January 15, 2002

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, January 15, 2002, at 6:00 p.m., Meeting Room #241, Second Floor of the County Office Building, 401 McIntire Road, Charlottesville, Virginia. Members attending were William Rieley, Vice Chair; Rodney Thomas, William Finley, Tracey Hopper, Jared Loewenstein, Bill Edgerton and Pete Craddock. Other officials present were Stephen Waller, Scott Clark, David Hirschman, Joan McDowell, Amelia McCulley, David Benish, Greg Kamptner, and Wayne Cilimberg.

Mr. Cilimberg called the meeting to order and established a quorum. He welcomed Bill Edgerton as the new representative from the Jack Jouett District.

Election of Officers: Chairman, Vice-Chairman, and Secretary

Mr. Rieley nominated Mr. Loewenstein to serve as Chairman of the Planning Commission.

Ms. Hopper seconded the nomination.

Mr. Finley moved to close the nominations with Mr. Craddock seconding.

The Planning Commission elected Mr. Loewenstein as Chairman by unanimous vote.

Mr. Loewenstein opened the nominations for Vice-Chair.

Mr. Thomas nominated Mr. Rieley.

Mr. Craddock seconded the nomination.

Nominations were closed and Mr. Rieley was elected by unanimous vote.

Mr. Loewenstein opened the nominations for secretary.

Mr. Rieley nominated Mr. Cilimberg.

Ms. Hopper seconded the nomination.

Nominations were closed and Mr. Cilimberg was elected by unanimous vote.

Set meeting Time, Day, and Location for 2002.

Mr. Thomas moved that the meetings for 2002 by set for every Tuesday night at 6:00 p.m. in Room 241 of the Albemarle County Office Building.

Mr. Finley seconded the motion, which passed unanimously.

Mr. Loewenstein officially welcomed Mr. Edgerton and thanked the commissioners for his election. He also thanked staff for their work.

Adoption of Rules of Procedure.

Mr. Thomas moved for approval of the Rules of Procedure as presented.

Mr. Finley seconded the motion, which passed unanimously

Other Matters Not Listed on the Agenda from the Public.

Mr. Loewenstein asked for other matters not listed on the agenda from the public. There being none, the meeting proceeded.

Review of Board of Supervisors Meeting – January 9, 2002 (Wayne Cilimberg)

Mr. Cilimberg reviewed the meeting. He said that the Board approved the final appraisals of the first properties to be acquired under the ACE plan. Among the items before public hearing were the Robert Finley tower, which was approved by a vote of 4-2. The Darden Towe Park Phase III Improvements was deferred to ensure that there would be nothing that might be an inhibiting factor to possible transportation improvements. Also approved was the CF Hall land trust. The big item was the regional public safety radio project, which was approved with 10 conditions. There was a reduction in height to 105'. It remained a monopole at the same diameter. This does allow for the whip antenna to extend to 20' above the top of the pole. Other recommended conditions were included. The board asked for more specific information on the tree-planting plan. There was approval of the addition, and denial of the withdrawal from the Moorman's River agricultural/forestal district.

Consent Agenda:

Sugar Hollow Addition – Sugar Hollow Agricultural/Forestal District Addition – Request to add one parcel described as Tax Map 40 Parcel 12B1 containing15.367 acres and one parcel described as Tax Map 40 Parcel 46C1 containing 9.93 acres **(*PLANNING COMMISSION MUST ACCEPT APPLICATION).*** Scott Clark)

SDP-2001-120 Crozet Park Phase III - Request for the allowance of cooperative parking pursuant to Section 18-4.12.4 of the Albemarle County Code. (Karl Guiler)

SDP-01-90: 2260 Old Ivy Road (Stillfried Lane) Site Plan Waiver - Request to waive the provisions of Section 32, Site Plan and Section 4.12.6.2, internal circulation. (Margaret Doherty)

Resolution of Intent to Amend the Zoning Ordinance Relating to Development in Accordance with the Approved Site Plan - Amend the Zoning Ordinance to more clearly require a site to be built in accordance with the approved site plan.

Mr. Loewenstein asked if any commissioners wished to pull an item from the consent agenda.

Mr. Thomas moved for approval of the consent agenda as presented.

Ms. Hopper seconded the motion, which passed unanimously.

Items Requesting Deferral:

SP-2001-047 Albemarle Baptist Church (Sign #93 & 94) – Request for special use permit to allow a church in accordance with Section 10.2.2.35 of the Zoning Ordinance which allows for churches in the Rural Areas. The property, described as Tax Map 61, Parcel 1E, contains 6.239 acres, and is located in the Jack Jouett Magisterial District on the northeast corner of Hydraulic Road (State Route 743) and Roslyn Ridge Road (State Route 1390), approximately 1.5 miles northeast from the intersection of Seminole Trail (U.S. 29 North) and Hydraulic Road (State Route 743). The property is zoned Rural Areas District (RA). (Steven Biel) ***DEFERRED FROM THE DECEMBER 18, 2001 PLANNING COMMISSION MEETING. APPLICANT REQUESTS DEFERRAL TO FEBRUARY 26, 2002.***

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

Mr. Rieley moved to accept the applicant's request for deferral to February 26, 2002.

Ms. Hopper seconded the motion, which passed unanimously.

SP-2001-033 Bethel Baptist (Sign #34 & 35) - Request for a special use permit to allow the construction of a 6,944 square foot expansion for a church sanctuary, classroom and fellowship hall, in accordance with Section 10.2.2.35 of the Zoning Ordinance which allows for church uses in the Rural Areas. The subject parcel, described as Tax Map 21-Parcel 25, contains approximately 3.004 acres zoned RA (Rural Area). This site is located just east of Route 29 North at the intersection of Burnley Station Road (State Route 641) and Watts Passage (State Route 600). The property lies within the Rivanna Magisterial District in the area designated as Rural Areas 2 by the Comprehensive Plan. (Steven Biel)

AND

SDP-2001-093 Bethel Baptist - Request for Planning Commission approval of a site plan waiver to allow the construction of a 6,944 square foot church addition for a sanctuary, classroom and fellowship hall. (Steven Biel) ***APPLICANT REQUESTS DEFERRAL TO FEBRUARY 26, 2002.***

Mr. Loewenstein opened the public hearing on this item. There being no comment, the hearing was closed.

Mr. Finley moved to accept the applicant's request for deferral to February 26, 2002.

Mr. Craddock seconded the motion, which passed unanimously.

Deferred Items:

SDP-01-95 Shadyside Commons Preliminary Site Plan - Request for preliminary site plan approval for 81 townhome units in 14 buildings on 16.65 acres zoned Residential (R-4). The property, described as Tax Map 57 Parcel 29 is located in the White Hall Magisterial District, in the Crozet Community, on Route 240 approximately 2 miles east of the intersection of Route 240 (Three Chopt Road) and Route 810 (Crozet Avenue), within the Highlands neighborhood. The site encompasses the large open area between existing homes in Highlands and Route 240. The Comprehensive Plan designates this property as Neighborhood Density (3 to 6 units per acre). (Margaret Doherty) ***DEFERRED FROM THE NOVEMBER 13, 2001 PLANNING COMMISSION MEETING.***

Ms. Doherty presented the staff report.

Mr. Rieley asked for a more detailed explanation for a density that seems to exceed R-4 on this parcel. He said that he understood that zoning determined that averaging was appropriate in this instance. He verified that this is a separate property.

Ms. Doherty replied that it was.

Mr. Rieley said that he did not understand how averaging could be applied after the fact.

Mr. Cilimberg replied that Mill Creek was an example of an overall density plan. Density applies to all of that which is within the application plan.

Mr. Rieley said that this makes reference to the change in zoning from R-8 to R-4, not the PUD.

Mr. Cilimberg replied that it was R-4 with the proffered plan.

Mr. Rieley asked if this level of density was in the proffered plan.

Ms. Doherty replied that it was, it was shown as townhomes in this location.

Mr. Finley asked if school buses would travel inside the development, given the private roads.

Ms. Doherty replied that if they could get an agreement with the homeowner's association, the school district could use those roads.

Mr. Finley verified that the widths and turnarounds would accommodate school buses.

Ms. Doherty replied that they would.

Mr. Thomas asked where the dumpsters were to be located.

Ms. Doherty pointed them out on the map.

Mr. Thomas asked if they would be picked up, would there be room for the trucks to turn around.

Ms. Doherty replied that they all appeared to be accessible.

Mr. Cilimberg pointed out that this was pretty standard location for dumpsters.

Mr. Thomas pointed out that in the city he was required to have a turn-around area for the trucks.

Mr. Rieley asked if there was an estimate on the amount of land that is zoned R-4 in the Crozet area.

Mr. Cilimberg replied that there is some R-6 off of Jarman's Gap Road. There is not a lot of R-4 under an approved or proffered plan, we have not had a lot of those kinds of developments. Western Ridge also has different density and unit types from which density is figured.

Mr. Rieley asked if the commissioners had received a copy of the proffered plan.

Ms. Doherty replied that they only had a copy of the approval letter. The proffered plan is hand-drawn and has not be reduced.

Mr. Rieley said that the commission had no idea the degree to which this plan is compliant with the plan it's based on.

Ms. Doherty pointed out the letter of determination from the zoning department.

Mr. Cilimberg pointed out that we have to base our review on the zoning department's approval.

Mr. Edgerton asked what had been originally suggested, is this consistent with that.

Ms. Doherty replied that it was.

Mr. Rieley asked how many of these are we going to keep seeing. He is concerned that this type of development will compromise what happens along the entrance corridor.

Mr. Cilimberg said that when we talk about by-right development in lieu of rezoning, we are pretty much limited to what was approved and what that zoning allows. We will probably have others of this type. He can only recall one other multi-type of residential area, in Western Ridge.

Mr. Craddock asked how many cars this development would allow.

Ms. Doherty replied just under 200.

Mr. Craddock asked how many trips that would be.

Mr. Cilimberg replied that trips are calculated at somewhere around 8 trips per day.

Mr. Craddock verified that that was 8 per townhouse. He asked about the affect on Route 240.

Ms. Doherty pointed out that the rezoning was approved in 1989 and this would not cause an upgrade to Route 240 according to VDOT.

Mr. Loewenstein opened the public hearing and invited the applicant to address the commission.

Mr. Richard Carter, representing the applicant, said that this site plan has been reviewed three times. The ARB has asked for some information and given some revisions to the landscaping plan. Because this plan was called before the commission by a citizen, it seems that the proper thing to do would be to address the concerns of the citizens given in the letter dated January 8th. The zoning department, shown in attachment E has obviously approved the density. This constitutes the final buildout of Highlands. The citizens were also concerned about the backs of the buildings facing the roads. Any of these buildings that face the roads will have double fronts. There will be no recognizable difference between the back and the front. The citizen was also concerned about the style and the materials. We will use hardy plank siding.

Mr. Thomas asked about the style and color.

Mr. Carter replied that the ARB has asked for colors compatible with the neighboring homes in Highlands.

He said that the traffic was also a concern. The entrance to Highlands was approved with one divided entrance on Route 240. As you will see on the staff report, VDOT and engineering agree that the fewer commercial entrances, the better. When we originally devised this plan, we did not think that school buses would go into these private roads. But there is room for buses to travel these roads. Another concern was the lighting. There will be nothing more than normal porch lights. In summary, the applicant has answered questions and worked with the staff and the ARB. He said that these are plans that were approved. This application is compatible with the plans approved in 1989.

Mr. Loewenstein asked if there was any possibility for constructing a pull-off for the school buses.

Mr. Kurt Glockner replied that that could be done. The site plan has sidewalks on both sides and there is room for that to be done.

Mr. Loewenstein said he was suggesting that there might be a safe place for buses to pull off near the entrance.

Mr. Thomas said that if the bus stops on Route 240, it might be safer than pulling off and having to get back on.

Mr. Glockner said that internal pickup would be safer.

Mr. Loewenstein verified that there was adequate room for them to turn around.

Mr. Finley asked if the neighborhood association would give restrictions on backyard use in the entrance corridor.

Mr. Carter replied that the neighborhood association would have restricted covenants. The covenants tend to be more restrictive in a high-density area.

Mr. Edgerton asked if the Highlands Homeowner's Association would be policing this area.

Mr. Carter replied that this would be a separate association.

Mr. Edgerton asked if the existing community would have any say in this development.

Mr. Carter replied that that was not a bad idea, and would be worthwhile to explore.

Mr. Loewenstein said it seems that it would be appropriate to involve the people that are already there.

Mr. Finley asked if the new property owners would want streetlights.

Mr. Carter replied that there would probably be many different opinions as to what is needed. It was the suggestion of the ARB that the lighting be limited.

Mr. Mike Stegoski, of the Highlands Homeowner's Association, said that Mr. Carter had no intention of the school buses actually going in the development. He is not certain that buses would fit on the roads. His concern is that if it is left up to the homeowner's to decide, it is still left undecided. He would like to see something more concrete. 131 additional houses will be going into the same area on Mechum's River Road, which could cause traffic problems at peak travel times. He asked if there was anything that had been done more recently than 1989 regarding traffic studies.

Mr. Randy Gelvin spoke to the involvement of other homeowner's association. All the little subdivisions within the Highlands are totally independent of each other and have no say and no voting rights to this new development. That is a nice thought, but it is not possible. Except for outside appearance, our power to enforce even the most basic tenets is negligible.

Mr. Tom Loach said that his major concern has to do with the schools. The last time he checked Crozet Elementary was close to capacity. He is worried that the new building in the area will overwhelm the schools. He believes that the community needs an answer on school capacity planning. If the neighborhood model is important, then neighborhood schools are important. He feels that we are getting the short end of the stick in Crozet in terms of infrastructure. If this model was approved in 1989, there were 13 years to do capacity planning.

Ms. Diane Robertson, a new resident of the Highlands, asked the commission to consider the wisdom of placing 81 townhouses on this property. It is blocking a wonderful view of the mountains from Route 240.

Ms. Dawn Cusie, a resident of Highlands, said that they have yet to show the 5-unit buildings. She requested that the ARB be shown a drawing of the 5-unit building. Another concern is that if there were an emergency, all of the people in these homes would have to wait for the emergency to clear. During a fire earlier this year, there was a 45-minute wait to get back to these houses.

Mr. Jim Radkin echoed the previous speakers. He is concerned about the safety of the school buses and the density of development along Route 240.

Mr. Bob Hesher, of the Highlands community, said that this large open space is part of the charm of the whole area. This seems like the sort of thing the master plan should be trying to prevent.

Mr. Don Schmidt asked if, given the total volume of traffic, will there be plans for traffic lights in the area and at the intersection with Route 250.

Ms. Ann Kegeski said that most of the people that live in the Highlands are senior citizens or working families. They did not expect the 81 townhouses to be placed in this open area.

Mr. Carter said that he would be willing to answer further questions.

Ms. McCulley stated that the density does comply with the zoning regulations. The 117 acres were rezoned in 1989. The actual net density is applied on a gross basis of development. In some phases you may have a higher unit count and higher net density. But the net density is applied to the entire development. If you follow the schedule under attachment H, we are meeting that.

Ms. Hopper asked if this would come back before the ARB for a Certificate of Appropriateness.

Ms. Doherty replied that it would.

Ms. Hopper said that the idea of double-fronting the buildings does not mean that that space will not be treated like a backyard, for purposes of protecting the view along the entrance corridor. She does not know if there will be any fences in the backyards. If there is any way to more tightly regulate that, it is important.

Mr. Loewenstein closed the public hearing.

Mr. Thomas verified that the engineering department had said the roads were wide enough for the school buses.

Ms. Doherty replied that they are in compliance with the fire department requirements, but have not reviewed this for school buses.

Mr. Edgerton asked if they showed a townhouse plan on this property 13 years ago.

Ms. Doherty replied that they showed blocks that said multi-family units on the application plan, which was approved.

Mr. Rieley said he presumed that there was no representation made that this development would contain private roads.

Mr. Loewenstein said it seems there are a few unresolved issues. We have not dealt with all the road issues yet and the bus issues. The double fronting of houses is another concern, as is the emergency entrance.

Ms. Doherty said that in the discussions we have had with VDOT and engineering, they are more concerned that another entrance would be confusing. It has never been presented as a formal request so it has not be analyzed.

Mr. Rieley stated that he has felt somewhat frustrated and trapped by this plan. The aspect that is least compelling is that of the private road designation. He does not find it to be compelling, particularly considering the school bus access. He said that he could not support the private road designation. This is a private road that does not benefit the community, but benefits the developer in an arrangement that VDOT has determined is unsafe.

Mr. Loewenstein asked if anybody else would like to comment on that issue.

Mr. Rieley said that if this were a plan in which we had streets rather than a traffic pattern, it would be a different matter.

Mr. Thomas asked if we would consider it to have interconnectivity.

Mr. Finley asked if engineering had required an analysis of the private roads.

Mr. Cilimberg said that the test is not the same in an urban area vs. a rural area.

Mr. Rieley said that does not look like a parking lot to me. He said that it looks like a road with parking off of it.

Mr. Cilimberg stated that we need to look at the application from private road standards.

Ms. Hopper asked if the comprehensive plan is a guide for all development in the County. She asked how that effects the evaluation of site plans at the staff level.

Mr. Kamptner replied that existing zoning would guide development. The comprehensive plan has little value at this stage and should really not be relevant to the Commission's.

Mr. Rieley verified that this property would be served by the regional stormwater detention facility.

Mr. Loewenstein said that given Mr. Kamptner's response, we need to figure out our response to this.

Mr. Thomas said that it sounds like the critical slopes are minimal.

Mr. Rieley stated that he thought Mr. Cilimberg had a good suggestion, he would feel more comfortable with a deferral on this issue.

Mr. Cilimberg pointed out that we would need the applicant's agreement.

Mr. Thomas said that his only issue with the private roads is in regards to the school bus issue.

Mr. Loewenstein said that the applicant demonstrated some willingness to work with us on that issue.

Mr. Thomas pointed out that it is not unusual for buses not to go into complexes such as this.

Mr. Cilimberg said that generally speaking, that is how the transportation department handles these types of developments.

Mr. Cilimberg said that when they are on a public road, they stay in the travelways.

Mr. Edgerton asked if the other roads in the development were private or public.

Mr. Cilimberg replied that the Highlands are public roads.

Mr. Rieley said that the school buses are an issue, but it is not the primary one. The primary issue is that we are granting special permission to allow private roads, in order to facilitate a pattern of development that is diametrically opposed to what the County is trying to promote.

Mr. Finley asked if he wanted a redesign.

Mr. Rieley replied that the Crozet community deserves a better plan. They are being asked to carry the burden of density that is not welcome in other parts of the County, and as such, we should ensure the highest quality of design within the growth areas.

Mr. Loewenstein said he thought it would be helpful to get a deferral from the applicant.

Mr. Thomas asked what we would accomplish with a deferral, other than a completely new plan.

Mr. Rieley said he thought it would be terrific to go back to the planning stage. If the applicant wanted to do something that met the subdivision ordinance, then that is their business. We are in a position in which we would have to grant special permission for this plan to move ahead. He said he did not believe that special permission was warranted in this case.

Ms. Hopper said that there have been other situations in which private roads have been approved and have then created a problem. We have a school bus and emergency vehicle issue. We need more information. It would also be useful to see the alternative public road.

Mr. Finley wondered if we would ask for a redesign.

Mr. Rieley said that the reason for the deferral is to determine the point at which public roads can be required.

Mr. Loewenstein asked the applicant if he was willing to consider a deferral.

Mr. Glockner pointed out that the original design had cul-de-sacs, which were up to state standards. At the ARBs request, we the cul-de-sacs were redesigned to remove the impervious surface. In order to move the parking away from the units, larger parking lots will be needed. The roads follow the contours of the land. The reason that the turnarounds are block pavers is because the ARB has requested it.

Mr. Carter said that he thought they had presented their best plan. He thinks that there have been worse private road plans approved. He said that they have already extended their contract once.

Mr. Rieley moved for denial of the request for private roads under Section 14-232(A)(3) of the Subdivision Ordinance.

Ms. Hopper seconded the motion, which was approved by a vote of 5-2 with Mr. Thomas and Mr. Finley voting no.

Mr. Thomas moved for approval of the critical slopes waiver, conditioned upon the approval of this particular site plan.

Mr. Finley seconded the motion, which was denied by a vote of 2-5 with Mr. Craddock, Mr. Rieley, Ms. Hopper, Mr. Loewenstein and Mr. Edgerton voting no.

Ms. Hopper moved for the denial of the application, based on the failure to obtain approval of the private roads, under section 14-232 of the subdivision ordinance, for this particular site plan resulting in a required redesign and the denial of the critical slopes waiver, under 4.2 of the zoning ordinance.

Mr. Rieley seconded the motion, which passed by a vote of 5-2 with Mr. Thomas and Mr. Finley voting no.

SP-2001-049 Thomas Harris (Sign #79) - Request for special use permit to allow a public garage/auto repair shop in accordance with Section 10.2.2.37 of the Zoning Ordinance, which allows for a public garage. The property, described as Tax Map 08 Parcel 35A, contains one-half acre, and is located in the White Hall Magisterial District at 6929 Markwood Road ½ mile north of Davis Shop Road. The property is zoned RA Rural Areas District. The Comprehensive Plan designates this property as Rural Area. (Joan McDowell) ***DEFERRED FROM THE DECEMBER 18, 2001 PLANNING COMMISSION MEETING.***

Ms. McDowell presented the staff report.

Mr. Rieley asked if there was any case of a paint and body shop being approved outside of a light industrial zone.

Ms. McDowell replied that there was not.

Mr. Finley asked why.

Ms. McDowell said that paint and body requires a much larger operation and is more suited to industrial uses.

Mr. Finley stated that there are small paint and body operations in the County.

Ms. McDowell said that she is sure there are.

Mr. Thomas asked if the property would have to be rezoned to light industrial in order to be in compliance.

Mr. Kamptner said that there is no by-right body shop use allowed in the County.

Mr. Rieley asked if they were allowed by special use permit in the rural areas.

Mr. Kamptner replied a body shop is only allowed in the other districts, not the rural areas.

Mr. Rieley said the question was if we had discretion on that matter

Mr. Thomas said that he would have to be rezoned.

Mr. Kamptner replied that, in order to do the body shop work, he would.

Mr. Finley verified that there would be a separate SP after the rezoning.

Mr. Thomas asked if the property had been cleaned up since the 7th.

Ms. McDowell replied that she had not been to the property since the 7th. She said that with the exception of the paint and body and the number of cars outside, the property has been cleaned up sufficiently to meet the zoning requirements.

Ms. McDowell said that it also says in the executive summary that if the applicant is not agreeable to these conditions, the recommendation returns to disapproval.

Mr. Craddock verified that this was not the grandfathered garage.

Mr. Edgerton verified that staff is recommending disapproval.

Ms. McDowell replied that they were, based on the applicant's information.

Mr. Thomas asked what the applicant would have to do to have more vehicles on the property.

Mr. Cilimberg replied that that would have to be in the condition of approval.

Mr. Thomas verified that the vehicle number in the condition was five.

Ms. McDowell replied that was correct, but did not include the one on the lift and 3 in the bays.

Mr. Thomas verified that that would not include the applicant's vehicles.

Mr. Finley asked if it was correct that we couldn't add paint and body in under this request.

Mr. Kamptner replied that it might fall within public garage use as a very incidental accessory use.

Mr. Loewenstein asked Ms. McCulley if there was an issue of scale here.

Ms. McCulley replied that the zoning ordinance is not explicit, it does not address bodywork. We looked at the research that Ms. McDowell had done, and all had conditions that would prohibit bodywork and painting. The question is whether you could permit it in this case. We have looked at the instances in which bodywork is permitted and they are primarily industrial districts, with commercial by special permit. If you are comparing the two, It would not allow bodywork, unless you had a special permit. The ordinance is not clear about this issue, so you could, though it would be inconsistent with past uses.

Mr. Loewenstein verified that paint and bodywork was not necessarily inconsistent with the language of the ordinance.

Mr. Loewenstein opened the public hearing and invited the applicant to address the commission.

Mr. Charles Haugh, who is representing the applicant, gave a background on the property.

Mr. Thomas asked if that was a County requirement.

Mr. Haugh replied that County inspectors required that. He said that they have had several objections with the conditions, first is to the number of cars. He has little control over the number of vehicles on the property. Cars are sometimes dropped off without notice. He said that he needs 12 vehicles outside. Much of the work is mechanical, bodywork and painting. Very few people would bring a car in for mechanical work and then take it somewhere else for bodywork and painting. He asked for a time limit for an application to be submitted rather than a time for approval as that depends on the efforts of third parties.

Mr. Joel Snow of Dyke owns a retail operation within two miles of this business. There are approximately 2,000 people in our community. He requested that the commission give the applicant more leeway on the parking as there are few other repair facilities in the area. He pointed out that a special exception is available to make a case-by-case decision on the paint and bodywork. Mr. Harris is honorable and dependable. The community needs him. He pointed out three others who also attended on behalf of Mr. Harris.

Mr. Rieley asked about the special exception that Mr. Snow referred to.

Mr. Kamptner replied that that was a special use permit.

Mr. Glenn Brown is an adjacent property owner. He gave his support to the shop. He said that you can get things fixed reliably at a reasonable price. There have been no difficulties from noise, light or fumes. He said the Mr. Harris does a tremendous amount for the community.

Mr. Rodney McDaniel said that Mr. Harris has been there for him over the last eight years. He has permitted him to pay in installments.

Mr. Evan Deane of Stanardsville has known Mr. Harris for 11 years. He has depended on him for automobile repairs over that time. As a minister, he has a difficult time paying Mr. Harris for any work that he does for him. He frequently gives breaks to windows and other individuals. If Mr. Harris had to curtail his business in any way, that part of the County would be at a tremendous disadvantage.

Mr. Bruce Morris is also a minister. Mr. Harris has frequently helped him and has frequently not permitted payment for his work. Things often come up in business that are not planned. The benefit of this business would be missed.

Mr. Michael Wood has been a resident of the area for 46 years. He is opposed to the granting of a special use permit for this garage. If the permit is approved, he would urge that all conditions be included. He would also ask that short and long-term storage be prohibited on the property. It is inappropriate in the rural area. We do not believe that this commercial use would be approved in other more affluent areas.

Mr. Thomas Mallory is a building contractor in the County. Mr. Harris has done a considerable amount of work for him. He is also a fireman with the Dyke station. Mr. Harris does not bill him for any work that is done for the fire station.

Mr. Fred Berelli, who is a resident of Greene County, lives about 3.5 miles from Mr. Harris' business. The vast majority of our business is done in Charlottesville. Mr. Harris supplies our community with an extremely important service. We depend tremendously on our vehicles. He is accommodating, honest and reputable. To shut him down would be a disservice to all those who depend on him. He urged the commission to permit this request.

Mr. Eddie Deane has had several vehicles repaired by Mr. Harris. He has often left vehicles there for a week or more as he travels frequently. Mr. Harris provides a great service to this area of the County. He asked that the commission consider those who drive in the rural areas of the County.

Mr. Willie Ralston echoed the remarks of the previous speakers and asked that the commission consider granting the special use permit.

Mr. E.R. Shifflett resides a short distance away. He has known Mr. Harris all his life. He could not imagine the community without this shop. He asked the commission to take into consideration the need for this service in the community.

Mr. Rick Morris is an adjoining landowner. He gave his complete support to Mr. Harris' shop. He has had no problem with the shop in terms of noise or anything else. There is a cross-section of people in our area that are in financial need. Mr. Harris is an asset to our community. He pointed out that the paint booth controls potential odors.

Mr. Guy DeHogue knew Mr. Harris' father over 30 years ago. He has often left vehicles at Mr. Harris' shop. He is economical and does quality work.

Mr. Wayne Davis has known Mr. Harris for quite a while. He said that Mr. Harris is an excellent mechanic with a great deal of knowledge. He asked the commission to do whatever is necessary to approve the special use permit.

Mr. Dennis Harris is the applicant's brother. He said that the commission should put a limitation on the number of vehicles allowed, though the shop should be permitted. He believes that there have to be guidelines.

Mr. Kevin Bishop said that he did not disapprove of a shop on the road, but he would like inspector's to verify that it is safe for the environment.

Ms. Sylvie Morris is a next door neighbor. She is afraid that other people will want to do the same thing if it is approved.

Mr. Haugh asked that everyone who was in favor of granting the permit without limitations, stand. He asked the commission to allow a sufficient number of vehicles to be able to stay in business. You have been advised that paint and bodywork have not been prohibited. He asked the commission to consider the benefit to the community.

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

Mr. Thomas asked how much land Mr. Harris owned and if he owned any adjacent property.

Ms. McDowell replied that he owned 3.17 acres under one deed.

Mr. Thomas asked if he owned any adjacent land that he could put cars on.

Ms. McDowell replied that he did not own the adjacent land.

Mr. Finley asked if it was down to the two conditions that he objected to.

Ms. Hopper said that Mr. Haugh raised a couple of other issues.

Ms. McDowell said that he raised the matter of the restrictions on time limits for approval.

Ms. Hopper said that that would apply to conditions 8 and 19. She asked if there were any other ones.

Ms. McDowell said that 5 would also be included.

Mr. Thomas said that his list included 2, 4, 5, 6, 8, 13, 15, 16 and 19.

Mr. Finley asked if she was including the bond in the conditions.

Ms. McDowell stated that was a condition of approval.

Mr. Loewenstein asked if that was because of the history of violations.

Ms. McDowell replied that that was at the request of the zoning administrator.

Mr. Kamptner stated that condition #3 could be removed because it repeats what is in the zoning ordinance.

Mr. Thomas said that this has us in a quandary if we add to the number of cars and permit a paintshop.

Mr. Finley said he hoped that we could bend a little bit to allow Mr. Harris to stay in business.

Mr. Loewenstein stated that it seems fairly clear that Mr. Harris is an enormous asset to the surrounding community. He said that some kind of limitation would be necessary. He could not support the idea of eliminating the time limits as they are necessary to accomplish the purpose. He would like to consider ways to compromise in this situation.

Mr. Thomas stated that the applicant is asking for 15 cars. He asked if those 4 cars in the bays and on the lift would be included in the number he is allowed.

Mr. Loewenstein replied that only the outside cars are included. He said he would be allowed those 4, plus his own vehicles, and the limit of outside vehicles that we agree to.

Mr. Thomas said that then it could be 11 plus the other 4.

Mr. Rieley stated that he was trying to segregate the issues that would be universal. The inability to predict when cars will be dropped off pertains to everybody else who has gotten a permit from the County. He was taken by Mr. Snow's account of the neighborhood containing about 2,000 people, which is a pretty strong rationale for an increase in the number of cars permitted.

Ms. Hopper said that she was thinking 7 outside and 4 inside, along with the residential.

Mr. Loewenstein stated that the last statement he makes in the attached document is that he would need permission to keep at least 12-15 customers cars on the premises. That does not specify inside or outside.

Mr. Edgerton asked if this was actually a plan of the area in the attachments. He pointed out that the parking area shown would allow for the parking of 10 cars. He proposed that we consider limiting the number of cars to the parking area. He also is concerned about the environmental issues in regards to the paint shop.

Mr. Rieley shares the same concern. He would support it in this case if it were subject to careful scrutiny and environmental control. The current condition does not address the paintshop.

Mr. Loewenstein asked if DEQ would regulate the paint shop.

Mr. Kamptner replied that the best thing to do would be to find out what the regulations are and frame a condition.

Ms. McCulley requested that the number given in the limit not include the number of vehicles inside the building, because she cannot enforce what she cannot see. She also requested that she hear that Mr. Harris would be able to comply with that condition.

Mr. Haugh said that he would do the best he could in that regard.

Ms. Hopper said her only concern is related to the pictures in which there are cars parked in the woods. The rule breaker aspect of the applicant concerns her. She asked if there was some way to build in monitoring. She asked if there are environmental impact issues with a bodyshop.

Ms. McDowell replied that she thought that paint and bodyshop went hand-in-hand. The zoning ordinance did not address paint.

Mr. Finley mentioned that the applicant did take legal steps to come into compliance.

Mr. Loewenstein said that one of the things that was made clear is that the condition should address only those cars outside. He said that the task before us is where to set that limit.

Mr. Edgerton asked if we could tell him where those cars needed to be.

Mr. Rieley said he thought Mr. Edgerton's number was a good one at 10 outside the building within the parking area. He said that also falls within Mr. Harris' range.

Mr. Loewenstein asked if the commission agreed that the revision would be satisfactory.

Ms. Hopper suggested saying 10 vehicles outside rather than the language that includes "awaiting repair".

Mr. Thomas asked how many bays the paint shop had. A car in that bay would have to stay inside.

Mr. Loewenstein replied 1. He said that a lot depended on how well we could monitor the paint shop use.

Ms. McCulley replied that the County could set up a periodic inspection.

Mr. Loewenstein asked if she was aware of specific ordinance requirements that would need to be taken into account.

Ms. McCulley replied that she could not think of anything that is not covered by these conditions. The use cannot begin or continue until the conditions are met. She said that she thinks the timeline for submittal is a reasonable request.

Mr. Edgerton asked if the applicant would have to ask for an extension.

Ms. McCulley replied that he does not have approval for the use at this time.

Mr. Edgerton said that he does not want the applicant to wait for 89 days to apply.

Mr. Loewenstein said that the submittal timelines made a lot of sense.

Mr. Finley asked how long it would take to get a certificate of occupancy.

Ms. McCulley replied that it was a question of how close he is to meeting the building code. It might not take long at all. We just have to have final inspections.

Mr. Finley stated that at the moment he is unemployed.

Ms. McCulley replied that was correct, he did not have County permission for the operation.

Mr. Kamptner said that the BZA affirmed the zoning administrator's determination. That is now in circuit court.

Ms. Hopper asked if we were legally allowed to eliminate item #1. She asked if we were allowed to establish a grace period.

Mr. Kamptner replied that the Commission could do that by silence.

Ms. McCulley stated that the use is not actually authorized until all the conditions are met, so even without condition #1 the use is not authorized.

Mr. Rieley said that rather than us trying to craft language to ensure the environmental quality, what would the commission think of leaving the recommendation in place and asking the staff to find for the Board the mechanisms by which the environmental quality can be assured.

Mr. Edgerton asked if he was talking about leaving the recommendation at no paint shop.

Mr. Rieley replied that was correct. He said that we would ask for additional information, because our main concern is environmental quality.

Mr. Finley asked if we could take the opposite approach, saying that the paint shop "shall be permitted if".

Mr. Rieley said that might be more difficult to craft.

Mr. Loewenstein stated that we have done that sort of thing before.

Mr. Rieley said the condition referring to chemicals does not cover the painting because it was not recommended. He said he favored making it clear this was acceptable only under these conditions.

Mr. Rieley suggested that we make this request a part of the motion.

Mr. Loewenstein said that the Board can take that information under consideration. He asked if all the questions had been dealt with. He said the Mr. Kamptner said we could omit 3 as being redundant.

Mr. Kamptner asked if it was the consensus to strike the particulars on the condition regarding the number of cars.

Mr. Loewenstein said that was correct.

Mr. Kamptner clarified that parking would be required on the gravel parking area.

Mr. Loewenstein said that we need to alter the language for submittal deadlines.

Mr. Kamptner said that 2 and 4 were out of our control.

Mr. Loewenstein asked Mr. Haugh if there were any major hurdles in the direction we are heading.

Mr. Haugh replied that he has an issue with item 1, which would put him out of business. He is not acting illegally at this time. We have an appeal in process currently. Certain County inspectors went out and looked at the painting area, so they must have some idea and can tell you what is and is not an environmental problem. He would tell him to go ahead and start this process now, but we have no idea what will happen with the Board.

Mr. Rieley moved for approval with conditions as amended, with the directive that staff will provide the Board of Supervisors with parameters and enforcement mechanisms for environmental protection in the event that it would like to remove the condition regarding spray painting and bodyshop work.

1. A bond or other form of security, subject to the approval of the County of Albemarle County Attorney, shall be posted in the amount of $10,000 to address any violation of the Building or Zoning Ordinance on the property. The County of Albemarle shall have the authority to enter the property and remove the violation(s) 30 days following the issuance of a Notice of Violation, using funds for the abatement from the bond security.
2. Within three months following approval of this special use permit application for a commercial entrance that meets Virginia Department of Transportation (VDOT) specification shall be required. VDOT specifications for sight distance shall be required. A sight easement for relocation of the driveway may be required on the adjacent property north of the subject property, in order to meet the required sight distance.
3. A site plan or a site plan waiver application shall be required to be submitted no later than 30 days following approval of this special use permit.
4. The Virginia Department of Environmental Quality (DEQ) requires storage of oil, radiator fluid and other chemicals associated with the requested special use permit to be stored under a shelter with overhead coverage. DEQ application for the storage of chemicals shall be required within three months of the approval of this special use permit.
5. A means to contain accidental/incidental spills from storage drums/containers and a spill containment system shall require Engineering Department approval within three months of the approval of this special use permit.
6. Within three months of the approval of this special use permit, one of the dwelling units on the property shall be converted so that it does not meet the definition of a dwelling unit.
7. No body work or spray painting of vehicles shall be permitted. The paint booth shall be removed within three months following the approval of this special use permit. This use is limited to repairing and equipping vehicles.
8. No gasoline sales shall be permitted.
9. No sale or rental of vehicles shall be permitted.
10. All repair or equipping of vehicles shall take place inside the existing garage, with the exception of vehicles being repaired on the vehicle lift located adjacent to the garage.
11. No outside storage of parts, including junk parts or inoperable (with the exception of vehicles waiting repair or waiting to be picked up, as described in condition number thirteen or unlicensed vehicles shall be permitted. All outdoor storage existing on the date of the approval of this permit shall comply with this condition within 30 days of the Board of Supervisor's approval of this special use permit.
12. No more than a total of ten vehicles shall be located outside the existing building in the gravel parking area noted on the plan titled, SP 01-49 Harris Garage Concept Plan" in Attachment A. Such vehicles shall not be parked in any other location on the property.
13. The Fire Official approval of the garage operation shall be required within three months following the approval of this special use permit.
14. Health Department application for the septic system shall be required within three months following the approval of this special use permit.
15. The Engineering Department approval of the waste disposal and collection methods shall be required.
16. Hours of operation shall be limited to 9 A.M. to 8 P.M. Monday through Saturday.
17. Within three months following the approval of this special use permit, a minimum 10-foot wide landscape evergreen-screening buffer shall be installed to shield view of the garage from adjacent properties and Markwood Road, in the approximate area labeled gravel parking and between the building and the street. The location and materials used in the landscape buffer shall meet the requirements of Section 32.7.9.8a of the Zoning Ordinance. A landscape plan shall be required for submittal with the site plan application.

Mr. Finley seconded the motion, which passed unanimously.

SP-2001-052 John Decarlo (Sign #91 & 92) - Request for special use permit to allow activity within the floodway in accordance with Section 30.3.5.2.1(2) of the Zoning Ordinance which allows for water related uses such as boat docks, canoe liveries, bridges, ferries, culverts, and river crossings of transmission lines of all types. The property, described as Tax Map 26 Parcel 33, contains 75.3 acres, and is located in the White Hall Magisterial District on Route 810 at its intersection with Route 673. The property is zoned RA Rural Areas. The Comprehensive Plan designates this property as Rural Area. (Scott Clark) ***DEFERRED FROM THE DECEMBER 18, 2001 PLANNING COMMISSION MEETING.***

Mr. Clark presented the staff report.

Mr. Loewenstein opened the public hearing and invited the applicant to address the commission.

Mr. John DeCarlo said that he and his wife approved of the conditions as presented.

There being no further comment, the hearing was closed.

Mr. Thomas moved for approval with conditions.

1. The applicant shall provide a copy of a signed Army Corps of Engineers permit for this project, or a written confirmation from the Corps of Engineers that a permit is not required, within fours months of the approval date of this permit.
2. The applicant shall stabilize the area around the culvert pipe to the satisfaction of the Albemarle County Erosion and Sediment Control inspector within four months of the approval date of this permit.

Mr. Craddock seconded the motion, which passed unanimously.

SP-2001-054 B.C. Spencer Enterprises (Sign #97) - Request for special use permit to allow home occupation class B (firearms business) in accordance with Section 10.2.2.31 of the Zoning Ordinance which allows for Home Occupation Class B. The property, described as Tax Map 104 Parcel 22, contains 10.0 acres, and is located in the Scottsville Magisterial District on Route # 620 approximately 0.4 miles from the intersection of Route 620 and Route 728. The property is zoned RA Rural Areas. The Comprehensive Plan designates this property as Rural Area. (Scott Clark)

Mr. Clark presented the staff report.

Mr. Loewenstein pointed out that approval does not change the established level of use.

Mr. Clay Spencer said that his only concern was the way it was presented. He said that when he applied for this he was surprised by the information that he was not in compliance. Everything that we have done has been done with concern for the environment.

Mr. Rieley asked if he had C & C equipment.

Mr. Spencer replied that he had one piece, but did not foresee purchasing any more.

There being no further comment, the hearing was closed.

Mr. Craddock noted that he had spoken with some of the neighbors and there is no problem with Mr. Spencer's operation.

Mr. Craddock moved for approval.

Ms. Hopper seconded the motion, which passed unanimously.

SP-2001-040 Crossroads Waldorf School (Sign #70) - Request for special use permit to allow establishment of a private school serving a maximum of 350 students, in accordance with Section 15.2.2.5 of the Zoning Ordinance which allows for private schools in the R-4, Residential district. The property, described as Tax Map 61, Parcels 170, 173 and 179A, contains approximately 12.97 acres, and is located in the Rivanna Magisterial District on Rio Road East (State Route 631) at the intersection of Rio Road East and Pen Park Road (State Route 768). The property is zoned R-4, Residential and designated Urban Density Residential (6.01 - 34 dwelling units per acre) in the Land Use Plan, Comprehensive Plan. (Susan Thomas)

Ms. Thomas presented the staff report.

Mr. Thomas asked if she was planning on going off of the back part to make the connections.

Ms. Thomas replied that the only connection would be if the school is willing to provide greenway access.

Mr. Thomas asked her to point out her ideas for vehicular access.

Ms. Thomas pointed out her ideas on the map.

Mr. Rieley said she had also mentioned a connection to the South to that neighborhood, he said that doesn't seem to be as necessary or compelling.

Ms. Thomas stated that pedestrian connections are always good. There seem to be some points at which a connection can be made. If we had a real destination, the whole context would change.

Mr. Thomas asked what the liabilities would be for the school if people were crossing through the property.

Ms. Thomas replied that she could not speak to that.

Mr. Thomas asked if public schools were allowing such walkways.

Ms. Thomas replied that we consider public schools to be parks so it is a little different then this. She suggested keeping the access along the front of the property.

Mr. Finley asked how many connections we would want into a school site, for security reasons.

Ms. Thomas said that there are concerns about that.

Mr. Finley asked what main goal is of all these connections.

Ms. Thomas replied that in the case of the village square connection, it would keep people off of Rio Road. It is a way to bring people to community events and to access the larger urban center.

Mr. Finley asked if the Board had required any connections with Northern Elementary.

Mr. Cilimberg replied that there was a connection along Proffitt Rd provided to the north. They also allowed for it to the south. There were pedestrian connections to Forest Lakes as well. At the Catholic School, they had to provide pedestrian access along the frontage.

Mr. Thomas asked about the setback and the buffer.

Ms. Thomas said that it should stay as it appears on the plan. We wanted to get away from these rigid setbacks because they can be wasteful in terms of utilization of land in the development area. The applicant did a good job showing a setback and a buffer.

Mr. Loewenstein opened the public hearing and invited the applicant to address the commission.

Mr. Greg Gelbund who is president of the Board of Directors, introduced the members in attendance that support the school. We teach our children to use their hands as well as their minds. They learn both fine and practical arts. The land on Rio Hill offers permanence. It is close to town and yet it is a beautiful setting. This land presents a few unique problems that need to be resolved. You will find that our attitude is one of cooperation.

Ms. Nancy Regan is the school administrator. She said that the neighborhood model did not work for us on this site. We have 4 reasons for being unwilling to put a road or pedestrian connector through, security, safety, liability and viability. The safety of the children is the first issue. We want to limit the amount of public access due to liability issues. We are not sure that we will be able to get insurance with that amount of public access. She is also concerned about the viability to exist as a school. Parents are looking for serenity, protection and safety. We need to be able to provide that as we will have a lot of very young children in school with us. We do want to be in the neighborhood and would like to be more in the center of things. During the 10 years we have been in Crozet, we have been good neighbors. We sponsor a lot of public events.

Mr. Bruce Wardel is the architect working with the school on this application. He showed a diagram with the two development areas to help understand the connectivity issues.

Mr. Thomas asked if Mr. Wardell had a better solution to the vehicular road parallel with Rio Road, should Rio Road be used.

Mr. Wardel replied he thought there were more appropriate points on Rio Road to enter the Wetzel property. You run the risk of having this sort of parallel parkway like we have behind Sam's Club. He gave the commission an edited version of the conditions to consider.

Mr. Loewenstein asked if he had already spoken with staff about these.

Mr. Wardel replied that they had discussed the conditions with staff. There are some technical issues with some of the recommendations that would allow us to meet some of the connectivity requirements. None of these are surprises.

There being no further comment, the hearing was closed.

Mr. Loewenstein asked Ms. Thomas if she had seen the edited conditions.

Ms. Thomas said this was the first time she had seen these. She said that parcel 174 is the parcel to the north of the entrance road. The concern of that property owner is that her access becomes more problematic as Rio gets wider. In #9 we have been asking for that dedication to the County for the greenway, but the dedication to Rivanna Trails might be perfectly acceptable. We normally get that in the form of a plat at the time of site plan approval. She said that she would want to talk to Jeff to that. We do not want that BMP to get into the critical slopes.

Mr. Cilimberg said that regarding the Rivanna Trails Foundation, we do not know that they would accept. The County is much more involved now, per their request. He suggested that it would be better to keep that with the County.

Mr. Finley said that he understood their concerns about safety related to the pedestrian connections.

Mr. Rieley said he understands to some extent the concerns from the school's standpoint. He said he thought that are a lot of things that are in conflict with the comprehensive plan as it stands now. It is a great site. It is a use that doesn't welcome connectivity in a place in which connectivity is essential. We have to decide if the diagram in the comprehensive plan is a more compelling one than this. The approval of this plan on this site implies a major change in how we are thinking about this area.

Ms. Hopper asked Mr. Rieley if he saw a way for the Waldorf School to locate there and still meet the objectives of the Meadow Creek comprehensive plan amendment.

Mr. Rieley said he thought that we would have to give up on the Southern area and determine that it would develop in a different way.

Mr. Thomas pointed out that there is also the village square for which the school could be the buffer with the neighborhoods.

Mr. Loewenstein said that Mr. Rieley's point about the shift in the parkway alignment is correct.

Mr. Rieley stated that it would remove the rationale for that alignment.

Mr. Cilimberg said that it would bring most of the emphasis to the northern area. The southern area would become a supplement.

Mr. Loewenstein pointed out that it is especially difficult as we have tried to get as much connectivity as possible with recent public schools.

Mr. Rieley said that the connections are critical at this site.

Ms. Thomas pointed out that this is a conceptual plan.

Mr. Thomas verified that the back portion is not planned immediately.

Ms. Thomas replied that that area would left alone because it is very steep.

Mr. Craddock said he would like to see us be able to work the school in somehow. He said he thought it would be a good asset to the area.

Ms. Hopper said she would like to defer to give it some more thought.

Mr. Cilimberg said that next week was fairly light.

Mr. Loewenstein asked if would be possible to do anything in a week.

Ms. Hopper said that her biggest concern is what this does to the Meadow Creek Parkway alignment.

Mr. Thomas echoed that concern.

Ms. Hopper stated that she would like to think about all the factors and the topography.

Mr. Rieley said he thought there were profound implications with this to the comprehensive plan. They may not necessarily be negative.

Mr. Loewenstein said that it is hard to imagine eliminating all that interconnectivity. He asked Ms. Thomas if she would be able to provide the necessary information in a week.

Ms. Thomas said that she could try, but could not get a staff update on Thursday due to the holiday.

Mr. Cilimberg pointed out that there is one logical point of connection that gets you to the north. He said that we were envisioning public access, both pedestrian and vehicular, under public easement, which would have liability fall under the County.

Mr. Edgerton wondered if there might be a design solution to provide both. He said that there did not seem to be enough athletic facilities.

Mr. Wardel replied that the curriculum does not have a heavy emphasis on interscholastic sports. There are some outside play areas. Pen Park is also adjacent to the property, which could provide field use. He said that he would appreciate the ability to thoroughly present the issues we have looked at.

Mr. Loewenstein asked if the applicant was willing to agree to a deferral.

Mr. Cilimberg said that we would need to look at the first or second week of February.

Mr. Wardel asked if we go into a work session, what is the timing for bringing that agreement to the Board. We are running up against contingencies.

Mr. Loewenstein replied that we anticipate that the commission would take an action at the conclusion of that session.

Mr. Wardel requested a deferral to a work session in early February.

Mr. Cilimberg stated that the work session would be scheduled for February 5th.

Ms. Hopper moved to accept the applicant's request for a deferral to a work session on February 5th.

Mr. Rieley seconded the motion, which passed unanimously.

ZTA 2001-014 Civil Penalties – Amend Section 37.2, Civil penalty, of Chapter 18, Zoning, of the Albemarle County Code, to add any violation of Zoning Ordinance §§ 31.2.1, 31.2.2 or 31.2.3, which regulate use and occupancy when building permits, certificates of occupancy, and zoning compliance clearances are required, respectively, to the schedule of violations subject to civil penalties; and to make non-substantive corrections to certain Zoning Ordinance section numbers cross-referenced. (Amelia McCulley)

Ms. McCulley presented the staff report.

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

Mr. Thomas moved for approval.

Mr. Craddock seconded the motion, which passed unanimously.

Old Business.

Mr. Thomas recommended that the Commission include roads into our master planning.

Mr. Cilimberg said that they would be.

New Business:

Planning Commission Committee Membership (Wayne Cilimberg)

Mr. Loewenstein said his membership on CHART was not mentioned.

Mr. Cilimberg suggested that the commission take the necessary action next week. We will need to make replacements for Mr. Rooker.

Mr. Loewenstein said that there have been questions about including Commission's e-mail addresses on the County website. Some of us might wish to add those.

There being no further business, the meeting was adjourned at 11:15 p.m.

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V. Wayne Cilimberg, Secretary

Recorded and transcribed by Lynda Myers, Recording Secretary