Albemarle County Planning Commission
June 5, 2001

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, June 5, 2001 at 6:00 p.m. at the County Office Building, 401 McIntire Road, Charlottesville, Virginia. Members attending were: Dennis Rooker, Chairman; William Rieley, Vice-Chairman; Jared Loewenstein, William Finley, Rodney Thomas; and Pete Craddock. Other officials present were: Michael Barnes, David Benish, Greg Kamptner and Wayne Cilimberg.

A quorum was established and the meeting called to order.

Other Matters Not Listed on the Agenda from the Public

Mr. Rooker asked for additional matters from the public, there being none, the meeting proceeded.

Consent Agenda

a. **Approval of Minutes** - April 17, 2001 and April 24, 2001.

Mr. Rooker asked if any commissioner wished to pull an item for discussion.

Mr. Thomas moved for approval of the consent agenda.

Mr. Craddock seconded the motion, which passed unanimously.

SP-2001-008 Elizabeth M. Peyton Bright (Triton PCS-CVR 350E) (Sign #26) - Request for a special use permit to allow the construction of a personal wireless communications facility with a 114.5-foot tall steel monopole (approximately 10 feet above the height of the tallest tree within 25 feet), in accordance with Section 10.2.2.6 of the Zoning Ordinance which allows for microwave and radio-wave transmission and relay towers in the Rural Areas. The property, described as Tax Map 58-Parcel 61A, contains approximately 5.144 acres, and is located in the Samuel Miller Magisterial District on the east side of Tillman Road (Route 676), approximately 1/2 mile north of the intersection with Route 250 West. The property is zoned RA, Rural Areas, and the Comprehensive Plan designates this property as Rural Area 3. (Stephen Waller) ***APPLICANT REQUESTS DEFERRAL TO JUNE 26, 2001.***

Mr. Rooker opened the item for public comment. There being none, the public hearing was closed.

Mr. Rieley moved to accept the applicant's request for deferral to June 26, 2001.

Mr. Loewenstein seconded the motion, which passed unanimously.

a. **ZMA 00-10 Avemore (Sign # 85 and 86)** - Request to rezone 27.46 acres from R-10 Residential to R-15 to allow mixed use of 406 dwelling units, retail uses, and offices. The property, described as Tax Map 78, Parcel 58I and Tax Map 78 B, Parcels 2A, 2B, 4B, 3-1 and 4-1, is located in the Rivanna Magisterial District on Fontana Drive approximately 1/10 mile from the intersection of Route 20 and Fontana Drive. The Comprehensive Plan designates this property as urban density residential, recommended for 6-34 dwelling units per acre in Neighborhood 3 Pantops Development Area. (Michael Barnes) ***DEFERRED FROM THE MAY 8, 2001 PLANNING COMMISSION MEETING.***

AND

b. **SP 00-69 Avemore (Sign #27, 60) -** Request for special use permit to allow professional offices in a residential development in accordance with Section [18.2.2.11] of the Zoning

Ordinance. A concurrent request exists to rezone 27.46 acres from R-10 Residential to R-15 to allow mixed use of 406 dwelling units, retail uses, and offices. (Michael Barnes)
DEFERRED FROM THE MAY 8, 2001 PLANNING COMMISSION MEETING

AND

b. **SP 00-70 Avemore (Sign #87,99) -** Request for special use permit to allow retail stores and shops in a residential development in accordance with Section [18.2.2.12] of the Zoning Ordinance. A concurrent request exists to rezone 27.46 acres from R-10 Residential to R-15 to allow mixed use of 406 dwelling units, retail uses, and offices. (Michael Barnes)
DEFERRED FROM THE MAY 8, 2001 PLANNING COMMISSION MEETING.

Mr. Barnes presented the staff report.

Mr. Rooker asked if the undertaking by the Fontana developer expired at build out.

Mr. Barnes replied that he did not have a good answer for that question. The County does not have assurance that the light will be placed after build out.

Mr. Rooker asked if the requirement of two entrances had to be met by two roads that are in existence.

Mr. Cilimberg replied that generally speaking that has not been the case.

Mr. Rooker asked if you could have a planned connector road that counts as the second road.

Mr. Cilimberg replied yes.

Mr. Rooker asked if this particular road had been shown on plats of Dr. Hurt's property.

Mr. Barnes replied not for Dr. Hurt's property. The only plat it is shown on is the Fontana property. There is no guarantee that the road will be placed as shown.

Mr. Finley asked if the actual road was proffered.

Mr. Barnes said that the connector road was proffered.

Mr. Finley asked if that would be built under this present application.

Mr. Barnes replied that he would build that road during the first phase.

Mr. Finley asked if that was contingent on right-of-way.

Mr. Barnes replied that he would follow up on that question later.

Mr. Rieley asked if this were not rezoning and was a by-right development, would the requirement for two public roads still have to be met.

Mr. Cilimberg said that was correct.

Mr. Rieley asked who would make that determination.

Mr. Cilimberg said it would be made in the subdivision process that the allowance was being made for a second means of access. That determination would be made in the planning department. The struggle we have is those intervening landowners.

Mr. Rooker asked if the ordinance requirement of two entrances does not require two entrances to existing public roads.

Mr. Cilimberg replied that it has not been applied in that way.

Mr. Finley asked if the commission had approved items like this in the past.

Mr. Cilimberg replied that there have been dozens or more.

Mr. Rooker stated that it would be nice to know that there was some undertaking on the part of the landowner to have the road built.

Mr. Cilimberg said that there have been discussions with Dr. Hurt about providing that access.

Mr. Barnes said that Fontana and Dr. Hurt coordinated the approach of Olympia Drive. We have tried to ensure that the connector road gets built.

Mr. Craddock asked if the yellow lines were where roads were anticipated.

Mr. Barnes replied yes.

Mr. Barnes said that if Dr. Hurt wants to have subdivision of his property, he will need to have two connections to public roads as well.

Mr. Finley asked if that basin would take runoff from Dr. Hurt's property.

Mr. Barnes said it would.

Mr. Finley asked if the developer would still build a regional basin if nothing happened with the proposed site.

Mr. Barnes said that if everything falls through on this chain of events the developer could still meet all the detention requirements on site. The pond shown on the upper left-hand corner is what the original plan showed.

Mr.Rooker asked if you could eliminate the Fontana Basin without the Regional Basin.

Mr. Barnes replied that question was never really entertained.

Mr. Rooker said that in looking at proffer D, it states that the applicant will construct the original facility during the first phase of construction. He verified that the construction of the regional basin was not connected to the connector road.

Mr. Barnes replied that staff had divorced the two because it was easier to write the actual agreement. The incentives are for Dr. Hurt to participate in the basin.

Mr. Rooker pointed out that in that proffer, paragraph 5 contains that contingency. If that possibility occurs will the Fontana Basin be eliminated.

Mr. Barnes replied that part of the agreement is in some respects outside of the County's control, and would be between the landowner and the homeowner's association. The developer was unwilling to enter into agreements and exchange money without the rezoning.

Mr. Rooker pointed out that the developer could have entered into an agreement contingent upon the rezoning.

Mr. Finley said that in any event he has to know before construction.

Mr. Barnes discussed how the size of the basin was determined.

Mr. Rieley asked if the original design for the basin would be sufficient to take care of the Fontana Basin.

Mr. Barnes replied that it was not.

Mr. Rooker asked what would stop him from going forward.

Mr. Barnes pointed out that in item E, in the last sentence, it states that the right-of-way has to be platted before we approve the site plan.

Mr. Rieley stated that the developer has to get that with homeowner's approval, which is not likely to be forthcoming without the removal of the Fontana Basin.

Mr. Finley said that likewise he has to have Dr. Hurt's permission.

Mr. Barnes stated that this requires a lot of different people working together who usually don't.

Mr. Rooker asked for the total acreage in open space.

Mr. Barnes said it was not delineated per se.

Mr. Rooker asked for a description of the terrain of the area between Fontana and Avemore.

Mr. Barnes said it was rising up the hill and is fairly steep. Proffer J talks about a 40' undisturbed line between the two properties and a 70' building setback. They have talked about augmenting the vegetation that's there. It will not likely be a usable open space.

Mr. Rooker said the usable space was the village green and a couple of tot lots.

Mr. Barnes stated that there would be three tot lots, the village green, the area around the water feature, and the clubhouse. It seems that green space is around the edge, there is not a large, centralized greenspace amenity. The conclusion is that one of the major themes of this development is Avemore Blvd. The option was to break up the design theme or keep it as is.

Mr. Craddock asked about the traffic light, would the developer pay for it after he finishes building it, is it the same stipulation, does the offer still exist after the fact.

Mr. Cilimberg said yes, as long as the proffers have no sunset on them.

Mr. Barnes said that Fontana was not a rezoning so it could not be made into a proffer at that time.

Mr. Loewenstein commented regarding the adaptive reuse of the Wilton Farm House. He believes the County has the records to determine the historical significance of the House.

Mr. Barnes looked through those records and didn't find anything.

Mr. Rooker opened the public hearing.

Mr. Bob Houser spoke, representing StoneHaus developments. We began to consider investing in this property several years ago. We like the proximity to downtown and the relation to Darden Towe Park and the Elks Lodge. We were particularly attracted to the amenities at Darden Towe Park. This area lacked a unifying vision of what it was to become. We began to construct homes that had an in-town feel along Wilton Farms Road. We chose to rent them due to the uncertain

plan for the surrounding area. The only viable economic model for this property is multi-family housing. We visited a number of new urbanite developments to study how they were implementing multi-family housing. We have met several times with our neighboring property owners. We have had several meetings with County staff.

Mr. Hauser said that this is a community, which accommodates the land and the market. It enhances the resident's lives through thoughtful planning and quality architecture. The architecture announces your arrival to our community.

Mr. Hauser spoke about emergency access. We have proffered that we will acquire that right-of-way, not that we will try. We have statistics on the open space.

Mr. Rooker replied that he would like to view the statistics and asked for the dimension of the village green.

Mr. Houser replied that it was 100' x 200'. Total open space was originally 13.5 acres, or 50% of the site, it has gone up a little bit. We view this development as part of the Darden Towe community.

Mr. Rooker asked the location of the tot lots.

Mr. Houser pointed them out. He stated that they are also providing an outdoor pool and a 5-7,000' community center.

Mr. Rooker asked if the regional stormwater facility was built would the water feature still be built.

Mr. Houser replied that they planned it as an active water feature in both cases.

Mr. Rooker verified that they plan to have it as a lake anyway.

Mr. Houser replied that they did.

Mr. Rieley asked how the quantity of parking related to the County requirements and what is thought necessary to serve the buildings.

Mr. Houser replied that the total comes close to two spaces per unit.

Mr. Rieley asked if this is more than is required by the County.

Mr. Houser said yes. Management companies have encouraged him to consider two spaces per unit.

Mr. Rooker asked how many garages there were.

Mr. Houser replied that there were 54.

Mr. Barnes pointed out that they may have to go into some kind of cooperative parking arrangement for the commercial area.

Mr. Houser said they have some concerns with the grade coming down through the property.

Mr. Finley asked if there were actually sewers in the clearance area.

Mr. Houser replied that there were.

Mr. Thomas asked about the plans for the stoplight.

Mr. Houser said that was the first and foremost issue on the minds of Fontana residents. The Fontana developer has proffered the light under certain conditions. Our traffic study suggested that Avemore would be creating 50% of the need at that intersection. We proffered 50% of the cost of the light based on that assessment. If Fontana will not pay for it, he will provide half the cost. If Fontana will pay for it, he will still provide the money for further upgrades.

Mr. Rooker asked if there were sidewalks within the development.

Mr. Houser said there were.

Mr. Rooker asked if there were sidewalks over to the commercial area.

Mr. Houser stated that we have proffered to take the sidewalks out to Route 20, but there are complications with the various rights-of-way.

Mr. Tony Gardener, representative of the Fontana Owners Association, spoke. The land is planned for considerable density, the project seems reasonable in those terms and configuration. We like the mixed-use piece. It is not strictly new urbanism, but it is coming along. The primary issue is the traffic light. We are worried about the roadway connector, and screening with the neighbors who abut the property. We are anxious to have the light put in, we hope that the County will assiduously pursue VDOT. We like the proffer of the traffic light. As far as the connector to Olympia Drive is concerned, we are anxious to have the pond fixed up or eliminated. Our arrangement with Bob Houser is that we will have the roadway landscaped and the detention pond eliminated. There are several houses where this is a real open area and a large slope, he hopes that Mr. Houser keeps his promise to provide screening. We will meet further to discuss that. We are working well together and expect that our issues will be sealed by the time of the site plan.

Mr. Finley asked if the houses on the cul-de-sac are in the association.

Mr. Gardener replied that they are. One owner was concerned about the connector when he thought it would connect into the existing Olympia Drive. The revised plans show the connector coming in at the extension of Olympia. They are less concerned about that plan.

Mr. Richard Watch, who lives in Fontana, said that although Mr. Houser has proposed a 40' buffer and a 70' no build zone. That still leaves the buildings 70' from my house. He is concerned that they will not get enough plantings and screening in the area. He does not know what the definition of adequate is. He feels it should be on a case-by-case basis. Screening is a concern for the people on Fontana Drive. Traffic is currently a problem and will get worse. There has been talk of 20 or so townhouses being built near the Montessori school. There is a heavy volume of traffic, particularly during the morning rush hour. He feels strongly that a light is needed, plus a second access.

There being no further comment, Mr. Rooker closed the public hearing.

Mr. Rieley asked Mr. Barnes to explain what studies have been done regarding the need for the traffic light.

Mr. Barnes replied that warrants are done over 4 or 8 hours. It measures a certain amount of volume moving through an intersection. The intersection does not have the adequate amount of volume, we are 25% short.

Mr. Rieley asked what that was in vehicle trips per day.

Mr. Barnes replied that he did not know. The construction traffic moving through there now has to be discounted according to VDOT.

Mr. Rieley asked at what percentage of build out is Fontana.

Mr. Barnes replied that phases 1 and 2 have been completed. He estimates they are at 45-50% of build out.

Mr. Gardener said it was 25%.

Mr. Barnes said that the light is not tied to the amount of development going on in Fontana.

Mr. Rieley said that when it meets that criteria, you would have leverage.

Mr. Benish replied that the Fontana subdivision was done by right, but we also may have leverage at the time of phase 5.

Mr. Rieley asked what it cost to build a foot of sidewalk these days.

Mr. Benish replied not less that $25 per foot.

Mr. Rooker asked staff if they agreed about the 13.5 acres of open space.

Mr. Barnes replied that he thinks they have 13.5 acres of pervious coverage. The ordinance is not very clear in what defines open space. He believes they are including the spaces between the sidewalks and the building.

Mr. Rooker asked if it was accurate to say that half the site is impervious surface.

Mr. Rieley pointed out that it is not necessarily usable space.

Mr. Rooker asked for the percentage of usable open space.

Mr. Barnes replied that he does not know.

Mr. Thomas asked if the buildings running along Fontana are apartments.

Mr. Barnes said they were called garrets. Their idea is to use these as opposed to retaining walls. They consist of garages built into the slopes with small one-bedroom apartments on top.

Mr. Thomas asked what the code was for a buffer between that section and the residential section.

Mr. Benish replied that no buffer is required as it is residential against residential.

Mr. Thomas asked about the buffer that was proffered.

Mr. Barnes said that the setback would be 25', as far as the buffering requirement, there is none.

Mr. Benish said that there is a requirement of a screening buffer if it is a by-right development.

Mr. Rooker asked if there was a proffer that covered the screening, or will that be taken care of in the final agreement.

Mr. Barnes replied that is one thing that got overlooked, it is not actually addressed. He has spoken with the developer about that.

Mr. Rooker asked what the developer had to say on that issue.

Mr. Barnes replied that we left it wide open.

Mr. Kamptner pointed out Mr. Gardener's letter, on page 6, it appears that the developer is negotiating with the owner's association regarding the buffer plantings.

Mr. Rooker said that was being left to the two parties at this point.

Mr. Barnes replied yes.

Mr. Rooker stated that there is nothing in the proffers covering that.

Mr. Craddock asked how many children would come out of here, or is it mostly adults.

Mr. Benish stated that the character of the development tends to be on the low side of the number of children.

Mr. Craddock remembered that last year there was some confusion about some children going to Stone-Robinson or Stony Point.

Mr. Benish said the thought Wilton Farms was in the Cale district currently.

Mr. Craddock stated that some of them go to Stone-Robinson.

Mr. Benish said that they are one of the higher generators for apartment complexes.

Mr. Rooker asked the developer to address the planting of the screening between the subdivisions and the potential for including it in the proffers.

Mr. Houser replied that he had it in the proffer originally. It was removed because of the concern of it being administered by zoning. He will budget appropriate screening and put it in the proffers. Some people will have a bunch of space that is all wood. He does not want to be required to put a bunch of little pine trees in front of a forest. He has offered to budget a certain amount, they can put it anywhere or use it for anything they choose. He would give the money to the neighbors for them to do with as they wish. The only thing keeping us from putting the agreement together is time.

Mr. Rooker pointed out that there is not an ordinance requirement for screening.

Mr. Houser said there is some language within the subdivision ordinance.

Mr. Finley pointed out that a landscaping plan has to be approved.

Mr. Barnes stated that there are requirements for screening. We did have a proffer originally for screening between Fontana and Avemore. It was thought that this is not something the County is really asking for, nor can it require. It is something that the homeowner's association wants.

Mr. Thomas asked Mr. Houser what was in the 40' buffer area that was already proffered.

Mr. Houser replied in most cases it's woods. This area on the Fontana side is actually a little bit open. His two proffers are that he will not disturb at all within 40' and it will be 70' before the first building.

Mr. Thomas asked if the remainder of the land past the first house was wooded.

Mr. Barnes replied that it does have trees on it, but he cannot attest to the density of the trees.

Mr. Finley asked which department would handle the landscape plan.

Mr. Benish said that would be included in the site plan review process through the planning commission. Zoning is involved in the review as a part of the review process.

Mr. Thomas said that by code he was not required to add any screening, though he has proffered to do so.

Mr. Rieley said it is difficult to establish the baseline without a requirement.

Mr. Benish stated that there are landscaping requirements as part of the parking, but not for the buffer strip.

Mr. Rooker asked Mr. Gardener to speak to the screening issue and the possibilities for an agreement.

Mr. Gardener said that Mr. Houser had written back that he agreed in concept to paragraph #6 in my letter. He thinks that we intend to have it down in a written agreement. He mentioned that we own a piece of property that is essential for his development. He assumes that among those agreements, we will find a satisfactory way of dealing with that. But he would welcome and encourage a proffer.

Mr. Rooker said it might get difficult for the County to be involved in that approach as the screening is subjective.

Mr. Gardener said he was pretty confident that the vast majority would be satisfied.

Mr. Finley said he was ready to support this item.

Mr. Rieley said he had some lingering concerns, but thinks that this development is well-ordered and appropriate. He is presuming that the proffered plans include all of the sketches.

Mr. Barnes encouraged the commissioners to look at the last sheet, which is the proffered plan and shows sidewalks and the development. They are proffering the form and character of the architecture.

Mr. Rieley wanted to make sure that the proffer included the display.

Mr. Barnes replied that it does not include that one.

Mr. Houser replied that it is an artist's rendering and he does not know how that was constructed.

Mr. Barnes pointed out page 30, which shows the village green, that drawing was translated into words.

Mr. Rieley would like to have the sketches included as a benchmark, but understands Mr. Houser's point. He would like to say how pleased he is to have a rezoning that increases the density without upsetting the neighbors. His lingering concerns are that he wishes there were more usable open space, he would like to see more of the village green type. There are some really nice transitions, but it still is a pretty major shift in scale from this to the Fontana side, making the plantings very important. He will defer to the homeowners association and their negotiations.

Mr. Rooker agreed with Mr. Rieley. Other than somewhat of a lack of open space, this is a very good plan. The developer's point about being directly located across from Darden Towe Park is an important comment. The residents will have access to Darden Towe Park much like residents at River Run have access to Pen Park.

Mr. Loewenstein pointed out that residents don't have to cross a major highway at River Run. Signalization is going to be critical to ease pedestrian access. He agrees with Mr. Rieley and Mr. Rooker.

Mr. Thomas moved for approval of ZMA 00-10 with proffers as proposed.

Mr. Finley seconded the motion, which passed unanimously.

Mr. Finley moved for approval of SP 00-69 with condition.

1. The professional office uses shall be limited, in combination with the retail stores and shops uses allowed in SP 00-70, to not exceed 20,000 square feet.

Mr. Rieley seconded the motion, which passed unanimously.

Mr. Loewenstein moved for approval of SP 00-70 with conditions.

1. For the purposes of this Special Use Permit, Retail stores and shops shall be defined as the commercial uses listed below:
    a. The following retail sales and service establishments:
        1. Antique, gift, jewelry, notion and craft shops.
        2. Clothing, apparel and shoe shops.
        3. Department store.
        4. Drug store, pharmacy.
        5. Florist.
        6. Food and grocery stores including such specialty shops as bakery, candy, milk dispensary and wine and cheese shops.
        7. Furniture and home appliances (sales and service).
        8. Hardware store.
        9. Musical instruments.
        10. Newsstands, magazines, pipe and tobacco shops.
        11. Optical goods.
        12. Photographic goods.
        13. Visual and audio appliances.
        14. Sporting goods.
        15. Retail nurseries and greenhouses.

    b. The following services and public establishments:
        1. Barber, beauty shops.
        2. Churches, cemeteries.
        3. Funeral homes.
        4. Health spas.
        5. Indoor theaters.
        6. Laundries, dry cleaners.
        7. Libraries, museums.
        8. Nurseries, day care centers (reference 5.1.06).
        9. Eating establishments.
        10. Tailor, seamstress.
        11. Medical center.

12. Indoor athletic facilities. (Added 9-15-93)
13. Farmers' market (reference 5.1.36). (Added 10-11-95)

Mr. Craddock seconded the motion, which passed unanimously.

Mr. Rieley moved for approval of the waivers providing for angled parking, curvilinear parking, and one-way circulation.

Mr. Finley seconded the motion, which passed unanimously.

Mr. Loewenstein moved for approval of the waiver providing for a public road.

Mr. Rieley seconded the motion, which passed unanimously.

a. **ZMA-200-001 Redfields Phase 4 (Gaylon Beights) (Sign #54, 55)** – Request to rezone 9.4 acres from Residential R-1 to Planned Residential District (PRD) to allow for 14 additional homes. The applicant has also requested a rezoning of part of Redfields Open Space to Planned Residential District (PRD) to allow for 10 large lots and a water tower. The property, described as Tax Map 76 Parcels 22B, 22D and Tax Map 76R1 Parcel 1, is located in the Samuel Miller Magisterial District on Redfields Road [Route # 1270] approximately 1 mile from the intersection of Redfields Road and Sunset Avenue Extended. The Comprehensive Plan designates this property as Neighborhood Density in Neighborhood 5. (Michael Barnes)

Mr. Barnes presented the staff report.

Mr. Loewenstein asked the total acreage of the additional 10 large lots.

Mr. Barnes answered 4-5 acres.

Mr. Rieley asked if Mr. Barnes had done an analysis of how much of the open space is in critical slope.

Mr. Barnes replied that staff has not done that analysis.

Mr. Rooker asked if there was an open space requirement on a per phase basis.

Mr. Barnes summed up the open space per phase.

Mr. Rooker in terms of total, was the proffer for total open space throughout Redfields, or was there a per phase requirement.

Mr. Barnes replied that it seemed to be a total requirement on a percentage basis.

Mr. Rieley asked if the numbers provided were throughout all of Redfields

Mr. Barnes replied if you sum up the total open space, that is the total.

Mr. Rooker verified that the numbers represented the total open space in Redfields, throughout the subdivision. He asked if there was a proffer made that it would be 30% open space.

Mr. Barnes said that was a determination made by zoning in the original application.

Mr. Rooker asked if the proffer was made for 30% total open space.

Mr. Kamptner answered that he did not know if it requires 30% in each phase.

Mr. Barnes replied that there was no proffer of 30% given in the application.

Mr. Benish stated that the concept plan showed open space areas in all the phases. Cumulatively that came up to about 30% of the site. Other than that concept plan there was no requirement per phase. In order to be consistent with the concept plan, the open space had to have a cumulative total of 30%.

Mr. Rieley asked if the first concrete thing was the original ZMA, which showed 36% open space.

Mr. Benish said that when you looked at all the areas shown in the concept plan, that was the total of all the areas shown. That's what zoning used to determined the open space commitment. There is no proffer of open space per phase.

Mr. Rooker asked which concept plan was that based on, the original plan at 36% or the one that shows 30%

Mr. Benish replied that according to zoning no. 30% was the threshold we were looking for.

Mr. Kamptner asked Mr. Barnes to clarify that 444 was the total number of residential units for Redfields.

Mr. Barnes said that would be the total if this plan is approved. The original proffered number was 656. He said that staff sought to get the proffer to reduce that number to 444, but the applicant was not willing to do that.

Mr. Rieley pointed out that it would help to have the maps all oriented in the same direction.

Mr. Rooker opened the public hearing.

Mr. Frank Cox, representing Redfields Development Corporation, spoke. This is a better land use plan than what we had before. We are trying to add a piece of property that wasn't available for acquisition 13 years ago when we began work on this property. The additional land allows us to add about 15 lots. He would like to discuss open space, a couple of numbers are important. On the 89 ZMA there were roughly 96 acres of open space on the conceptual plan. The open space was proffered at 30%. The confusion lies in the numbers from the 96 to the 89 in the current plan. Earlier, open space was determined on a gross basis. Today, any land disturbance comes out of the open space, including implementation of a standing water amenity basin, so there is a little bit of an aberration. Extensive conversations came up regarding the green space. An additional proffer sought after and agreed to for a sidewalk extension. The original ZMA open space to general percentage. The original plan was to have two sanitary sewer pump stations. The elimination of a sanitary sewer pump station allowed us to be a little more creative with the remaining developable sites. We will be able to maintain the critical slopes near the stream. There will probably be some concern expressed regarding the common boundary with Sherwood Farms. We have maintained in excess of the original open space allocation. There is no plan for high density in this development. There is a continuous buffer around the entire property. There is a concern for encroachment, by some property owners.

Mr. Steve VonStork, speaking on behalf of the neighborhood of Sherwood Farms, expressed no general objection to the Redfields project. The residents did take the promise of green space very seriously, providing a continuous, legible buffer between Redfields and Sherwood Farm. In the interim there has already been the approval of three lots into the buffer space and 10 new lots proposed around the periphery. What was once open space has been used as a resource to generate revenues. All of these lots are served by these little private streets, giving no clear edge to the subdivision. The original stipulation was that all lots would be served by VDOT standard roads.

Mr. Finley asked Mr. VonStork where he lived.

Mr. VonStork replied that he live in Sherwood Farms.

Mr. Jeff Gleason, homeowner in Sherwood Farms, echoed his support for high-density development. Along the same lines, it is important to recognize that such development has impacts on neighboring properties. The 89 proposal showed an open space that addressed those issues. We are now back 10 years later talking about what is encroachment and dramatic change. We can't do adequate land use planning if developers are allowed to come forward with a comprehensive plan and then nickel and dime it, and continuously change it. He asked the commission to reject the proposal.

Mr. Jack Stoner from Sherwood Farms, asked for a show of hands of from the audience, who opposed the application. He said that most of the residents supported the original application. We feel strongly that the open space should be maintained. There is a phase 5 to Redfields that has been proposed.

Mr. Rob Archer of Nettle Court is opposed to the addition of those two lots. Our real concern is for the children in the area, there is no place for them to play. They are looking at adding a walking trail, but the residents would trade it for a clubhouse or an open field. It is difficult to get to the existing amenities with no sidewalk.

Mr. George Anderson of Nettle Court stated that the runoff from this slope is quite substantial. Water runs out of the pond and underneath the railroad trestle where it stands. He is concerned about the runoff coming onto his property.

Mr. Ted Forbes of Sherwood Farms said that one issue that concerns him is the 30% number relative to open space. We are committed to the concept of a continuous buffer. That 30% number implies a certain amount of potential for swapping. A bit like pollution and tax credits. We need to examine where that 30% is located.

Mr. Milton Brown of Nettle Court stated that they have actually placed a large runoff drain behind his house. The additional drain encroaches on the streams and springs in the area. The new plan really encroaches on the residents of the area.

Ms. Jennifer VanWinkle of Overlook Drive stated that she and her husband are new residents. The are concerned about the storm management pond and the noise factor. Our property is potentially right near where the end of the pond would be. Our concern is about the size of the pond, the movement of the water, and potential health issues. Our other concern is the noise factor possibly increasing with the clearing of this new area.

Mr. Cox emphasized that the 89 rezoning recognized the critical slopes on the property. Clearly the notion of flexibility was one that was recognized by both the commission and the board. Certainly it is within the original bounds of the proposal to make modifications and shifts. One resident was concerned about the pond encroaching on the property line, but the current plans show it 50-60' from the property line. There are no plans at present for phase 5. There has been no expansion of the growth area in the last 13 years. This particular application allows for better pedestrian access to the existing recreational facilities. The new properties do not touch Nettle Court. The downstream pond is off of our property. We are proposing the stormwater management pond to eliminate the standing water on the adjacent property. We are providing well over 30% open space. Staff has firmly supported the plan over the last 6 months.

Mr. Finley asked if the detention pond existed.

Mr. Cox replied that it did not exist. The pond referred to was shown on the original application.

There being no further comment, Mr. Rooker closed the public hearing.

Mr. Rieley stated that he had just visited the site today and would support the inclusion of the Bowen Tract, and would support it at a higher density than what is proposed. He would also support a connection to Teel Lane. The representation of the open space to the surrounding community was really the basis on which the original application was approved. Building in the open space really is a breach of faith. He could support the item without building in that buffer.

Mr. Rooker would like to consider deferring action and getting a copy of the minutes from the original application.

Mr. Thomas agreed.

Mr. Rieley said that the Bowen Tract does not necessarily include encroachment into the open space.

Mr. Rooker pointed out that the change in the open space is not where the Bowen property is.

Mr. Craddock asked if staff approved the building into the green area.

Mr. Barnes replied that there was staff approval at that time.

Mr. Rooker asked where we stood on an option for deferral at this time.

Mr. Barnes replied that Mr. Benish was working on that.

Mr. Rooker asked the applicant to consider taking a voluntary deferral until such time as the minutes can be provided to the commission.

Mr. Cox said the applicant was agreeable to that.

Mr. Rooker verified that was agreeable to the commissioners, who replied that it was.

Mr. Thomas would like to see the minutes, he asked what could be changed now if it was changed administratively.

Mr. Rooker replied there are two different things, what encroachments have already been made, and the proposed encroachments. He asked staff for a timeframe for the deferral.

Mr. Benish said staff would need at least a couple of weeks for research. The preferable date given the agenda would be early July

Mr. Rooker stated that a deferral to July 10 would be acceptable.

The developer replied that an earlier date would be preferable, but that would be acceptable.

Mr. Thomas moved to accept the applicant's request for deferral to July 10, 2001.

Mr. Loewenstein seconded the motion, which passed unanimously.

b. **ZMA-2001-003 Rio Square (Sign #56, 57)** Request to rezone 3.04 acres from Residential R-6 and R-2 to Planned Residential District (PRD) to allow for townhomes, single family detached homes, and office. The property, described as Tax Map 62A1 Parcels 2-4, 2-5, and 2 (B) 13, is located in the Rio Magisterial District on Rio Road [Route 631] at the intersection of Rio Road and Wakefield Road. The Comprehensive Plan designates this property as Urban Density (6 to 34 units per acre) in Neighborhood 2. (Michael Barnes)

Mr. Thomas stated that while his company did business with the developer, it was not enough to warrant disqualification.

Mr. Barnes presented the staff report.

Mr. Finley asked how close they were on parking at this time.

Mr. Rooker based on the original proposal 116 spaces are needed.

Mr. Finley said that was recalculated. He asked Mr. Barnes if he came up with 82 spaces.

Mr. Barnes said that if you take what he gives us right there you come up with 82 spaces. The applicant needs to take away units or square footage of commercial use. There are two formulas which meet those 78 spaces. We are in the ballpark here of number of units to number of square feet in the building. Parking drives the design of the site, if we can agree on some kind of cooperative mix.

Mr. Rooker said that they are looking for a cooperative parking arrangement between the residential and the commercial. Staff has recommended a formula to determine that number. He is not sure if it is clear under the ordinance that the commission is free to grant such a waiver.

Mr. Thomas asked if the schedule given was staff's.

Mr. Barnes replied that it was.

Mr. Rooker asked if it had been done before.

Mr. Barnes said it had not.

Mr. Benish said that this may be a pilot.

Mr. Finley asked what had been worked out in Crozet to use the ordinance number.

Mr. Benish replied that they have been using excess parking, mostly at Wyndham.

Mr. Rooker verified that there has not been a cooperative parking arrangement where all the parking is on the same property.

Mr. Benish replied that it has not been done before with a new plan.

Mr. Rooker (inaudible)

Mr. Benish (inaudible)

Mr. Finley (inaudible)

Mr. Barnes 40/90 brings us to 82 instead of 78, within 4.

Mr. Kamptner read the regulation.

Mr. Rooker pointed out that staff is attempting to determine normal use.

Mr. Barnes stated that they looked for ones that were heavily utilized.

Mr. Thomas said that this might not be a problematic lot.

Mr. Rooker asked if the commissioners were willing to look at this based upon the proposed parking approach.

Mr. Loewenstein said that we are talking about a waiver for cooperative parking, but it makes no sense without the zoning waiver.

Mr. Rooker said that the applicant initially wanted to know if we would entertain this cooperative parking approach.

Mr. Loewenstein wondered what the cooperative parking approach, don't want it to restrict (inaudible).

Mr. Rooker said that was what they were trying to do.

Mr. Loewenstein (inaudible).

Mr. Barnes said that the basic layout of the buildings is fixed.

Mr. Rooker opened the public hearing.

Mr. Steve Runkle, representing the developer, said that it is not our expectation that this will be approved at this point. This is another small infill project. It is hard to generate a final plan without a definitive guideline. If you can live with the 40/90 rule, then we will proceed to bring a more complete design for consideration. The reason to apply under a PRD was that it provided more flexibility of uses, but it requires 25% undisturbed open space. Just about all of the open space will be disturbed at some point during development. We think we can meet the amount of open space if we are allowed to include land that has been disturbed. Buffer (inaudible). We are here tonight just to get some direction. The issues are mixed use. We had two neighborhood meetings, presented 5 concept plans which represented varying densities. They wanted to maintain the single family detached character of their area. The neighborhood is generally in favor of this plan. He asked if a buffer would be required.

Mr. Thomas pointed out that there is quite an elevation difference.

Mr. Runkle said it would probably be at the second story level.

Mr. Rooker asked if there was any usable space between the two areas.

Mr. Runkle said there was intended to be an amenity. That area will be heavily landscaped space.

Mr. Thomas asked if only one house (inaudible).

Mr. Runkle replied the yellow house (inaudible).

Mr. Finley asked how far apart they were on the ten items listed.

Mr. Runkle replied that the least compatible would be the detached homes. He is open to that discussion. They have no major differences.

Mr. Finley mentioned that the stormwater detention facility would have to be within the open space.

Mr. Runkle pointed out that most of it would be underground.

Mr. Finley asked if he would be able to reach 25% open space.

Mr. Runkle replied that we can create 25% open space, but it will not be undisturbed.

Mr. Thomas (inaudible).

Mr. Runkle (inaudible).

Mr. Loewenstein (inaudible).

Mr. Benish said that one thing to consider with the open space is that in this area there is a potential to connect to Greenbrier school and the church across the street with sidewalks. They are a little bit distant, but are in proximity from a community standpoint.

Mr. Rooker questioned whether or not the open space needs to be undisturbed.

Ms. Katie Hobson, County resident addressed DISC's great concern over parking. There are areas that have much more parking than is needed. Now is the time to be even more innovative.

Ms. Florence Sadler said that their home is the brick ranch. Right now there is not a good use of open space, it has been a detriment to her property. What is there now is distasteful and takes away from our property.

There being no further comment, Mr. Rooker closed the public hearing.

Mr. Rooker asked if the commission would agree that some disturbance is permissible in the open space.

Mr. Loewenstein said those are reasonable conclusions to draw. Implementation of DISC, as we know, is still in the works. Some of these decisions will be difficult to make.

Mr. Rooker asked if anyone was uncomfortable with that. He asked about the buffer. There is currently no buffer required between like uses, would there be some imposed. The applicant indicated that some planning was possible.

Mr. Thomas said the area is really downhill, he doesn't know that anything could be planted there.

Mr. Rooker stated it possible to compact the buildings and plant the buffer on the applicant's property. Does is make sense on an infill site in the development area to do that.

Mr. Loewenstein said sometimes. But in this case, partly because of the scale or topography, he would be comfortable with that.

Mr. Rieley said some planting between the two to reduce the impact of the change in grade would be reasonable.

Mr. Rooker asked the commission to comment on the general concept in terms of layout.

Mr. Loewenstein asked if entrances to the buildings would be from the parking lot.

Mr. Runkle replied that it would front Rio Road. The sidewalk along Wakefield Road will be continued. There would be entrances connected to the sidewalk.

Mr. Loewenstein verified that the east side would have an entry.

Mr. Runkle replied that it would have an entry, in essence both sides would be the front.

Mr. Rieley asked if there would be residential on the upper level of that building.

Mr. Runkle replied that the building would totally be office space.

Mr. Rieley said he agrees with the architect on the orientation of the L.

Mr. Runkle asked if the office use was acceptable.

Mr. Rooker asked if the applicant would be willing to request an indefinite deferral of this item.

Mr. Runkle said he would.

The commission requested the submission of a landscape plan with the application.

Mr. Loewenstein moved to accept the applicant's request for an indefinite deferral.

Mr. Rieley seconded the motion, which passed unanimously.

New business:

Mr. Rooker requested that a request to turn off cellular phones and pagers be added to the guidelines on the back of the agenda.

With no further business, the meeting adjourned at 10:30 p.m.

_____

V. Wayne Cilimberg, Secretary

Recorded and transcribed by Lynda Myers, Recording Secretary