Cilimberg noted that Planning does not have the staff to deal with master planning of the entire 175 acres. "We've done as much as we can do in trying to bridge a time that started 2 years ago when all of this was being brought to you, and where we are now with DISC being a very immediate and real scenario for all the development areas." Mr. Cilimberg emphasized that the clock does not stop for developers, even though it is most desirable to have a larger plan. He noted that the current Comprehensive Plan and zoning requirements do not reflect well what is recommended by DISC. "We've got people who are going to want to develop land, and they may not be willing to wait a year or two years or three years for that to happen."

Mr. Rieley said he is happy to pursue this as a hybrid in which we are trying to bring principles to bear without the framework in place. He added that it would be good to figure out a way to focus public attention on this specific site that is fair and possible within the limits of staff manpower.

Mr. Rooker noted that this particular proposal started 2 years ago, long before DISC was out of committee. "We early on, in our conversations and in our worksessions, tried to work in a number of principles that we thought might come out of DISC." Mr. Rooker emphasized that there are a variety of landowners, and in order to make any plan work, there needs to be participation of those landowners.

The Commission and staff discussed the 100-foot buffer, and what the buildings would look like from the highway and any internal roads.

Mr. Rieley expressed his support for the 100-foot buffer.

Mr. Cilimberg mentioned that the county has fairly restrictive sign requirements, noting that many signs on Route 29 would not be allowed under present regulations.

Mr. Rooker pointed out that Route 29 is an Entrance Corridor, and any development will be subject to ARB review.

Commissioners agreed that there needs to be an additional worksession when most Commissioners are present. They agreed that there has not been significant public input until tonight, and an additional worksession would be helpful in incorporating public input. Any action can then take place after the worksession.

Ms. Hopper mentioned there may be something else needed in addition to the specification of buffer width to further the goal of limited visibility from Route 29.

Mr. Thomas commented that the elevation is as much of a factor as the buffer width, noting that a 65,000 square foot building on a hill will be visible from 29.

Mr. Rooker said, "I don't think it would be possible to develop that site and hide the buildings from Route 29…the idea is to ultimately end up with something that has an internal focus, that doesn't announce itself as a billboard-type presentation for the community."

Noting Mr. Runkle's comments, Ms. Hopper said that the name Town Center, or Neighborhood Center, needs to be revisited.

Mr. Rieley said it may be helpful to disassociate the DISC language from this.

Ms. Hopper said that the proposed CPA language which states "low FAR uses of more than 65,000 square feet are generally not appropriate" may leave the door too open to larger developments than 65,000 square feet.

Mr. Rooker suggested that it might be best to save language changes for the worksession when all Commissioners are present.

Mr. Rieley commented that Mr. Benish and Mr. Cilimberg did an excellent job on this item.

The Commission agreed to hold a worksession, and take action at a later date.

The Commission took a 10-minute recess.

Mr. Cilimberg introduced Joan McDowell, a new county planner.

ZTA-99-007 Keswick - Proposed ordinance amendment by Keswick Corporation to Section 10.2.2.27 to allow expansions or enlargements of restaurants and inns to a maximum of 75 additional rooms and for uses and amenities incidental and related to the primary use with approval of a special use permit.

Ms. McDowell presented the staff report, noting that this worksession is for the Commission to determine the merits of proposed ordinance ZTA 99-007. The text amendment would expand the special use permit in rural districts to allow for expansions of inns and restaurants. She indicated that in 1989, the Board of Supervisors adopted major changes to Section 10 of the Zoning Ordinance governing Rural Areas Districts in order to bring the ordinance into compliance with the Comprehensive Plan. Among those changes, inns and restaurants were removed from consideration under the section that they had been in under the special use permit process. She noted that inns were added only if they were located within a historic landmark.

Ms. McDowell said that this particular amendment allows an expansion of up to 75 suites or rooms, with a special use permit, if it was a legal use at the time it was constructed. The amendment will also allow uses and amenities incidental and related to the principle use with unlimited expansion. She said that its effects countywide concern staff, noting a list of possible effects should these be approved. Ms. McDowell said that the Comprehensive Plan charges the county with preserving and protect agricultural and forestal resources in the Rural Areas. Other elements of the Plan reinforce this priority.

Ms. McDowell indicated that staff is also concerned that other inns and uses may demand extension of service to the rural area if they are allowed additional rooms and other ancillary uses. She said that staff also looked at Althea Hurt's application, when the Commission deferred their decision indefinitely based on the appropriateness of examining policy implications and directions before making incremental changes to the Zoning Ordinance. She concluded that staff recommends deferral on ZTA 99-007 until the rural plan can be researched and brought to the Commission.

Mr. Kamptner distributed a proposed Resolution of Intent, noting that the Commission will be deciding at some point in the process whether to adopt a Resolution of Intent.

Mr. Thomas asked Ms. McDowell to compare this application to Ms. Hurt's.

Ms. McDowell replied that Ms. Hurt's intent was to add a use within the Historic District that is not currently permitted, and does not support agricultural/forestal uses.

Mr. Rooker recalled that the application was to amend the Zoning Ordinance to permit additional events in the rural area, such as weddings, private parties, and corporate meetings. He explained that Ms. Hurt was seeking the change because it is difficult in the rural areas for owners to maintain property as rural property because of limitations on uses. Mr. Rooker said that the Commission deferred with idea that they were considering a Comprehensive Plan change and zoning text amendment that would deal in a broader scope with additional uses of rural property.

Mr. Cilimberg noted that staff was directed to focus on the uses in a Comprehensive Plan review and get this to Planning Commission. He mentioned that Joan is working with this.

Mr. Rooker asked when that might be completed.

Ms. McDowell said that very little has been done.

Mr. Rooker emphasized that it is an item that the Commission has expressed a desire to see as quickly as possible.

Mr. Cilimberg agreed that this is a very high priority work item. He said that staff recognizes the need for additional options for rural landowners, but that has to be correlated with the Rural Area policy. "The energy that we need to put into doing that might be best served in lieu of moving forward with this zoning text amendment at this point in time."

Commissioners agreed to hear from the applicant.

Mr. Jay Weinberg, representing Orient Express Hotels, addressed the Commission. He introduced other Orient Express officials. Mr. Weinberg reported that Orient Express recently acquired Keswick Hall, and has contracted to purchase Keswick Club. He said that Orient Express wishes to enhance Keswick Hall and Club to better serve Albemarle and the business community. He explained that the ZTA requested provides that in an RA district, restaurants and inns legally used for those purposes at the time constructed, may be, by special use permit be expanded by 75 rooms, and uses and amenities incidental and related thereto.

Mr. Weinberg stated that Keswick Hall was legally constructed and is currently lawfully operated, but a change in the zoning ordinance in 1989 prohibits restaurants and inns in the rural area except for historic landmarks as shown on the Comprehensive Plan, and accordingly prohibits Keswick Hall from seeking a special use permit.

Mr. Weinberg emphasized that the expansion and modernization that would be allowed by the permit are essential to the continued economic viability of the facility. He said that the infrastructure at the Hall is sufficient to serve a larger number, but only has 48 guestrooms at this time, which is not enough to maintain the viability of the Hall. Mr. Weinberg explained the phased expansion of the facility, including the addition of new wing for addition of 28 rooms and relocation of the main dining room to the existing first floor terrace; the existing first-floor dining room will become meeting rooms. An outdoor swimming pool between the hall and the club will be constructed.

Phase 2 would involve complete construction of 47 rooms and garden cottages on the west side of Club Drive. He said that the ZTA approval will merely enable Keswick Hall to request a special use permit and a site plan amendment, both of which must come back to the Planning Commission for definitive review and consideration. He mentioned the possible benefits of Keswick Hall expansion to the county and its citizens:

(1) Establishment of a resort hotel to attract corporate meetings and international visitors;

(2) Creation of 85 job opportunities and $1.2 million in taxes and sales to the county;

(3) Creation of Heritage Tourism;

(4) Compliance with the County's proposed Historic Preservation Plan, which suggests that the Zoning Ordinance should be amended to allow more varied uses to encourage the reuse of

historic structures.

Mr. Weinberg reported that Keswick Hall officials conducted a feasibility study to ensure that sufficient traffic safety, water & sewer, etc. could be met. He stated that the study shows that the additional improvements result in very acceptable traffic conditions and can be achieved; the wells on the property will support the expansion of 75 rooms and related facilities.

Mr. Weinberg emphasized that the right to expand the use and the amenities is sufficiently restricted for the following reasons:
(1) The use must be legal at time of development;
(2) The use must be a legal non-conforming use at the time the amendment is requested; and
(3) The legal use for the property must be a restaurant and an inn and cannot exceed 75 units.

He emphasized that the ZTA permits the applicant to do nothing as a matter of right, and suggested that they would agree to a condition stating that the restaurant and inn must be served by its own private water distribution system and sewer treatment plan before it is eligible for a special use permit.

Mr. Weinberg stated that this Althea Hurt case is different, because she is attempting to create a use that did not exist, instead of just expanding on an existing use.

He asked the Commission not to defer the item, and to adopt the Resolution of Intent

Mr. Thomas asked him to elaborate on the water situation.

Mr. Weinberg responded that they do not plan to ask any county utilities, and is willing to make this a part of this ordinance.

Mr. Kamptner said there is a conflicting policy of the moving away from private sewage treatment facilities into central sewage treatment plants. "That's a matter of policy that will have to be decided."

Mr. Weinberg said, "All I'm saying is we'll never ask for it. But it certainly doesn't deny the county the privilege to have its public system, if and when it ever wanted to."

Mr. Rooker said that it could be a condition as part of a special use permit.

Mr. Cilimberg cautioned that there are other uses that could exercise this special use permit that aren't on their own central systems.

Mr. Thomas asked about the additional lots that are buildable for home sites

Mr. Weinberg confirmed that there are 50 unimproved lots, and 24 other sites which already have homes.

Mr. Cilimberg said that those are part of a special use permit from several years ago, and has no

bearing on this Zoning Text Amendment.

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

Ms. Hopper stated that she is sympathetic to Keswick Hall's plight, given their need to expand to survive. She said that she supports staff's recommendations because of the overall implication to the county.

Mr. Rooker asked if – in addition to this limit of 75 additional rooms – the Commission can impose an acreage limitation. He mentioned that there are only three additional sites that may be impacted by this decision.

Mr. Cilimberg emphasized that there is no official inventory, although Ms. McDowell was able to identify three.

Mr. Rooker said that under this ZTA scenario, the Greenwood Motel could add 75 mobile homes to the 8 it already has if they applied and got a special use permit, even though they only have 2.8 acres.

Mr. Kamptner suggested that another way to prevent situations like the Greenwood would be to put a cap in terms of a percentage of existing rooms.

Mr. Rooker stated that there should be some type of acreage limitation.

Mr. Cilimberg asked what the 155 acres on the Keswick property includes.

Ms. McDowell said that there are other parts to the 155 acres.

Mr. Daniel Mann, managing director of Keswick, addressed the Commission. He stated that the size of the overall property is approximately 700 acres. He said that the 155 does not include the golf course, which is 160 on its own.

Mr. Cilimberg said the acreage would need to be defined if that is going to be a part of the ZTA.

Mr. Rieley stated that he agree that he agrees with staff that an occasional wedding merits scrutiny within the context of RA revisions to the Comprehensive Plan, but the addition of 75 rooms to an existing 48 room hotel has a much greater impact on the community, and should be evaluated within the context of the overall Comprehensive Plan.

Mr. Rooker disagreed in terms of the broad applicability of a potential change. He stated that the Althea Hurt application would expand uses in the RA, which would allow property owners to hold special events for commercial purposes on their property. He said that this amendment is much more limited, and would only impact three known properties, noting that it is also further limited by water/sewer restrictions and possible acreage limitations. "It seems to me to have almost no county-wide impact, whereas the change we'd be looking at with Althea Hurt would have complete county-wide impact."

Mr. Rieley commented, "The total aggregate of which might be less than this single one."

Mr. Rooker noted that the issues of water and sewer, traffic, and incompatibility could be considered at the special use permit application point.

Ms. Hopper said that if there was no need for a ZTA, the special use permit would be easier to look at. She said that the acreage idea is a good one, but has not been thought through properly.

Mr. Rooker stressed that there has been a proposed Resolution of Intent to direct staff to draft language, and the question is whether it should be adopted tonight.

Mr. Rieley stated he is not in favor of adopting a Resolution of Intent at this time.

Ms. Hopper agreed.

Mr. Thomas said that he supports the Resolution of Intent.

Mr. Rooker suggested that staff draft something to be presented to the Commission as a whole, when other Commissioners are in attendance.

Ms. Hopper said that she would rather have staff spend its limited time on the full Comprehensive Plan piece of this, rather than just this ZTA.

Mr. Kamptner suggested deferring decision of the Resolution of Intent until the July 11th Commission meeting.

Commissioners unanimously agreed.

Old Business
There was no old business presented.

New Business
There was no new business presented.

With no further business, the meeting adjourned at 9:00 p.m.

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V. Wayne Cilimberg
Secretary