Albemarle County Planning Commission
January 29, 2002

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, January 29, 2002 at 6:00 p.m. at the County Office Building, 401 McIntire Road, Charlottesville, Virginia. Members attending were: Jared Loewenstein, Chairman; William Rieley, Vice-Chairman; Rodney Thomas, Tracey Hopper, Bill Edgerton and Pete Craddock. Other officials present were: Margaret Doherty, Juandiego Wade, Steven Biel, Francis MacCall, Greg Kamptner and David Benish.

Mr. Loewenstein established a quorum called the meeting to order.

Other Matters Not Listed on the Agenda from the Public.

Mr. Loewenstein asked for additional matters from the public. There being none, the meeting proceeded.

Consent Agenda:

Mr. Loewenstein asked if any commissioner wished to remove an item from the agenda.

Ms. Hopper moved for approval of the consent agenda.

Mr. Thomas seconded the motion, which passed unanimously.

Public Hearing Item:

SP-01-062 Hydraulic Road Dental Center (Sign #68 & 71) - Request for a modification to an existing special use permit (SP 99-67) that would allow it to be valid until November 7, 2006. This will allow the special use permit to be consistent with the approved site plan for the site. The applicant has approval for an approximate 10,000 square feet of office space. The property, described as Tax Map 61 Parcels 36 and 36A1, contains 1.22 acres, and is located in the Jack Jouett Magisterial District on Hydraulic Road (Route 743) across from Albemarle HS. The property is zoned R-10 and Entrance Corridor (EC). The Comprehensive Plan designates this property as Urban Density in Neighborhood 1. (Juandiego Wade)

Mr. Wade presented the staff report.

Mr. Thomas asked if it would be four years from 2/9/02 or an additional five.

Mr. Wade replied that it would be for four years, until November 7, 2006. At the time the application was made, it would have been five years.

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

Mr. Mike Matthews spoke on behalf of the applicant. He reiterated the applicant's request for an extension for the full duration of the approved site plan. We diligently pursued approval of this project, having received site plan approval on November 7, 2001. We would like to have the two run concurrently. The property cannot be developed for anything else. The extraordinary circumstances surrounding the dissolution of the partnership has affected the timing. He said that there is adequate precedent for an extension of this length.

Mr. Thomas asked if the parking lot situation has been resolved.

Mr. Matthews replied that it had been. He stated that the lot on the adjacent property has been paved and brought up to County standards.

There being no further comment, the hearing was closed.

Mr. Thomas asked what implications there were for adjacent properties with an extension being granted for five years.

Mr. Kamptner replied that this particular use is generally consistent with similarly zoned property.

Mr. Wade stated that the adjacent properties are residential. He said that the applicant has been working with the residents to address their concerns. He said that he couldn't envision any issue coming up that would prohibit the extension.

Mr. Loewenstein said that it seems that since this is an extension, unless there is some significant change, this should be approved.

Ms. Hopper moved for approval of an extension of the special use permit for a period of two years.

Mr. Rieley seconded the motion.

Mr. Thomas said he thought that the applicant was requesting an extension for four years.

Mr. Benish said that staff had recommended two years.

Mr. Thomas asked what problems there would be with extending it for four years, rather than two.

Ms. Hopper replied that because it is a special use permit, it would be better for them to

come back in front of the commission in two years if they haven't moved forward.

Mr. Thomas verified that the applicant could renew again in two years, if necessary.

The motion carried unanimously.

SP-01-055 Albemarle Farm Store (Sign # 98 & 99) - Request for a special use permit, in accord with the provisions of Sections 10.2.2(45) and 5.1.35 of the Zoning Ordinance, to operate a Farm Sales facility on approximately 22.75 acres of land situated at the southwest intersection of State Route 627 (Carter's Mountain Road) and State Route 727 (Blenheim Road). The property, described as Tax Map 103, Parcel 10A is located in the Scottsville Magisterial District. The property is zoned RA ,Rural Areas and is designated for Rural Area Uses in Rural Area 4 of the Comprehensive Plan. (Steven Biel**)**

AND

SDP 01-108 Albemarle Farm Store Preliminary Site Plan Waiver – Request for a waiver of Section 4.12.6.5 (c) of the Zoning Ordinance to allow a 9' x 45' parallel parking space to accommodate bus parking (Steven Biel)

Mr. Biel presented the staff report.

Mr. Rieley recused himself because of private consulting work with the applicant.

Ms. Hopper asked if a condition limiting operating hours had been explored.

Mr. Biel replied that the operating hours are stated in the application as daytime hours, 7 a.m. to 10 p.m.

Mr. Kamptner stated that that applies to the noise levels.

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

Mr. Jim Grigg, architect, said that he did not have anything to add. He pointed out that the store would be a 2,500 square foot structure on a 22-acre site. He noted that as the site plan goes through the County ordinance, the parking lot might have to be moved 5-feet or so in one direction or another.

Mr. Loewenstein said that the condition, as stated, would cover that.

Mr. Grigg pointed out that staff has recommended that farm sales be allowed to include sales from farms outside of Albemarle County. Staff has specified that up to fifty

percent of the sales can be from farms outside of Albemarle. We want to ensure that that is part of the approval.

Ms. Hopper asked if the applicant would have any objection to specifying the hours in one of the conditions.

Mr. Grigg stated that the daytime hours would make sense, particularly in the summer.

Ms. April Fletcher, representing neighboring properties, read a letter from the Clementine Churchill land trust (attached).

Mr. George Howard, an adjacent property owner, said he recognized the need for a farm store and supported this use. He said he thought that it would add to the character of the area. He is concerned about the road and suggested that it be reviewed for possible improvement.

Ms. Virginia Clump said that there is a blind entrance to Colonial Farm at the top of the hill. When this road was improved in 1987, they promised 200 yards of sight distance. She said that something needs to be done at the top of the hill. It would not be feasible to cut the hill any further than it already has been. She pointed out that they have farm vehicles and horse trailers coming in and out of that road.

There being no further comment, the hearing was closed.

Mr. Loewenstein said that VDOT would impose site distance requirements for this use. He asked if this road was on the 6-year list.

Mr. Benish replied that this project was not on the plan. He said that it could be one that could be considered for spot improvements. If they can be made within the existing right-of-way they can be done through direct contact with VDOT.

Mr. Loewenstein verified that this was something that could be checked.

Mr. Benish replied that it was. He said that the commercial entrance will require a larger site distance.

Mr. Craddock asked if there was a count of vehicle trips per day associated with this type of use.

Mr. Biel replied that he had not seen any. He said that he thought it would be a limited impact.

Mr. Benish stated that it would probably a seasonal impact as well.

Mr. Craddock verified that most of the farm stores have to have 50%.

Mr. Benish replied that it was part of the supplementary regulations.

Ms. Hopper suggested adding a condition specifying the hours of operation.

Mr. Loewenstein asked which are the correct daytime hours.

Mr. Biel replied that they would be allowed to operate from 7:00 a.m. to 10:00 p.m., or anywhere in between. On the application they stated their hours as generally 7:30 a.m. to 6:00 p.m.

Ms. Hopper said she is interested in knowing what the applicant is requesting. She said she thought there should be some kind of limit. She asked if there was a limit as to how commercial this store can be.

Mr. Kamptner replied that there are two limits, the size of the structure and the requirement that at least 50% of the space be given to products produced on the premises.

Mr. Benish stated that other items need to be related to those items that are sold and developed on site.

Ms. Hopper verified that a wine tasting room would be appropriate, but a concession stand selling products that weren't produced on the farm would not.

Mr. Benish replied that was correct. But there are associated uses that would be allowed.

Mr. Kamptner said that the remaining 50% of the area may be companion items. It also prohibits farm machinery and equipment, except hand tools.

Ms. Hopper said she would be interested in hearing from the applicant on hours of operation.

Mr. Grigg said that the intent is that the store would be open in the morning when people are going to work and in the evening when they are returning. The provision of 7:00 – 10:00 in the ordinance is certainly adequate.

Ms. Patricia Kluge said that they really don't know what the appropriate hours might be. It might be 10:00 – 5:00. This is new for us, so we are flexible with the time, but we have to be open when the customers are there.

Mr. Loewenstein verified that they want weekend hours.

Ms. Kluge replied that they would.

Ms. Hopper asked if the ordinance definition of daytime only applied to the noise

ordinance.

Mr. Kamptner replied that it did. He said that it would be better to set specific hours.

Mr. Loewenstein said that in terms of addressing the scale, the definition of farm store takes care of that. We know that staff asked about the possibility of looking at the road situation.

Ms. Hopper suggested hours of operation of Monday – Friday 7:00 a.m. – 9:00 p.m. and until 7:00 or 8:00 p.m. on the weekends, starting at 9:00 a.m. or 10:00 a.m.

Mr. Thomas said that he thought it would be fine to open at 7:00 a.m. on the weekends.

Mr. Edgerton pointed out that the weekends are going to be the greatest opportunity for sales.

Ms. Hopper suggested Monday-Sunday, 7:00 a.m. – 9:00 p.m. That will give flexibility while setting some limits.

Mr. Edgerton said that the recommendation of the agricultural/forestal committee was binding.

Mr. Kamptner replied that it was just a recommendation, not a restriction.

Mr. Loewenstein said that he thought that it posed other problems as well and seems to be an unnecessary restriction.

Mr. Kamptner said that in the definition of farm sales, it does describe in better detail what a companion item is.

Mr. Thomas moved for approval of the SP with conditions as amended.

Mr. Thomas moved for approval of SP-01-055 with conditions as amended.

1. All requirements of VDOT, including sight distance requirements (450' for the 45 MPH on Rt. 627), commercial entrance standards (minimum 30' wide, 48' tapers), and a 100' taper on the right approach, shall be completed before the issuance of a certificate of occupancy.
2. There shall be a maximum of three (3) employees on site at any particular time.
3. The Albemarle Farm Store's Improvements and the scale and location of the improvements shall be developed in general accord with the site plan entitled, Albemarle Farm Store, prepared by Daggett & Grigg Architects, and dated December 8, 2001.
4. The hours of operation shall be 7:00 a.m. to 9:00 p.m., Monday through Sunday.

Ms. Hopper seconded the motion, which passed unanimously,

Ms. Hopper moved for approval of SDP with the condition.

1. There shall be only one parallel parking space permitted, as shown on the preliminary site plan, and labeled as bus parking only.

Mr. Craddock seconded the motion, which passed unanimously.

ZMA-01-16 Bargamin Park (Sign # 57) – Request to rezone 9.59 acres from R-2, Residential to PRD, Planned Residential Development to create 19 single family detached dwelling units and 23 townhouse units. The property, described as Tax Map 55 Parcel 67 is located in the White Hall Magisterial District on Jarmans Gap Road (Route # 691) approximately .25 miles from the intersection of Jarmans Gap Road and Crozet Avenue (Route # 240). The Comprehensive Plan designates this property for Urban Density (Recommended for 6.01-34 dwelling units per acre) in the Crozet Community. (Margaret Doherty)

AND

SUB-01-255 Bargamin Park Subdivision - Request for preliminary plat approval to create 42 lots on 9.59 acres. (Margaret Doherty)

Ms. Doherty presented the staff report.

Mr. Rieley asked if anything about the plan was proffered except the footprints of the buildings.

Ms. Doherty replied that only the preliminary plat application plan was being proffered.

Mr. Edgerton asked if it was just the lots being proffered.

Ms. Doherty replied that was correct, but that it included the setbacks.

Mr. Loewenstein asked if the funding in place for the planned additions to schools in that district.

Mr. Benish replied that they are programmed in the CIP, but the funding may not be there. He said that he believed these were programmed improvements. The actual appropriation will be made the year before improvements are planned.

Mr. Rieley asked where the funding for improvements to Jarman's Gap Road currently stood.

Mr. Benish replied that 2004 is the current fiscal year for bids to be advertised for that project. The time has been moved back due to revised estimates from VDOT. They

are working through the scoping process, but there has not been a public hearing.

Mr. Rieley asked if they had done enough design work for a public hearing.

Mr. Benish replied that they are working along those lines, but there are a couple of issues that need to be addressed within the design concept.

Mr. Rieley asked if County planning or engineering had been involved.

Mr. Benish replied that they had been at times. The County has provided a recommendation for the design. Some modifications have been made, but the County has not seen those. He said that he does not know the exact timing of the public hearing.

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

Mr. Tim Miller, of Rivanna Engineering and Surveying, said that there were two issues he wished to discuss. The owner is in agreement to proffer the elevations as submitted with the application. The other issue is the open space requirements. The staff report indicates that it has to be 25% of the total area of the property, but the ordinance requires 25% of the space necessary for roads and residential lots. The open space overall is 19.6%, the open space relative to that needed for the development is 25%. 1.88 acres are provided, 1.87 acres is required. Therefor, the open space requirement is met.

Mr. Rieley asked if staff agreed with that interpretation.

Mr. Kamptner replied that this would have to be approved by the zoning administrator, but the regulation required 25% of the area devoted to residential use. Whether it is net or gross residential area is open for interpretation.

Mr. Miller added that this is what was done for Wayland's Grant.

Mr. Benish stated that staff's comments are based on the zoning administrator's interpretation. If there is an inconsistency, we'll need to look into that.

Ms. Doherty said that it does not meet the requirement, given the extra right-of-way shown in the proffers. The proffers offer more right-of-way than what is shown in the plan. He can't meet the open space requirement given this new right-of-way. The applicant has asked that the open space not include that right-of-way.

Mr. Miller pointed out that they have dedicated 34 feet, which is all that's required for this development. VDOT has said they would like to have 40 feet dedicated in the vicinity of the right turn lane. By adding that right-of-way, it takes away from the open space we currently have. The owner does not want to be penalized. This is where staff

indicates that waiver is not acceptable.

Ms. Doherty said that there is no mechanism in the code to waive the open space requirement.

Mr. Rieley stated that we might not have the authority to waive that requirement.

Ms. Doherty said that it would require interpretation by the zoning administrator.

Ms. Doherty stated that staff did not have time to make that call prior to the meeting.

Mr. Benish could act with the recommendation that that open space be achieved, with the zoning administrator's determination.

Ms. Hopper asked if we vote against the ordinance, then our decision would be void.

Mr. Edgerton pointed out that our decision could be conditional upon the zoning administrator's determination.

Mr. Tom Loach said that he had hoped that we would see some improvements in concurrency of infrastructure with the Neighborhood Model. He said that the problem with this development is in the infrastructure. The governor has said that VDOT's six-year plan was false advertising. We have already allowed two major developments on this road, Grayrock and Wayland's Grant. As good as the design may be, that road cannot take it. He suggested a compromise that the developer would not start construction until the funding is available for road improvements. It was brought up in the report that the students would be going to Brownsville Elementary, but students in the area currently attend Crozet Elementary. Before this goes to the board, this should be clarified. He asked the commission to clarify the design for the frontage.

Mr. Mike Marshall, president of the Crozet Community Association, thanked that applicant. He said that the applicant has responded to some of the concerns of the community. They did not respond to the density issues. These plans are approved in advance of the infrastructure that supports them.

There is a general perception that these developments are trying to fit too many units onto the property. He asked that the County consider the implications of these tight developments. He suggested no rezonings inside the growth area while the master planning is being done.

Mr. Jeff Werner, of the PEC, brought up the issue of affordable housing. We have seen numerous projects that tout the principles of the neighborhood model. The media has been quick to criticize the County for challenging plans that use the words but not the intent. We believe the County should seek more specific language from applicants on how they will meet the DISC principles, and particularly how they will be handling the

issue of true affordable housing.

Ms. Zoe Golday agreed with the comments that the density is too high. She would like to see something put in that would not allow them to destroy the woods.

Ms. Doherty pointed out that there is existing wooded area that will remain and an existing 100' stream buffer along the tributary.

Ms. Golday asked if that was not also true for Wayland's Grant. The leveled the trees anyway.

Ms. Doherty said she did not know the answer.

Mr. Rieley said that it wouldn't be the first time that happened in the County.

Mr. Thomas asked if we had the 100' setback from streams at that time.

Mr. Rieley said that it was in place at the time.

Mr. George Michie stated that when the decision was made to place Crozet at the top of the list for master planning, the reasoning was the pressure of development. The idea being that we need to have a plan in place to deal with the growth. To the credit of the budgeting process, it is hard for them to plan when you don't know how many people are coming in. It is much more important for us to have a plan in place for the town of Crozet. It should be our priority.

Ms. Jamie Hughes said that her concern was that as a community association we voted that we wanted all rezoning to wait until the master plan was accomplished. In Wayland's Grant, of the homes there, 5 of 12 have been sold, so there is not an overwhelming crush of need for new homes. We wanted a mix of people, such as the mix that already exists in Crozet. We want families of all kinds. On Jarman's Gap Road, the road is deteriorating. She asked that the County wait for further development.

Mr. Dennis Jutcherson said that he respected the applicant's efforts with this plan. The atmosphere that is developing in Crozet, all of these developments are starting to be crammed down our throats. He would like to see a little less density than this. As Crozet gets more crowded, the atmosphere changes. We are beginning to feel that those in power and those who have money seem to get their way. He would like to see change in Albemarle County.

Ms. Kathy Galvin said that one of the main points of DISC was that we were changing the format of development. That is precisely what we have tried to do with the design of this site. There is a density that is akin to Wayland's Grant and we have not exceeded that. There is a push to maximize the use of the growth areas. The concern

is how do you make higher density livable and desirable.

Ms. Alison Thompson Triplett said that she supported the community association's request to wait until the master planning has been done. She does not feel that it is in the character of Crozet. Some of this development is too high in density. She is also concerned about the quality of the road.

There being no further comment, the hearing was closed.

Mr. Loewenstein asked if anyone wanted to comment on the request to put rezonings on hold until master planning is complete. The County has, to a certain extent, created a climate of expectation with those intentions, but there are plans already in the pipeline.

Mr. Thomas said that he would like to be able to plan as we go, but we already have a lot that is on the burner and cannot be stopped. We can't stop living for today, we have to keep going for tomorrow. A road project may be on the VDOT list, but it could be bumped for a variety of reasons. Jarman's Gap Road has been ready for improvements for many years. He would like to see roads included in the master planning process. That growth is happening all over the County, not just in Crozet.

Ms. Hopper asked if the planning commission was within it's right to turn down a rezoning, based on waiting for the master plan.

Mr. Kamptner replied that the better approach would be to deny, because the current zoning is still reasonable and appropriate. If you don't make some kind of recommendation, the project is deemed to be recommended for approval. When it does get to the board, we want to have comments based on sound zoning principles. There is nothing that exists with the master plan as yet.

Mr. Loewenstein said that this is an extremely frustrating situation. These applications have to be acted upon within a certain timeframe. As hard as this is, we need to include a recommendation.

Mr. Edgerton stated that with the by-right zoning, the owner could put nearly 20 units on this site. The Comprehensive Plan designates this for urban density, or 60 units at the low end. The other issue is the road condition, which is really not in our control. He pointed out that what is being proposed is considerably less than the urban density. To do anything other than by-right on this property, they would have to rezone.

Mr. Rieley said that this is a plan that is very much in sympathy with the neighborhood model and is what we had hoped to have come before us. The issue of the phasing of the public improvements is a tough one. To some extent, they have to come along together. Rather than deny this plan or put it on hold, we could approve this plan with the caveat that the number of lots cannot exceed the by-right level until the road improvements are made.

Mr. Edgerton verified that under that plan, the builder could build the first 20 houses before the road improvements were made.

Mr. Rieley pointed out that was a substantial portion of the plan they could move ahead with.

Mr. Loewenstein asked if this was a possible limitation.

Mr. Kamptner replied that it would have to come with a proffer.

Mr. Loewenstein pointed out that neither the commission nor the applicant would be in the position to fulfill some of this condition because of VDOT's involvement.

Mr. Rieley said that the applicant could fulfill it to the point of agreeing not to build the 20th house.

Mr. Craddock asked how many vehicle trips this would add to Jarman's Gap Road.

Mr. Benish replied that the formula is 7.5 trips per townhouse over the by-right level.

Mr. Craddock said that it would really not affect the level of service.

Mr. Benish said that it would increase the traffic by 200+ vehicle trips.

Mr. Craddock asked if the road was currently at a D or C level.

Mr. Benish replied that the road currently functions at a C. At this point in time, it's not perceived to require additional lanes.

Mr. Loewenstein asked if there was a way to take an action that would reflect the issues we'd like to see clarified.

Ms. Hopper asked if spot improvements to the road would improve this situation at all.

Mr. Benish replied that there might be some. There is an expectation that this road will be a community street in this area. The intersection is an integral part of this project.

Mr. Thomas asked if he meant further east than 240.

Mr. Benish replied yes.

Mr. Thomas asked what the distance was from the entrance to 240.

Ms. Doherty replied that it was about ¼ mile.

Mr. Thomas asked how far past this development would the curbing extend.

Mr. Benish replied that it would extend to the edge of the development area, to Route 684.

Mr. Edgerton said that he liked Mr. Rieley's suggestion, but he had a problem with the implementation because of the political nature of the road improvements.

Mr. Thomas pointed out that last Wednesday night at the CHART meeting the VDOT representative said that there were going to be numerous cuts in funding.
Ms. Hopper suggested cash proffers to provide spot improvements addressing that intersection.

Mr. Benish said that it depends on the situation. We approached this project with that concept that with the investment they are making within the development to achieve what the model is calling for, we need to balance that with the exactions for other community improvements, such as the public road.

Mr. Rieley said that he thought that either Jarman's Gap Road would be improved by the state or not. The developer's contribution would not make any difference. He would rather see those improvements go where staff has recommended that they go. He said his concern is still with the timing. He does not want to put people at risk.

Mr. Loewenstein said that no one developer is going to be able to fix all the problems on Jarman's Gap Road.

Ms. Hopper said that it would be more of a sharing. We need much more than just spot improvements.

Mr. Craddock pointed out that even with the master plan, there is no guarantee that the road improvements would be made. He said that he was in favor of the project as it stands.

Mr. Loewenstein asked about the open space.

Ms. Hopper replied that she feels comfortable leaving that conditional. She said that it concerns her that we might be thwarting people trying to use the Neighborhood Model principles. She does not want to discourage people from trying to use the DISC principles.

Mr. Edgerton said that it is safe to say that this developer sought input from the community and the neighborhood model. He is in favor of encouraging this kind of development.

Mr. Rieley said that one of the issues was the proffering of the elevations. The one that

is missing is the elevation from Jarman's Gap Road. He asked Ms. Galvin to clarify the elevations.

Ms. Galvin said that the elevations were taken internal to the site. There isn't an elevation from Jarman's Gap Road.

Mr. Rieley said that he would not support this plan without an elevation from Jarman's Gap Road. That is absolutely fundamental.

Ms. Galvin added that she asked staff what was required and was told that we needed to supply an elevation that showed the relationship of the townhouses to the single family dwellings. She was not asked to provide an elevation from the road.

Mr. Rieley said that if that is what staff is telling people, that makes him unhappy. We have made it very clear what we want. If we don't have that elevation, we have nothing.

Mr. Benish stated that there was apparently a miscommunication.

Mr. Rieley said that his recommendation would be that this item be deferred until this can be resolved.

Mr. Loewenstein asked for the opinion of the other commissioners and the timetable.

Ms. Hopper asked Ms. Galvin how quickly the elevations could be provided.

Ms. Galvin said that she would need to discuss that with her client.

Ms. Hopper said that regarding the concurrency of infrastructure, she would be interested in hearing different strategies in how this can be attacked. She said she thought that Mr. Rieley's request was reasonable. Otherwise, she supports the plan. She asked Ms. Doherty to clarify the wooded buffer that would be remaining.

Ms. Doherty replied that it would be identified by the squiggly line.

Mr. Thomas said she agreed with Ms. Hopper about the elevations.

Mr. Loewenstein asked what the time schedule was for this matter. If we are going to take an action tonight, there would be some caveats involved.

Ms. Hopper said she would prefer deferral if we have time.

Ms. Galvin said that there has been an assumption made that those are the backs of townhouses. Those will not be the backs. The fronts of those townhouses will be either of the options shown. The side of the group of four block will look like that corner.

Mr. Rieley asked if there was any problem relabeling that making it 1-1 from Jarman's Gap Road.

Ms. Galvin showed the drawing plans for the lots along the road.

Mr. Rieley said that if there was not a problem with labeling it on the plan, that could be done tonight. He said he would be fine with that.

Mr. Benish said that we need to ensure that the language of the proffers reflects that.

Ms. Galvin asked if she should do that right now.

Mr. Benish replied that she should.

Ms. Hopper said that the intent is that we have an elevation from Jarman's Gap Road and that it conform to bullet 1.1, option A, B or C.

Ms. Galvin stated that in talking to Ms. Doherty, it could be done in 10 minutes.

Ms. Galvin showed the clarified elevations.

Mr. Loewenstein thanked Ms. Galvin for that clarification.

Mr. Thomas asked Mr. Rieley about limiting construction to 19 or 20 until the road has improvement monies in place. He asked if that was still viable.

Mr. Rieley said that if the fallback position is a by-right development, because we believe that the roads cannot withstand the additional traffic, then it would lead to 19 new houses on this tract. If we approve this and the developer is willing to proffer that only the by-right number would be built until the improvements are made, they would get to build as many homes as they would if we turned it down. Ultimately it could be built out as soon as those improvements were made. It seems that is a reasonable approach.

Mr. Loewenstein said that is a very good point. He said it would depend on a proffer from the applicant.

Mr. Edgerton expressed his concerns about how it could be implemented. He asked if it was fair to ask the developer to wait 15 years to complete this development.

Mr. Rieley said that if it takes 15 years and we approve this at a level this road cannot sustain, we have a dangerous condition.

Mr. Loewenstein said that it seems that we are also imposing a hardship on the existing community.

Ms. Hopper asked Mr. Benish if he said there would be 200 additional trips per day.

Mr. Benish replied that he did not calculate it, but it would be approximately 200 additional trips per day.

Ms. Hopper asked how many trips per day are already on that road.

Mr. Benish replied that he did not recall.

Mr. Loewenstein pointed out that there would be a concentration of the greater traffic on a small length of that road.

Mr. Craddock said that there were some questions from the public about privacy fencing on the right hand side of this development.

Mr. Thomas asked where the treeline was. He asked if the trees would stay there.

Mr. Ketchum replied that every tree that can be saved, will be.

Mr. Rieley asked if a treeline can be designated on the other side.

Mr. Ketchum replied that basically the whole perimeter of the site is wooded. All the trees on the back side aren't feasible to cut because the slopes are 25%.

Mr. Rieley pointed out that he is obliged not to cut the trees.

Mr. Loewenstein asked if he had any reaction to the request to limit development to the by-right numbers until the road improvements are made.

Mr. Ketchum replied that there is still an economic concern here. We would still have to do the whole infrastructure. At this moment, he would say that he can't do that. It is not a feasible option. We might be able to work something out. He said that he would hate to see something that has had so much work go into ruin.

Mr. Rieley said he is suggesting that this not be developed beyond the by-right level until the road improvements are made. It is clear, that if we are willing to vote in favor, that offer will not be forthcoming. Because of the hazards on that roadway and the critical safety aspects, he cannot support the plan without such a proffer.

Mr. Thomas said he thought this was a nice project, but it is a shame that the road has not had any more improvements as yet. He said he would support the plan the way it's presented.

Ms. Hopper said she would support the plan as well. She would still like the

concurrency addressed. She would also like to see affordability of housing addressed.

Mr. Craddock continues to support the plan.

Mr. Loewenstein said that this is a fine project in many respects and goes some distance toward meeting the neighborhood model requirements. He is concerned about the infrastructure, both the roads and the schools. At some point we will need to account for the cumulative effect of these applications. He is also concerned about the Crozet Master Plan and how this plan will fit into it. He said that he would oppose this plan because it flies in the face of some important issues that we are not addressing.

Mr. Thomas moved for approval of ZMA-01-16 with the proffers as amended, conditioned upon the zoning administrator's approval of the open space.

Mr. Edgerton seconded the motion, which passed by a vote of 4-2 with Mr. Rieley and Mr. Loewenstein voting no.

ZMA-01-14 Shoppers World (Sign #38 & 39) – Request to rezone 1.537 acres from HC, Highway Commercial to PD-SC, Planned Development Shopping Center to incorporate the property into the adjacent Shoppers World Development also zoned PD-SC. The property, described as Tax Map 61U-01 Parcel 15 is located in the Rio Magisterial District on Seminole Trail (Route # 29 South) at the intersection of Route 29 S and Berkmar Drive. The Comprehensive Plan designates this property as Community Service in Neighborhood 1. (Francis MacCall)

Mr. MacCall presented the staff report.

Mr. Loewenstein verified that the revised form had been signed.

Mr. Rieley asked proffer 2 would prohibit any change in the footprint of the building without coming before us.

Mr. MacCall replied that the planned development section allows the director of planning to approve changes that are in general accord with the ZMA.

Mr. Kamptner said that the planning director can allow for minor verifications. In this case, it becomes interpreting the proffer.

Mr. Rieley said that his concern is if this building is leased to a new company who simply changes the logo on the building, that would generally be in keeping with the plan. If it is leased to somebody who tears down most of the building, that would not be consistent with the application plan.

Mr. Kamptner said that he would agree with that.

Mr. Edgerton verified that we are being asked to rezone that small portion tonight. If there is a reconfiguration of the shopping center at a subsequent date, that would be done administratively.

Mr. Loewenstein replied that it would be done only if the changes were limited.

Mr. MacCall pointed out that they are just rezoning 1.29 acre parcel.

Mr. Kamptner said that if they wanted to make changes beyond what would be in general accorc, the applicant would need to submit the plan.

Mr. Benish stated that the more specific the plan, the more difficult the changes are.

Mr. Loewenstein opened the public hearing and invited the applicant to speak.

Mr. Mike McGowan, speaking for the applicant, said that the property was recently purchased and they have had a connection of the parking lots approved. We would like to be able to integrate this with the shopping center. We don't want to tear it down, we would like to lease it fully.

Mr. Thomas said it ties that piece of property into a more accessible use.

Mr. McGowan stated that the building is primarily empty.

There being no further comment, the hearing was closed.

Mr. Rieley moved for approval with the amended proffers.

Mr. Craddock seconded the motion, which passed unanimously.

There being no further business, the meeting was adjourned at 9:00 p.m.

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V. Wayne Cilimberg, Secretary

Recorded and transcribed by Lynda Myers, Recording Secretary