Planning Commission
March 5, 2002

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, March 5, 2002 at 4:00 p.m. at the County Office Building, 401 McIntire Road, Charlottesville, Virginia. Members attending were Jared Loewenstein, Chairman, Rodney Thomas, Bill Edgerton, and Pete Craddock. Other officials present were Greg Kamptner, David Benish, Wayne Cilimberg, Elaine Echols, Steven Biel, Scott Clark, Joan McDowell, and Francis MacCall.

4:00 P.M. MEETING ROOM #235:

Work session: Groundwater Committee Report (Scott Clark)

Mr. Loewenstein called the meeting to order.

Mr. Loewenstein stated that items 4 and 5 should be examined more closely.

Mr. Hirschman said that our timing of the groundwater discussion is good. The stream flow in the Rivanna River at Palmyra is at historic low flow. That indicates that the water levels are very much depleted. We might get funding for phase II and III. The focus is really on the site level. We decided to hold this third work session to allow guidance as to how we should move forward with these recommendations.

Mr. Loewenstein began with recommendation #1.

Mr. Hirschman said that the reason we do these regional studies is important, but difficult to answer. We requested funding for phase II and III. We divided the County into six basins. The basins were prioritized for study based on the number of central systems. The idea was to go year-by-year and study different parts of the County.

Mr. Hirschman said that recommendation #2 might be the place to start because we can do something about that in the short term.

Mr. Loewenstein said it made a great deal of sense, but needs more detail.

Mr. Thomas asked Mr. Hirschman to elaborate on the sentence that stated “as such they are a low cost means”.

Mr. Hirschman replied that that statement was in terms of implementation and the funds it would take for the County or staff resources. If it is in the comprehensive plan we can recommend them to landowners as official policy. It wouldn’t take any funds to implement this.

Mr. Craddock asked if it had gotten to the point where we are pulling more out than is being recharged. He asked if we had crossed the line or did we even know that.

Mr. Hirschman replied that the Piedmont is a real tricky case. It is almost impossible to answer that, except through very rough means.

Mr. Evans said that we don’t have an answer to that right now. There may be some areas of the County that are overdrawn. That is one of the goals of these regional studies. We learned something in the first go around. The answer is that we don’t know that yet. Whatever we do, it is implicit that we incorporate good development practices.

Mr. Edgerton asked what that was.

Mr. Evans said that there were things you could do in the way of site planning that promulgate water infiltrating rather flowing off the surface, without spending a lot of money. In many cases, you just need to tell people about it.

Mr. Hirschman said that there was a section of the report starting on page 9 that addresses good development practices.

Mr. Benish said that there are implications of a commitment to do certain things, which is standard. Their recommendations also do speak to some public commitment to look at some options. There is a commitment to education and outreach, support for testing and research.

Mr. Thomas asked if any steps would be made to actually test the groundwater, using existing wells to spot check groundwater in terms of quantity.

Mr. Hirschman replied that the committee is interested in that and came up with the idea that it could be a volunteer network. It could also be that when subdivision goes in, a monitoring well is drilled. The question is who would take the measurements and what would they do with them. It could be a great tool if we had a way to use the data.

Mr. Thomas asked if he thought there wasn't a way to use the figures in terms of both quantity and quality.

Mr. Evans the only way we'll be able to the kinds of questions you are asking is to have a network of observation wells and collect data over time. We have to normalize for the seasons and long-term climatic trends.

Mr. Craddock said that he would like to know the percentage of water that goes out into the septic field that can eventually be reused.

Mr. Evans replied that it is highly variable, but not implicit. It is certainly not a closed loop system.

Mr. Craddock said he thought there would be some percentage that comes back.

Mr. Loewenstein pointed out that that would be pretty site specific.

Mr. Hirschman said that Loudoun County is spending $500,000 putting in a monitoring system of wells. The other problem is how you make that representative. Of the two wells we've been monitoring, one is a shallow saprolite well just over the County line in Orange County. The second one is a deep well in Key West. The shallow one is at an historic low right now. The deep well is at an average level.

Mr. Loewenstein said he thought that Loudoun was doing this to limit development according to water availability.

Mr. Edgerton said he didn't think anyone would have any problem with the suggestions. The last one about water use, reuse and recycling is something that is very doable. It would require an educational process with the builders. Gray water would involve the health department. It would be wonderful if we could figure out a way to encourage looking ahead.

Mr. Hirschman said that one of the things we can start looking at is a demonstration project.

Mr. Loewenstein stated that this approach also allows for some specificity and is controllable. He asked if any commissioner had any other questions. He asked to what degree do we need to provide guidance on those specifics.

Mr. Hirschman replied that the committee could work with the staff on the specifics.

Mr. Edgerton suggested that as a resource, the city of Austin, Texas has done and lot of work in their building code with rainwater recycling for irrigation. They train builders in the process.

Mr. Loewenstein raised recommendation #3.

Mr. Hirschman commented that this item interweaves with 4 and 5 quite a bit. He said that there might be reasons aside from planning as to why clustering are good. The thing that concerns us about clustering is if you try to cluster with individual well and septic, there is a question of how far can you go with that concept. You start dealing with some difficult geometry. Are we going to use central wells? How are we going to put groundwater into the mix?

Mr. Loewenstein said this was a very good point. He said that in #3, unless we adopt some sort of blanket policy, we need data on which to base some sort of rational decision.

Mr. Edgerton suggested that instead of going all the way to a central system, we start exploring allowing a smaller community well that would serve 4 or 5 homes. Perhaps a shared septic system would work.

Mr. Hirschman said that was a good point. Right now you can create an RPD, but preservation tracts are private. If you did have an RPD that has community open space, then you have a little more flexibility.

Mr. Edgerton suggested that that could be put in as part of the easement. The easement is pretty restrictive. What can be done with it later is mandated by the agricultural use.

Mr. Hirschman said there is some appeal to shared wells, but it generates a lot of calls for the County.

Ms. McDowell stated that one of the things that the rural area focus group is talking about is the RPD issue. We will be taking more information back to the focus group.

Mr. Edgerton said that you might be able to weave into the easement form.

Ms. McDowell stated that Loudoun County does something very similar to that.

Mr. Hirschman said that a preservation tract in Loudoun is part open space and part preservation lot.

Mr. Edgerton said that the reason it was put in was as a way to try to preserve some of the rural lands. There is a benefit to the developer in the clustering in that it saves money in terms of utilities, etc.

Mr. Hirschman raised recommendation #4.

Mr. Loewenstein said that obviously there would be more detail than we have now.

Mr. Hirschman said that they have not really looked at it for a long time. The basics are here in terms of how this could work.

Mr. Hirschman said that this is something that would have to be done at the time of the preliminary plat. A lot of the small projects are tier 1 in which County staff has to do the work.

Mr. Evans stated that this is a real can of worms. We have to ask what are our real long-term interests here. The County wants to reserve, if possible, the authority to require something if the County deems this is a sensitive area. It is the cumulative affect of these things that we are concerned about.

Mr. Thomas pointed out that the affect today might not be so drastic, but it could be a major problem later.

Mr. Loewenstein said that depending on how much build-out we get from those existing platted parcels, there could be a huge impact. There has to be some way of addressing it in that process too.

Mr. Hirschman stated that some will drill, but some will settle and the buyer will drill. Usually, it's the buyer that drills.

Mr. Edgerton said that buyers are more concerned about it, most contracts have a contingency for a successful well.

Mr. Evans stated that one of the driving forces behind these regional basin studies is the notion that, due to the geology of the region, it is not necessarily appropriate for a one size fits all kind of thing. The tier system is geared toward groundwater availability zones.

Mr. Edgerton asked why the County requires evidence of septic potential before they even plat the lot, but not of water. From a development point of view, any expense just gets added to the price.

Mr. Hirschman said it was probably driven by some high profile cases.

Mr. Thomas asked what the percentage of dry holes would be.

Mr. Hirschman replied that it happens, and is happening more, but it is still a very small minority at this point.

Mr. Thomas asked if it was because of the groundwater getting lower, or because they are hitting solid rock.

Mr. Hirschman replied that he thought that part of it was because the land is being divided into smaller parcels. You have less to choose from with a smaller parcel. There are some cases in which people are drilling two or three wells, but in most cases, people are finding enough water for their family. With the tier 0 the well would be drilled at the time of the building permit.

Mr. Edgerton asked if staff considered tying it to the platting.

Mr. Hirschman said that this would be before.

Mr. Loewenstein said that the way these tiers are set up makes a lot of sense. There has to be a way to organize it and make it as specific as possible.

Mr. Hirschman stated that the next step is to put it in an ordinance format.

Mr. Loewenstein said it is good to have something specific for the public to react to.

Mr. Hirschman said that we are not talking about development rights, but rather about a verification process.

Mr. Loewenstein stated that with our current water situation, this is going to be especially interesting for a lot of people. Our suggestion would be that the committee continues to work towards the ordinance language. It seems that this would be a way to speed that part of the process.

Mr. Hirschman said that in the table on page 13 it talks about availability and sensitivity. Availability is not the only issue. The other thing is that we can adopt something like this, but right now we don't have the staff to make this thing run.

Mr. Loewenstein pointed out that that does not mean that we can't go ahead and develop it.

Mr. Loewenstein raised recommendation #5.

Mr. Hirschman said that the committee was not suggesting we create any more of these. Central systems are a tool to best utilize a site's groundwater. If it is going to become a tool that we use, there are some major leaks that we have to take a look at. The only way we could create new central systems is to create some umbrella management structure. We need to have a professional who manages and maintains them.

Mr. Loewenstein said that there would then be a single agency that would oversee a number of those.

Mr. Edgerton asked if it could be done with regulation.

Mr. Hirschman replied that could be done as well.

Mr. Edgerton said that would put the burden of regulation on the County and the management on the private owner.

Mr. Clark said that you would have to have a monitoring program to keep up with it.

Mr. Hirschman said that you could regulate it and have contingency plans. The health department now is requiring a certificate of financial responsibility. Their main problem with these systems is getting the water samples turned in.

Mr. Evans stated that that is an important distinction. We have to separate the problems related to the source.

Mr. Loewenstein said the issue is what it takes to make sure it's done correctly. It seems that keeping this somewhere in the list and pursuing the possibility of looking more closely at it as a potential tool is worth while. Water resources are diminishing, if that's not true, that is the general perception. We should take this opportunity to look at every possible means of better utilization of that resource. There are a lot of complexities involved.

Mr. Hirschman said that the only reason he'd like to see it taken out of the equation is that it leads to the assumption that private individual systems are the way to go. A lot of people with contaminated wells don't even know they're contaminated because testing is not required. It goes back to health and safety.

Mr. Thomas brought up financial stability.

Mr. Hirschman said that that is a difficult issue, there needs to be a backup. This is brand new for the health department.

Mr. Thomas said that the people that live there will suffer the consequences.

Mr. Hirschman said that we could look at Peacock Hill as a success rather than a failure. They pooled their resources and fixed the problem rather than having eight individual failed wells.

Mr. Hirschman stated that the more customers you have, the better off you are.

Mr. Edgerton agreed that we need to consider all the possibilities. He said that just because there have been some failures, doesn't mean they can't be done better.

Mr. Loewenstein said it seems like a fundamental thing that shouldn't be crossed out.

Mr. Hirschman asked what do we do in the short term.

Mr. Loewenstein asked if there was a way to convert that into something that is more quantitative.

Mr. Hirschman said that the question is on the table, if you have a statement or a position that reacts to this, the board would be interested. He said that he expects that the board will not want to go in this direction.

Mr. Loewenstein said that there seems to be a general agreement that this is something we would recommend pursuing.

Mark said that the management structure is the whole question. It has to be done similar to an existing service authority. That is the real crux of the question.

Mr. Cilimberg said that the service authority has stated that before they would even want to touch systems that may be approved they would want those designed to a standard that is in accordance with their requirements.

Mr. Hirschman pointed out that there is an existing board policy that generally says that they won't be approved.

Mr. Evans said it looks as if it might be useful to look at what successful models are out there in different communities.

Mr. Hirschman suggested the Virginia Rural Water Association.

Mr. Edgerton said that the attached letter has to be respected.

Mr. Hirschman stated that the committee has said that it's a tool and if you want to use it, you need to change the rule.

Mr. Loewenstein said he would like to see some standards under which this might apply.

Mr. Loewenstein said that in some cases these happened originally for economic reasons.

Mr. Edgerton stated that if these two could be combined, it might give the County the opportunity to put growth in more appropriate places.

Mr. Loewenstein raised recommendation #6.

Mr. Cilimberg said that this is what's happening.

Mr. Cilimberg stated that it would be a new thinking about how we approach central systems based on the discussion.

Mr. Loewenstein said that we are suggesting that they be added as a possibility.

Mr. Hirschman said that this has been great and thanked the commission.

Mr. Loewenstein said he thought it would be helpful for Mr. Hirschman to contact the other commissioners individually. He asked where the commission would go from here.

Mr. Hirschman stated that we have some pretty clear direction on both 2 and 4. We can be working on those and come back with specific written language.

Mr. Benish said that we can probably give that to you in a comprehensive plan form.

Mr. Loewenstein asked for a timeframe.

Ms. McDowell replied that they hoped to have this wrapped up by the end of July.

Mr. Loewenstein thanked Mr. Hirschman and the committee for their work. He reiterated the timeliness of this issue.

Mr. Hirschman thanked the commission for their input.

6:00 P.M. MEETING ROOM #241:

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:

Approval of Planning Commission Minutes – January 22, 2002 and January 29, 2002.

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

Mr. Thomas moved for approval of the consent agenda.

Mr. Finley seconded the motion, which passed unanimously.

Regular Item:

SDP 2001-016 Clover Lawn Village Preliminary Site Plan - Request for preliminary site plan approval for mixed residential and commercial uses on 6.8 acres zoned PD-MC. The zoning allows for and the plan shows 24 dwelling units

and 33,000 square feet of commercial uses. A request to disturb the 20 foot buffer between zoning districts and a request to disturb critical slopes require approval by the Planning Commission. The property, described as Tax Map 56 Parcels107, 107A, and 107A1 is located in the White Hall Magisterial District on Rockfish Gap Turnpike, Route # 250, West, across the street from the Blue Ridge Building Supply at 5221 Rockfish Gap Turnpike. The Comprehensive Plan designates this property as Neighborhood Density Residential, recommended for 3 - 6 dwelling units per acre and Neighborhood Service in the Village of Crozet. (Elaine Echols)

Ms. Echols presented the staff report.

Mr. Loewenstein verified that the public right-of-way remains to be finally determined.

Mr. Kamptner said that ultimately this is a dispute that can be resolved privately.

Mr. Finley asked if the right-of-way would come from the state.

Ms. Echols said that there is an old right-of-way back there and an old roadbed. She said that the right-of-way corresponds to the old road.

Mr. Finley asked if the rights-of-way were on record back then.

Ms. Echols said she did not know exactly what was out there.

Mr. Loewenstein the wording of that condition should clarify the situation somewhat.

Mr. Finley asked how many motions were needed.

Mr. Loewenstein said we needed three motions.

Mr. Kamptner said that the commission could cover all three in one motion.

Mr. Finley moved for approval subject to the following:

- **Recommendation for approval of the critical slopes waiver** as shown generally on the preliminary site plan with the condition that slopes be re-graded at a slope necessary to meet ARB requirements for landscaping and in no instance at less than 2:1.

- **Recommendation for approval to disturb the 20-foot buffer** with grading as generally shown on the preliminary site plan.

- **Recommendation for approval of the preliminary site plan** with the conditions that the following items be provided with or on the final site plan:

- ***Planning Department***

    1. (32.7.2.8) Show ramps everywhere a sidewalk comes to a curb and in front of every HC striped space.
    2. (32.7.9.8.a.) Provide vegetative screening around the back and sides of each dumpster enclosure. Each dumpster must be located outside of the 20 foot required buffer.
    3. (32.7.9) Provide landscaping and screening plans.
    4. (32. 7.2) The "optional" pedestrian path, that will go through the area shown for stormwater if provision for a different stormwater facility is made, must not go through a parking space. Room must be made between parking spaces for the pedestrian path through the parking lot and the area must be striped across the parking lot.
    5. Demonstration that no fence or other structure is located along the northern boundary of the property within either a public right-of-way or private accessway.

- ***Engineering Department***

    1. Provide an erosion control plan, narrative and computations. [18-32.7.4.3, 17-203]
    2. Provide a completed application and fee for erosion control and stormwater management. [17-203, 17-303]
    3. Provide a stormwater management/BMP plan and computations. Computations must include water quality, and detention routings for the 2yr and 10yr storms. [17-304]
    4. Provide completed stormwater management facilities maintenance agreement and fee. [17-323]
    5. Provide drainage computations. [18-32.7.4, Policy]
    6. Provide plans to VDOT for approval of improvements that affect the public right-of-way.

- ***Architectural Review Board***

    (See Attachment C – page 12 of staff report)

- ***Albemarle County Service Authority***

    1. Provide final construction drawings for the water and sewer extensions. Construction drawings shall be submitted directly to the Service Authority.
    2. Provide a note stating the domestic water service lines for the commercial units shall have backflow prevention devices installed on them.
    3. Provide adequate fire flow. The available fire flow approximately 1800 feet west of this site is 2580 gpm at 20 psi residual pressure, therefore the required fire flow, as currently calculated, cannot be met.
    4. Provide a platted water line easement across the entire frontage of the site for a future water line extension. The easement shall be deeded to the Service Authority and recorded in the clerk's office prior to approval of the final site plan.

- ***VDOT***

1. Show turn radii at entrance.
2. Provide CG-12 (handicapped accessible curb cuts) at the entrance.

- ***Zoning***

    1. [32.5.6(n)] Show the location of all outdoor lighting on the plan.
    2. [32.6.6(j)] Provide a description and photograph or diagram and show the location of each type of outdoor luminaire that emits 3,000 or more initial lumens. Please be aware that installation of such luminaries in the future that are not shown on this plan shall require an amendment to this plan.
    3. [32.6.6(j)] [4.17.4(b)] Include a photometric plan on the site plan demonstrating that parking area luminaries are in compliance with 4.17.4(b).
    4. [30.6] The final plan approval is subject to the issuance of a Certificate of Appropriateness from the Architectural Review Board.

Mr. Thomas seconded the motion, which passed unanimously.

SDP 2002-003 Monticello High School Softball Field Lighting Waiver Request - The applicant requests a waiver of the outdoor lighting regulations in Section 4.17.4(a) of the Albemarle County Zoning Ordinance in accordance with Section 4.17.5(a) 2. A lighting system is proposed for the softball field that exists at Monticello High School. Prior to negotiating a contract for a lighting system, the County's Capital Projects Team seeks approval of this waiver to allow flexibility in finding the best system for the County's purposes. The property, described as Tax Map 91 Parcel 2 is located in the Scottsville Magisterial District on Mill Creek Drive (Route 1150) approximately .25 miles from the intersection of Route 20 South (Scottsville Road). The Comprehensive Plan designates this property Institutional in Neighborhood 4. (Francis MacCall)

Mr. MacCall presented the staff report.

Mr. Thomas asked if there was any significant difference in the lighting here versus at Brownsville.

Mr. MacCall replied that there was no significant difference, though there might be a slight improvement in the shielding.

Mr. Loewenstein verified that there is nothing that Mr. MacCall said that would negate condition #2.

Mr. Mike Stumbaugh said that essentially, this is the same system that is in Brownsville. There is nothing superior to that system. This is the best he could find. He put out the Brownsville model as a minimum. He said he received no other system proposals.

Mr. Thomas asked if there was a curfew.

Mr. MacCall said he did not believe that was indicated. The Parks and Recreation Department doesn't want to do that.

Mr. Thomas noted that some night games would go on until midnight.

Mr. Craddock said that poles would likely be shorter.

Mr. Stumbaugh said that they would be the same height as in Brownsville.

Mr. Finley asked if the conditions were on the Brownsville lighting system as well.

Mr. Cilimberg replied that they were the same.

Mr. Finley verified that this would come back before the commission when they are ready for a contract.

Mr. Stumbaugh said that they are at that point. We have received 3 bids and they are all for the same system. It would then just be a matter of the best price, there is no two-tiered system in this case.

Mr. Loewenstein said he thought that the condition needed to be there anyway. No contract will be signed until an action is taken.

Mr. Craddock asked if the system would be up for this season.

Mr. Stumbaugh replied could get it done by the halfway point of the season with approval from planning in the next week. He said he took the time to bid this so that it would be possible.

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

Mr. Cilimberg stated that they would need to come back to you for approval, which could happen as soon as two weeks.

Mr. Thomas moved for approval, removing the two conditions.

Mr. Craddock seconded the motion, which passed unanimously.

5. Public Hearing Item:

   a. **SP-2001-061 Melampy Shop (Sign #88)** Request for a special use permit to allow for the fabrication of counter tops and cabinets, and for the sales and installation of these products in accordance with Section 10.2.2.31 of the Zoning Ordinance which allows for a home occupation, Class B. The property described as Tax Map 105, Parcel 8M, contains 2.0 acres, and is located in the Scottsville Magisterial District on the west side of Buck Island Road (Route 729), approximately 2 miles south of Route 53. The property is zoned RA-Rural Areas. The Comprehensive Plan designates this property as Rural Area. (Steven Biel)

Mr. Biel presented the staff report.

Mr. Loewenstein said that despite the fact that the Class B automatically limited the applicant to two employees, did we not add that to the conditions anyway? Is the reason we are not doing that because we are getting away from restating the obvious?

Mr. Kamptner replied yes.

Mr. Cilimberg pointed out that if they wanted to lower it to less than two that would need to be in the conditions.

Mr. Loewenstein opened the public hearing on this item.

Mr. Benny Melampy said that he had not prepared anything to present as most everything is in the report.

There being no further comment, the hearing was closed.

Mr. Craddock pointed out that there was no opposition from the neighbors. He moved for approval with conditions.

1. There shall be no on-site sales.
2. There shall be no outdoor storage of materials.
3. All production or fabrication activity of products shall occur within the confines of the proposed 30' x 60' utility shed.
4. All requirements of VDOT shall me met, including installing a 14' culvert and widening the entrance to 34'.
5. All solvents/paints shall be disposed of in accordance with all applicable hazardous waste regulations.

Mr. Edgerton seconded the motion, which passed unanimously.

b. **SP-01-067 Gould Farm Utility Building (Sign #85, 86)** - Request for a special use permit to allow for a custom furniture shop in accordance with Section 10.2.2.31 of the Zoning Ordinance which allows for a home occupation, Class B. The property described as Tax Map 34, Parcel 50, contains 75 acres, and is located in the Rivanna Magisterial District on the east side of Helios Path, approximately 1 mile south of Route 641. The property is zoned RA-Rural Areas. The Comprehensive Plan designates this property as Rural Area. (Steven Biel)

Mr. Biel presented the staff report.

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

Mr. Alex Gould said that the issue is primarily the road and its usage in the subdivision. He said that he was proposing wood usage for the purpose of building furniture. He said he would need to use a trailer to haul some exotic lumber, but it would only be he and the trailer. A hallway divides the space to the building. He said he would not affect the farm in any way, and hopes to cull some of the overgrowth in the forests.

Mr. Finley asked what kind of timber was on the farm.

Mr. Gould replied that there was a mix of cherry, white oaks, red oaks, he also has an area of black cherry trees. He said he would like to harvest those right away and get good use out of them. The majority of the trees are white oaks.

Mr. Finley asked if he imported or purchased the exotic lumber.

Mr. Gould replied that he would purchase it. He said he would probably use more native woods than exotic because the mix is a more unusual approach. He said he has only marked a few trees and needs to review it some more.

Mr. Finley asked if he would dry the lumber that he cut on the property.

Mr. Gould replied that he would.

There being no further comment, the hearing was closed.

Mr. Thomas said his only concern was that the traffic might be overbearing.

Mr. Gould said the trailer would be no more than 12 feet.

Mr. Loewenstein said he thought it was a good idea to use local timber.

Mr. Edgerton moved for approval with conditions.

1. There shall be no on-site sales.
2. There shall be no outdoor storage of materials.
3. All solvents/paints shall be disposed of in accordance with all applicable hazardous waste regulations.
4. All production activity of custom-made furniture shall occur within the 30 x 80 workshop.

Mr. Finley seconded the motion, which passed unanimously.

c. **CPA- 02- 01 Neighborhood Model Amendments to the Land Use Plan**. The proposed amendment would amend the Land Use Plan element of the Comprehensive Plan by revising the words describing the growth management policy, modifying the focus of the goals for development in the Development Areas from promoting the segregation of uses and neighborhoods to goals that are consistent with traditional neighborhood development, as reflected in the Neighborhood Model adopted by the Albemarle County Board of Supervisors on May 16, 2001, and by amending the guidelines and standards for design and uses in each of the land use designations within the Development Areas. The proposed amendment would also make corresponding changes to other provisions of the Comprehensive Plan as a result of the revisions described above." (Elaine Echols)

Ms. Echols presented the staff report.

Mr. Loewenstein said he would like to defer final action until a later date when the remaining commissioners could also be present.

Mr. Loewenstein said that there was a fairly significant span of time involved between the first of these projects and the most recent one. He asked if the definitions of commercial and residential remained constant in terms of the ordinance given the span of time.

Mr. Echols replied that they were using square feet.

Mr. Loewenstein asked if there had been any change in the definition of commercial versus residential.

Mr. Echols replied that there had not been.

Ms. Echols continued the staff report.

Mr. Thomas said that he is still confused on the green space versus open space issue. He asked if the total square footage of the open spaces and green spaces would be combined to the percentage.

Ms. Echols replied that you would have a certain amenity and would have to define what that is. If you had a 25% amenity requirement then there would be a 20% green space requirement on the plan. If you found that green space in the amenity, it would be covered.

Mr. Edgerton asked Ms. Echols to lead him through page 32, the second paragraph. He asked if that was a total of 40%.

Ms. Echols replied that it is two different amenities, if your amenities happen to also be green, then you would only need 20%.

Mr. Loewenstein said that he did not hear anything from anybody either.

Mr. Craddock asked if the chart listing of the urban density for Wayland's Grant should be reversed.

Ms. Echols replied yes. She said that the 2% of commercial in that instance was 4,000 square feet of professional office and 85 dwelling units.

Mr. Loewenstein thanked staff for their work on this issue.

Mr. Loewenstein opened the public hearing on this item.

Ms. Marcia Joseph asked the commissioners to turn to page 32, regarding the community service designation. She asked how it was determined. She asked if she would have to reduce the acreage coming in if she felt that residential use was not appropriate.

Ms. Echols pointed out page 31 with the acreage.

Ms. Joseph asked if that was the maximum acreage.

Ms. Echols replied that was the guidance. It can be larger if you have a good reason to do so. Each request would be evaluated independently.

Ms. Joseph said that that was a little bit confusing. You list a minimum acreage for any sort of comp plan amendment request. It sounds as if it may be somewhat of a detriment if someone feels an area isn't appropriate for residential use. She asked to include museums in the institutional designation.

Mr. Jeff Werner, of the Piedmont Environmental Council, thanked the commission for agreeing to defer this issue. He went through a list of comments. On page 4, item b, where it states services are referred to as existing versus planned, does this suggest that no new services will be developed as master plans develop. Also on page 4, where it discusses the direction of development into the growth area and discourages development in the rural area, do we really mean it? Residential building activity over the past 20 years indicates that growth area permits are approximately 60% of the total. Over the same period the rate of subdivision in the rural area is roughly equivalent to growth area subdivision. On page 6, the revisions suggest that rural area services must be well planned, he is not sure what that means. He suggested the definitions of urban areas, communities and villages be revisited using more specific wording. On page 17, relative to the villages, should be clarified for contradiction. Finally, the people of Crozet have raised some key issues regarding the planning of infrastructure and capital improvements running concurrent with the planning process. We need to address this issue head on.

There being no further comment, the hearing was closed.

Mr. Finley asked if we should hold discussion until the next session.

Mr. Thomas said he would prefer to hold the discussion until we are all together. He said that he agreed wholeheartedly with Mr. Werner's last comment.

Mr. Loewenstein thanked the community for their comments during this planning time.

Mr. Finley asked what the fate of those comments would be.

Mr. Loewenstein stated that the minutes would reflect the comments. He also suggested that speakers might want to provide written copies of those comments to staff for incorporation.

Mr. Edgerton suggested that we include that in the packet to be reviewed.

Mr. Loewenstein asked if staff had any idea of a possible timetable.

Mr. Benish replied that he would need to look at upcoming agendas, but we can pretty easily respond to a lot of those comments.

Mr. Loewenstein suggested that we try to get everything into what we look at next time. We should see both the text with changes marked and a clean copy of the text if that's not too onerous.

Mr. Benish said that he would hesitate to commit to a date, as he would need to check the calendar.

Mr. Kamptner said that the commission could defer because they've already held the public hearing.

The commission decided to defer action to a date to be specified by staff.

CPA- 01-03 Rivanna Village at Glenmore. The proposed amendment would modify the Land Use Plan element of the Comprehensive Plan by revising the following information for the Village of Rivanna: updating population and housing information, providing new headings for the recommended elements of the plan, recommending improvements to Route 250 East, and recommending mass transit to the Village. The proposed amendment would also change the land use designation for Tax Map Parcels 80-50, 93A1-1, 93A1-2, 93A1-3, and 93A1-4 from Neighborhood Density residential (which allows for 3 – 6 dwellings per acre) to Community Service which would allow commercial uses and residential density of 6 – 34 dwellings per acre. The proposed amendment would provide specific guidance for the area designated Community Service by recommending that a neo-traditional street system, a "main street" with retail and office buildings, a variety of housing types, offices, and commercial use not in excess of 240,000 square feet be provided. The amendment would also allow for civic buildings including schools, churches, and community centers to be included in the area designated as Community Service. The amendment would require mass, scale, and architectural detailing of buildings that provide for a "human scale" and supports pedestrians, a well-integrated pedestrian system, including sidewalks and paths, and interconnections within the Community Service Area as well as to the rest of the Village. The amendment would recommend that development be sensitive to the location within Monticello's viewshed and that parking be minimized and buffered and shielded from nearby and adjoining properties. Finally, the amendment would allow for property formerly proffered for a school site on Tax Map Parcel 93A-4to be substituted for provision of other needed public facilities within the area shown as Community Service. (Elaine Echols)

Ms. Echols presented the staff report.

Mr. Craddock recused himself from the discussion.

Mr. Thomas said that there were some statements made about assisted living. He asked if there was some definition on that.

Ms. Echols replied independent living units are considered to be individual dwelling units and would be counted towards density. Assisted living units are non-residential uses. On page 5, in the middle of the page, we have said that in addition to a density of 6 dwellings per acre, the area may have nursing homes and assisted living facilities.

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

Mr. Frank Cox, representing the Kessler Group, said that it had been our hope at the inception of this to serve as a prototype for the Neighborhood Model. We have spent a lot of time and attention focusing on the pictures. We need to recognize that the comprehensive plan recognized this area as a single use village. That laid the groundwork for the Glenmore development. The balance of the plan's boundary for the village comprises close to 2,000 acres. If the CPA is to be approved, we need to recognize that Glenmore and the Village of Rivanna need to have a center. Our focus in this was to take a 78-acre tract and present it in such a way that it would provide the level of services needed for the area. With those citizens who have met with us one-on-one, we have made efforts to reshape the plan. There is room for improvement and we recognize that.

Mr. Robert Couch, Jr., said that he had two issues. As a neighbor he thinks that if you move the fire station to the road area, that would be a great idea. He loves the idea of the village. He said he thought you would take part of his septic

drainfield if it is built. From a taxpayer standpoint, we should know where Route 250 is going to be widened, specifically on which side of the road. If it moves on the north side of the road, his home would be history. The board of supervisors should go to VDOT to request the right-of-way. You would eliminate 90% of the businesses on 250 if you use the north side of the road. He would prefer it if the County could procure the right-of-way before proceeding too far.

Ms. Carole Milks, spoke on the behalf of the Magruder subdivision. She thanked the commissioners who came to their neighborhood. We also appreciate the consideration given by the developers. We would prefer that the area bordering our community stay in its wooded state. We know that this may not be possible, but if this is approved for development, we hope that our border will be screened as much as possible. At the last work session, there was discussion of moving some of the residential units bordering the subdivision in place of the large commercial parking lot. Most of us consider that to be the lesser of the two evils. Regardless of what is eventually approved, we would like to request that we have an effective amount of screening. We hope that some of the large hardwood trees can be retained. In consideration of the large number of retirees, we also request a fence. We hope that you will see guidelines are put in place so that the village property and the drainage areas will accept the storm runoff from Route 250 so that it does not back up and flood our properties. (attached)

Ms. Carol Powell, a new resident of the Magruder subdivision, stated that she selected it because of the low traffic and country atmosphere. Her concern is about the traffic on Route 250 as her children board the school bus there. She is also concerned about foot traffic and trash in her yard.

Ms. Margaret Duncan is a resident of the Magruder subdivision, close to Route 250 East. She is concerned about the water drainage situation and the right-of-way. This situation needs to be considered in the planning stage. Such a road will bring traffic close to her home and her neighbors. This project will create more traffic and the need for more road expansion. We hope that consideration of the land and the privacy of individual landowners will be considered. (attached)

Mr. Jeff Werner, of the PEC, comments are attached.

There being no further comment, the hearing was closed.

Mr. Loewenstein pointed out that this is a CPA project at this time. The process does not begin to address some of the issues of specificity. The language talks about a general form of development and we should keep that in mind as we move forward. He said that VDOT and what they can or might do are murky areas for the County as they are for individual citizens. To a large degree we are at the mercy of the state highway department. We are not any farther along than anyone else in terms of the final specifics of VDOT's plans.

Mr. Thomas said that we are at VDOT's mercy. With the state budget in its current state he foresees a lot of roads being delayed or completely taken off the docket. The Route 250 east development is a vision, it is planning ahead. It is not a reality. We don't decide on which side of the road any of this will happen.

Mr. Loewenstein said that the commission shared the citizens' frustration. He said that while we did not have specific language to approve for development, stormwater and drainage issues would be addressed at the site plan level. We will welcome specific input when we get to that stage. We are not nearly as far along as it might sound. He asked about the statement on page 6, which refers to the schools.

Mr. Benish replied that that was language from the original amendment to the comp plan. This potential school site or Stone Robinson would serve the village. At this point, the school board does not see an imminent need for a new school in this area.

Mr. Loewenstein said that this was a little indefinite. How long is until? The point that was made by one speaker is a good example of what can go wrong unexpectedly. He wants to make sure that this statement would not hamstring us.

Mr. Benish stated that at the time the Rivanna Village was adopted there was a real concern about brining utilities out to that area. There were trying to articulate that they were setting the stage for further expansion. It should probably be struck.

Mr. Loewenstein said that the second half of the sentence might not matter.

Mr. Benish replied that it would probably be clearer to say “reserved to serve this Village”.

Ms. Echols said that the proffer that was made with Glenmore originally was for a school site or other public purpose. It is not intended that a school site or other public purpose be eliminated from this village. That is something we would expect to see at the rezoning. The school site may well be retained in this village, but not in the large acreage style we’ve seen.

Mr. Finley asked if the commission would hear again from the applicant when this come back.

Mr. Loewenstein said that there may be some minor changes, we would certainly want to see the minutes and hear from the applicant.

Mr. Edgerton suggested that the commission defer our comments until all can be present.

Mr. Loewenstein asked if there was anything we need to get in place before our final action.

Mr. Thomas questioned the density change.

Ms. Echols said that the way we tried to deal with this was by calculating the assisted living, in addition to the non-residential uses. Residential square footage can be increased if the non-residential square footage decreases.

Mr. Loewenstein asked if anyone wanted a different form of this text.

Mr. Benish said that staff would provide a clean version and suggested deferring this issue to March 26th.

The Commission unanimously deferred this petition to its March 26th meeting.

Old Business.

None

New Business.

Mr. Cilimberg said that the trip to West Palm Beach would take place on March 15th. Mr. Edgerton and Mr. Thomas have both volunteered. He pointed out that it is in Mr. Edgerton's district.

Mr. Cilimberg said that Sharon Taylor, previously the recording secretary for the BZA, will be joining us beginning March 19th.

There being no further business, the meeting was adjourned at 8:10 p.m.

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V. Wayne Cilimberg, Secretary

Recorded and transcribed by Lynda Myers, Recording Secretary