Planning Commission
February 5, 2002
6:00 PM

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, February 5, 2002 at 6:00 p.m. at the County Office Building, 401 McIntire Road, Charlottesville, Virginia. Members attending were: Jared Loewenstein, Chairman; Rodney Thomas, William Finley, Tracey Hopper, and Bill Edgerton. Other officials present were Susan Thomas, Greg Kamptner and Wayne Cilimberg.

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

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 consent agenda.

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

a. Approval of Planning Commission Minutes: December 4, 2001 and December 11, 2001.

Mr. Finley seconded the motion, which passed unanimously.

Deferred Item:

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) ***DEFERRED FROM THE JANUARY 15, 2002 PLANNING COMMISSION MEETING.***

Ms. Thomas presented the staff report.

Mr. Thomas asked where the public road connection was to the rear.

Ms. Thomas pointed out the connection on the map.

Mr. Thomas asked Ms. Thomas to show him the location of the intermittent stream.

Ms. Thomas pointed out the location on the plan.

Mr. Edgerton asked if the road access would use the driveway to start and then turn off to the right. He verified that it would be dedicated for access to the other parcels as well as the school.

Ms. Thomas replied that it would not use the existing access easement, but rather the pipe stem going out to the road.

Mr. Edgerton verified that the access would be through the pipestem.

Ms. Thomas stated that the school would alter its main access point to the main entrance road.

Mr. Edgerton asked where pedestrian access to the greenway connection starts.

Ms. Thomas replied that it would start on another parcel toward the north. She said that a portion of it would go through the very back of this parcel.

Mr. Edgerton asked where the critical slopes were located.

Ms. Thomas replied that it would be along the intermittent stream. She said that area was extremely steep and the school does not want to disturb that area.

Ms. Hopper asked if Ms. Thomas had said that all the conditions were complete with the exception of #7.

Ms. Thomas replied yes. She corrected the parcel number in condition #8.

Mr. Edgerton asked how the connection to the greenway connected with Pen Park.

Ms. Thomas replied that ideally, it would have gone through the property at the light. Due to safety concerns, people would go to the urban center and from there, head down to the greenway.

Mr. Cilimberg pointed out that Attachment E actually labels the potential greenway connection.

Mr. Edgerton verified that condition #10 really doesn't apply to the school parcel, as far as the greenway connection.

Ms. Thomas replied that there would be a short portion along the intermittent stream at the back of the parcel.

Mr. Loewenstein invited the applicant to address the commission.

Mr. Bruce Wordell, the architect representing the school, asked if it would be more helpful to go through all the conditions at one time or one at a time.

The commission agreed that one at a time would be preferable.

Mr. Wordell said that they had a meeting with Gary Okerlund to understand what was real and what was theoretical. The meeting was very productive. We also met with staff. He said that they had no comment on conditions #1 and #2.

In condition #3, we tried to be clear in stating that the diagrams we were submitting were not intended to be descriptive. The diagram was intended to show that the school could coexist with a development of the nature planned. In getting staff comments today, tying that to a specific layout of diagram A or B, it seems that we are trying to design to some real community that is there next door, which is not the case. The intent was to show that the layout of the school could work with some future development. These diagrams have taken on a sort of concrete reality that was not their intention.

Condition #4 is okay.

We have no comment on condition #5.

In condition #6 staff explained the difference. From the initial discussions we had been discussing a 30-foot dedication. Only this afternoon did we learn that it was a 40-foot dedication. The configuration seems fine.

Condition #7 comes back to the issue that the connection to parcel 173A physically cannot work. He pointed out the area on the map. If we need to provide a dedication to something that cannot be built, that's fine. We are negotiating with Mrs. Daniel's for parcel 174.

Mr. Thomas asked if that was the Tisdale property.

Mr. Wordell replied that it was.

Mr. Finley verified that the applicant did not have a problem with the 40-foot right of way.

Mr. Wordell replied that if that's what VDOT requires, that is no problem.

Condition #8 is the pedestrian connection to the property to the south. The school is prepared to reserve that, but proposes that it be constructed once Village Square dedicates a corresponding connection onto their pedestrian system.

Mr. Loewenstein said that he would want to see that at the time of final site plan approval.

Mr. Wordell replied that they were perfectly happy to designate its location at that time. He suggested striking the last line of that condition.

Condition #9 was a new arrival this afternoon in terms of its configuration. The discussions we had had described the dedication as roughly corresponding to the 100 year flood plain. It is now being asked that the dedication reach from the intermittent stream, all the way down to Meadow Creek. That comprises between ¼ and 1/3 of the entire property. He pointed out his ideas for the greenway connection on the map.

Mr. Thomas asked how close you would be to the Wetzel property on that path.

Mr. Wordell replied that you would be on the Wetzel property.

Mr. Thomas asked how close you would be to the house.

Mr. Wordell replied that they are proposing that you come along the edge of the ravine as opposed to coming in, keeping the construction and activity away from the stream. This seems like an extraordinary dedication of property.

Mr. Edgerton asked about the vehicular access to 173A. If you went further back onto the property, would it be possible to provide access.

Mr. Wordell said it would likely be physically possible. Though this is the most logical place for the bio-filter, which is detailed on the concept plan.

Mr. Thomas said that as to #3, it is a legitimate discussion. We have to start somewhere with this area. He asked if this was the right place to start for what we envision in that area.

Ms. Thomas replied that the school's concept plan is not really what was conceived of by the final report. It is a less compact, more sprawling design. Having the orientation of that one wing properly aligned with the bottom of that urban center is at least what we need. At least we would start the alignment of that urban center to the north on the proper axis. This is not the intensive use of the site that we would have had ideally. The school use could be a very good partner to the urban center. It at least physically relates to it properly.

Mr. Cilimberg said that it is necessary to understand that we are bridging between something that was decided in a fairly conceptual way. From a land use standpoint, this was not what was anticipated. We are trying to find the common ground between the school and the County. It needs to be carefully considered.

Mr. Loewenstein stated that perhaps we could find a way to eliminate some of the speculative nature of

what Mr. Wordell was discussing while still making our parameters clear. He suggested that it could be done with condition language.

Ms. Hopper said that the orientation has to be nailed down.

Mr. Loewenstein said that he would agree with that. That might be the place we could compromise.

Mr. Thomas asked if they were specifically speaking of the wing.

Mr. Loewenstein replied that he was referring to the building footprint.

Mr. Thomas asked if there was a disagreement on the wing.

Ms. Thomas replied that according to the applicant, this was perhaps an acceptable orientation, but she is not sure how firmly they want to commit. No one is being held to any of that. We are only talking about the orientation of the school wing on the crossroads property.

Mr. Cilimberg pointed out that that is the part that will present itself to the rest of the development.

Ms. Hopper asked if staff was comfortable with the rest of the building plan not being nailed down.

Ms. Thomas replied that the wing was the key part for staff.

Ms. Hopper asked what else would you prioritize in diagram A.

Ms. Thomas replied that it would be very desirable to have the building make the corner. The most important part is that long side being oriented in substantial accord with this drawing.

Mr. Finley asked with what would it be aligned.

Ms. Thomas replied that it would be oriented so that the square or urban feature it faces then lines up on a northwest/southeast axis parallel to Rio Road. The orientation of that long wing is probably the key feature.

Ms. Hopper asked Ms. Thomas to point that out on the map.

Ms. Thomas pointed out the area and the intended orientation on the map.

Mr. Loewenstein said that orientation is key.

Mr. Cilimberg said he wondered if the key is the northern wing, we could make the reference to building footprint and orientation only applies to the north wing. We could have a plan showing the northern wing.

Mr. Edgerton asked Ms. Thomas what was envisioned for the urban center.

Ms. Thomas replied that the final report calls for two urban centers. It is an area of mixed-use development. The concept plan shows it oriented around a central plaza or feature.

Mr. Edgerton said that it appears that about 80% of what would be the urban feature is not on the property of the school. He said that he could see an opportunity for the school to set the stage for what will happen on the property next door. If we agree to this now, then the folks that own this property, that becomes a key feature of their plan.

Ms. Thomas replied that the thing to keep in mind is that the recommendations of the report were adopted as a portion of the comprehensive plan. We know it's schematic and it will be challenging on every portion this property. If we can just get the orientation of that one part of the school it would allow for a number of

options to the north. There are a lot of attractive things about diagram B, but we are not certain of the timing of the festival hall. Mr. Okerlund felt the alignment was the most important thing.

Ms. Hopper said that the issue is that we don't want the alignment on this site to preclude future development.

Mr. Loewenstein stated that was it in a nutshell. Perhaps we could come up with some language that would at least address the orientation.

Mr. Thomas agreed that orientation is the key and is the starting point for the area.

Mr. Loewenstein said that the important thing is that we want the northernmost portion oriented appropriately.

Mr. Finley asked if we were agreeing on the orientation.

Mr. Loewenstein replied that at the very least, it should be oriented in that general direction. Assuming the roads will develop in a fairly parallel fashion, then we want to pin down that part of the alignment.

Mr. Thomas said that we would have to word it in a certain direction of orientation.

Mr. Kamptner pointed out that the commission needed to identify the orientation they want.

Ms. Thomas said that she thought that orientation is important, as is the relationship of the wing to the property line and the property to the north.

Mr. Cilimberg suggested the following: "the approved final site plan shall be in substantial accord with the conceptual master plan, with the northern wing, building footprint, and orientation also in substantial accord with diagram A".

Mr. Loewenstein asked if we were going to get any closer tonight for a wording for that condition.

Mr. Kamptner replied that we need to understand what the goal is; the condition will likely be finished later.

Ms. Thomas said that zoning has seen these conceptual diagrams.

Mr. Thomas asked if the goal was to not lock this area into one orientation.

Ms. Thomas said that with the pinwheel design, a lot of different things could happen with the other components of the school. Making a commitment on that northern wing provides assurance that the relationship is established with the urban feature.

Mr. Kamptner asked what it meant to "have access made available" and when is this access to be provided? Also whether or not 173A will stay part of that condition.

Mr. Loewenstein said that it sounded like we couldn't deal with that one any further tonight.

Mr. Cilimberg said except for 173A.

Ms. Hopper suggested leaving that up to staff to see if that is possible. She said that she does not think we should just eliminate it. It should be made available if possible.

Mr. Loewenstein asked Ms. Thomas if there was a way to make the determination whether or not that is possible.

Ms. Thomas said that the only place it could really happen is at the back of 173A so that it fed into a T or a

four-way stop.

Mr. Loewenstein said that most sensitive attention we can pay to that area for that purpose should be done. We want to do so in a way that will minimize that impact.

Mr. Loewenstein asked if it was agreed that in #8 parcel 172A was supposed to be parcel 174.

Ms. Thomas replied that was correct. She commented that we do not have any control over what Village Square does. We try to get pathways connected whenever a site is constructed. We are more likely to get the path built on the Village Square site if that pathway is already built.

Mr. Cilimberg said that if it were not required, but reserved, we would have to hold a bond for the improvement. It would be a requirement of the special use permit that it be constructed at the time. We try to avoid multi-year bonds.

Mr. Loewenstein said it would be cheaper to build it sooner rather than later.

Mr. Cilimberg said that if it were not built now, the bond would have to be renewed and increased.

Mr. Edgerton said that seems a little extreme. The dedication should certainly accomplish what you are trying to do.

Ms. Thomas stated that we want to encourage the pedestrian use and having the facilities in place helps to do that.

Ms. Hopper said that Ms. Thomas' argument makes a lot of sense, though it is a burden. The ideas that were put forth in this CPA will have to be the will of the commission and the board to hold firm. This is very different than anything ever contemplated for this site. In exchange for that, those are the things they can give back.

Mr. Thomas said that he agreed with Ms. Hopper. We need to fulfill the plans for that area.

Ms. Thomas said that the 50-foot greenway is pretty standard. The problem area is the intermittent stream. The Meadow Creek Parkway final report actually calls for a much larger area to be dedicated as a linear park. The school has consistently expressed concern about security. I split the difference from the intermittent stream back to the greenway as a compromise. We get some of the park and the opportunity to get the pedestrian to the greenway. The alternative might be an easement dedicated along the intermittent stream.

Mr. Cilimberg said that there was some very intentional effort to extend in these reaches with park area. That was one of the three areas that the consultant was asked to specifically address. We are trying to provide for some of what was the consultant's recommendation.

Ms. Hopper asked Ms. Thomas and Mr. Wordell to show the drawing again of the proposed greenway.

Mr. Wordell presented the drawings.

Mr. Loewenstein said he thought that made a lot of sense.

Ms. Hopper said that Mr. Wordell mentioned having a greenway trail with bicycle trails.

Mr. Loewenstein said that with this topography, it would be a small level of traffic.

Ms. Thomas said that this would be a class D trail, which is the primitive trail. She asked if the dedication language would spell out the future condition of the trail.

Mr. Kamptner replied that 50 years from now, the County we does not want limitations placed at the time of dedication that would prevent it evolving into a class A trail. If it is envisioned that this will always be a pedestrian/bicycle trail that may be applicable.

Ms. Thomas said that would be damaging environmentally.

Mr. Kamptner pointed out that the greenway plan envisions trails for pedestrians and cyclists. By definition, that should be sufficient.

Mr. Loewenstein asked Mr. Wordell to come back up.

Mr. Finley asked about the greenway.

Mr. Wordell replied that the school has committed to preserving that as a natural area. It is intended to be used in the curriculum at the school. There is a conflict of security that happens when it becomes a public dedication. The school has planned on using and preserving that area. What is being requested of the school is that they purchase a 13-acre site and then give away 4 acres of it. The school fully intends to preserve the area along Meadow Creek. This is a difficult thing for the school to accede to. The school has intended and would certainly proffer that they would never develop buildings on that portion of the property.

Ms. Hopper asked if there would be public access, as if it were a park.

Mr. Wordell replied that there would be public access along the creek, at the greenway, but not cutting across ¼ of the way up the property. That brings the whole issue into conflict with the security of the children.

Mr. Loewenstein asked if he had any additional comments.

Mr. Wordell said that we are determining the orientation of a building or a complex that is responding to something that is theoretical. These diagrams are extraordinarily theoretical when imposed on real topography. We are concerned about defining a footprint so early in the process. We have to design the building, do a capital campaign, and decide how much of it can be built at a certain time. We have made it clear that this was a phased master plan we are proposing. We want to build in an environmentally sensitive way, but this orientation destroys some of the best specimen trees on the property. If we want to have the flexibility to design the building, we need to be able to respond to climatic and orientations that are more than just the edge of a town square. As town square does not have to have rectilinear corners.

Ms. Hopper said that we are looking for a balance. The orientation could make it impossible to have a town square. She asked if he had proposals for a middle ground that would achieve what we are talking about.

Mr. Wordell pointed out that plan B is intended to provide a different concept. We would certainly be tied to the general concept of what we've already produced. We would like to have some flexibility.

Mr. Edgerton said that in either diagram those trees are gone.

Mr. Wordell pointed out that nobody knows what the urban center will look like.

Ms. Thomas said that in this case, the ability to implement the comprehensive plan is of the most importance.

Mr. Loewenstein stated that what we are trying to do is start with something that doesn't quite fit and make it into something that can be an asset for further development. We need to look at all of these in that context.

Mr. Finley said that he cannot get it into his head why the orientation of that building would preempt the town square.

Mr. Edgerton asked if the public access to the town square would be a concern.

Mr. Wordell replied that we are talking about an access to the greenway that may exist for years before any development happens. That provides the ability for isolated interactions. The development of a town square and the density increases security. The concern is for the 10 or 15 years before that property is developed.

Mr. Finley asked if any of the other commissioners were concerned about taking the four acres.

Mr. Thomas asked if that was the four acres dedicated to the greenway.

Ms. Hopper replied that it was the acreage dedicated to the park.

Mr. Thomas asked if the property would still belong to the school.

Ms. Hopper said that if they want to retain ownership, but allow access to the public that would be possible. If I were the applicant, I would want the County to bear that liability.

Mr. Kamptner said that up until now, the County has accepted both fee interests and easement for the greenway.

Mr. Cilimberg stated that what they want to do is not in conflict with the public use.

Ms. Thomas said that given the topography, people would not use it otherwise.

Ms. Hopper asked how do we keep it from being fenced.

Mr. Edgerton said that the use is totally sympathetic with the natural intent of the greenway. They want to reserve it for the use of the school. If the intent of the comprehensive plan is what we are here to direct projects towards, then we can't restrict access by the public to this property.

Ms. Hopper pointed out that you wouldn't send the children out there unsupervised.

Ms. Hopper moved for approval of SP-2001-040 with conditions as amended.

1. Maximum enrollment shall be 350 students, with a maximum of 65 staff. Any increase to enrollment or staffing shall require amendment of this special permit;
2. Normal hours of operation for the school shall be from 8:00 a.m. to 6:00 p.m. weekdays, with occasional uses in the evenings and weekend;
3. The approved final site plan shall be in substantial accord with the Conceptual Master Plan (submitted November 12, 2001 and revised December 14, 2001) and with the northern wing building footprint and orientation. It shall also be in substantial accord with Diagram A (dated February 5, 2002 and prepared by Bruce Wardell Architects) and shall reflect all required pedestrian and road connections to adjacent properties and a sidewalk along at least one side of the entrance road, as described below;
4. A building setback and tree buffer shall be maintained adjacent to the Village Square residential development along the south property line for a distance of 1006.39 linear feet, as shown on the conceptual master plan;
5. The school shall be operated in accord with the Special Use Permit Application and Justification submitted August 27, 2001 and the Site Development Strategy Narrative submitted via facsimile December 18, 2001;
6. The permittee shall reserve for dedication for public use a public vehicular connection to the parcel or parcels located to the north of the school property; this public vehicular connection shall consist of a

40 foot wide strip centered on the entrance road and a 40 foot wide strip extending along the rear of Parcel174 from its intersection with the entrance road to the shared boundary with Parcel 172A. The public road connection along the rear of Parcel 174 between the entrance road and the adjacent property to the north shall be constructed by others. If it is determined to be necessary by the County to provide for interparcel access, the owner shall make the reserved vehicular connection available for such use;

7. Access from this parcel shall be made available to the two adjacent parcels fronting Rio Road (173A and 174) in an appropriate location and manner to be determined, so as not to conflict with access to the private school; if it is determined to be necessary by the County to provide for interparcel access, the owner shall make the a vehicular connection available for such use; [the County Attorney has indicated that further clarification of this condition is needed; staff will work with the Attorney and applicant on the specific language of this condition prior to the public hearing before the Board of Supervisors on February 20.]
8. An easement shall be created to allow public use of a pedestrian connection to the parcel or parcels located to the south of the school property; this connection shall be made in a location between Rio Road East and the school buildings, in such a fashion that it shall connect to the sidewalk to be constructed along the school entrance road and, if and when constructed, to the connecting road along the rear portion of Parcel 174, the exact location of this connection to be determined at the time of final site plan approval;
   If an asphalt path is to be used, it shall be 5 feet wide and consist of 4 inches of 21B stone base material and 2 inches of SMA-2 asphalt. If a concrete sidewalk is to be used, it shall meet standards established by the County Engineer. The path shall be shown on the final site plan for the school and shall be in place prior to the issuance of a zoning clearance for use of the building as a school;
9. A fifty (50) foot greenway dedication along Meadow Creek at the western boundary of the parcel up to and including that portion of the property lying on the western side of the centerline of the intermittent stream shall be made to Albemarle County at the time of final site plan approval;
10. No disturbance of the critical slopes located at the western portion of the site or other undisturbed areas identified on the conceptual master plan shall occur as a result of site development other than development of a pedestrian access to the greenway. Prior to final site plan approval, a tree preservation plan shall be submitted for review and approval by the Zoning Administrator, addressing in detail the limits of all disturbed areas, diameter and location of trees to be preserved, clearing and limbing policy for trees to be preserved, and supplemental trees and shrubs (if any), and related issues.

Mr. Thomas seconded the motion, which passed unanimously.

Old Business

Mr. Cilimberg asked the commissioners to review the list of committees to make sure they are correct. He said that the 2001 annual report would be to you within the next month.

There will be a ceremony of recognition from AIA for DISC tomorrow at 9:00 a.m.

There being no further business, the meeting was adjourned at 7:50 p.m.

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V. Wayne Cilimberg, Secretary

Recorded and transcribed by Lynda Myers, Recording Secretary