Albemarle County Planning Commission
September 18, 2001

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, September 18, 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, Rodney Thomas, Tracey Hopper and Pete Craddock. Other officials present were Elaine Echols, Margaret Maliszewski, David Benish, 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.

Mr. Scott Peyton raised an issue of procedure. He said that on numerous occasions, on issues of considerable interest to the public, there have been last minute additions to plans by the applicants, and even more disturbing, there have been last minute withdrawals or requested deferrals literally on the afternoon of a scheduled hearing. He asked the County to consider procedural changes that would be fairer to the process of public input. When last minute changes are made, it undermines the capability and capacity of the public to consider those changes thoughtfully and provide input.

There being no further comment, the meeting proceeded.

Review of Board of Supervisors Meetings – September 5, 2001 and September 12, 2001

Mr. Benish reviewed the meeting. On September 5th the Board reviewed the Hollymead Town Center comprehensive plan amendment. The Board held a work session to review the proposed master plan. The master plan is fairly consistent with the commission's recommendations. The major difference is in maximum square footage of building sizes and a proposal for a crossover on Route 29. By and large it shows a lot of consistency. The Board set a public hearing for October 10th. On September 12th the Board took up the Rivers Edge rezoning, which was approved with proffers. They also approved the comprehensive plan amendment, including the Meadow Creek Parkway study into its recommendations into the plan.

Consent Agenda

a. **SUB-01-175 Berkmar Land Trust** – Request for waiver of Section 14-505A and request for private road. (Karl Guiler)
b. **Approval of Minutes** – July 24, 2001 and July 31, 2001.

Mr. Rooker asked if any commissioner wished to pull an item from the consent agenda.

Mr. Thomas moved for approval of the consent agenda.

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) ***PLANNING COMMISSION DEFERRED JULY 24, 2001.***

AND

SP-2001-006 Clover Lawn Village (Preston Stallings (Sign #41) - Request for a special use permit to allow residential uses in a PDMC zone. (Elaine Echols) ***PLANNING COMMISSION DEFERRED JULY 24, 2001.***

AND

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. (Elaine Echols) ***PLANNING COMMISSION DEFERRED JULY 24, 2001.***

Ms. Echols presented the staff report.

Mr. Loewenstein asked staff to elaborate on the issue of density given on page 5.

Mr. Rooker asked if the staff had taken a position on the appropriateness of the density of this project.

Ms. Echols replied that density is promoted in the comprehensive plan in the development areas. We believe density is important with this development, but the amenity needs to be centralized. You commented that you thought the density was too high. At the meeting in July, there was a lot of discussion about what is appropriate density. Some of you said the density was too high, and some said you wanted to see the redesign before you commented on the density. The applicant has provided a centralized amenity with 27 units. There are different ways to calculate the density. The gross density on the site is 4 units per acre. If you take just the portion shown as residential, it would be 8 dwelling units per acre. If you take the number of units and applied that to the acreage that is currently shown R-1 on the land use plan, you would get about 10 units per acre. We have not advised the applicant anymore, because that is your call.

Mr. Rooker pointed out on page 2 of the staff report, there is a statement that says staff recommends review by the ARB prior to approval by the planning commission. Where are we on that?

Ms. Echols replied that when this plan came in under the second round, we asked the ARB to review the plan and they made a series of comments on it as a site plan. A lot of their comments had to do with landscaping in the front and trying to buffer the appearance of the parking lots. I believe they asked for some sections at that time. I can't tell you if it has been to the ARB twice. Because of the change in the plan, we think it would be appropriate for the ARB to comment on it again.

Mr. Rooker asked if it was more appropriate for the ARB to review this item before or after we vote on the issue.

Ms. Echols said staff tries to get some comments from the ARB prior to review by the planning commission.

Mr. Rooker verified that the staff report was completed on September 5th is that correct.

Ms. Echols yes.

Mr. Rooker said there were a number of recommendations by staff, he asked if there had been any discussion with the applicant regarding those recommendations.

Ms. Echols replied that they needed to be discussed by the commission before any further discussion.

Mr. Rooker verified that there had been no adjustment to the plan based on the staff report.

Ms. Echols replied that there had not been.

Mr. Thomas asked what the previous density was.

Ms. Echols replied that the original plan had 40 dwelling units, and the second had 34. The current plan has 27. Over top the commercial units, they are proposing another 5 units.

Mr. Rooker pointed out that the staff report says the 5 residential units <u>may</u> be provided. There is not a definite proffer to

put residential over the retail. That was originally 10.

Mr. Rooker opened the public hearing.

Ms. Jo Higgins spoke on behalf of the applicant. The plan is set to be reviewed by the ARB on the October 15th agenda. We do feel like the plan before you has the potential to decrease the view on Route 250. We started with 3 parcels of land of which one was our initial rezoning request. Both the commission and the board requested a cohesive plan be submitted in conjunction with the by right zoning adjacent. At that time, the existing development was a basket shop, a gas station, and five residential units at the back of the site. We can integrate this site much better under a PD-MC. We are at the 4th time as far as plan goes. There are many proffers that show the HC uses, including the elimination of gas pumps. There are many details, including parking, we looked at eliminating the double row of parking, but you would need to add a 25' travelway, which amounts to 5,000 square feet of additional asphalt to support the same parking spaces. Our goal was a compact plan. This plan is 48% open or grass. On the residential side, there are two parking places per unit.

Mr. Rooker asked if the 48% included the paved parking area.

Ms. Higgins stated that includes the calculation of the actual impervious area of the site. The number is usually much higher in a commercial area. Code typically provides 2 spaces per unit, we have allowed 2 extra spaces, 3 extra spaces designated for the tot lot, and 5 extra for the commercial area. We don't want to have conflict with neighbors due to guests in the residential units. We have a central amenity, which is very accessible. We tried to keep variety in the units. We did squeeze down the footprint of each unit, from 900 square feet to 600 square feet. We still feel like we can stay within the affordability range. By affordable, we don't mean second class housing, we mean upscale housing.

Mr. Rooker asked if the 600 feet was per floor.

Ms. Higgins replied that it was a 600 square foot footprint. We have shown the decks and patios on this plan. Everything can be changed. We couldn't change within enough time for staff to review it and stay on the commission's agenda. We really are struggling to keep this on a schedule. The staff asked that the traffic signal proffer be expanded so that it relate to either location at the entrance to Clover Lawn. The applicant will of course agree to do that. We took out the gas pumps. We have supported the issues with the development across the road. We will keep clear the old Route 250 roadbed. We believe the alignment of Radford Lane is possible. But, we would prefer to not be held hostage to the off-site development.

Ms. Hopper said she would be interested in seeing the options for the alignment on your site.

Ms. Higgins replied that basically there were several alignments. The alignment your are referring to is the one that brings Radford Lane closer to Clover Lawn. We have to have clearance between the existing entrance with Blue Ridge Builders. If you start to diminish that clearance, you have to reduce the turn lanes. I don't know that would be beneficial. When I met with the 250 task force, they supported the entrance on an existing entrance alignment with Blue Ridge Builder Supply. They also supported that the two align. The current proposal maintains that we can dedicate the 25' and the residents can maintain their current use of Radford Lane.

Ms. Hopper said that it doesn't solve the problem within this application itself.

Ms. Higgins said that technically, we do align with the existing commercial entrance.

Ms. Hopper said she would like to have more information about that. Is there a way to correct the alignment without it being contingent on Great Eastern Management?

Ms. Higgins replied that Clover Lawn is not causing an alignment issue. These are two separate issues that came to light at the same time.

Ms. Echols said that the issue that relates to the alignment exists whether or not the zoning goes through. There is an existing plan that does not align. If there was an opportunity to correct it, it should be corrected.

Mr. Craddock asked if this was on County water and sewer.

Ms. Higgins replied that it was.

Mr. Craddock asked if there had been any studies about the water table.

Ms. Higgins said there had not. What we do know is that we have successfully negotiated with the Masonic Lodge for extension of utilities. Will connect to public water and sewer. The service authority would serve in the growth area. There is an oversized intention for possible upgrade.

Mr. Rooker said that under design, staff recommends greater definition of the green area.

Ms. Higgins replied that we proposed the tot lot, we did not show fencing, but we don't have a problem with that. A substantial part would not be graded and could be left natural; we left the possibility of putting paths through it.

Mr. Rooker said that staff also suggests the amenity value would be improved by fronting 2 sets of townhouses on the green.

Ms. Higgins said it is difficult to make a 600 square foot townhouse usable and double-sided is difficult. If we swapped to face the green, you would have a barbecue and a patio next to where people park their cars. That would evolve to privacy fences and residents would have to walk 160' just to get to their front door.

Mr. Rooker asked if that was something that had been considered.

Ms. Higgins replied that they had. We felt like it was important to keep some of it natural.

Mr. Rooker said that staff talks about aligning the commercial buildings on the same plane, is that something you've looked at?

Ms. Higgins said the site breaks in a certain way, but we have aligned it more than it originally was. We were trying to avoid uniformity as you go past. It was really based on the design and the grading.

Mr. Rooker asked about the potential for the off-site stormwater management.

Ms. Higgins said that in the meantime, they have worked on a dry basin for stormwater management, as a water quality detention area. It is not intended to be a pond, or a wet area. The only time it would look bad would be during construction. If they do regional detention, we have two pipes under the road and we can join it that.

Mr. Rooker asked if Ms. Higgins was willing to include a proffer to participate in the joint detention plan.

Ms. Higgins replied that the timing is the real issue, we would seek to do that in some way. We did propose some water quality areas in the front with plantings. We did decrease the footprint of the commercial buildings. There are only enough parking spaces to support that office use. If we did condos above, we could reduce the parking, but that does not appear realistic at this time.

Mr. Rooker said there is a suggestion by staff regarding pedestrian access.

Ms. Higgins replied that we do have a sidewalk that goes along Clover Lane on the west side. We sought a point to cross that travelway at the back of the west building, which goes right to the tot lot. We do have an inter-connection though.

Ms. Echols said we were talking about the parking lot for the residential uses, around the back of the parking lot, along the side and to the green.

Ms. Higgins said again, some of that could be done, but it would be within the buffer and the grading would be an issue. We do have a sidewalk across the front and up the middle.

Mr. Rooker said that proper pedestrian access should be shown on the site plan. You are proffering to provide that

pedestrian access.

Ms. Higgins replied that we proffer what's shown on the plan. The future connection can be for all aspects, but that is a future reservation for it.

Mr. Rooker asked what Ms. Echols had in mind there.

Mr. Echols replied that what the proffer was addressing was trying to get access from behind the property, through this development all the way up to Route 250. It was not clear where it would be and asked for it to be shown on the plan.

Ms. Higgins replied that all I can say about that is that it is an application plan that is tied to the proffer. The future connection is not designed or shown either. She is not sure what the correct response is.

Mr. Rooker asked for additional comments from the public.

Mr. Tom Loach, a Crozet resident, stated that the last meeting had come down to number, rather than design. In the closing comments made at the last meeting, Mr. Rieley said the architectural drawings were nice and requested that the same consideration extend to the residential area. The neighbors have made the same request. The applicant has not listened to either Mr. Rieley's or the neighbors' requests. At a previous meeting, I showed architectural design plans and requested that type of drawing become the standard for submission before the commission. What you see is an opening for conversation, compromise and consensus. What you see tonight is a nondescript grouping of rectangles, which lead to resistance and resentment. First and foremost, the model neighborhood is not about piling as many people in the growth area as possible. The model neighborhood utilizes density to bring the benefits of connected, walkable neighborhoods. That is not the case in this proposal. The truth is, the average residential development is R 1.7. The flexibility should have started at 16 homes.

Mr. Bob Cross spoke on behalf of the Radford Lane homeowners. We would like you to ask yourselves what would happen if Great Eastern's proposal is rejected or withdrawn. There is no provision for the current proposal to address what would happen to Radford Lane. We have several concerns regarding any approval without realignment. If you approve this project, you lose the leverage. If you approve the site plan, you either complicate or eliminate other solutions. There are alternatives within Mr. Stalton's control. He could come in through the center of Clover Lawn lane, connect to Radford Lane. We think these things are important, but the more important consideration is the message sent to the development community. We ask for these reasons, that any approval of this project be tied to the effective realignment of Radford Lane.

Ms. Cindy Jackson, of Radford Lane, said the changes that have been made have not satisfied the neighbors. The plan is out of character with the neighborhood, as most of us have more than 3 acres. We don't have a buffer because of the new orientation. Even though we saw the backs of the homes, we at least got a buffer from the noise and the parking lots. The field, trees, and basket shop have buffered us from noise in the past. Privacy fencing was offered for one of our neighbors, but we would like to have it offered for the rest of the neighborhood. There is not really a plan for the recreation area, and it seems the green buffer between the commercial and the townhomes has been removed. There really does need to be something else. We would hope that you would not give any variances to this because it is really in a rural area at the very edge of the development area.

Mr. Scott Peyton spoke on behalf of Scenic 250. Scenic 250 is fundamentally opposed to the expansion of density envelopes, other than those allowed by right. There is no connectivity or relationship to the interior of the growth area. Access and egress are only on Route 250. We believe this is an inappropriate location for this type of project. We have worked with this developer. Unfortunately, this proposed site plan has failed to live up to that potential. This is not a well-integrated residential and commercial development. What possible justification can there be to support a higher density than allowed by the comprehensive plan? Additionally, we feel it is imperative for the ARB to review this particular plan before the commission votes. We would also like to see the details of a meaningful landscape plan. Other details such as lighting and signage have not been addressed. We encourage you reject the plan as currently proposed. We would also oppose any extension of the Blue Ridge HC site plan. We have a strong belief that that there is a need for a master plan in the Crozet growth area. Without such a plan, the Crozet growth area will simply be built out on a parcel by parcel basis.

Mr. Rooker asked Mr. Peyton if he was suggesting that there should be a different standard applied to this plan, than what

is required in the lighting ordinance.

Mr. Peyton said he has not seen any plans for signage and lighting and would like to see that addressed.

Mr. Rooker stated that the lighting would have to meet the standards of the lighting ordinance. We have a sign ordinance with additional requirements. The signs are generally not dealt with at this stage of the process.

Mr. Peyton said that we believe this project greatly exceeds what is appropriate.

Mr. John Jackson, a Radford Lane resident, said this proposal really points out our need for a master plan. In the code it is mentioned that the development has to be harmonious with the existing environment. This plan stands in stark contrast to the existing neighborhood. The neighborhood model principal has a lot of different issues. This plan fails to meet between 9 and 10 of the 12 principles of the neighborhood model: it is not pedestrian oriented; it is really parking lots surrounding commercial area; it is a closed system; it doesn't meet the model suggested for an active area; there is no neighborhood center; all of the parking is visible; all of the existing buildings were demolished; it is being graded; and they are asking for a variance of the buffer. We really have to look at it as two developments. The stormwater management still is not clearly defined. We ask that the commission go by the current rules and guidelines and deny this application.

Mr. Max Cole, of Radford Lane, said he canvassed the neighborhood. We have a lot of dry wells in this area. Blue Ridge Builders Supply has dug three new wells. The Moorman's River is dry. The reservoir is down about 50 feet. We have drained a lot of it with our sewer. If we do this and the shopping center across the street, it will be the beginning of the end of Crozet as a village. There are a lot of other uses better than this.

Ms. Higgins pointed out that this is three parcels of land, the interconnectivity between the three parcels is significant. Being in a neighborhood with R-1, it is kind of a cart before the horse kind of thing. The tot lot is a passive area, for this number of units; we are consistent with the ordinance. We have not designed the townhouse units. We leave that to the next phase, this is a preliminary plan. We have proposed a zoning setback. We have requested to go as close as 30 feet with only the residential buildings. Mr. Shifflett's house is the closest house that will be impacted with this development, so we have placed the privacy fence in that location. On the western end, we are 10 feet lower; you'll be looking over the tops of cars. We are bringing water and sewer line into the site.

Mr. Thomas asked about pedestrian accessibility. In your interpretation, do you have pedestrian accessibility?

Ms. Higgins replied that there is interconnectivity between the three parcels, but we are really only looking at a small piece or what the growth area and comprehensive plan envision. We have objected to a sidewalk that comes out to 250 for safety issues. Interconnectivity to the other parcels around us, as that property develops, we have proffered to interconnect.

Mr. Thomas asked if this site could have a neighborhood center.

Ms. Higgins replied that we do not have enough of the momentum to be a center. There has to be enough people to make it a viable number.

Mr. Thomas said there were some questions proposed on this second floor, will you be putting commercial or residential up there?

Ms. Higgins replied that we have proposed that the buildings have the possibility to put up to 5 units. The developer could not commit to building those. The neighborhood prefers owners versus renters. We are concerned that they would only be rentals.

Mr. Rooker asked why the elevations and drawings could not be provided.

Ms. Higgins replied it was the cost of coming and making changes, though they did submit some drawings for the commercial section.

Mr. Rooker said we have not seen that same kind of thing for the residential component of the plan, the elevations from

various angles on Route 250 are important.

Ms. Higgins said you have not seen those because they will have to go to the ARB.

Mr. Rooker said there are things we might consider important that the ARB might not take into consideration. It might be easier for us to look at this with those.

Ms Higgins acknowledged it is hard to read a flat plan. To go to the expense of proceeding with that kind of level of information, was not something we proceeded to do.

Mr. Rooker said that when we were here before, we specifically asked to see the same kind of drawings for the residential as we saw for the commercial.

Ms. Higgins said she thought 4 dwelling units per acre was according to ordinance. We did not have that on the list of things critical to do.

Ms. Hopper stated that for a rezoning it is important for us to have that.

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

Ms. Hopper asked what the reduction in parking would be if the five residential units were a commitment instead of an option.

Ms. Echols said she would have to go back to her notes, but she believes it would be about 8 spaces.

Mr. Rieley agreed with Ms. Higgins that affordable housing does not mean a ghetto, we have to make the neighborhood model work for everybody. I understand the frustration with the repeat appearances and I know it is expensive. That being said, the first time this came before us was for the developer was asked to get together with the neighbors to develop a plan that would be supported. I argued for density more in keeping with the surrounding area. Others argued that this couldn't be evaluated outside of the context of a specific plan. This design does not substantially improve. It seems to be town density without a town configuration. The number of units has only lessened marginally. It is really not the number of units, but physical relationship to the surrounding area. One way to see that would be illustrations of how those pieces would fit together. Two years ago, we voted on a set of guidelines, which included renderings and prospective drawings. The second story residential, which I hoped could be solidified, has not been committed to and has even been cut in half. One of the main things we should look for is their compatibility. I cannot see how this proposal will achieve this. The sketches I saw when I met with the architect looked promising, but I don't see it reflected here. This plan needs a fundamental redesign, not repackaging. There is room on this site for a variety of housing mixes. On the issue of the threat of the by-right development, it does not sell the project to say that something else could be worse. I'm not persuaded that this is better. I am further from supporting this than I was last time.

Mr. Loewenstein agreed with Mr. Rieley. He said he had some questions about buffering and stormwater management, but he also is concerned about the imposition of what has been billed as a neighborhood model development without good integration into the surrounding area. The difficulties we are seeing here are an indication that we need a master plan for the Crozet area as soon as possible. He said he could not support the plan tonight.

Ms. Hopper stated that many of the highlighted aspects in the staff report were of concern. Regarding the density, it seems that the amenity doesn't support the density. It seems that aspect of the plan shows that the density is not supported.

Mr. Rooker said that generally, we were looking at a density of 16-18 residential units that might allow the kind of density necessary. The applicant has come back with a plan that is significantly more dense than we would support. I don't know if the applicant wants to deal with the coming back with an additional plan, or if we should vote on this tonight. He asked the applicant to comment. He said he agreed with Mr. Rieley on the affordability issue.

Ms. Higgins stated that she would like the development to work and would like the opportunity to defer.

Mr. Rooker asked if it would be possible to mix the size of the units.

Ms. Higgins said that would be possible. We will get some elevations of those units and will look at some reductions. We have had a variety of input, she is not sure that we can satisfy the neighbors, but will talk with them. She would like to make this a win-win situation.

Mr. Rooker said the commission appreciated that attitude.

Ms. Higgins said she did not know that we can create a town center.

Mr. Rooker said he did not necessarily think this would be a town center for the growth area that surrounds it. We should make certain that there are reasonable connections with other areas as they grow. He said he thought that Mr. Rieley had been looking at Mr. Von Storch's plans.

Ms. Higgins said the only difference was the recreational area. It was exactly symmetrical.

Ms. Higgins requested an eight-week deferral of all three items to November 13, 2001.

Mr. Loewenstein moved to accept the applicant's request for deferral of all three items to November 13, 2001.

Mr. Craddock seconded the motion, which passed unanimously.

Blue Ridge Shopping Center

Ms. Echols presented the staff report.

Mr. Rooker asked for the expiration date.

Ms. Echols replied August 28, 2002.

Mr. Rooker asked what the applicant needed to do to protect their rights in the existing site plan. What is a reasonable lead-time?

Mr. Kamptner replied that there is no hard and fast rule at this point. They have to go to an approval; they have to rely on that approval.

Ms. Echols stated that the conditions were substantial expenditure, irrelevance of the approved plan, diligent pursuit of the development right.

Mr. Rooker asked how close you can run to the expiration date.

Mr. Kamptner stated that the delay is important in looking at whether or not the applicant has diligently pursued their rights. Each one is on a case-by-case basis.

Mr. Rooker asked if the commission needed to act on the request for an extension at this time or should we do that at a later date.

Mr. Kamptner pointed out the criteria the commission needed to consider: whether the request is reasonable; the length of the extension can be based upon consideration of the size and phasing of the proposed development; and laws and regulations in effect at the time.

Mr. Charles Rotgin, the applicant, stated that in early June they had a call from the County to ask if they would be willing to reconsider the design to work with the Radford Lane proposal. It was the County and VDOT that expressed a concern about the safety of the road network where Radford Lane would intersect with 250. The County also stressed the importance of an integrated road network. There is $150,000 invested in that site plan. If we are going to go forward, we have to completely redesign the plan from scratch, the engineering work has to be redone. It will be a time consuming and

expensive process. It would not be prudent for us to spend 4-6 months and tens of thousands of dollars without protecting ourselves. The request came from the planning commission initially. The retaining walls are the first features that have to be built, which we are unable to do without an approved site plan.

Mr. Rooker said that the commission probably had all the information needed at this time. He asked Mr. Rotgin if he felt the applicant had perfected their interests in the existing site plan.

Mr. Rotgin replied that it was not their view. We are asking for a two-year extension. It is a difficult site, which will require three building seasons as a safety.

Mr. Rooker said he did not think this was an unreasonable request.

Mr. Rieley said he sent an e-mail to Mr. Kamptner on August 31st, raising the issue of the intersection within the context of zoning ordinance section 32.4.3.8d, to ask his opinion on whether that applied and if it did apply what were the means of remediation for the County. Mr. Rieley read Mr. Kamptner's response. The first thing to figure out is where the responsibility lies. If the responsibility lies with the applicant, then it is up to the applicant to address the problem. Mr. Kamptner stated in his memo that the Radford Lane alignment did not have to be shown on the plan. I would like to have a little time for our staff to flesh out the information in this memo.

Mr. Rooker asked if Mr. Kamptner had anything to add.

Mr. Kamptner said that in his review, there really was no discussion of Radford Lane, although the staff report had a map with a picture of it. Based on the sketchy comments from VDOT, they did not consider it to be an important issue.

Mr. Rieley said that such a misalignment is in direct contradiction to VDOT standards. Do you have specific information regarding that decision?

Mr. Kamptner replied that the more accurate statement might be that they did not require alignment.

Mr. Rieley pointed out that they were looking at a site plan did not have it on there. Can the County and VDOT be held responsible for not catching an omission like that on a plan?

Mr. Kamptner replied that there is no evidence of any kind of concealment.

Mr. Rieley said that the question was whether or not there was a mistake.

Mr. Kamptner replied that the mistake, if there was one, was whether or not the access to Blue Ridge should have been required to align with Radford Lane.

Mr. Rieley said that he thinks this is an open question that should be addressed by VDOT.

Mr. Rooker asked if the site plan had been approved by mistake, would the right to call that up for review be in any way impacted by the extension of the site plan.

Mr. Kamptner replied that it should not be, if someone wished to pursue that, they need to make request that the zoning administrator make a determination.

Mr. Rooker verified that granting an extension tonight would not jeopardize the rights of Mr. Rieley.

Mr. Kamptner said if the request is made shortly, that question would be resolved in the original five-year period.

Mr. Rieley said that all we are talking about is a week.

Mr. Rooker stated that if there is any question, we should defer a decision.

Mr. Kamptner replied that the commission could grant the extension, subject to that condition, that any planning

commissioner reserves their rights request that the vested rights determination be made.

Mr. Rieley said that if we don't have the right to call it back before us.

Mr. Kamptner stated that someone needs to make a request to the zoning administrator to make an official determination.

Mr. Rieley said he would feel better if we could do this a week from now.

Mr. Rotgin asked if Radford Lane was a public road.

Mr. Kamptner replied that from his inquiries, it's not a public road, it's not even a private road.

Mr. Rotgin stated that the applicant didn't even know that Radford Lane even existed at the time.

Mr. Rooker said that the question is whether or not the site plan was approved by mistake because it should have been on the plan. The other question is whether or not it makes any difference. I don't think waiting a week will make any difference. We are likely to grant the extension, regardless.

Mr. Rotgin stated that the applicant would like to have a copy of that. He said he is a little bit flabbergasted at this result.

Mr. Rooker said that we will defer a decision on your request for an extension for one week.

Public Hearing Item:

a. **ZTA-01-13 Outdoor lighting** – Amend Sections 4.17.2, Applicability, 4.17.3, Definitions, 4.17.4, Standards, and 4.17.5, Modification, waiver or variation, of Chapter 18, Zoning, of the Albemarle County Code, to revise the applicability of the outdoor lighting regulations, to delete the definitions of "decorative luminaire with full cutoff optics" and "initial lumens," to revise the standards for each outdoor luminaire, to allow facilities for all organized sports, rather than just those for baseball, softball, football, and soccer, to be eligible for a modification, waiver or variation under Section 4.17.5(a)(1), and to make minor technical changes to these sections. (Margaret Maliszewski)

Ms. Maliszewski presented the staff report.

Mr. Kamptner suggested the introductory language in 4.17.4b be changed to "each parcel, except those containing only one or more single family detached dwellings, shall comply with the following".

Mr. Rooker said he thought the changes were good.

Mr. Loewenstein said he thought these were good points to get cleared up.

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

Mr. Thomas moved for approval with the revised language.

Ms. Hopper seconded the motion, which passed unanimously.

Work Session:

a. **CPA-01-03 Rivanna Village at Glenmore** - Request to change the Comprehensive Plan designation from Neighborhood Residential to Community Service for Tax Map 93A1, portion of Parcel 1, Parcels 2, 3 & 4 and Tax Map 80, Parcel 50. The property comprises roughly 78 acres and is located at the intersection of Glenmore Way and U.S. Route 250 in the Village of Rivanna. The current Comprehensive Plan designation allows for 3 - 6 dwellings per acre. The proposed Comprehensive Plan designation allows for commercial services of a community scale, office uses, and other employment services. Urban Density residential uses at a density of 6 - 34 dwellings per acre are allowed as secondary uses (Elaine Echols)

Mr. Thomas removed himself from the discussion.

Mr. Craddock removed himself from the discussion.

Ms. Echols presented the staff report.

Mr. Rooker asked how much of the existing tree buffer will remain intact on the plan.

Ms. Echols said there is a lot of new growth vegetation in this area. I think this is all new vegetation. Our central issue was whether or not there was enough significance about this stream that it should be recognized in the comprehensive plan as an important stream in this particular development area.

Mr. Rooker asked if there was another property in the Glenmore area to which this 20 acres could be attached.

Ms. Echols replied there was 20 acres that was proffered for a school or other public use site.

Mr. Rooker asked if the applicant had discussed whether or not there is other property to which this proffer might be moved.

Ms. Echols replied they had not.

Mr. Rooker asked if there had been any discussion of moving the fire department.

Ms. Echols said it had been mention to the staff, but they have not discussed that, we are not aware of any trade-offs.

Mr. Rooker asked if the applicant's proposal would fit nicely into the neighborhood service designation.

Ms. Echols replied that it would, the only place where it is not clean is in the acreage.

Mr. Rooker suggested the commission examine the issues individually. He brought up the first issue: **Should the Village be provided the opportunity to meet the Village standards as stated in the Comprehensive Plan?**

Mr. Rooker said he thought that it should.

The commissioners agreed.

Should the intermittent stream identified by the County's water resources staff be preserved with a stream buffer and integrated into the development or should it be piped, as indicated in the proposed plan?

Mr. Rooker asked Ms. Echols to give some clarification on the significance of the stream.

Ms. Echols said that Dave's staff went out and looked at it, they said it was a perennial stream, rather than an intermittent stream. It does not have a solid blue line on the USGS map.

Mr. Rooker asked what the drainage area might be that is served by this stream.

Ms. Echols replied that staff could get that information.

Mr. Rooker asked for information about volumes of water and flood conditions.

Mr. Rieley said we should get as much information as we can. This is one of the fundamental issues we will have to grapple with. How do we make the interface between these formal design considerations and natural systems work together? We could say that it is an enormously important issue and it needs to be done well here.

Ms. Hopper said it is also a special situation because we have a stream buffer that has not been disturbed.

Mr. Rooker stated that perhaps David or a member of the staff could attend the next meeting.

Mr. Rieley said he did not necessarily think that this precluded intervention.

Should any of the existing wooded areas be retained?

Mr. Rooker asked if we have a plan that shows the existing wooded areas.

Ms. Echols replied that nearly the entire property area is covered in woods, with the exception of an area where there is an open field in the northeastern corner.

Mr. Steve Runkle stated that maybe 50% or more of the property is wooded currently.

Mr. Rooker asked if this plan reflected existing trees.

Mr. Runkle replied that any vegetation that will be left will be on the perimeters or the greenspace.

Mr. Rooker asked about the property bordering the Magruder subdivision.

Mr. Runkle said he can't tell you if that's existing or to be replanted. Most of this property is 2nd or 3rd growth trees.

Mr. Rooker asked if Mr. Cox had anything more to add.

Mr. Frank Cox stated that major first growth trees are on the adjoining properties. That area is substantially covered, mostly in 2nd and 3rd growth. It is very hard to accomplish both a preservation program and a traditional neighborhood development program.

Mr. Rooker said that is appropriate internal to the site, but it seems to me that to the extent you can save the bordering area it would be helpful.

Mr. Cox said the concern of the neighbors is that they have established homes with established landscaping. The imposition of the site line will obviously affect the enjoyment of their properties.

Mr. Rooker said it would be helpful to save as much of that growth along the border as possible.

Mr. Cox stated that this is one area where we hope to move toward a shared parking standard that allows the reduction of spaces. This plan meets the current standard.

Mr. Rieley replied that could be a big help in this case when looking at the stream and the wooded buffer.

Mr. Cox said that to preserve the wooded buffer, we would certainly have to remove some of that parking and pull the perimeter road back into the site.

Mr. Rooker stated that he is not suggesting that the entire extent be preserved, but a reasonable buffer should be left.

Is the Community Service designation appropriate or would the Neighborhood Service designation be more in keeping with the Comprehensive Plan's suggestion for Villages?

Mr. Rooker said he would like to hear from the applicant whether or not it makes any difference.

Mr. Cox replied that neither one works actually. The intent of this is a new invention. The DISC study has ample language in it. How can you embrace a different concept for the district and not have to rely on an older set of standards.

Mr. Cilimberg suggested that the commission should determine whether the scale and massing are appropriate, we can work with the designation among the staff.

Ms. Hopper stated that it would be nice to have a category that would fit the neighborhood model.

Mr. Cilimberg said that staff can work on that. The question right now is if what you are seeing is appropriate.

Ms. Hopper replied yes, except for the back parking lot

Mr. Rooker said he agreed with that. The general massing, size and mix of use looks appropriate in terms of the neighborhood model.

Should roads inside the project area be public or private?

Mr. Rooker said he saw no strong argument for requiring public roads, given the current VDOT standards. We are trying to achieve something that approximates the neighborhood model; we need to show some flexibility here.

Mr. Rieley said this is one of the issues where we should encourage VDOT to continue to modify their standards. We shouldn't wait for them or hold our developments hostage to them.

Mr. Rooker pointed out that legal has to be satisfied with the maintenance plan.

Mr. Cilimberg said that our largest example of a private road system is Glenmore.

Mr. Rieley pointed out that the County engineering department is working on standards for roads.

Ms. Echols said that one topic that should be commented on, if whether or not it would be appropriate for this area to be gated.

Mr. Rooker replied that he thought interconnectivity should be encouraged.

Mr. Cilimberg said that what will become unique here is the private roads. There may be some fine-tuning that needs to take place. This will become a potentially very used road system that is maintained privately.

Mr. Rooker stated that the trade-offs in design flexibility argue in favor of permitting that, if it's properly bonded and scheduled for maintenance.

Mr. Cox said that the applicant would love for VDOT to accept these streets, with the zoning package we submitted.

Mr. Rooker stated that we have all expressed a desire to allow the flexibility necessary to achieve the kind of roads in this system that would be desirable.

Mr. Cox reiterated that the applicant would love for VDOT to embrace these streets.

Mr. Rooker responded that we would permit private roads, but not require them.

Mr. Cox stated that the roads would be built to minimum VDOT standards.

Should the Development Area contain space or facilities for a public use, over and above the Fire Station, to replace the land previously proffered for a school site or provide other public services desirable for Villages?

Mr. Cilimberg asked if staff should be looking for alternatives to that.

Mr. Rieley said it doesn't necessarily have to happen in the same space.

Ms. Hopper pointed out that it could be another piece of property too.

Ms. Echols said that the comprehensive plan talks about the 20 acres in this development area.

Mr. Cilimberg said that we would want to identify if we had 20 acres intact somewhere, if we are going to do that. Maybe we do need some acres intact that is not 20 acres.

Ms. Hopper asked if Mr. Cilimberg was referring this particular area or the development area.

Mr. Cilimberg replied that he is talking about the development area.

Mr. Rooker stated that the answer to the question is yes and the commission is willing to look at creative solutions.

Mr. Rooker asked if there had been any consideration to relocating the fire department.

Mr. Runkle replied that we have had internal discussions about the potential need to relocate, but have not had any official discussions with staff or the fire department. He pointed out an alternative property that might work for relocation.

Ms. Hopper asked if he owned that other site.

Mr. Runkle replied yes. He discussed the issue of the 20 acres and offered public facilities within the plan.

Mr. Rooker stated that we are open to creative suggestions about what the County needs in that area and what might be given in lieu of that 20 acres.

Mr. Runkle said he would be happy to enter into discussions about that, but he would like to have that fleshed out somewhat before going much further.

Mr. Rooker said we are also open to considering other acreage.

Mr. Rieley said he thought the last issue is a big one. He wants to make sure the solution has long-term public benefit.

Old Business

Mr. Rieley said that the last time we heard the Clover Lawn issue the Master Plan issue was raised.

Mr. Cilimberg said we had a projection to try to have a joint board and planning commission meeting.

Mr. Cilimberg stated that basically we need the board to decide which is the first we do. It is a Very involved process. We have been working with the County executive's office. This is no longer simply a planning department project. The County is moving in that direction, ownership is with multiple departments of County government.

Mr. Rieley said it would be great to see that move again.

Mr. Rooker pointed out that according to the table in Volume II of the DISC report, Crozet has about 40% of the unbuilt capacity of the growth areas.

Mr. Cilimberg stated that we are working a request for proposal that would need to go out for consulting assistance. We have never done that amount of work in planning or community land use design.

Mr. Rieley stated that implementation is another level of concern.

Mr. Cilimberg said it would be taken out to the communities for public comment.

Mr. Rooker said some thought needs to be given to the parameters given to the public to work with.

Ms. Echols said that the starting point is the land use plan.

Mr. Cilimberg said ultimately those amendments would be made to the comprehensive plan.

New Business

Mr. Cilimberg said that typically we would have liked to have taken a little bit of a different approach on the request for an extension, but because it was tied into Clover Lawn we decided to go ahead with it tonight.

Mr. Rooker stated that it really shouldn't have come before us tonight.

Mr. Cilimberg said that Mr. Rotgin is anxious and was pushing for it.

Mr. Rooker said we should have stated that we needed two weeks at least for a staff report. It really didn't happen well for Mr. Rotgin either.

There being no further business, the meeting adjourned at 9:45 p.m.

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V. Wayne Cilimberg, Secretary

Recorded and transcribed by Lynda Myers, Recording Secretary