Albemarle County Planning Commission
July 24, 2001

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, July 24, 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; William Finley, Jared Loewenstein, Rodney Thomas and Tracey Hopper. Other officials present were Elaine Echols, Margaret Doherty, 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 items from the public. There being none, the meeting proceeded.

Consent Agenda

a. **SUB 01-159 North Fork Research Park (Biotage) Final Plat** - Request for an internal private road in association with this final plat. (Yadira Amarante)
b. **Approval of Minutes** – June 19, 2001.

Mr. Rooker asked if any of the commissioners wished to remove an item from the consent agenda.

Mr. Thomas moved to approve the consent agenda as presented.

Ms. Hopper seconded the motion, which passed unanimously.

Deferred Items

a. **ZMA-99-11 Clover Lawn Village (Preston Stallings) (Sign # 42)** - Request to rezone 6.80 acres from R-1 Residential district and HC Highway Commercial to PD-MC Planned Development Mixed Commercial. The property, described as Tax Map 56 Parcels107, 107A, and 107A1 is located in the White Hall Magisterial District on Rockfish Gap Turnpike, Route 250 West, across the street from the Blue Ridge Building supply at 5221 Rockfish Gap Turnpike. The Comprehensive Plan designates this property as Neighborhood Density Residential, recommended for 3 - 6 dwelling units per acre in the Village of Crozet. (Elaine Echols)

AND

b. **SP-2001-006 Clover Lawn Village (Preston Stallings (Sign #41)** - Request for a special use permit to allow residential uses in a PDMC zone. A concurrent rezoning of the 6.80 acres is proposed from R-1 Residential district and HC Highway Commercial to PD-MC Planned Development Mixed Commercial. (Elaine Echols)

AND

c. **SDP-2001-016 Clover Lawn Village** - Request for preliminary site plan approval for mixed residential and commercial uses on 6.8 acres zoned R-1 Residential and HC Highway Commercial. The specific proposal includes up to 40 multi-family units and 22,000 square feet of commercial uses. Concurrent rezoning and special use permit requests are made with this site plan. (Elaine Echols) ***DEFERRED FROM THE MAY 22, 2001 PLANNING COMMISSION MEETING.***

Ms. Echols presented the staff report.

Mr. Rooker asked what needed to be done to determine the status of the easement at the back of the property. Does the setback go across this easement?

Ms. Echols replied that staff has asked the applicant if there was an easement, the applicant's surveyor

had determined that there was none at the back of the property. Staff also asked some adjoining property owners for any information about an easement. She received an e-mail, which quotes three sets of deeds that indicate that right of ingress and egress exist in the same location as the old right-of-way. That implies there is an easement there. The County Attorney and the applicant need to look at the language of those deeds. The setback is applied from the rear property line and not from the edge of the easement. We don't know exactly where the easement is located.

Mr. Rooker asked if the setback shown included any decks at the back of the townhouse.

Ms. Echols replied that she did not know, we are seeing building pads only.

Mr. Rooker said he would expect properties of this kind would have decks or patio areas in the back. Would the setback measure from the back of the building or the back of the deck. What information do we have at this time on recreational amenities?

Ms. Echols said she received a fax today, which talks about possibly relocating the recreational tot lot near the center of the residential area. She is not sure that it relates to what is on the wall. She passed around the fax.

Mr. Loewenstein said that if the recreational area stayed where it was on the current plan, he would want to know how that area would be protected from the stormwater management area.

Mr. Rooker commented that the area is not very accessible to the townhouse component of the residential use, as it is designed now.

Mr. Rieley said it seemed as if there was a substantial increase in the residential square footage.

Ms. Echols stated that it looks like from the drawings that there is more square footage. They were looking at smaller apartment units before, and are currently looking at larger townhouses.

Mr. Finley asked if the commission was trying to get back to the comprehensive plan neighborhood density when it requested reduced density.

Ms. Echols replied that she believed the commission was asking for a different kind of design, the assessment would be in relation to design rather than number. The commission did not provide a specific number. The applicant has provided you with some additional information via e-mail that had a comparison of densities.

Mr. Rooker stated that the applicant has raised the issue of self-storage units. Has the applicant ever submitted a plan that shows self-storage units on the property?

Ms. Echols replied that the little sketch was provided to show what the commercial by right of the property could be. The applicant has stated that she is currently working on a project to convert an existing shopping center into self-storage units. She does not want to preclude that as an opportunity in the future.

Mr. Finley asked if the commission had decided during the previous discussion that we would not take up the issue of the entrance realignment.

Ms. Echols said her recollection was that you did request that of the applicant.

Mr. Rooker stated that, upon reading the minutes, it looked as if that was an issue several members wanted to be explored.

Ms. Hopper stated that it was an issue.

Mr. Finley asked if the 25' right-of-way on Radford Lane was done for that reason.

Ms. Echols replied that Radford Lane was for any kind of potential public road development. That reservation of right-of-way would not realign the entrances.

Mr. Finley said that it would at least have it in line with the entrance across the road.

Ms. Echols pointed out that it is going in the opposite direction.

Mr. Rooker said that realignment really depends upon the property on the other side of the road.

Mr. Finley said on page 6, the subsequent submittal of the site plan was mentioned. This would not require planning commission action with that site plan coming in with the engineering matters dealt with.

Ms. Echols replied that the site plan is not in shape to be approved yet. Most of it is dependent on what the commission would approve on an application plan.

Mr. Rieley said he was struck by the operating hours allowance given.

Ms. Echols stated that if you were to look at the set of buildings on the side, you might take a piece out of the footprint to place the service station. There are two things that have been discussed; one is the convenience store/gas station. The planning director would have to make a determination on how closely the two plans come together in conjunction with the zoning administrator.

Mr. Cilimberg said he would have to be somewhat creative.

Mr. Rieley said he was interested in knowing what the parameters are and how much latitude we are talking about.

Mr. Finley asked if the requested details are normal for proffers.

Ms. Echols replied that we have been working diligently with Mr. Kamptner on the set of proffers. Still working on the set of proffers we have now.

Mr. Loewenstein asked what sort of time schedule this was on at this point.

Ms. Echols replied that the deferrals are in the hands of the applicant.

Mr. Rooker pointed out that in the summary Ms. Echols had stated that the applicant has addressed some but not all of the issues. As he understands it, what we are doing tonight is giving feedback to the applicant on those issues.

Mr. Rieley asked if that was where we were procedurally.

Ms. Echols replied that the applicant is generally asking you to defer. They were willing to defer, but wanted to check in with the commission.

Mr. Rooker said that it is our understanding that the applicant is amenable to a deferral and wants feedback on these issues.

Mr. Loewenstein stated the presumably that would occur in time to hold this in late August. He asked if this was the applicant's request for a date or did staff work it out.

Ms. Echols replied that this meeting was the one that was worked out at the planning commission meeting.

Mr. Rieley said that most of the discussion focuses on the 10 residential units above the commercial

space. That does not seem to be a requirement. At this stage of the game, there is no designation for the use of the space above the commercial.

Ms. Echols replied that was correct. The special use permit for the residential use has to do with residential within this particular zone. Right now we have a commitment for two sets of commercial buildings in front and a set of residential buildings in the rear. The applicant requests the option to do residential above the commercial. The very front page of the site plan lays out the parameters.

Mr. Rooker asked whether or not the space over the commercial area is residential, the look of the building is being proffered.

Mr. Echols replied yes.

Mr. Rieley stated that if it becomes a gas station, it can't look like this.

Mr. Thomas said that the old gas station was a little teeny box with one bay.

Mr. Rooker stated that a representative from Great Eastern Management would like to talk about the Radford Lane issue.

Mr. Chuck Rotgin, Great Eastern Management Co., said that about six weeks ago we were asked to reconsider the main entrance so that it would align with Radford Lane. We readily agreed to think about the alternatives. We were then in the process of evaluating two construction bids to get started on the center. With existing approved site plan, we had never acknowledged that the 100' setback from the wet-weather swale should be required. Any change in the site plan would require that this matter be addressed. We discussed possible alternatives for the alignment with Radford Lane with Bob Cross and David Hirschman. We left that meeting with the agreement that we would prepare two alternative sketches and submit them to the staff for review. One would involve the flipping of the buildings on the site, the other would move the buildings back to setback of 300 feet from the highway. The current plan shows a 50' setback. The planning commission should make the ultimate decision. We did submit two designs to the County on July 9th. Staff determined that neither alternative was suitable and would not be bringing either design before the commission. Since it was the commission that raised the issue, we did not want to take any chance that the commission might conclude we were not willing to cooperate. Through the process, we realized there might be an opportunity to improve upon what we readily admit is only a marginal design. It could be improved from the design standpoint. In order to align the two entrances, it does require changes to the site plan. The result would be the creation of an integrated road network off of Route 250. The success of any shopping center is dependent on sufficient traffic and ease of access. The ability to terrace or eliminate the rear retaining wall would help offset some of the cost of the delay and give us the ability to spread the center out a bit. Having spent the time, money and effort to consider ways to align with Radford Lane, we felt it was important to let the commission know what has occurred. What we have on the board are sketches, more work would need to be done. There are five benefits of a redesign to the County and the community: 1) it would provide alignment with Radford Lane and a potential tie in with Cory Farms to the Route 250/240 connector and the expected development to the northeast, 2) it would offer the ability to provide a sub-regional detention pond for those 45 acres which don't naturally drain into Licking Hole basin, 3) it would allow the main shopping center buildings to be setback from Route 250 over 300 feet, 4) it would enable the Blue Ridge Builders Supply storage yard to be lowered and less visible from Route 250, and 5) it would help fulfill more of the retail and service needs of the community and reduce traffic into Charlottesville and Waynesboro. He would suggest to the commission that the original perception of the importance of realignment has provided a unique opportunity to provide for an integrated road network. He pointed out the two alternatives and described the sketches.

Mr. Rieley asked Mr. Rotgin to point to the existing access on the non-flipped plan.

Mr. Rotgin pointed it out.

Mr. Rieley stated that the current access was closer to the roadway in question than the proposal. What is the point of flipping the design?

Mr. Rotgin replied that if it isn't flipped and the entrance is moved, the parking is bifurcated in front of the big store, which is not acceptable.

Mr. Rieley pointed out that you don't gain any proximity to Radford Lane by flipping the plan.

Mr. Rotgin said we gain an alignment as a result of Radford Lane being relocated.

Mr. Rieley said he did not understand the improvement, the entrance is being moved further away from Radford Lane.

Mr. Don Wagner said it would be impossible to realign Radford Lane to the existing entrance. By flipping the plan, it makes it possible to realign.

Mr. Rieley asked what the fact was that made it possible and impossible.

Mr. Wagner said that the entrance into the shopping center has to be some distance away from the large grocery store so that the parking associated with it can be adjacent to it, not across an entrance way. Presently, the grocery store is next to the Builders Supply, which pushes the entrance to the west. It is not possible to move Radford Lane further to the west. By flipping the plan the entrance is pushed to a place where it is possible to relocate the road.

Mr. Cilimberg said this actually allows for the possibility of moving Radford Lane, which didn't exist with the current plan, because apparently the owners would not let it, be moved on their property.

Mr. Rooker verified that the second proposal does not involve moving Radford Lane.

Ms. Hopper asked if they would still be requesting not to use the retaining wall with the first proposal.

Mr. Rotgin replied that the retaining wall on this plan would stay. The swale comes back and catches some of the drainage from the north side of 250.

Mr. Rooker said it appears in the second alternative you do not have to realign Radford Lane.

Mr. Rotgin pointed out the sub-regional detention basin, which would take care of the Clover Lawn drainage, eliminating the need for the retention pond. This is a significant growth area for Albemarle County. This is an opportunity for improvement.

Mr. Rooker asked how plan two impacted the stream.

Mr. Rotgin replied that they would pipe the stream. Pushing the buildings back from Route 250, also lowering the parking. The parking spaces will be at a lower level; you will not see the first portion of those spaces as you drive 250.

Ms. Hopper asked if he was willing to consider other designs beside these.

Mr. Rotgin replied that both of these plans had benefits for the applicant.

Ms. Hopper asked if he had the mirror image of plan one with him.

Mr. Rooker stated that the plan is not before us tonight. What we want to do tonight is get idea whether or not the alignment is a possibility.

Mr. Finley pointed out that both 1 and 2 would provide the regional pond. He asked what the timing was in

terms on construction.

Mr. Rotgin replied that they are ready to begin construction on the center. If as a part of any redesign, a sub-regional detention pond was a part of the design that would be the thing that went in first. There is a lot of grading to be done. He wanted to make the commission aware of the alternatives.

Mr. Cilimberg said that because it was not shown on the original site plan, it was missed by VDOT.

Mr. Rotgin stated that was not a purposeful omission.

Mr. Rooker said that at this time we should hear from the applicant.

Ms. Jo Higgins spoke for the applicant. We were not aware that a public hearing would not be held tonight. She asked the commission to consider allowing those few individuals to speak who did not have an opportunity previously.

Mr. Rooker replied that the normal procedure, once we've had a public hearing, we do not generally reopen the public hearing. Another possibility is if you come back with a final plan, we could open for public comment at that time

Mr. Rooker asked if she was in agreement with the process, requesting a deferral after getting feedback tonight.

Ms. Higgins replied that she was. She has prepared a few points; the parking standard does effect the layout for the commercial areas only. That is PDSC standard, is that something the commission could support?

Mr. Rooker asked the commission if they wanted to give feedback on one item at a time and discuss them.

Ms. Higgins said that the PDMC does not have a gross square footage application as the PDSC has. The planning commission has previously approved this. It would be a way to consolidate.

Mr. Rooker asked if staff had a recommendation on the application of that standard.

Ms. Echols replied that staff thinks that is the appropriate standard. Zoning has asked us, through the proffers, to clarify that the parking associated with the residential units to the rear would not be changed. Parking for residential units should be with those residential units. The PDSC standard should be for the commercial area in the front.

Mr. Rooker asked if there was anyone who disagreed.

The Commission said no.

Ms. Higgins brought up the recreational use. We have submitted a very rough sketch that would put the recreational area directly in line with Radford Lane. This would provide supervision and a central amenity to the townhouses.

Mr. Rooker said it is difficult to envision what the applicant is discussing. His general feeling about the plan is that it does not show enough usable open space. The recreational use should be more centrally located to the residential area.

Mr. Rieley stated that he would like to hear Ms. Higgins' proposals and discuss them generally, rather than individually.

Mr. Rooker said that some of the issues are related.

Ms. Higgins stated that with the residential density proposed we have several people here tonight to support that effort. Residential use that is typically refers to R-15. A similar development was the Crozet Commons development. We started with the 40 units, which is similar to Crozet Commons. The SP that we started with was an R-6 density. The SP before you tonight really equates to R-5, which is 1/3 of what is typically associated with commercial districts. We feel the townhouse concept would promote ownership. We received feedback from the neighbors that they would prefer ownership to rental. The units would have a total of 1800 square feet and be priced in the $150,000-$160,000 range. The number of proposed units is the problem. We have an attachment, which took the Crozet Commons and superimposed it on Clover Lawn. Crozet Commons was a C-1 district where this is an HC district. HC is generally more intense than C-1. The other issue is the 50' setback adjacent to the properties at the rear. We have requested that it not be applied to the residential units, but we have applied it to the commercial units.

Mr. Rooker asked if the setbacks started at the end of the building pad or the end of the deck.

Ms. Higgins replied that the 20' undisturbed buffer, as measured from the property line has one unit is somewhat close with the deck. We can keep that out of the 20' buffer. The grounds will be maintained under the condo concept; no one will have a specific yard.

Mr. Rooker asked for her position on the easement.

Ms. Higgins replied that the surveyor has found an easement on Radford Lane straddling the property boundary. It is 20' wide, 10' on each side. Radford Lane turns and goes about 140' feet. Have pulled the unit in question from any future reservation of right-of-way. The general feeling about Radford Lane is that it would not turn in the same configuration as a connector. Clover Lawn comes to the table with a 25' reservation for the whole distance of the property line. The setbacks are zoning setbacks from the property line. We can meet those. We will have to address screening in the landscape plan.

Mr. Rooker asked if anyone was using that stretch of the easement right now.

Ms. Higgins said it is in use and is shown on the plan. It is outside of the easement on the corner right now. We are working around Radford Lane at this time.

Mr. Rooker raised a question with respect to the setbacks, are they taking into consideration an easement that might be on the property.

Ms. Higgins replied that the zoning setbacks are measured from the property boundary, rather than the easement.

Mr. Rooker pointed out that the applicant is asking for a waiver of the required setback of 50'.

Ms. Higgins stated that there are actually two setbacks, the 20' undisturbed buffer and the 50' required in the general commercial ordinance. That applies to general commercial, she is not sure how a special use residential fits into that. We specifically designed the buildings so they were only residential.

Ms. Hopper would like to know about the easement too. It makes sense that because it is a residential use, it should have a residential setback.

Ms. Higgins anticipated it being 20' off the potential future right-of-way edge. Measured from the property line, its 45'.

Ms. Hopper said she would like to see it on the plan.

Mr. Rieley said that was one of the things on the checklist.

Ms. Higgins pointed out the items on the last page which address the utilities, topo drainage, the recreational change, proffers would be rewritten, and a central location for landscaping in the entrance that is not restricted.

Mr. Finley asked about the 16 vs. 24.

Ms. Higgins responded to the commission's note about the square footage change. The apartments were smaller and were more units. The lower the residential density goes the price of units and the size increases with the PDMC.

Mr. Rieley said that in the previous plan there were two apartment buildings at 16,000 square feet each, for a total 32,000 square feet. We expressed some concern that this was too dense. In the current plan we have 24 units at 1,800 square feet each for a total of 43,200 square feet.

Ms. Higgins replied that those apartments were 1,200 square feet each.

Mr. Rieley said he is talking total square footage of livable space, or the footprint.

Ms. Higgins pointed out that the first floor of the townhouses are only 900 square feet.

Mr. Rieley said he is talking about the total square footage, which appears to be an increase.

Ms. Higgins stated that density is number of units per acre. We did not get direction on how many square feet per unit.

Mr. Finley asked how the applicant would proceed with planning in regards to the regional pond.

Ms. Higgins said if there was the potential for a regional pond, we would work with engineering to go into the joint situation. It would not affect the plan a great deal.

Mr. Rooker asked if she would prefer to wait to see what happens before finalizing the plan.

Ms. Higgins said that the two developments do need to work hand-in-hand. She is not sure that the revisions will extend its life. We would have to work through the scheduling issues. It would be an appropriate complement to what's happening across the street.

Mr. Finley stated that if Radford Lane were realigned, that would mean the pond is eliminated.

Ms. Higgins said that the pipe could be engineered. She can't say until the plan is reviewed. At some point, the drainage has to go under the road.

Mr. Rooker asked if she was saying the relocation of Radford Lane would not significantly impact the plan before us tonight.

Ms. Higgins replied that it does separate a piece of Clover Lawn on the other side of the lane. We are working with the lodge closely on the water and sewer easement.

Mr. Rooker asked if ultimately the flipped plan were approved for the Food Lion center, can that relocation be accommodated with the existing plan as shown.

Ms. Higgins replied that she thinks it can be accommodated, especially with the relocation of the recreational area.

Mr. Rooker raised the issue of density.

Mr. Cilimberg said that staff made a recommendation on how to approach density. We thought this was

an opportunity to achieve residential in conjunction with commercial development. The commission was concerned with the overall massing on the site.

Mr. Rieley said that we have substantial mitigating circumstances of the additional units above the commercial property. One of his concerns is the site coverage and how much is taken up by buildings and parking. This is not substantially less; in fact it's more. He would support 15 or 16 units with the additional 10 above the commercial area.

Mr. Rooker stated that also provides an opportunity for more usable recreational space.

Mr. Rieley said it gives the opportunity for a better site configuration with the removal of necessary parking for those units.

Mr. Finley said if you eliminate the pond, it would give you more greenway.

Mr. Rooker stated unless Radford Lane is relocated.

Mr. Finley verified that Radford Lane would cut into the corner if it were relocated.

Mr. Rooker said it would, about where the eastern side of the stormwater management facility is currently.

Ms. Hopper said she is in favor of high density if it can be planned well. The problem is that this plan doesn't seem integrated. It would be good to integrate that plan with centralized and not incidental open space. The basic problem with the plan is the lack of open space and integration.

Mr. Rooker said that reducing the number of condominiums could result in increased open space. The applicant came forward with a plan for residential only and we asked them to come back with an integrated plan. The applicant is responding to the requests of the adjacent owners. In terms of the configuration, that's what they are responding to.

Ms. Hopper said she has no problem with where the residential is located. She has a problem with the lack of open space and the two not being connected.

Mr. Finley asked if we have a standard on green space.

Ms. Hopper replied that it does not really meet the intent if you can count every little patch of grass.

Mr. Finley said the applicant is talking about coming back with a more centralized open space.

Ms. Echols stated that in a planned residential development there is a required 25% open space. That is not true in a PDSC or PDMC. It is based on the density of the residential development to calculate how many tot lots are needed or the amount of recreational amenity required. Our only amenity requirement is with multi-family development and we have a schedule of square feet per unit. Our regulations don't translate into amenities, and this one does not have the open space requirement.

Mr. Rooker said we are looking at a rezoning.

Ms. Echols replied that was correct, so the commission can set that for whatever you think is appropriate.

Ms. Hopper said that it seems important to incorporate the DISC principles.

Mr. Rieley in this case, with the threat of a conventional development, we should do something good. He thinks we should make a distinction between the calculated number of tot lots and using open space as a structuring element.

Mr. Rooker stated his opinion that it is important the open space be usable. He asked if it was the general

consensus that 15-16 units is appropriate for this application.

Mr. Finley said he would like to have clarification on the density issue.

Mr. Rieley replied that he agrees with it in this instance. This is on the periphery of the growth area. You could make an argument that the line should have been drawn somewhere else. He does not think it makes sense to push this to the higher levels of density.

Mr. Loewenstein stated that if we raise the density, we increase the need for additional open space, which isn't going to be available in this instance.

Mr. Finley asked if Mr. Rooker knew the percentage of open space.

Mr. Rooker replied that the percentage has not been presented to us. There appears to be a majority that believe the 15-16 units are more in keeping with the plan we are comfortable with.

Ms. Echols pointed out the percentage of space not under impervious cover is given on the front of the site plan, the percentage is 46%.

Mr. Finley verified the zoning ordinance requirements.

Ms. Echols replied that was the minimum requirement for the site plan to be approved with this density.

Mr. Finley asked what it was on this site plan, in terms of square feet.

Ms. Echols replied it was a little bit unclear. The proffers just came in with changes. The applicant is trying to accommodate what the zoning requires.

Mr. Rooker pointed out that the applicant indicated that they intended to move the open space. It seems to be the consensus that we would like to see the open space more central to the development. The next issue is easement dedication with respect to Radford Lane. What is the question of the applicant there?

Ms. Echols replied that the issue is "where is that easement located?" The second issue is the location of the development in relation to that easement.

Mr. Rooker responded that the question raised was one of easement dedication, which refers to the applicant's dedication of easement property along Radford Lane. Is there something for us to answer on that issue, right now?

Ms. Echols replied that the commission cannot answer anything right now, because we don't know what easement exists. Once we know what's there, should there be additional easement dedication along the rear of the parcel?

Mr. Rieley stated that those two questions are important. He said he doesn't know where the easement should be. He believes it has to be resolved and dedicated.

Mr. Loewenstein concurred.

Mr. Rooker asked if there was anyone who disagreed. The commission requested that the easement and the part that would be dedicated be shown on the plan.

Mr. Thomas asked for some clarification on the 25' easement. Are we discussing the area at the back of the property or along Radford Lane?

Mr. Rooker replied that Mr. Rieley was talking about both.

Mr. Rieley brought up the secondary issue of the requested waiver of the 50' setback along the rear line. One of the neighbors did a sketch that showed with reasonably modest massaging, it was possible to achieve the 50' setback, all of the parking and the residential uses. Particularly with the density of the housing in the area, a waiver of setback is neither necessary nor wise.

Mr. Rooker stated he also saw the plan, which showed a 55' setback all around. It seemed a reasonable configuration of the townhouses and provided more usable open space.

Ms. Echols asked if it was the commission's consensus that there should not be a waiver to the setback requirement.

Ms. Hopper replied not on her part.

Mr. Loewenstein replied that he needed to see the location of the easement.

Mr. Rooker replied that at this point, the commission cannot give clear guidance until we see the location of the easement. It would be helpful to know if decks are planned for the townhouses.

Mr. Rieley said also answering conclusively the issue relative to this 20' easement, whether it is even pertinent from the perspective of zoning setbacks. It may be completely irrelevant.

Mr. Thomas stated that he would like to see the density stay where it is, or higher. We seem to be backing up on the DISC plan. He feels we are defeating the DISC plan each time we request a lower density. We need the concentration to cut down on sprawl.

Mr. Rieley said he would normally weigh in with Mr. Thomas on this issue. He believes we also need to look at individual properties. He does not feel the higher density makes sense for this property.

Mr. Finley stated that if it is 16 units we're sticking with, that would be cutting the proposal by 30%. We should leave some flexibility in the plan.

Mr. Rooker said he doesn't necessarily feel that 16 is a magic number. From his perspective, the plan does not leave enough usable, centrally located open space.

Mr. Cilimberg stated that there are a lot of dynamics that the commission is discussing in pieces that might not fit together. Perhaps you need to focus on what is the big issue, what are you looking for in this change. It is important to say the open space should be centrally located and usable. You do want to solve the problem of the Radford Lane misalignment. You are open to the idea of the stormwater retention facility moving. You are not too happy with the way the cover of the land of buildings and parking has taken up so much space and you are looking for ways it can be reduced. It might be more important to lay out the bigger parameters for what you'd like to see the design incorporate. The setback in zoning is somewhat of a non-issue. The setback is normally measured from the edge of the structure, including decks. The more important question is how much space is important in the rear that you would like to leave as greenspace for the adjacent properties. That becomes a driving force for the design and layout. We need to hear from you what the significant things are that are driving the design.

Mr. Rooker said he thought the Commission had just articulated those. His concern is really about usable open space, rather than the number of units.

Mr. Rieley replied that this number of units is not working in this plan. The rationale that Ms. Echols laid out can form the basis within which a better design can be resolved. He thinks we need to make it clear that this is 15 or 16 units, rather than 24, in addition to the 10 over the commercial area.

Mr. Rooker said he is not willing to go quite that far. We have probably given about as much guidance as we can provide at this time.

Mr. Cilimberg stated there is one thing that has been a hang-up for us in figuring out how to deal with. There are certain things that are assumed that would be the result of the way this plan ultimately gets approved. As an example, if they are willing to accommodate a relocation of Radford Lane that can tie into a plan the Blue Ridge Shopping Center provides that flips the buildings. The other plan provided, which allows them to line up with the existing Radford Lane, if you feel like you would never be able to approve a plan like that, Mr. Rotgin should know about that.

Mr. Rooker responded that he is not prepared to say that he would never approve the plan on the right without seeing the full details and having a staff report.

Mr. Cilimberg said the staff feels that is too severe a plan on the site. The other held some promise but staff is not sure we can get the relocation of Radford Lane.

Mr. Rooker asked Mr. Cilimberg to elaborate.

Mr. Cilimberg stated that when you start combining the square footage, the amount of fill activity including the piping of the stream, the amount of parking and the way it's related to the use and Rt. 250. He does not want to send a false impression as to what you might be willing to accept. It is better to be working toward something you find acceptable.

Mr. Rieley said he really thinks that we should not send any signal that this is something we want to work towards. The reason there is a shopping center there at all is that it was a piece of residual commercial development. He would much rather have that in downtown Crozet.

Mr. Rooker said that with respect to the design on the right, you could approve that configuration with less square footage. We are not here tonight to decide that we are in favor of increasing the square footage. We don't have a plan or a staff report before us tonight. He is not comfortable making a commitment with respect to that property.

Mr. Rieley responded that he is going by Mr. Rotgin's presentation.

Mr. Rooker stated that the question is if you can make a decision on a plan that is not before us.

Ms. Hopper said we are not making a decision.

Mr. Rieley responded that he is saying that the plan as Mr. Rotgin proposed it would not be acceptable to him.

Mr. Finley asked Mr. Rieley if he was talking about plan 1 or 2.

Mr. Rieley replied plan 2.

Mr. Finley stated that since moving Radford Lane directly affects this application, there has to be some guidance on how to proceed.

Mr. Cilimberg said the commission could keep Radford Lane the way it is or seek realignment. One other possibility is using their central road as the ultimate road so Radford Lane would no longer be necessary.

Mr. Rooker stated that everyone feels it would be a positive aspect to line up Radford Lane with the entrance to the shopping center on the other side.

Mr. Cilimberg said that the one that we did not support was one we did not think would work with the landowners.

Ms. Hopper asked how staff felt about changing the retaining wall and getting into the swale area.

Ms. Echols said he did not think plan 1 got into that.

Mr. Rooker replied that Mr. Rotgin said it got about 20' into the swale area.

Mr. Hopper pointed out that Mr. Rotgin said it would result in an 80' setback rather than 100'.

Ms. Echols said that on the right hand side of that property, there has already been disturbance from the Blue Ridge Builders Supply. The creek itself is barely a creek. David Hirschman has walked that stream bed, and it is not serving the function we thought it was serving as a primary resource. Mr. Hirschman thought it would be okay to do some disturbance in the area where there is existing disturbance on the site.

Mr. Rooker said that disturbance would occur in that area on the flipped plan.

Ms. Echols stated that we have not done a detailed review. Staff was concerned about the one on the left, we did not know how likely it was that the property owners could come together. The applicant indicated they were not willing to redesign to move that over onto their site. We thought of the issues involved in relocating that road. It kept getting progressively more complicated. The applicant has now indicated they might be willing to pursue that.

Mr. Rieley pointed out that there may be other alternatives.

Mr. Rooker said that all we can do at this point is say we are generally in favor of the alignment of the roads. The applicant and the property management on the other side of the road should continue to pursue a plan that might result in that.

Mr. Cilimberg stated that part of the reason for saying this is that the applicant comes to the staff and asks what you want. He wants to make sure his is clear.

Mr. Rieley stated that he would not vote in favor of any rezoning that does not address the issue of Radford Lane.

Mr. Rooker said at this point there might be fifteen ways to solve that problem. The next issue is the appropriateness of the uses proposed on page 4 and 5 of the staff report. How did the fire and rescue squad use get eliminated?

Ms. Echols said she did not really remember, staff thought perhaps it should be proffered out because of the noise element. There is already an existing fire and rescue squad.

Mr. Rieley asked how the process worked.

Ms. Echols replied that the commission asked the applicant to work with the community to come up with needed uses that would not conflict with the uses already in downtown Crozet. The applicant set up a meeting with local residents to discuss those possible uses. There are attachments with listed uses from the residents.

Mr. Loewenstein asked Ms. Echols to comment on the church use.

Ms. Echols stated that had to do with the neighbors.

Mr. Loewenstein said that was a curious use to include in the list.

Mr. Rooker stated that we have a list of what the applicant has proffered out and we have the proffered hours of operation. We also have a list of suggestions from the Radford Lane residents. The question is if there is anything we would like proffered out that is not on the application list.

Mr. Rieley said he would like to add automobile service stations.

Ms. Hopper stated that because of the concerns about noise, the hour limitation should go to 10:00 p.m.

Mr. Rooker pointed out that only applies to certain activities.

Ms. Hopper said she is making the assumption that the reason there is a limit is because they are noisy.

Mr. Rooker stated that the one exception might be an indoors athletic facility, such as health clubs. It would likely not generate much noise.

Mr. Loewenstein said that one might assume a lot of the people who would use it would be the residents who would walk.

Mr. Rooker asked how the commissioners felt about changing the hours of operation.

Mr. Rieley agreed.

Ms. Hopper agreed.

Mr. Thomas said he likes 11.

Mr. Loewenstein said he has no problem with 11.

Mr. Finley said he did not either.

Ms. Echols verified that just the automobile service station should be proffered out. He agreed with Mr. Rieley that it is a fundamental change in the plan.

Ms. Echols pointed out that an automobile service station is considered to be a separate use from a convenience store with gas pumps. An automobile service station proffered out would not preclude a zoning interpretation of convenience store with gas pumps.

Mr. Rieley said that any use that requires gas pumps is a significantly different plan.

Mr. Thomas asked for the definition of an automobile service station.

Mr. Cilimberg said it would be the more traditional gas station.

Mr. Rooker said this development might be fine with a convenience store and gas pumps, but we should see the proposal that includes that.

Ms. Echols stated that the automobile service station is authorized to maintain engines, but not do bodywork. Perhaps you could require a special use permit for that use.

Mr. Rooker replied that we are talking about gas pumps, what they are attached to is not the problem.

Ms. Echols verified that we should proffer out gas pumps.

Mr. Finley verified with Ms. Echols that the commission could propose proffers, but in the final analysis it is up to the applicant.

Ms. Echols stated that was correct.

Mr. Rooker said that pretty well covers the list of items on which the applicant wanted feedback.

Mr. Rieley stated that the architectural drawings are very nice and are promising. He would request that they extend that effort into the residential area. As the applicant works toward changes in the site plan, he would like to see that expertise applied to the site plan component. These buildings, as they are shown, are two ranks of buildings. In neither of them, do the buildings define and inclose open space, or add up to something more than their individual components. We don't see a reflection of the landform in the composition of the site; he would like to see it be harmonious with the existing land form. He would like to see a much greater degree of specificity with regards to the recreational area. He requested a preliminary grading plan. He would like to thank the applicant for continuing to work on this process.

Mr. Rooker agreed that there are a lot of things good about the plan.

Mr. Loewenstein said a word of appreciation to all the neighbors who provided input to this plan.

Ms. Hopper thanked Great Eastern Management for taking a look at this plan.

Mr. Finley asked if we were agreeing that 16 units is the minimum.

Mr. Rooker stated that each of us expressed somewhat different concerns, there is not complete consensus on how that will be arrived at. Hopefully, the applicant has enough feedback.

Mr. Finley said that then there is some flexibility.

Mr. Loewenstein said that the Chair is correct. Hopefully the applicant will come back with something we can look at a little further.

Mr. Rooker said we might end up with a plan that we all like some of but not all of. Eventually, we will have to vote on a plan.

Ms. Higgins asked if the commission was looking for open spaces as a proffer.

Mr. Rooker stated that the commission is looking for an application plan that provides for a centralized area of usable open space for recreational use. A strip of land between the parking areas is probably not usable open space. We would like to see some defining of the open space with the alignment and configuration of buildings.

Ms. Higgins said that we did not look at it as open space, but as a recreational plan. We can accommodate the ordinance recreation spaces.

Ms. Hopper stated that this is a DISC issue, the idea is that there is an integration.

Ms. Higgins said we dwelled on the other than impervious area. A central space moves things closer to the property lines.

Mr. Rooker stated that there is a general consensus that we want to see a centralized usable recreation space.

Mr. Hopper added and that works to integrate.

Mr. Cilimberg said that the centralized recreation space could be taken in many different ways. He asked the commission to clarify their wishes.

Mr. Rooker stated that we are not only talking about active recreation, we are also talking about passive uses.

Mr. Rieley said he took it to mean usable open space, as opposed to left over fringe areas.

Ms. Hopper asked if one or two tot lots were required.

Mr. Cilimberg stated that we end up accepting some pretty liberal substitutes for them that are more in line with the kind of development that's occurring. Flexibility is built into the ordinance.

Mr. Rieley said there is one other issue. This really points out all of the difficulties with the street alignment. All of these things point to a crying need for this area to have a master plan effort. We owe it to the community to work on that.

Mr. Cilimberg stated that next month the commission would get to make that decision.

Mr. Rooker said that Scenic 250 would prefer this rezoning not move forward until master planning is completed. We can't require the applicant to wait until the master planning process is completed to exercise his existing rights under the existing zoning.

Ms. Hopper asked what the housing committee's definition of affordable housing was.

Ms. Echols replied it was up to 80% of the median.

Ms. Hopper said she thought the limit was $125,000.

Mr. Cilimberg pointed out that there was no proffer that included a price. You could suggest that affordable housing be a part of this application.

Ms. Hopper said she thought it was an attractive part of the application.

Ms. Echols said she could look into that.

Mr. Rooker said it might be helpful to provide the Commission a copy of the ordinance again. The applicant doesn't really address affordability in this application.

Mr. Loewenstein said he did not hear from the applicant that it would fall into any definition of affordable housing.

Ms. Hopper said that she did not either, it simply piqued her curiosity.

Ms. Higgins requested a deferral to September 11, 2001.

Mr. Loewenstein moved to accept the request

Ms. Hopper seconded the motion, which passed unanimously.

5. Regular Item:
   a. **SDP 2001-043 Monticello Fire & Rescue Station Preliminary Site Plan -** Request for preliminary site plan approval for a 13,245 square foot fire and rescue station on 13.8 acres zoned R15, Residential, and a waiver of Section 4.12.6.2, for one-way circulation. The fire station use was approved on a 1.77 acre portion of the site through a Special Use Permit (SP-00-39). The special permit allows a public fire/rescue station in accordance with Section 18.2.2(3).The property, described as Tax Map 91, Parcel 2E, is located in the Scottsville Magisterial District on the south side of Mill Creek Drive (Route 1150), across from the Monticello High School football field. The Comprehensive Plan designates this property for Institutional use in Development Area Neighborhood 4. The application includes a request to waive the provisions of Section 4.2, Critical Slopes. (Margaret Doherty)

The Commission moved for approval of the preliminary site plan and the one way circulation waiver, with conditions.

1. The following note shall be shown on the final site plan: *When the property to the east is developed, the sidewalk along the public driveway shall be extended to that property, and an additional sidewalk, connecting the future building to the fire and rescue station shall be provided*;

2. The landscape plan, to be submitted with the final site plan, shall include street trees or their equivalent along the front of the station building;
3. A sign shall be installed at the southern-most entrance, which indicates that this drive is for emergency vehicles only;

4. A note shall be added to the final site plan, which includes the square footage of the area of assembly. Also, the parking information shall be revised to show a parking requirement of 1 space per 2 staff persons plus 1 space per 75 square feet of area for assembly.

5. The following items must be reviewed and approved by the Engineering Department before tentative approval of the final site plan can be granted:

    a. An erosion and sediment control plan, narrative and computations;
    b. Road plans and computations; and
    c. VDOT approval of road plans and entrance design.

6. The following items must be reviewed and approved by the Service Authority before tentative approval of the final site plan can be granted:

    a. Approval of final water and sewer construction drawings, which shall be submitted directly to the Service Authority.
    b. Show proposed water and sewer easements.
    c. The street trees proposed for the west side of the access road will be in direct conflict with the new 18" water main. Also trees around the east side of the site conflict with the new 6" water main sprinkler line and water meter. The final utility and landscape plans must reconcile these conflicts.

New Business

Mr. Cilimberg stated that the latest issue of New Urban News quotes Elaine Echols regarding the adoption of the Neighborhood Model.

Mr. Loewenstein asked Mr. Cilimberg to circulate the article.

Mr. Cilimberg said they had another article on new urbanism shaping regional plans, which was really about large scale planning efforts. Several cities and counties were cited. We did not get mentioned for that.

Mr. Loewenstein said that the final copy of the Neighborhood Model looks good.

Mr. Cilimberg stated that staff has an implementation model and will likely schedule a joint meeting with the commission and the board.

Mr. Rieley asked for the status on the master plan.

Mr. Cilimberg replied that would be part of the implementation model.

Mr. Finley asked if it involved a consultant.

Mr. Cilimberg replied it would.

Mr. Finley asked if the money was budgeted.

Mr. Cilimberg replied it was, if they would let him carry it over.

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

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V. Wayne Cilimberg, Secretary

Recorded and transcribed by Lynda Myers, Recording Secretary