Albemarle County Planning Commission
June 19, 2001

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, June 19, 2001 at 6:00 p.m. at the County Office Building, 401 McIntire Road, Charlottesville, Virginia. Members attending were: Dennis Rooker, Chairman; Rodney Thomas; Tracey Hopper and Pete Craddock. Other officials present were: Elaine Echols, Stephen Waller, Scott Clark, Dan Mahon, Greg Kamptner and Wayne Cilimberg.

Mr. Rooker called the meeting to order and established a quorum.

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.

Review of Board of Supervisors Meeting – June 6, 2001

Mr. Cilimberg stated that the Meadowcreek Parkway plan was presented to the board and approved with alternative alignment A. The consensus of the board was to adopt a resolution to recommend to VDOT to proceed with that design. They also reviewed the proposal for a greenway study committee to work in the next year to identify the priorities and approaches for greenway development and to make a permanent standing committee for the County. They approved Rainbow House and the John Adams Triton facility. They considered and deferred action on the Jensen Triton facility. The primary area of discussion from the board was regarding diameter. They decided not to condition wooden poles with any diameter. Several board members commented that they felt the commission was beginning to micro-manage in areas such as pole diameter. They felt that the applicant knew best in areas such as pole diameter, particularly in the case of wooden poles. They did not really talk about diameter of metal poles, but there may be some diameter established for those. The consultant presented to the board a transit development plan for the City and County.

Mr. Rooker asked Mr. Cilimberg about the board's discussion about standardizing the conditions for every cell tower.

Mr. Cilimberg replied that they did have that discussion, and staff has tried to do just that.

Mr. Rooker said he agreed. We need to keep in mind that visibility varies from site to site. Standardized conditions might result in some towers being disapproved.

Ms. Hopper added that with the cell tower policy there is a guide and some predictability. The borderline applications are the ones we end up looking at more closely. She understands the board's concerns.

Consent Agenda

a. **Keswick** – Cooperative Parking Agreement (Joan McDowell)

b. **Addition to Blue Run Agricultural/Forestal District** – Referral to Agricultural/Forestal District Advisory Committee. The Blue Run District is located in the vicinity of Batesville. This proposed addition, described as Tax Map 35 Parcel 28A and portions of Tax Map 35 Parcel 29, is located east of Route 641, approximately 1.25 miles southeast of the intersection with Route 20.

c. **SDP 01-015 Albemarle Winery Preliminary Site Plan** – Two waivers are required in order to allow construction and grading in an area with critical slopes: Waiver of Section 4.2.3.2 of the Zoning Ordinance, prohibiting disturbance of critical slopes and a waiver of Section 4.2.1 prohibiting critical slopes within a building site.

d. **Approval of Minutes** – May 1, 2001.

Mr. Rooker asked if there should have been any information in the packet regarding the Blue Run Agricultural/Forestal District.

Mr. Cilimberg replied that it was just a referral to the advisory committee.

Mr. Rooker asked if any of the commissioners wished to pull an item off the consent agenda.

Mr. Thomas moved for approval of the consent agenda.

Mr. Craddock seconded the motion, which passed unanimously.

Items Requesting Deferral

a. **ZMA-2001-004 SNB Car Wash (Sign #88, 89)** – Request to rezone 0.6 acres from C-1 Commercial to HC Highway Commercial to allow for a car wash. The property, described as Tax Map 61 Parcel 147 is located in the Rio Magisterial District on Rio Road at the corner of Rio Road and Gasoline Alley. The Comprehensive Plan designates this property as Neighborhood Service in Neighborhood 2. (Elaine Echols) ***APPLICANT REQUESTS DEFERRAL TO JULY 17, 2001***

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

Ms. Hopper moved to accept the applicant's request for deferral to July 17, 2001.

Mr. Thomas seconded the motion, which passed unanimously.

b. **SP-2001-015 BB&T [Meriweather Lewis] (Sign #68)** – Request for special use permit to allow the installation of a drive through automatic teller machine (ATM) at an existing bank, in accordance with Section 22.2.2.(10) of the Zoning Ordinance. The property, described as Tax Map 58 Parcel 84A, contains 1.38 acres, and is located in the Samuel Miller Magisterial District on the north side of State Route 250 West, approximately 600 feet west of the intersection with Owensville Road and Morgantown Road [Route 738]. This site is zoned C-1, Commercial in Rural Area 3 of the Comprehensive Plan. (Stephen Waller) ***APPLICANT REQUESTS INDEFINITE DEFERRAL***

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

Mr. Craddock seconded the motion, which passed unanimously.

Public Hearing Items

a. **Addition to Batesville Agricultural/Forestal District** – The Batesville District is located in the vicinity of Batesville. This proposed addition of one parcel totaling 50.120 acres described as Tax Map 70 Parcel 40, is located on the south side of Route 637, approximately three-quarters of a mile east of the intersection with Route

691. The parcel is located in the Samuel Miller magisterial district, is designated as Rural Area in the Comprehensive Plan, and is zoned RA Rural Areas. (Scott Clark)

Mr. Clark presented the staff report.

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

Ms. Hopper moved for approval of the addition to the Batesville Agricultural/Forestal District.

Mr. Craddock seconded the motion, which passed unanimously.

b. **ZMA-2001-002 Western Ridge – Phase 5C (Sign #90, 91)** – Request to rezone 26.560 acres from Rural Area-RA and R-4 with proffers to Planning Residential Development-PRD to allow residential uses. The property is described as Tax Map 56 Parcel 93D Tax Map 56E Parcel 2-C, and a portion of Tax Map 56E Parcel 1A, which is also described as a parcel Y intended as Open Space on recorded plat Western Ridge Phase 5B. The property is located in the White Hall Magisterial District off Lake Tree Lane [Route #1251]. The site is adjacent to the C&O Railroad. The Comprehensive Plan designates this property as neighborhood density, 3-6 d/u per acre in the Crozet Community. (Elaine Echols)

AND

SUB-2001-066 Western Ridge Phase 5C Preliminary Plat – Request for preliminary plat approval for 18 single family lots on 26.560 acres zoned Rural Area-RA but proposed for rezoning to Planning Residential Development-PRD. (Elaine Echols)

Ms. Echols presented the staff report.

Mr. Thomas asked about the cul-de-sac, which Ms. Echols mentioned was acceptable in this instance.

Ms. Echols replied that the property is sort of a long finger of land that has no access from anywhere else. If you wanted to extend that road to create an additional access, you would have to cross the very steep slopes and use a lot of fill. The cul-de-sac is used appropriately in this instance.

Mr. Craddock asked if item #6 of the proffers is a complete sentence.

Ms. Echols replied that it was not, it also needs to say “then the contribution will be returned to the applicant”.

Mr. Rooker said that he did not understand why the contribution had to be made by December 31, 2001 if it could be extended out for 10 years.

Ms. Echols replied that the County would hold the cash proffer. If it is not used for the intended purpose, it would be returned to the applicant.

Mr. Rooker asked what was the total amount of property in open space.

Ms. Echols replied that it should be about 18 acres.

Mr. Rooker verified that number had not changed from the previous preliminary plat.

Ms. Echols replied that the first preliminary plat had more open space on it. The areas that were avoided were on critical slopes.

Mr. Rooker verified that proffer #2 covers disturbance of the critical slopes.

Ms. Echols replied that it did.

Ms. Hopper asked about the 2nd paragraph in the transportation subsection where it spoke of the asphalt path that has not been built as of yet. She asked if that was an enforcement issue.

Ms. Echols said yes, it is an enforcement issue. As a subdivision item, the County will be going back to the owner who created the plat and require that they put in the pedestrian path.

Mr. Rooker asked if it was clear that we have the right to require that at this time.

Ms. Echols replied that the subdivision agent has that right because there is an existing easement.

Mr. Rooker asked if it was necessary or possible to include something in these proffers that makes certain that happens.

Mr. Kamptner replied that these proffers pertain only to this application.

Mr. Rooker stated that they propose to use the amenities of the other property.

Mr. Cilimberg said it was subdivision violation, because it was shown on the plat. Nothing on the proffers would change the County's enforcement ability.

Mr. Rooker verified that the County is comfortable that we have the enforcement ability to make it happen.

Mr. Cilimberg said that he had been advised that.

Mr. Kamptner said that we could encourage the applicant to volunteer a proffer.

Mr. Rooker stated that we have one of the same applicants on these proffers.

Mr. Kamptner said that we should be able to take care of it through the subdivision process.

Mr. Rooker replied that he would like to be certain between now and the board meeting. If not, we should consider putting something in these proffers to make certain it happens.

Ms. Hopper would be interested in knowing if the applicant would be willing to do that.

Mr. Rooker opened the public hearing.

Mr. Bruce Keys, the applicant, addressed the commission. He said there is only about a third of an acre that is owned by Hunter Craig Corporation. He believes it is an unfair burden to tie the path to this request since he is not a party of the initial request.

Mr. Rooker verified that the property was already contracted to be transferred to Mr. Craig's corporation.

Mr. Keys replied that they had an agreement.

Ms. Hopper asked if it was an option or if there is there a contract signed in which it is sold.

Mr. Keys replied the status is pending. Upon approval of the Board of Supervisors the contract will be executed.

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

Mr. Rooker said he would support the application with the additional proffers and the knowledge that the County has some ability to enforce the building of the pedestrian path.

Mr. Thomas commented on the recommended action, a couple of words were left out of #1 on page 8.

Mr. Cilimberg said the final proffers would address those.

Mr. Rooker pointed out that in proffer 6 there needs to be some changes as well.

Ms. Hopper said she had two concerns. She probably would not support this application without the similarity of the adjacent subdivision. Her second concern is the affordable housing issue.

Mr. Rooker said that one of the elements of this plan that spoke to the density is the fact that you have to enter through the other subdivision.

Mr. Thomas pointed out that road runs along the ridge.

Ms. Hopper said that the density we are looking at makes sense in this application.

Mr. Thomas moved for approval with proffers ***as may be modified after County Attorney review before the Board of Supervisors' meeting.***

Ms. Hopper seconded the motion, which passed unanimously.

Mr. Rooker asked if any action was needed on SUB-2001-066.

Mr. Cilimberg replied that the process allows for administrative approval of a plat with the zoning in place unless an adjoining owner or the commission requests a review.

The commission agreed that no action was necessary.

c. **SP-2001-010 Afton Farm Market (Sign #65)** – Request for special use permit to allow on-farm sales in accordance with Section 10.2.2.45 of the Zoning Ordinance which allows for farm sales. The property, described as Tax Map 69 Parcel 13, contains 11.51 acres, and is located in the White Hall Magisterial District on Route 151, approximately one-quarter mile from the intersection of Route 151 and Route 637. The property is zoned RA Rural Areas. The Comprehensive Plan designates this property as Rural Area. (Scott Clark)

Mr. Clark presented the staff report.

Mr. Rooker opened the public hearing.

Ms. Cheryl Bowman, the applicant, said staff had adequately covered the item in the staff report. She had no further comment.

There being no further comment, the hearing was closed.

Mr. Rooker said that this is a proposed use that is consistent with the rural area goals, and he would support it.

Ms. Hopper moved for approval with the condition.

1. Sales shall not occur in areas labeled "no public access" in the sketch-plan packet title "Schematic of Afton Farm Property," dated 21 May 2001 and signed by Cheryl Borgman.

Mr. Craddock seconded the motion, which passed unanimously.

Mr. Thomas moved for approval of the three waiver requests.

Ms. Hopper seconded the motion, which passed unanimously.

d. **SP-2001-014 BB&T [Pantops] (Sign #62, 67)** – Request for special use permit to allow the installation of a drive through automatic teller machine (ATM) at an existing bank, in accordance with Section 25.2.2.(1) of the Zoning Ordinance. (Stephen Waller)

Mr. Waller presented the staff report.

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

Ms. Hopper moved for approval with the condition.

1. The permittee shall continue to provide the unobstructed by-pass lane, in order to allow the unobstructed passage of vehicles around the drive-through lanes.

Mr. Thomas seconded the motion, which passed unanimously.

e. **SP-2001-016 Toys R Us (Sign #70, 75)** – Request for special use permit to allow for the outdoor display of playground equipment in accordance with Section [30.6.3.2b] of the Zoning Ordinance which allows for outdoor display and storage in the Entrance Corridor Overlay District. The property, described as Tax Map 61Z, Section 3, Parcel 12, is located in the Rio Magisterial District at the intersection of Route 29 and Branchlands Blvd. The property is zoned PUD (Planned Unit Development). The Comprehensive Plan designates this property as Community Service. (Dan Mahon)

Mr. Mahon presented the staff report.

Mr. Rooker asked if these pictures show the site as it will look.

Mr. Mahon replied that they were taken today.

Ms. Hopper verified that the enforceability would be around the set height limit, it would not be zoning's need to determine between visible and noticeable.

Mr. Mahon replied that was correct.

Mr. Rooker said that originally the height was in reference to the slope.

Mr. Thomas said that the display items could appear to be taller depending on the point of view.

Mr. Mahon said that he did have pictures from the entrance corridor, and all you can see is the yellow of the canopy.

Mr. Craddock stated that the commission could require bushes to be planted along the top of the ridge.

Ms. Hopper asked if that would address the concerns.

Mr. Mahon replied that it would.

Mr. Rooker opened the public hearing.

Mr. Ron Hubbard, store director at Toys R Us, said he is willing to do whatever it takes to pass the application. His customers really like to see these items on display before they make such a substantial purchase. He just needs to know the guidelines and will go from there.

There being no further comment, the public hearing was closed.

Mr. Thomas said he would like to add a condition requiring more trees.

Mr. Rooker vegetation will be planted along the ridge so that the equipment is not viewable from the entrance corridor.

Mr. Kamptner asked if Toys R Us owned the ridge.

Mr. Cilimberg pointed out that junipers go up the hillside now.

Mr. Rooker asked Mr. Kamptner if that was acceptable.

Mr. Kamptner replied that it was.

Mr. Cilimberg asked if they would substitute two with that or combine with the existing #2.

Mr. Rooker said he thought the commission wanted an absolute height limit.

Mr. Cilimberg pointed out that the applicant had a 9 ½ foot structure.

Ms. Hopper said perhaps the commission should alter the limit to 9 ½.

Mr. Cilimberg suggested changing the height to 10 feet.

Mr. Rooker asked if that was acceptable to the commissioners.

Ms. Hopper moved for approval with conditions as **amended**.

1. The display shall be limited to the paved area of the fifteen parking spaces located at the southeastern corner of the parking lot.

2. The height of the items being displayed shall be limited to **10'**.

3. Revise the current site plan to reflect these conditions.

4. No additional lighting shall be introduced to the site for the purpose of illuminating this display.

5. The display shall be permitted on an annual basis only between the dates of March 1st through September 30th.

6. Use shall not commence until a Certificate of Appropriateness is issued by the ARB for the site plan.

7. **The area between the display area and the Branchlands Boulevard right-of-way shall be landscaped in a manner, approved by the County''s design planner, so that the display items are screened from view from the Entrance Corridor and Branchlands Boulevard.**

Mr. Craddock seconded the motion, which passed unanimously.

Old Business

There being none, the meeting proceeded.

New Business

Ms. Hopper brought up two items. Regarding rezonings, looking at Rivanna Village and in general, would it be helpful to have a commissioner involved in the process at an earlier stage.

Mr. Cilimberg asked what kind of involvement she was looking for. He does not want to get out ahead of something that's expected by a commissioner because they expected to be involved.

Ms. Hopper said she does not understand the process entirely, does not know all the steps, and would be open to Mr. Cilimberg's input as to when it would be appropriate to get involved. Perhaps there could be a planning commission liaison.

Mr. Rooker said the problem he sees with that is that an individual does not speak for the commission. Developers could be led to believe that an individual's comments reflected the view of the entire commission. Developers often call commissioners and board members in advance of a rezoning and ask to make a presentation. We are permitted to get involved anytime we want to. Perhaps there should be some type of a notice process. He is not sure that we need anything more formal than what already exists.

Ms. Hopper agreed with a lot of what Mr. Rooker said. One issue for here is education for the commissioner. She would like the notice idea, sometimes we don't get the agendas. She asked when would be a good time for a commissioner to come to a meeting about a rezoning.

Mr. Cilimberg replied that staff may or may not have meetings. He does not think it is appropriate for a commissioner to be involved in staff review. Staff is there to provide professional, independent opinion. Having a board member or commissioner involved could effect the way staff looks at an issue. He would suggest attending community meetings or other meetings with the developer. The commissioners should be getting a listing of the projects submitted in your district when they first come in, including the plans submitted.

Ms. Hopper replied that she does get those.

Mr. Cilimberg said that the commissioners are also supposed to get the all of the applications for rezonings and special use permits that are occurring in their district.

Ms. Hopper replied that she is not getting those.

Mr. Rooker said that they are not always getting those. He said it seems to him that anything that we want we are entitled to come down and get, we can make copies of items in the file.

Mr. Thomas said he has also had meetings with individual staff members.

Mr. Rooker agreed with Mr. Cilimberg that there is somewhat of a fine line between participation and giving the impression that you are looking for a particular outcome.

Ms. Hopper stated that she does not think we have any business being involved in staff meetings.

Mr. Cilimberg said he is surprised the commissioners are not receiving the information on the rezonings. It is better for everyone involved if the commission is well informed.

Ms. Hopper said that there is so much for us to learn, that information would be helpful.

Mr. Rooker stated that staff has a better picture of the items we want to see when a rezoning come before us because of the list we developed.

Mr. Cilimberg said he had been noticing the last few months that when the applicant had not met some of the concerns of staff, the application was brought before the commission to provide additional comments to the applicant.

Ms. Hopper would like to get on top of it enough to let staff know her concerns ahead of time.

Mr. Rooker said that a couple of times he's called staff directly with his concerns.

Mr. Cilimberg stated that staff would be doing a lot of e-mailing.

Ms. Hopper wondered regarding where things are with DISC and the ZTA's.

Mr. Cilimberg said there has been a major PUD amendment submitted by the applicant for the village of Glenmore, that staff is reviewing in line with the recommendations of the neighborhood model. We will be bringing them to you for a basic overview of how we will approach getting those to you and the areas to be covered in the review. Several of the issues that came up in the neighborhood model are being addressed in a zoning text amendment team. We are looking at an overhaul of the parking requirements and setbacks. Finally, we are working on an overall plan of action for a number of different areas that need to be undertaken to implement the neighborhood model.

Mr. Rooker said there was apparently some discussion with Elaine at a meeting with the Glenmore residents concerning the town center, as to whether the work sessions would be open for public comment. Ms. Echols sent an e-mail to him regarding that question. His response was that he did not think it was appropriate. The idea of a work session is really to educate the commission by staff of the issues surrounding something that may

come before us at a later time. The work session would in effect become a public hearing.

Mr. Thomas stated that in his opinion, a work session should be a work session.

Mr. Rooker said that we would certainly allow the public to sit and listen.

Mr. Craddock agreed, and said that the public is going to tell us about their concerns anyway, and we'll bring it up during the session.

Ms. Hopper thinks that there should be no public comment in the work session. In order to address the inherent frustration that comes up with different applications, we need to give commissioner's contact information to the public at the work session so they don't have to search for the information. It would also be helpful to have the process outlined for them.

Mr. Cilimberg said that there would be an outline provided next week.

Mr. Rooker requested additional copies to have available for handout at the meeting next week. He verified that the work session next week was not project specific.

Mr. Cilimberg said that it was not.

Mr. Thomas said that on the Home Depot issue, with the residents in that area, things bogged down because there was so much input. We ended up having a meeting with a mediator to let the public know where they stood.

Mr. Cilimberg said it seemed relevant because it was a site plan.

Mr. Rooker stated that we got numerous e-mails and letters from people. The public does not hesitate to give the views.

Ms. Hopper requested that at the beginning of the work session, we clarify that we are talking about a CPA that it countywide and not particular.

Mr. Rooker agreed to do that.

With no further business, the meeting adjourned at 7:25 p.m.

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V. Wayne Cilimberg, Secretary

Recorded and transcribed by Lynda Myers, Recording Secretary