June 4, 2002

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, June 4, 2002 at 6:00 p.m. at the County Office Building, 401 McIntire Road, Charlottesville, Virginia. Members attending were William Rieley, Vice-Chairman; Rodney Thomas, Pete Craddock, Tracey Hopper, William Finley and Jared Loewenstein, Chairman. Absent from the meeting was Bill Edgerton.

Other officials present were David Benish, Chief of Planning & Community Development; Greg Kamptner, Assistant County Attorney; Elaine Echols, Principal Planner; Scott Clark, Planner; Karl Guiler; Planner, and Juandiego Wade, Transportation Planner.

Other Matters Not Listed on the Agenda from the Public

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

Consent Agenda

SUB 02-113 Wylie Cook Waiver Request - Waiver of Section 14-505, Access from lot onto public street or private road, which requires joint access for lots created by subdivision. (Yadira Amarante)

Review of Blue Run Agricultural/Forestal District - Review of the Blue Run Agricultural/Forestal District in accordance with Chapter 3 Section 204 of the Albemarle County Code, which requires regular reviews of districts. (Scott Clark) ***PLANNING COMMISSION MUST REFER TO THE ADVISORY COMMITTEE.***

Creation of Grassmere Agricultural/Forestal District - Request to create an Agricultural/ Forestal District of Local Significance in accordance with Chapter 3 Section 301 of the Albemarle County Code, which allows for creation of districts of local significance. (Scott Clark) ***PLANNING COMMISSION MUST REFER TO THE ADVISORY COMMITTEE.***

Approval of Annual Report – Planning Commission Annual Report for 2001.

Approval of Minutes – April 23, 2002.

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

Mr. Thomas seconded the motion, which carried unanimously (5:0). (Absent Craddock, Edgerton)

Mr. Craddock arrived at 6:05 p.m.

Items Requesting Deferral

SP-02-12 4749 Plank Road Driveway (Sign #32) - Request for special use permit to allow construction of a driveway in the floodway fringe in accordance with Section 30.3.05.2.2 of the Zoning Ordinance which allows for landfill in the floodway fringe. The property, described as Tax Map 99 Parcel 10, contains 3.65 acres, and is located in the Samuel Miller Magisterial District on Plank Road (Route 692) approximately 0.4 miles from the intersection of what Route 692 and US 29. The property is zoned RA Rural Areas. The Comprehensive Plan designates this property as Rural Area. (Scott Clark) ***APPLICANT REQUESTS DEFERRAL TO JULY 9, 2002.***

Mr. Loewenstein opened the public hearing and asked if anyone would like to address the Commission. There being none, the public hearing was closed.

Mr. Rieley moved to accept the applicant's request for deferral of SP-02-12, 4749 Plank Road Driveway, to July 9, 2002.

Ms. Hopper seconded the motion, which carried unanimously.

SP-02-13 Dennis Enterprises Expansion (Sign #36) - Request for special use permit to allow additional vehicle display parking in accordance with Section 30.6.3.2.b of the Zoning Ordinance which allows for outdoor storage and display. The property, described as Tax Map 78 Parcel 13, contains 3.748 acres, and is located in the Rivanna Magisterial District on Richmond Road (Route 250) approximately 1 mile from the intersection of Richmond Road and Stony Point Road. The property is zoned HC, Highway Commercial, EC Entrance Corridor. The Comprehensive Plan designates this property as Regional Service in Development Area 3. (Karl Guiler)

AND

SDP-2002-034 Dennis Enterprises Minor Amendment - Request for an approval of a minor site plan amendment to allow for the expansion of an existing parking lot. (Karl Guiler) *APPLICANT REQUESTS INDEFINITE DEFERRAL OF SP AND SDP.*

Mr. Finley moved to accept the applicant's request for indefinite deferral of SP-02-13 and SDP-02-034, for 4749 Plank Road Driveway.

Mr. Rieley seconded the motion, which carried unanimously.

SP-02-006, Four Seasons Learning Center (Sign # 26 & 27) - Request to amend an existing special use permit to allow a total of 40 children at the existing daycare facility in accordance with Section 20.3.2.1of the Zoning Ordinance which allows for child care facilities. The property, described as Tax Map 61X1, Parcel 5, contains 0.35 acres and is located in the Rio Magisterial District at 254 Lakeview Drive at the intersection of Lakeview Drive and Four Seasons Drive. The property is zoned PUD Planned Unit Development. The Comprehensive Plan designates this property as Urban Density Residential in Neighborhood 1.

Ms. Echols presented the staff report. (See the attached copy of the staff report.) She stated that the applicants have been restricted to thirty-two children at the facility. The current owners of the facility and the applicants would like to increase that number from thirty-two to forty. The special use permit application was reviewed in light of that particular request. By and large, staff has no problem with recommending approval on the increase of the number of children with a few exceptions. There has been some construction activities going on there for quite some time which makes it difficult for the parents to be able to park in the parking lot. Staff has heard from several of the residents in the neighborhood about traffic backing up because of the parking lot situation. Staff's recommendation for approval is contingent on the completion of all of the construction activity so that the parking lot will be available for the children. Also, the construction will be complete. There were previous special use permit conditions which have been modified slightly to make them work under our current language. The special use permit was previously approved for both a day care center and for an office, which remains as a condition for approval. The last condition has to do with conversion of this facility to a residence. The residents in the neighborhood are concerned about increasing the density of the development due to the constricted parking area. The residents have asked that we restrict it from becoming a duplex or a residence. If it changes to a residence, then the special use permit will go away for that particular property for the day care center. It would be one or the other use, but not a combination of both.

Mr. Loewenstein asked if the condition language makes it clear that the permit is an either or proposition, but not both. After reading the staff report and the conditions, he understood the condition, but was concerned that in the future that the condition could be misconstrued. He asked Mr. Kamptner if he had anything that parallels this situation.

Mr. Kamptner noted that in reviewing the condition, it makes sense.

Mr. Loewenstein suggested that Mr. Kamptner think further about how to clarify the condition.

Ms. Echols suggested that condition number one, the first sentence, be a stand-alone condition. Condition number 2 would stated that the conditions below apply to the nursery/daycare center.

Mr. Loewenstein noted that in a sense that would help. He suggested putting in a phrase at the end of the first sentence that says "but not both." Since there were no further questions for staff, he opened the public hearing and asked if the applicant would like to address the Commission.

SPEAKER FOR REQUEST:

Krzysztof Sliwinski, owner of the property, stated that they had owned the business since December 1998. He pointed out when they purchased the property that it was zoned commercial and residential, R-6 & PUD. He noted that he did not understand when the R-6 went away and stayed PUD. He stated that he did not know why the zoning kept going back and forth. He noted that the property was zoned R-6 when they signed the contract to purchase the property. He noted that is wife, Barbara Kalemba-Sliwinski, was present.

Mr. Loewenstein asked that the record note that there was a concern about the wording of the condition that they are mutually exclusive uses. He suggested that it state that it is either for an office or a nursery, but not both. He asked that Mr. Kamptner work on the condition to incorporate his suggestion.

Mr. Finley asked what the property was currently being used for?

Ms. Echols stated that it was a daycare center.

Mr. Loewenstein asked for further discussion. There being none, he closed the public hearing and placed the matter before the Commission.

Mr. Rieley moved for approval of SP-02-006, Four Seasons Learning Center, with staff's recommended conditions as amended.

Ms. Hopper seconded the motion, which carried unanimously.

The Planning Commission recommended approval of SP-02-006, Four Seasons Learning Center subject to the following conditions:

1. This permit is approved for an office or a nursery school and daycare center; provided, however, both uses shall not exist simultaneously.
2. If the building is to be used for a nursery school and daycare center, the following conditions shall apply:
    a. Development of the site shall be in general conformity with the Minor Site Plan Amendment approved July 18, 2000 by the Department of Planning and Community Development. If modifications are made to the site, a twenty-foot buffer shall be provided and retained between the property and Lot B shown on the Minor Site Plan Amendment approved July 18, 2000 by the Department of Planning and Community Development.
    b. The maximum number of children shall not exceed 40 at any given time or the number approved by the Department of Social Services, whichever is less.

c. An outdoor play area with equipment shall be provided and maintained by the applicant. The play area shall be fenced with a chain link fence.
d. The fence across the front of the property shall be a barrier fence, 4 ½ feet high, set back 25 feet from the property line. The fencing on the other three sides of the property is to be chain link.
e. No certificate of occupancy for BP 2000-01520 (one-story addition with finished basement) and no zoning clearance for any increase in the number of children more than the 32 allowed under SP 74-412 shall be provided prior to completion of i.) construction of the building addition, and ii.) parking lot approved in the Minor Site Plan Amendment approved July 18, 2000 by the Department of Planning and Community Development
f. No residential use of the property shall be allowed without abandonment of the special use permit.

3. If the building is to be used for an office, the following conditions shall apply:
   a. The maximum number of employees shall be ten employees.
   b. A twenty-foot buffer shall be provided and retained between the property and Lot B shown on the Minor Site Plan Amendment approved July 18, 2000 by the Department of Planning and Community Development.
   c. No residential use of the property shall be allowed without abandonment of the special use permit.
4. No sign shall be located less than five feet from the right-of-way of Four Seasons Drive. It shall be placed in the general location depicted on the Minor Site Plan Amendment approved July 18, 2000 by the Department of Planning and Community Development. It shall be single-faced and not exceed eight square feet. Materials, color, and lettering shall be consistent with the photograph initialed RSK and dated May 17, 1989, in the file of SP 89-23. Any replacement sign shall be of materials, color, and lettering compatible to the Four Seasons Patio Homes sign, as approved by the Zoning Administrator.

Mr. Loewenstein noted that the Board would hear the special use permit on June 19th.

SP- 02-009, Maple Grove Christian Church (Sign #33) -The applicant is requesting a special use permit to expand their current facility. The site will be developed to accommodate up to 700 people at one time for various weekly church and community functions. The sanctuary will be expanded to seat approximately 425 people with primary services on Wednesday evening, Saturday evening, and Sunday. Two new buildings will contain additional classrooms, offices, and a multifunctional recreational space. The applicant also proposes to use an existing building on the property for youth activities. These activities are in accordance with Section 18-13.2.2.10 of the Zoning Ordinance, which allows for churches. The property, described as Tax Map 32 Parcels 29G and 29D, contains 6.99 acres, and is located in the Rivanna Magisterial District on Proffit Road (Route 649) approximately .3 miles from Rt. 29. The property is zoned R-1 Residential. The Comprehensive Plan designates this Property as Urban Density in the Hollymead Development Area. (Juandiego Wade)

AND

SDP-02-036 Maple Grove Christian Church Preliminary Site Plan – Waivers for Disturbance of Critical Slopes and One-way Circulation.

Mr. Juandiego Wade presented the staff report. (See the attached copy of the staff report.) For clarification, the staff report did state, on the top of page four, that the play areas would not be located adjacent to the residential areas. This is indeed the case, but the play areas will remain in the current locations in phase one and will be moved in phased two. In any event, there will be significant screening and buffer between the play areas and the residential areas. The applicant is requesting waivers for the disturbance of the critical slopes and the one-way circulation. The Planning and Engineering Department have analyzed these requests and recommend approval. Staff recommends approval of the special use permit with conditions and for the two waivers. He noted that he would answer any questions.

Mr. Loewenstein asked if there were any questions for Mr. Wade.

Mr. Thomas asked if on the interconnective street and transportation network if there may be an opportunity for future connection to the adjacent property to the west through the parking area. He asked if that was included in the conditions.

Mr. Wade stated that it was not a condition. He stated that they just identified that if that adjacent property should develop, then that opportunity was there.

Mr. Loewenstein ascertained that the current capacity of 250 seats had been approved. He stated that the special use permit would allow the expansion to 425 seats. He asked that he explain that a little further.

Mr. Wade stated that basically the current capacity of the church was 250, but they get about 300 in there each Sunday. The expansion would allow the main sanctuary to hold another 120 to 125 more people. If this expansion is approved, most of the children will go into one of the two new buildings for Children's Church. Then there would be teachers and probably Bible classes. That would account for the other approximately 300 people.

Mr. Craddock asked how the parking was calculated on the site.

Mr. Benish stated that the parking was based on either the area of assembly or the fixed seating. The parking and the assembly area are based on that fixed space.

Mr. Loewenstein asked for further questions. There being none, he opened the public hearing and asked if the applicant would like to address the Commission.

SPEAKER FOR REQUEST:

Eric Matteson, on behalf of Maple Grove Christian Church, requested the Commission's consideration and approval of their project. They were proposing a two-phase facility expansion plan where when fully developed will accommodate up to 700 people. They had discussed that 425 persons would be in the sanctuary. The balance would primarily be children in Bible school with some adults in Bible studies. They have two services that flip-flop on Sunday. Some of the adults will go to worship and some will stay and go to Bible School. That would account for the 700 people. Phase one is the expansion of the current building. He noted that they would like to start phase one in the third quarter of this year. That will add some additional classroom space and would be where the sanctuary will be expanded. In time with that, they would be expanding their parking up to 166 parking spaces. One of the other two buildings will be purely classrooms. The building to the left of that will be recreational space of a multi-functional nature with a high school sized gymnasium court with several multi-functional meeting rooms and a built in stage. Currently, they have had a fair bit of growth on the property and have exceeded their capacity. They need this space desperately. In addition to that, they have been getting more and more requests from the community to use the facility as well, and they would like to be able to allow them to use the space.

Mr. Loewenstein stated that currently they were parking people who arrive in Big Blue who were going into town. He stated that was one of their approved parking lots. He asked if that would continue?

Mr. Matteson stated that it would continue.

Mr. Loewenstein asked for further comments. There being none, the public hearing was closed and the matter before the Commission.

Mr. Loewenstein asked for further public comment. There being none, he closed the public hearing and placed the matter before the Commission. He asked how old the traffic count was for the 6,300 vehicle trips on Proffit Road per day.

Mr. Wade stated that the traffic count was done in 2000 and was about two years old.

Mr. Rieley asked what is the current minimum requirement for parking?

Mr. Kamptner stated that it was one space for four seats or 75 square feet of assembly area, whichever was greater.

Mr. Loewenstein stated that was one reason why he had raised the issue about that parking lot being used for some other community purposes. He pointed out that the church was located about two miles from his house on the same road. He noted that he was familiar with the use of it.

Mr. Rieley asked if he knew the degree to which it is used to capacity now? He asked what the pressure was on that parking lot from Big Blue?

Mr. Loewenstein noted that the pressure was not too significant.

Mr. Rieley stated that it was unlikely that it would grow at the same rate that the Church was growing.

Mr. Loewenstein stated that his own impression was that they need more parking now since it was pretty tight on numerous occasions.

Mr. Finley moved for approval of SP-02-009, Maple Grove Christian Church with the conditions recommended by staff.

Mr. Thomas seconded the motion, which carried unanimously.

The Planning Commission unanimously (6:0) voted to recommend approval of the SP-2002-009 request to the Board of Supervisors with the following conditions:

1. No new structures or additions shall be constructed closer than 50 feet to any side or rear property line.
2. The church's improvements and scale and locations of the improvements shall be developed in general accord with the Preliminary Site Plan (Attachment A) entitled, "Maple Grove Christian Church Preliminary Site Plan" dated May 7, 2002 (revisions).
3. The main area of assembly shall be limited to a maximum 425-seat sanctuary.
4. There shall be no day care center or private school on site without approval of a separate special use permit.
5. Dedication of an 18' right of way along the frontage of this property on Rt. 649 to accommodate the improvements shown in the VDOT Six Year Secondary Plan.
6. The four building identified in "Maple Grove Christian Church Preliminary Site Plan" dated May 7, 2002 (revisions) shall be connected to public water and sewer.
7. Within the 20' undisturbed commercial buffer, only enhancement to the buffer will be allowed.

Mr. Thomas moved for approval of SDP-02-036 for both of the waivers and the one-way parking circulation.

Mr. Craddock seconded the motion, which carried unanimously (6:0).

Mr. Loewenstein noted that the Board would hear these matters on June 19th.

SUB 02-99 Montclair Preliminary Plat Request for Disturbance within Open Space - Request for approval of a cluster development proposing 54 lots in accordance with 13.3 of the Zoning Ordinance. This proposal requires commission approval of (1) disturbance of the proposed open space, in accordance with Section 4.7.2 of the Zoning Ordinance, and (2) evaluation of the design of the open space, in accordance with Section 4.7.3.2; both in conjunction with the preliminary plat approval. The properties involved in this subdivision are described as Tax Map 56 Parcels 93B, 100, 100B, 100C

and 100E and are located in the White Hall Magisterial District on Rockfish Gap Turnpike [Route # 250] approximately 1.5 miles west of the intersection of Rt. 250 and Rt. 240. The Comprehensive Plan designates this property for Neighborhood Density (recommended 3-6 du/ac) and is within the Crozet Community.

Karl Guiler presented the staff report. (See the attached copy of the staff reports.)

Mr. Craddock asked if tax map 056, parcel 100 was included in this request?

Mr. Guiler stated that part of that parcel was zoned R-1 and the other part zoned RA. The portions that are zoned R-1 are included in this subdivision. The RA portion is left alone with five development rights.

Mr. Craddock asked if that was included in the open space.

Mr. Guiler stated that portion was not calculated into the development itself in calculating the 25 percent open space.

Mr. Finley asked after the negotiations with Engineering, what is the status of staff's recommendations.

Mr. Guiler stated that there are some outstanding requirements that Engineering still needs to approve the plat. He noted that most of those concerns deal with drainage and was included in the staff report.

Mr. Finley asked if the applicant has agreed to relocate some of the buildings.

Mr. Guiler stated that they have not agreed to it, but they have been in discussion with them about our concerns and proposals. They have been working with Engineering in relocating some of the sewer lines out of the open space and critical slopes and onto private lots. The new plan actually reflects those changes.

Mr. Finley asked if the proposed common area at this point was still where it was located on the drawing.

Mr. Guiler pointed out that the shaded green areas were what they were now proposing. The area that is closest to 250 is the area that they are proposing to be moved to the center part of the development by road A and road C. Mr. Guiler stated that they had the most recent plat.

Mr. Loewenstein asked if there were further questions. There being none, he opened the public hearing and asked the applicant to come forward.

SPEAKER FOR REQUEST:

Steve Blaine, representative for the applicant, stated that the applicant's engineers were here to answer any questions. Bill Leadbetter, engineer with Roudabush and Gale, was present. He stated that the staff report lays out sufficiently why they were before the Commission. The question is your approval of the disturbance of the open space and, in particular, the sewer line that was identified by the staff report. He borrowed the indicator to point out the particular sewer lines. He noted that the applicant has options or other alternatives to that sewer line. A grinder and pump option is available which could serve this lot by connecting to a lateral sewer line on the adjacent lot. They could dispense with the sewer lines altogether. They would like for the Commission to know that the sewer line would provide a lateral connection to this adjoining property. There is no current development that they are aware of. This property is in the growth area so that this sewer line can provide a future connection. Currently, it is only serving this one lot. They would like for them to consider that it could provide connection to future development within the growth area. The preference is to put the

recreational area here with the idea that there would be some active recreation such as a swimming pool with a changing lounge area. That would be adjacent to this pond with active and passive recreation all in one area. They have looked at relocating that to a central area of the development. They think that they can accommodate that by removing these two lots and then they would put two lots in this area here. They would run into some critical slope issues in this area as well. They feel that they can do perhaps only two lots in this area in keeping with the design and the overall quality of the subdivision. He noted that they could eliminate the sewer line and eliminate the issue for the Commission. They would like for the Commission to consider that will have possible future benefits. He pointed out that if they weigh those benefits and choose to eliminate that, then they have the grind and pump option for septic. He pointed out that he thought that the sewer line was probably the preference. In terms of the critical slopes, what they have suggested and he has not been involved in these discussion, but he thought that there was a legal mechanism to address the concerns about the 25 percent slope and including those in open space but by easement where they involve the actual lots. Here they would ask them to balance the interest of the homeowners because you will see that there is some areas where the 25 percent slope is coming very close to some building sites. By easement what they would be prepared to do is restrict this in the same manner that you would restrict common area. There is really no difference in the sense that common area and the lot owner's property is going to be privately owned. The difference is that the lot owners would have the security of privacy and could preclude trespassers or other visitors to this area. Particularly, since this area may be a green way coming onto their property. We would be willing to expand the open space. They currently meet the 25 percent requirement, but was willing to expand that by easement in these areas and go to the limits of the 25 percent. He thought that was something that was suggested by staff, but perhaps the legal mechanism was not considered until the client contacted me. There is plenty of precedent in preserving this.

Mr. Kamptner noted that they did this for some of the phases in Ashcroft.

Mr. Finley stated that you said that the sewer line could be used in the future. He asked if he knew the capacity that was required for development on that other parcel.

Mr. Blaine stated that he would have to defer that to the engineer.

Bill Leadbetter, of Roudabush and Gale, stated that the sewer line that they were proposing to serve this lot would be expanded to serve a portion of the adjoining property. It would not serve the entire property. There are lines in place to serve a majority of it over there. When the future land adjoining this is developed, they will need to have some access to the sewer. About the only way that you can get it through there without creating another pumping situation would be to expand this line all around the lot we are proposing over here. The capacity would not be an issue. It would be an 8-inch sewer line, but they were not talking about enough houses for that line to be serving. There would not be a capacity issue at all.

Mr. Finley asked where the pump grinder would discharge.

Mr. Leadbetter stated that if the option was that they decided that they don't want this, then they would have to put an individual grinder pump on the residence and it would be pumped through a private lateral easement to the proposed sewer lines. The best route would be to stay out of the critical slopes and go behind that existing lot with a private lateral easement and tie into the manhole that they are proposing there.

Mr. Benish pointed out the portion of this property that was in the development growth area.

Mr. Loewenstein asked if there were any questions.

Ms. Hopper asked if his client has considered centralizing the amenities.

Mr. Blaine stated that they had considered that, but it was their preference to locate it next to the passive recreation. They want to balance that with the advantages of making it centrally located and consistent to the Neighborhood Model in the sense that it was a closer amenity to all of the houses.

Ms. Hopper asked what the factor was that made the client not want to do that.

Mr. Blaine stated that the preference is to have it located at the front of the project adjacent to the passive recreational area. They talked to marketing and realtors and there is not a unified voice in terms buyers of houses prefer in terms of being adjacent to recreational facilities. Some buyers don't care and don't factor that in to their purchase, but other do. They feel that these would still be marketable if they relocated to the central area.

Mr. Loewenstein asked if there was any further comment. There being none, he closed the public hearing and placed the matter before the Commission.

Mr. Finley stated that the common area being next to the recreational area seems to be a good idea.

Mr. Rieley complimented Mr. Guiler for an excellent staff report and analysis of this situation. There are two areas in which staff asks for adjustment. One was moving the critical slopes out of the lots and into the common area. Secondly, having the open space more centralized. He thought that Mr. Blaine's proposal to address the area of preservation of the critical slopes through easements is a reasonable one because the issue is in fact the preservation of those slopes. It is not the public access to those slopes. It may even work for cross-purposes. It is very reasonable and should be pursued. The reason that he favorable staff's recommendation for the centralized open space is because it provides an opportunity to knit together these two pieces of the open space that are almost equal in scale. What they have in common for the most part is that the rest of property separates them by pretty steep slopes. If we could get the open space more centralized with this; it would absolutely be consistent with the Neighborhood Model. At the same time it makes it more assessable to both of those existing open spaces as shown in the stream valleys. It would be a much better plan. The one thing that he was struck by was the fact that the open spaces are connected to the top of the hill by the two very narrow rights of ways. It seems that in the light of the potential for adjacent development that is already zoned that way and has the capacity to serve that in a directed feasible way makes sense.

Mr. Finley asked about lot 32?

Mr. Rieley pointed out that he was persuaded by the applicant's engineer relative to the issue of serving new development that is adjacent, that he thought that the disturbance that is caused by putting in an 8 inch sewer line is relatively minimum. Particularly when it is right on the border between the 25 percent slope and the next lower category. He felt that was a minor, short-term infringement that is not likely to have to drop down a sewer easement and have to tear it up.
It seems that in light of the potential for adjacent development of property that was already zoned that way and the capacity to serve that in a direct and feasible way makes sense.

Mr. Thomas and Mr. Loewenstein concurred with his opinion.

Ms. Hopper asked if the applicant has submitted any drawing showing the open space more centralized.

Mr. Guiler stated that they did actually come in with a plat that showed four lots relocated to the southern portions, but they have not depicted centralized amenities. One of staff's preferences was that lot 32 be moved to that location. He noted that it was up to them to decide which lots would actually move.

Mr. Rieley noted that there was a couple of things that were left in flux and if they agree that with the applicant's proposal in addressing the critical slopes with an easement, then it appeared that it was

something that could be worked out. He asked if the applicant would be amendable for a deferral in order to address the outstanding issues?

Mr. Loewenstein asked that they try to identify the issues for the record. One of the issues is addressing the critical slopes through easement. The other issue regarded the sewer line in which lot 32 would stay where it is and the sewer line would go where it was proposed. He asked about the centralized amenity?

Mr. Thomas stated that the suggestion to move the four pieces would be to the front towards the Route 250 side. He noted his preference was to protect the Route 250 scenic route as much as possible.

Ms. Hopper pointed out that it would be reviewed by the ARB, too.

Mr. Rieley stated that a couple of lots could be placed on the inner road and still leave a considerable setback

Mr. Blaine stated that two lots would be more in keeping with the concerns that he just expressed. He stated that they would be building parcels that would avoid critical slopes.

Mr. Blaine stated that the direction of the Planning Commission was amendable. They could take the comments away, which could be integrated into a revised plan. Hopefully, with staff's review this could come back on a consent agenda. If they don't agree that it reflects what you have discussed, then we would be happy to have another discussion. He noted that they have what they need from the Commission.

Mr. Loewenstein noted that seemed perfectly reasonable.

Mr. Benish stated that they have also used these easements at Foxcroft adjacent to Biscuit Run. So they have used that in another case.

Mr. Benish asked for deferral to the next available date. How about June 25th?

Mr. Blaine agreed to the deferral to the next available date.

Mr. Kampnter noted that this does not require a public hearing.

Mr. Blaine stated that the applicant would take the comments and integrate them into the plan. They would be willing to accept a deferral and come back on the consent agenda.

The Board agreed that if the applicant addresses all of their concerns, then it was certainly appropriate that their request be placed on the consent agenda.

Mr. Finley moved to defer the application as per the applicant's request for SUB-02-99 until June 25th or the next available meeting date immediately following.

Ms. Hopper seconded the motion, which carried unanimously (6:0).

Mr. Loewenstein stated that the application was deferred to June 25th.

Old Business

There being none, the meeting proceeded.

New Business

THE PLANNING COMMISSION HAS NO ITEMS SCHEDULED FOR TUESDAY, JUNE 11, 2002. THE NEXT REGULARLY SCHEDULED MEETING IS TUESDAY, JUNE 18, 2002.

Mr. Thomas stated that he attended a meeting on Hollymead this past week. He discussed several issues with the Commission. He pointed out that at this point they do not know the location of the back property line.

Mr. Benish stated that about three-fifths of that town center was subject to a rezoning. One of the more critical pieces to that town center is that we have no plan for the mixed use in the sort of main street area. The review is sort of wrapping around that site. Staff wants to ensure that by the time they are finished with the approvals in this area that they have a product that will allow the whole town center to be developed. That is a very difficult point for the applicant's to deal with because there is not an entity that clearly owns the property involved.

Adjournment

With no further items, the meeting adjourned at 7:15 p.m. to the next meeting on June 18th.

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V. Wayne Cilimberg, Secretary

Recorded and transcribed by Sharon C. Taylor, Recording Secretary.