Albemarle County Planning Commission
May 21, 2002

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, May 21, 2002 at 6:00 p.m. at the County Office Building, 401 McIntire Road, Charlottesville, Virginia. Members attending were William Rieley, Vice-Chairman; William Finley; Tracey Hopper; Rodney Thomas; Pete Craddock; Bill Edgerton, and Jared Loewenstein. Absent from the meeting was

Other officials present were David Benish, Chief of Planning & Community Development; Greg Kamptner, Assistant County Attorney; Scott Clark, Planner; Yadira Amarante, Planner; Steven Biel, Planner; Joan McDowell, Principal Planner; Susan Thomas; Senior Planner; and Michael Barnes, Planner.

Other Matters Not Listed on the Agenda from the Public:

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

Review of Board of Supervisors Meeting – May 15, 2002:

Mr. Benish reviewed the Board of Supervisors actions for May 15, 2002, noting the following:

- SP-2002-17 Merrie Meadows was approved subject to conditions recommended by the Planning Commission.
- SP-2001-047. Albemarle Baptist Church was approved subject to conditions recommended by the Planning Commission.
- ZMA-2001-017. Hickory Ridge Equestrian was approved subject to proffers.
- SP-2002-003. Sam's Woodworking Shop was approved subject to conditions recommended by the Planning Commission.

Consent Agenda:

Approval of Planning Commission Minutes – March 26, 2002 and April 9, 2002.

Ms. Hopper moved for approval of the consent agenda as presented.

Mr. Rieley seconded the motion, which carried unanimously.

Items Requesting Deferral:

ZMA 02-002 Hollymead Town Center (Sign #58, 59, 68) - Request to rezone 24.1 acres from RA (Rural Areas) to PD-MC (Planned Development- Mixed Commercial) to allow for a mixed-use development. The property, described as Tax Map 32 Parcels 46, is located in the Rio Magisterial District on Route 29 North at the Timberwood Boulevard/ Route 29 intersection. The Comprehensive Plan designates this property as the Hollymead Town Center in the Hollymead Community and recommends Mixed Use/Community Service and Urban Density uses. (Michael Barnes) ***APPLICANT REQUESTS INDEFINITE DEFERRAL.***

Mr. Thomas noted the following issues:

- There are four owners for this project. Are they having a problem deciding on what to present to the Planning Commission?
- Is the Planning Commission waiting for the Master Plan Implementation changes?
- Can one of the applicant apply/continue on without the other?

Ms. Hopper noted that Mr. Barnes is the staff person working on this project and stated that she would like to hear from him regarding the issues noted by Mr. Thomas.

Mr. Rieley moved to accept the applicant's request for indefinite deferral.

Mr. Edgerton seconded the motion, which carried unanimously.

Mr. Thomas asked what was meant by "indefinite deferral."

Mr. Rieley noted that one of the main distinctions between deferral and indefinite deferral was that an indefinite deferral would have to be re-advertised.

SUB-01-274 The Rocks at Ivy Preliminary Plat - Request for preliminary plat approval to create the lots for an approved Rural Preservation Development of 39 development lots ranging in size from 2 acres to 106 acres on 642 acres. The proposal includes a request to waive the standards on private roads including: 1) the principle means of access at time of flooding of Section 14-512H; and @) the width of travelway requirements of Section 14-514. The property is zoned RA, Rural Area, with an approved Special Use Permit for a Rural Preservation Development. The property, described as Tax Map 74, Parcel 18 is located in the Samuel Miller Magisterial District on Dick Woods Road (Route 637) approximately 800 feet south of the I-64 overpass, on the east side of the road. The Comprehensive Plan designates this property as Rural Areas. (Yadira Amarante) ***APPLICANT REQUESTS DEFERRAL TO MAY 28, 2002.***

Mr. Edgerton moved to accept the applicant's request for deferral to May 28, 2002.

Mr. Finley seconded the motion, which carried unanimously.

Deferred Item:

SP-00-057 St. David's Anglican Church (Sign #89, 90) - Request for special use permit to allow a church in accordance with Section 10.2.2.35 of the Zoning Ordinance which allows for church buildings and adjunct cemeteries by special use permit. The property, described as Tax Map 60 Parcel 68 is located in the Jack Jouett Magisterial District on Colthurst Drive (Route 1001) at the intersection of Colthurst Drive & Barracks Road (Route 654). The property is zoned RA. The Comprehensive Plan designates this property as Rural Area. (Scott Clark) ***DEFERRED FROM THE APRIL 30, 2002 PLANNING COMMISSION MEETING.***

Mr. Clark presented the staff report. At the last meeting, the Planning Commission requested that the applicant defer in order to provide more information on two items. The first was for resolution of the Architectural Review Board's issues regarding the site plan. The new version of that site plan is located on the wall behind Mr. Rieley. The location and the area of the parking have been reduced. The tree cover on the site has been reduced. Currently, the Architectural Review Board has recommended approval subject to the list of items shown in the staff report. The second issue was the traffic impact of this use. Jack Kelsey of the Engineering Department worked with VDOT to work up an analysis which is attached to the staff report. Mr. Kelsey said that it was their opinion that the proposed church contributes to, but does not significantly generate the need for improvements to the Barracks Road-Colthurst Drive intersection. The intersection may not be in an ideal state as it is, but given the level of traffic generated by Colthurst and along Barracks Road, the change by this use is minimal in comparison. Currently, VDOT does not have any plans for improvements to this intersection. However, Engineering did recommend that in case any future improvement in this intersection was planned, that the applicant should reserve a 10-foot strip of right-of-way along Barracks Road to allow for the widening of that area. That will be taken care of on the site plan. Given all of that, staff is

recommending approval of the permit with the conditions that are in the summary report that basically remove the earlier conditions relating to design aspects asked for by the Architectural Review Board. Those conditions of the ARB have been taken care of. In addition, staff has added the condition regarding the 10-foot right-of-way.

Regarding VDOT's traffic generation study, Ms. Hopper asked when VDOT came up with the determination that there was no sufficient increase in traffic generation do they take the figure of what the traffic is all week long and then average it or just the traffic generated on Sunday.

Mr. Clark stated that they used the number for Sundays, which was the peak for this use. He stated that it was not in the staff report. He pointed out that VDOT had gone out on the site and checked the sight distance horizontally in both directions and felt they were sufficient.

Mr. Rieley stated that he would like more empirical information on the vertical sight distance

Mr. Edgerton stated that he was surprised to see that VDOT based the study on the 45-mile per hour speed limit. Since he travels that road everyday, he knew that people drive it at a much higher rate of speed. In fact there is a sign that VDOT put up just east of this site that says "end 45 miles an hour speed limit." He felt that VDOT was telling people to increase their speed right before the intersection. He stated that it was his understanding that the speed limit for un-posted roads was 55 miles per hour. That would change the calculations significantly concerning the safety of that intersection.

Mr. Rieley stated that since the vertical curve is to the west of the intersection, the traffic approaching that intersection has a speed of 55 miles per hour and probably an operation speed higher than that.

Mr. Loewenstein asked for other questions for staff. Since there were none, he opened the public hearing and asked if the applicant would like to speak.

Steve Melton, representative for St. David's Anglican Church, stated that they had answered all of the ARB's and Planning Commission's questions in redesigning the site plan. He noted that they were in agreement with both the staff's and ARB's comments. He hoped that they would not get caught up with this traffic situation misunderstanding. The church was probably not going to be constructed for four or five years. He stated that maybe some changes would be made to the road in the six-year study.

Ms. Hopper asked if his firm had been involved in the traffic study.

Mr. Melton stated that they were not required to do a traffic study. At the last meeting, VDOT had approved the plan prior to their first meeting. He noted that they have not done any independent studies.

Mr. Loewenstein asked if there was any one present to speak on this application.

Bill Tucker, resident of Colthurst, stated that the speed limit is definitely 55 miles per hour. The speed limit changes at the top of the hill by the sign, which is located next to Mount View Subdivision. When you come down the hill everybody is speeding up. In order to turn in to Colthurst, you either have to tap your brake or turn in at an awkward angle in order to keep from having an accident.

Jan Daggett, a resident of Colthurst, agreed with Mr. Tucker. Approximately eighteen months ago they had a serious accident at the intersection of Colthurst. A gentleman who lives in Colthurst tried to make a left hand turn coming from the city and misjudged the traffic which was coming west. The car was traveling at a high rate of speed. The car was totaled, but luckily no one was killed. She pointed out that she sent an email to Mr. Clark on March 3rd. She noted her

concerns about the traffic safety of the worshipers and residents on Sunday morning. She asked that the Planning Commission consider this dangerous traffic safety situation.

Ellie Tucker, resident of Colthurst, reiterated the traffic safety issues as previously mentioned. As a walker, she constantly sees cars trying to stop to turn left with much difficulty. She noted that no one in Colthurst was against the church. They were all in favor of the church locating there. However, the corner that they have chosen is a particularly dangerous one. There will be a high volume of traffic brought into Colthurst. She invited the members of the Commission to come out to Colthurst and try to make that left hand turn.

Mr. Loewenstein closed the public hearing. The matter is before the Planning Commission. He asked if staff has the accident statistics from VDOT for this intersection?

Mr. Clark stated that he did not know of any, but he would check on that.

Ms. Hopper asked what are the standards for traffic signals? She asked if that was something that has been considered in this instance?

Mr. Benish stated that he doubted this intersection met the standards necessary for a traffic signal.

Mr. Craddock asked if the speed limit could be reduced coming into town or is that a long drawn out process? He noted that if they were not going to build the church for three or four years that it might be a possibility.

Mr. Benish stated that ultimately VDOT controls what speed limit would be posted. There are certain standards given the category of roadway. There is a practical issue given the vertical curvature of the result in the speed. The potential measures to mitigate this issue include reducing the speed limit or requiring a turn lane.

Mr. Loewenstein stated that VDOT did not address the speed limit issue.

Mr. Benish noted that staff relies on VDOT to give accurate information to the Engineering Department.

Mr. Edgerton concurred with Mr. Rieley's points. Having driven the road everyday for thirty years, he was aware of the fast speed and the dangerous intersection. He stated that if the church won't be built for four or five years, then there would be even greater traffic congestion. He asked that VDOT provide staff with more reassurance of their report and calculations.

Mr. Loewenstein stated that the County was in favor of the church use in the RA zone. He noted that he had not heard any problem with the use, and expressed his concerns regarding the traffic analysis.

Mr. Rieley requested staff to provide the missing information regarding the site distance and speed limit to the Board of Supervisors before they vote.

Mr. Loewenstein stated that public safety was the most important thing that they were here to protect.

Ms. Hopper asked staff to provide accident statistics to the Board regarding the intersection.

Mr. Loewenstein stated that the there were no other issues for the applicant to address.

Mr. Melton stated that they would be willing to team up to help get the speed limit reduced.

Mr. Benish stated that he would investigate the exact procedure for reducing a speed limit and provide it to the Board of Supervisors.

Mr. Rieley stated that the key issue was the geometry of the roadway and its relationship to the sight distance. He stated that the functional classification analysis does not answer that question. There are variable standards for a given design speed and a functional speed. If it is done in terms of a new road, it is a K value. Usually it is just a sight distance analysis for an existing roadway. But there are very clearly set out standards for stopping site distance relative to not only what is posted, but also to what speed it is typically driven. He felt very uneasy voting in favor of this in absence of this information. He stated that he was very sympathetic to the land use in this locality, but they don't have any higher responsibility than that of public safety. He asked that this information be obtained for the Board of Supervisors prior to them hearing this item. He requested staff that when the special use permit goes to the Board of Supervisors that some empirical information on the vertical sight distance, the posted speed and the operational speed be provided.

Mr. Benish noted that it might be difficult to get the information requested by the Planning Commission to the Board for the June 5th meeting. Staff would do everything possible to address that.

Ms. Hopper moved to recommend denial of SP-00-057 for St. David's Anglican Church to the Board of Supervisors.

Mr. Edgerton seconded the motion.

The motion was approved (5:2) to recommend denial of SP-2000-57 to the Board of Supervisors. (Finley – No, Mr. Thomas – No)

Mr. Loewenstein stated that the Board of Supervisors would hear SP-2000-57 on June 5th.

Mr. Benish noted that it might be difficult to get the information requested by the Planning Commission to the Board for the June 5th meeting. Staff would do everything possible to address that.

Mr. Kamptner asked if anyone had any concerns about the recommended conditions of the special use permit.

Mr. Loewenstein stated that there were none discussed, but the Commission was very concerned over the road issue concerning the dangerous intersection.

Ms. Hopper stated that if staff needs more time to get that information to the Board, the applicant has to agree to the deferral.

Mr. Kamptner stated that the Planning Commission has to make its recommendation within ninety days, but the Board has twelve months.

Ms. Hopper asked if they could have moved for deferral, and Mr. Kamptner stated that they could not since they were up against the ninety days.

Mr. Loewenstein stated that it seemed that this information was important to have for the Board to make a decision. For the Planning Commission to move to deny based on incomplete or inaccurate information and then to ask the Board to make that decision with no better information than what we had is probably a mistake.

Mr. Rieley pointed out that the applicant did everything that they were asked to do. He thought that they would have received a different kind of traffic analysis and it was not the applicant's fault.

Mr. Melton stated that he was concerned that it has been denied, but he did not hear any further input about what they were requiring.

Mr. Loewenstein stated that the Commission has recommended denial of the special use permit and asked that staff provide the Board of Supervisors the information that they don't have about the traffic issues that were raised during the meeting. Therefore, before the Board makes the final determination that they will have that in front of them. He noted that it was not the applicant's fault.

Mr. Benish stated that staff understands that they will look at the geometry implications to the stop and sight distance and look at the empirical analysis of that information as opposed to what appears be summary conclusions made by VDOT regarding that information. There is a lack of detail for the Planning Commission and Board to make their decision.

Mr. Loewenstein noted that they also need to make sure that the analysis is based on the current correct speed limits.

Mr. Benish stated that the current speed and the vertical sight distance needs to be addressed. They would have to inquire why VDOT chose the 45-mile per hour speed limit.

Mr. Melton stated that perhaps the applicant could work with the homeowners to assist in trying to get the speed limit lowered.

Mr. Benish noted that staff would find out what the precise procedure would be to reduce the speed limit and have that information for the Board of Supervisors.

Mr. Edgerton stated that in response to Mr. Kamptner's question, he felt that the revised site plan was much improved from what was originally submitted.

SP 02-007 Bryant's Landscaping (Sign #29) - Request for a special use permit to allow for farm sales in accordance with Section 10.2.2(45) and Section 5.1.35 of the Zoning Ordinance. The property, described as Tax Map 49, Parcel 5C, contains 21.187 acres, and is located in the Rivanna Magisterial District on the northeast side of Route 640 (Turkeysag Road), approximately 1 mile southeast of Route 20 (Stony Point Road). The property is zoned RA-Rural Areas. The Comprehensive Plan designates this property as Rural Area. (Steven Biel)

AND

SP 02-008 Bryant's Landscaping (Sign #28) - Request for a special use permit to allow for a landscape business in accordance with Section 10.2.2(31) and Section 5.2 of the Zoning Ordinance which allows for a home occupation, Class B. (Steven Biel)

Mr. Biel presented the staff reports. He noted that this property is located in the Sullivan Subdivision and is subject to covenants and restrictions which require the homeowners association of approval of any improvements or additions to property located in the subdivision.

Mr. Kamptner pointed out that the Commission's land use approval is independent of the covenants and restrictions of the subdivision. The owners will still have to comply with any covenants and restrictions that exist within the subdivision.

Mr. Loewenstein noted his concern about the vagueness of staff's recommended condition #1 which reads "All requirements of VDOT".

Mr. Biel pointed out that VDOT requested the applicant to provide a speed study. Also, there were comments about the possibility of a commercial entrance being required.

Mr. Benish stated that this would be VDOT approval of a commercial entrance, pointing out that this was based on what was determined out of a VDOT study and may not be required. Typically, the amount of improvements on home occupations are limited.

Mr. Rieley stated that because VDOT often gets the necessary improvements as part of the special use permit process and because improvements on home occupations are limited, he suggested omitting condition #1 which reads: "All requirements of VDOT".

Mr. Loewenstein agreed pointing out that this was not specific enough to be a condition.

Mr. Edgerton stated that Attachment E of the staff report appears to pictures of the proposed greenhouse already built. Is this the case?

Mr. Biel pointed out that the greenhouse is under construction. He noted that greenhouses are allowed by-right. A Home Occupation, Class A was approved in May, 2000 for an office in the applicant's house that was related to the landscape business. The applicant is proposing to move this office to the greenhouse.

Mr. Craddock questioned the hours of operation.

Mr. Biel stated that the hours open to the public would be Saturday from 9:00 a.m. to 6:00 p.m. and Sunday from noon to 5:00 p.m.

Mr. Craddock stated that 50% of the retail sales in the greenhouse must be agricultural or horticultural produce produced on the applicant's property. Is this a County rule or a general statement?

Mr. Biel pointed out that this is a requirement of Section 5.1.35 of the Zoning Ordinance.

Ms. Hopper asked if it was required that the location of the greenhouse be identified. Also, should there be time limitations on when they can operate and be open to the public.

Mr. Loewenstein pointed out that on previous applications, the Commission has specified the hours of operation.

Mr. Edgerton pointed out that Attachment A of the staff report shows the existing "proposed" greenhouse.

Mr. Loewenstein stated that he felt this should be more consistent with home occupation permits approved in the past. For example, stating the hours of operation and identify the location of the greenhouse.

Mr. Benish stated that staff did not feel there was a significant issue with the hours of operation, but could use the hours of operation as the typical hours presented by the applicant.

Mr. Rieley stated that he would like to hear from the applicant before the Commission addressed these issues.

Mr. Loewenstein invited public comment.

Mr. Bryant stated that until recently he was unaware of the fact that he does live in a subdivision. His attorney is looking into this, but as of today, the title insurance company was also unaware of

this. He pointed out that they purchased this property in 1999 and have done excessive amounts of improvements on the property. The reason why the greenhouse is actually built as much as it is now is that he was unaware of the fact that a greenhouse needed a permit, pointing out that as long as the greenhouse is not a permanent structure it does not need a permit. He pointed out that he has a landscape business (part time) which he runs part time and felt the greenhouse would allow him to sell directly to customers. At this time he travels out of the County of Albemarle to purchase his nursery stock. This is very time consuming and he felt it would be better to grow the nursery stock himself. The majority of his landscape business is done on the weekends. At this time, Saturday and Sunday would be the only days that the nursery would be open. He would not take the plastic off the greenhouse during the off season as the greenhouse will have a heater in it. The greenhouse may not be open the entire season or for the hours proposed for operation if the stock has been sold out. He is not trying to make this a business which is advertised to the entire County. Regarding farm sales, basically he wants to grow his own annuals and perennials and sell top soil, etc. One of the concerns of his neighbor was that he thought he would be selling farm equipment, which he will not be doing. Again, he stated that when her purchased the property he was unaware of the fact that it was in a subdivision.

With no further public comment, the public hearing was closed.

Mr. Finley stated that he could support this request.

Mr. Rieley stated that this is the type of activity that makes sense as a special use permit in the rural area and could support it with conditions.

Mr. Benish pointed out that the hours of operation offered in the application was 9:00 a.m. to 5:00 p.m. on Saturday and Sunday.

Mr. Rieley stated that if there were concerns among the neighbors regarding the hours of operation, then he would be inclined to add this condition. However, he felt this was a sympathetic use to rural land use that he did not feel this limitation should be imposed.

Mr. Edgerton moved for approval of SP-02-07 subject to the following condition:

1. All fertilizers, herbicides, and pesticides shall be stored under roof and off the ground.

Mr. Edgerton seconded the motion, which carried unanimously.

Mr. Thomas moved to approval of SP-02-08 subject to the following condition:

1. All fertilizers, herbicides, and pesticides shall be stored under roof and off the ground.

Mr. Rieley seconded the motion, which was unanimously approved.

The Planning Commission took a break at 7:13 p.m. and reconvened at 7:30 p.m.

Mr. Loewenstein stated that have two work sessions tonight, public comment will be reserved to the public hearing date.

WORKSESSIONS:

CPA-01-07 Sandy Lane – Proposal to change the Comprehensive Plan, Land Use Plan designation from Neighborhood Density Residential (3 – 6 dwelling units per acre) to Urban Density Residential (6.01 – 34 dwelling units per acre). The property, described as Tax Map 76 Parcel 24, totals 69.37 acres and is located southwest of Fontaine Research Park, off Stribling Avenue Extended (State Route 782). It is located in the Samuel Miller Magisterial District, primarily in Neighborhood 5 with a small portion of the property in Neighborhood 6. (Susan Thomas)

Mr. Benish presented the staff report, noting the following:

- The proposed land use change is to support a concept for development that would total approximately 1,040 units at a density of 15 dwelling units per acre plus 20,000 square feet of mixed use commercial. The density of 15 dwelling units per acres is inconsistent with the current land use designation and that is what necessitated the comprehensive plan amendment.
- The site has been for a number of years in the Comprehensive Plan as low density or neighborhood density residential; 1 – 4 or 3-6 dwelling units per acre.
- The site is located within a City/County/University joint planning area, which is referred to as the JPA/Fontaine Avenue Area B Study. This was approved in 1998 and the area is recommended for a low gross density, but a net high density.
- The CPA process is a two step process. The Planning Commission first has to take action on whether to further study the Comprehensive Plan Amendment. If you choose to further study it, you would hold a public hearing and forward your recommendation to the Board of Supervisors to take action on.
- In summary, due to the amount of activity that has been occurring in Neighborhood 4, 5, and 6 areas and over the time since the adoption of the JPA/Fontaine Avenue Study, staff viewed this request to be an update and a reconsideration of the JPA/Fontaine Avenue Study. In particular to address at a minimum issues related to appropriate land use and supporting infrastructure, particularly the transportation system. This along with the other development proposals that have taken place (Sterling, Collegiate Hall and Jefferson Village), there is a sense that this needs to be re-evaluated to determine ultimate improvements and long term plans for development of this part of the City and the County. Staff recommendation regarding this comprehensive plan amendment is that the Planning Commission support the study of the comprehensive plan amendment, but it is supported in the context of evaluating it along with the update of the JPA/Fontaine Avenue Area B Study.
- The City/County/University through PACC Technical Committee have agreed to move forward with a joint update of the JPA/Fontaine Avenue Area B Study. PACC will authorize City/County/University staff to proceed issuing a Request For Proposals (RFP) for consultant services to undertake a review and update of this Area B Study.

Mr. Finley asked if the Commission should approve the resolution of intent tonight would this come back to the Commission prior to the public hearing.

Mr. Benish replied that the Area B study process is governed by the PACC Policy Board which has City/County/University representatives on it. Typically, plans are reviewed by each entities planning and governing bodies for their general acceptance, but the ultimate adoption is by PACC. Once PACC adopts the document, each locality accepts the document. The way the County has done this is by amending the Comprehensive Plan to reference that study.

Mr. Finley asked if land use could be amended based on the PACC Study.

Mr. Benish stated that the PACC Study has become an auxiliary component to the Comprehensive Plan. Examples of this would be the Open Space Plan, the current Crozet Community Plan, etc. These are guiding documents that add to the recommendations/information for that area.

Mr. Thomas stated that the Blue Ridge Study was adopted in 1991 but is still in effect.

Mr. Craddock asked if this comprehensive plan amendment is dependent on the PACC Study, could anything happen on the land before the study is completed.

Mr. Benish stated that staff would like this request for change to be considered by the consultant and PACC as part of their evaluation for the changes and looking at this proposal in terms of the framework of improvements that are necessary for this area. It is possible during that process that staff could move forward with this application. Ideally, the study itself should incorporate recommendations that are consistent and acceptable to the applicant.

Mr. Loewenstein stated that at this time the Commission is looking at language for a resolution of intent to study language that would be more precise for a comprehensive plan amendment. There is no specific request before the Commission at this time.

Mr. Benish pointed out that the amendment does require a higher density designation. There are certain infrastructure deficiencies, such as access and transportation issues that need to be addressed. The comprehensive plan amendment looks at the broader issues of the appropriate uses, mix of uses, density and development and the infrastructure. He noted that the applicant has indicated that there is the possibility that the property owner would like to move forward on a development proposal that is consistent with the Comprehensive Plan recommendation.

Frank Cox, representing the owners of the property, stated that they appreciated staff who has been very patient with them as they moved through the submission of this application. They would like to take this property and develop it into a self contained private off-campus student and young professional housing community. It would be developed in a neighborhood concept integrating some open space features. The JPA/Fontaine Area B Study dates back to the early '80s. With the exception of the 70 acres that we are representing south of the southern railroad and east of I-64, just about all of the property in this area over the last 20 years have had zonings committed to them or they have been subdivided or developed. This property is one that affords one of the few opportunities to fix transportation in this corridor. Over the last 20 years Sunset Road has been cul-de-sac at both ends reducing interconnectivity between the County's portion of the urban area and the City. Fontaine Research Park is built out and there are no plans so expand in place or across the tracks. The applicants have spent a considerable amount of time with VDOT and City traffic planners, worked through a protocol for a traffic impact study. They have developed a plan to upgrade Stribling Avenue from the existing intersection of the old Stribling Road Extended to the University Research Park. One key issue that the study could look at is the possibility of having some intra-urban transportation systems completed. He noted the amount of R-15 zoning in the area. Engineering studies have been done that indicated that a road meeting VDOT criteria could be constructed from the existing intersection of the old Stribling Road, at the east edge of the Fontaine Research Park, through to our property.

Mr. Cox stated that he would be submitting a rezoning application, not for the entire urban density that the comprehensive plan amendment is in pursuit of, but rather for the suburban density. This would allow them to work through a lot of the technical details relative to the road and re-use of the property.

Mr. Thomas asked if Mr. Cox could elaborate on the intersection where Stribling would intersect with Fontaine.

Mr. Cox pointed out the location of Fontaine Avenue noting the open space area. The proposal takes the existing intersection and moves it to the east and brings it back into the approximate alignment of the old Stribling Road. He noted that representatives from Fontaine Research Park have indicated that they would like an emergency rear access. A new more contemporary tunnel is proposed to be built under the railroad.

Mr. Finley pointed out that the proposed zoning map amendment uses the present land use density and asked if Stribling would require results from the Area B study.

Mr. Benish replied that it would. One of the concerns about reviewing the comprehensive plan amendment or the rezoning based on the Comprehensive Plan designation is they do not have a clear sense of what the roadway network serving this area will be.

Mr. Loewenstein stated that the University does not have as much at stake in this particular parcel as it may have with others. The City participation in the process will be important. It is important to recognize that the Commission is not reviewing a rezoning at this time. Timing is a consideration. If a rezoning is presented prior to the completion of the Area B Study it is difficult to know what may occur. At this time the Commission needs to decide if they want to pass a resolution of intent to consider a CPA-01-07 for Sandy Lane.

Ms. Hopper ascertained that portions of the proposed road are owned by residents of Knob Hill.

Mr. Edgerton noted his confusion regarding the proposed zoning map amendment which asks for less density.

Mr. Cox stated that the intent would be to bring forward a zoning application that would allow the development of a portion of the total residential development that would otherwise be included in the comprehensive plan amendment.

Mr. Finley ascertained that the Comprehensive Plan request is seeking 15 dwelling units per acre.

Mr. Benish pointed out that the following items will be evaluated: master street and circulation plan addressing proposed street locations and intersection, existing and proposed connections between City/County/University, bicycle circulation, greenways, and interim and/or permanent access management plan are items, public transportation routes and options and other community facilities. The project will also assist the project working group in assessing existing and future university student housing needs, development of a student housing policy. The draft scope of work has been acceptable and staff is working on the draft RFP. The prior Area B Study recommended for this area recognized that there is a lot of undeveloped area that should be protected and preserved. The plan did not get into specificity regarding transportation improvements.

Mr. Edgerton asked when the RFP would be out.

Mr. Benish pointed out that the City/County/University will work together to draft the RFP. This will have to be done with assurances that the funds will be available to support the RFP. He noted that what generated the desire to update this study was essentially three student housing projects basically occurring at the same time. This is one of the areas high on the list for the master planning process as well.

Mr. Rieley stated that he is concerned with the necessity for a resolution of intent to consider modification of the Comprehensive Plan as a mechanism to facilitate that action.

Mr. Benish stated that they are trying to work with the applicant and keep them involved in the process. The intent of the resolution is to say that we are going to study it in the context of looking at the overall PACC plan. He noted that this is a key site and one of the few opportunities to create a connected street system in some form.

Mr. Edgerton stated that the resolution of intent is to consider a comprehensive plan amendment.

Mr. Thomas noted that the first phase of connectivity may be through this property.

Mr. Rieley if this would facilitate the interaction between the applicant and the Area B Study.

Mr. Benish stated that staff wanted to provide to the applicant a commitment that they will work and consider their concepts what would otherwise do as a study of the comprehensive plan amendment as part of the larger evaluation of the JPA/Fontaine Avenue Study.

Ms. Hopper asked if the applicant agreed with the language of the resolution of intent.

Mr. Cox stated that they appreciate the dynamics of the Area B effort noting their concern is that it will be an enormous event with little consequence. They appreciate the show of good faith. They have spoken with VDOT, City and County transportation planers and noted that they need data in order to make good judgments. They feel they have a good transportation solution and have done an extraordinary amount of work on the transportation study which will be available to the Area B process. They want to make sure they were not ignored in the study.

Mr. Rieley asked in what way would the comprehensive plan amendment facilitate the applicant's interaction with those doing the Area B Study.

Mr. Cox stated that ultimately it would be their ability to begin the project.

Mr. Finely pointed out that this is not a commitment but a resolution of intent for staff to review the comprehensive plan amendment.

Mr. Rieley sated that it seems that the Commission has an extraordinary opportunity to lay factual as well as visionary ground work for what happens in this area in a key way as a prelude for modifying the Comprehensive Plan. He did not feel the desire of an applicant to move their project ahead faster is a sufficient rationale for altering what might be the best way to accept the Comprehensive Plan for the County. He stated that he is not inclined to support the resolution of intent.

Mr. Thomas stated that that he agrees with Mr. Rieley. The County has been studying this area for connectivity, pointing out that this area does need to be connected with Sunset Road.

Mr. Edgerton stated that he was undecided, noting that this is a significant density change. If the current owner of the property kept the property as rural—undeveloped then there may be a justification for transportation networks.

Mr. Kamptner stated that adopting a resolution of attempt is like seconding a motion, you are just putting the item on the table for discussion. You are not committing yourself to a particular decision to support the application. When the Area B Study is completed the consultants will know what is being proposed so that the study will be more than something that is merely hypothetical.

Mr. Hopper stated that passing the resolution of intent is a signal to staff to start the process. Voting in favor of passing the resolution of intent sends a signal that this land is influx—there is a problem with the land use plan.

Mr. Finley moved to adopt the following resolution of intent to consider CPA 2001-07, Sandy Lane Residential Village, in conjunction with update of the JPA/Fontaine Avenue Area B Study:

> To serve the public necessity, convenience, general welfare, and good zoning practice, the Planning Commission adopts this resolution of intent to consider amendment of the Comprehensive Plan, to review the land use designation and other related components and recommendations of the Land Use Plan for the area bounded by Sunset Road, Interstate 64, Fontaine Avenue and the Charlottesville Corporate limits. The review of this proposed amendment should be considered as part of, and in conjunction with, the overall review and update of the JPA/Fontaine Avenue Study (a PACC Area B Study).

Mr. Craddock seconded the motion, which carried by a vote of 6-1.

Rural Areas - Work session to review the Introduction to Chapter Four Rural Area, which includes a vision statement and Guiding Principles for the Rural Area, and the Rural Area Land Use Section of Chapter Four. (Joan McDowell)

Mr. Benish stated that various work sessions and meetings have been held on: general principals, lands use and vision statements. The next step is to establish recommendations and strategies.

Mr. Loewenstein stated that there these changes to the Comprehensive Plan may go to public hearing in July.

Mr. Finely ascertained that if there were specific comments regarding rural districts then they can be discussed, small language changes may be forwarded directly to staff.

Mr. Rieley stated that he has received a lot of emails relative to this component of the Comprehensive Plan that have been thoughtful and varied. He hopes that the Commission can engage public comment earlier in the process and hold work sessions where public comment is taken.

Mr. Benish stated that this could be done, noting that early on in the review process staff decided to take a more traditional route. This will be going to the rural area forum group to get feedback from groups that are following this. Is this a similar process to providing notice of a public meeting but in a more open house/informal process.

Mr. Loewenstein stated that these would be information sessions that contributions from the public would be accepted and discussed. He pointed out that some of the information gathered may be broader in nature.

Mr. Benish noted that there is a strategy to this based on some of the information available to start to look at some of the fundamental density issues. A more accurate assessment can be done using information available on GIS. Projects that have been put on hold based on a

decision to re-evaluate sections of the Rural Area land uses, staff would like to bring these to some conclusion.

Mr. Finley stated that he felt public comment should be gathered prior to the Commission making/suggesting change.

Mr. Loewenstein agreed that before incorporating any changes, public comment is essential prior to the pubic hearing. He would like to see public advertisements of these information sessions.

Mr. Benish pointed out that the purpose for the worksession process is to create a more informal environment where staff receives input before their recommendation is finalized.

Mr. Loewenstein stated that receiving information in advance is helpful. The discussion can be meaningful in the sense that the Commission is not hearing for the first time something that the Commission is not prepared to address. Again, the information session would not be for action or even a recommendation.

Mr. Benish suggested that staff bring back to the Commission various ways to accomplish this, noting that this could be an open house or a presentation by staff, etc.

Mr. Finley pointed out that concerns of the public living in semi-urban areas are different from those living in the mountains. That is one reason why communication/information prior to public hearings is essential.

Mr. Benish continued with review of the staff report noting that staff attempted to set out a vision that was derived from the guiding principals and the growth management policies. He noted that there are different ways to do vision statements asking if (1) does it have the conference that you are interested in; (2) does it have the appropriate style; and, (3) how will this be considered by the public.

Mr. Loewenstein pointed out that the Commission at this time is reviewing the introductory portion on the uses.

Mr. Clark stated that he would like to hear the Commission's comments regarding the form of the vision statement.

Mr. Thomas stated that he felt the format was appropriate.

Mr. Rieley stated that regarding guiding principles it seems that the discussion of land preservation and conservation have some of the modifiers of agriculture related benefits. He felt this should be put in the same form as the others.

Mr. Edgerton stated that perhaps the modifier should be put at the top.

Mr. Thomas stated that under the guiding principles for rural areas it says "to protect Albemarle forests resource based with forestry industries." He questions what tools are available to protect Albemarle County's forests?
Mr. Loewenstein reiterated that the Commission is addressing policy development, not ordinances.

Mr. Benish stated that staff will look at the policy as to what the current regulations are and whether or not to establish strategies on how to address the RPD's. As the appropriate sections for conservation some of the issues in Chapter 2 of the Plan may have to be reviewed.

Mr. Rieley expressed his appreciation for the degree to which preservation and conservation has been elevated to the level of agricultural and forestry. He noted that on page 7 there is a definitive statement that either needs to be modified or clarified.

Mr. Clark stated that staff needs to clarify this to make sure what is meant by land uses is more obvious.

Mr. Rieley stated that he did not feel land being in the conservation state is a use.

Mr. Finley stated that sometimes the tone of the report is that this exercise is to protect rural resources, pointing out that more than 50% of the County's population live in the 95% of rural areas. He did not feel there was enough emphasis on the people in the existing communities. He felt the County should be concerned about enhancing the well being of the existing communities.

Mr. Clark stated that this was part of the introduction section. There is a focus on trying to provide accessibility of opportunities and economic options to people who live in the rural areas.

Mr. Finley stated that he did not feel that this speaks to family and community, but that the real concern is preserving land and ecological systems. The key stakeholders are the people who live here and are stewards of the land. Another concern is the crossroads communities which do no appear to be supported in this document because that would not promote the historical preservation program.

Mr. Clark agreed that focusing on people living in the community is important, noting that staff attempted to address this on page 5 of the report.

Mr. Loewenstein suggested that the Commission attempt to complete their discussion regarding the introductory portion of the report.

Mr. Craddock noted that the guiding principles are not in any ranking order.

Mr. Loewenstein ascertained that the last federal census of agriculture was conducted in 1997.

Mr. Finley noted the concern regarding fragmented parcels pointing out that one statement on page 5 reads "strong agricultural and forestal industry large unfragmented parcels of land". He noted that only rich people can buy and maintain the large unfragmented parcels of land.

Mr. Clark pointed out that through the ACE program the County is trying to support them by giving them the opportunity to continue to farm without having to use their development rights. He agreed that more flexible forms of agriculture should be addressed.

Mr. Finley suggested that perhaps parcels of viable agricultural operations can continue. He stated that he hoped viable community keeps us from loosing our post offices and churches.

Mr. Rieley questioned the organization of the report.

Mr. Clark stated that this section is to address the list in Section 10 of the Zoning Ordinance regarding what is permitted in the rural areas.
Mr. Rieley questioned if the heading "commercial/recreational" could be titled and addressed more generally. He noted that that what is being addressed is ways in which income could be generated in rural areas that help to maintain the rural live and does not subtract substantially from that setting.

Mr. Clark pointed out that some of the other supporting uses will be addressed in the near future. Organization of this section might change as more is developed.

Mr. Loewenstein stated that under commercial recreation there is only one place where a specific use was mentioned. As he reviewed this section on uses there were areas where he felt things like this should be struck or “such as” added.

Mr. Benish stated that the intent was to leave this a general as possible. He noted that staff needs direction from the Commission if they want the plan to establish more specificity.

Mr. Clark pointed out that the only recreational use in the rural areas is swim, golf, tennis or other similar recreational facilities which is so vague and general.

Mr. Loewenstein stated that he would like to see these omitted.

Mr. Craddock stated that commercial campgrounds and motorized vehicles could be a use in the rural area.

Mr. Edgerton stated that he has been persuaded by some of the e-mails in how to preserve the real essence of what is valuable in Albemarle County. He noted his concern about the cross road communities, pointing that he sees enormous value in some of the crossroad communities supporting agricultural communities. He stated he hoped that an appropriate level of commercial activity could be encouraged as sort of a modern day crossroad community. His concern is relying on the existing structure that was established years ago. He would like to encourage the support of the crossroads communities.

Mr. Craddock pointed out that one of the developers, at a previous meeting, made mention that every community should have a “big box”.

Ms. Hopper stated that she could think of some rural communities adjacent to Albemarle County where a crossroads had become a strip mall.

Mr. Edgerton pointed out that aesthetically crossroad communities may not be viable.

Mr. Thomas pointed out that the report states that commercial spaces should be in existing buildings, noting that it also stated that the use are intended to be located within existing structures as new construction for commercial uses should be prohibited.

Mr. Edgerton stated that with some control allowing a bed and breakfast could help maintain the rural character.

Mr. Loewenstein encouraged all Commissioners to submit more detail suggestions/concerns directly to staff.

Mr. Benish stated that staff will review these comments/issues and come back to the Commission with another version and work toward providing direction and options for the public input process.

New Business:

Mr. Finley congratulated staff on an excellent report prepared for Shady Lane.

Mr. Edgerton stated that he was sure the Commission received a copy of the letter from Mr. Cox after the last worksession on Albemarle Place. He did not know whether this should be discussed as part of the regular agenda or not. He stated that he took the letter to mean that if the Commissions wants Albemarle Place, they will have to accept a big box as a component of the plan..

Mr. Loewenstein stated that his initial reaction is that this will be discussed in more depth when Albemarle Place is brought back to the Commission.

Mr. Loewenstein pointed out that there is a Planning Commission meeting scheduled for May 22, 2002. This is a joint meeting with the City Planning Commission, Board of Supervisors, and others to discuss the United Jefferson Area Mobility Plan at 7:00 p.m, at the Downtown Recreational Center.

With no further items, the meeting adjourned at 9:38 p.m.

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V. Wayne Cilimberg, Secretary

Recorded by Sharon Taylor, Recording Secretary and transcribed by Janice C. Farrar, Department of Planning & Community Development Assistant.