Albemarle County Planning Commission

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, December 10, 2002 at 6:00 p.m. at the County Office Building, 401 McIntire Road, Charlottesville, Virginia. Members attending were Jared Loewenstein; Rodney Thomas; Pete Craddock; and Bill Edgerton. Absent from the meeting were Tracey Hopper; William Finley and William Rieley, Vice-Chairman.

Other officials present were David Benish, Chief of Planning & Community Development; Greg Kamptner, Assistant County Attorney; Elaine Echols, Principal Planner; Susan Thomas, Senior Planner; and Steven Biel, Planner.

Other Items Not On The Agenda:

Mr. Loewenstein invited comment on other items not on the agenda. There being none, the meeting proceeded.

Deferred Items:

SP-2002-050 Shadwell Animal Hospital (Sign #60 & 61) - Request for special use permit to allow a veterinary office and hospital in accordance with Section 22.2.2.5 and 5.1.11 of the Zoning Ordinance which allows for a veterinary office and hospital. The property, described as Tax Map 79, Parcel 19, contains 1.988 acres, and is located in the Scottsville Magisterial District on the south side of Louisa Road (Route 22), approximately 600 feet from the intersection of Route 22 and Route 250. The property is zoned C-1, Commercial and EC, Entrance Corridor. The Comprehensive Plan designates this property as C-1, Commercial and EC, Entrance Corridor in the Rural Areas. (Steven Biel) DEFERRED FROM THE DECEMBER 3, 2002 PLANNING COMMISSION MEETING.

Mr. Biel presented the staff report as follows:

SP 2002-050 Shadwell Animal Hospital

Applicant's Proposal: The applicants, Richard and Caroline Godine, have requested approval of a special use permit to allow for the operation of an animal veterinary office and hospital (Attachment A). The proposed location for the facility would be in the existing 2,112 square foot restaurant (Tea Shop) next to the Shadwell Antiquaries. The applicants are also requesting a waiver of Section 5.1.11. Business hours would be 7:30 a.m. to 6:00 p.m., Monday through Friday and 8:00 a.m. to 12:00 p.m. on Saturdays. The applicants would employ two full-time employees, two part-time employees, and one to one and a half veterinarians.

Petition: Request for special use permit to allow a veterinary office and hospital in accordance with Section 22.2.2.5 and 5.1.11 of the Zoning Ordinance which allows for a veterinary office and hospital. The property, described as Tax Map 79, Parcel 19, contains 1.988 acres, and is located in the Scottsville Magisterial District on the south side of Louisa Road (Route 22], approximately 600 feet from the intersection of Route 22 and Route 250 (Attachment B). The property is zoned C-1, Commercial and EC, Entrance Corridor. The Comprehensive Plan designates this property as C-1, Commercial and EC, Entrance Corridor in the Rural Area 2.

Character of the Area: The property under review contains 1.988 acres and is zoned C-1, Commercial and EC, Entrance Corridor. This parcel is surrounded by Route 22 to the north, Shadwell Market to the west, Route 250 to the southwest, and the CSX Railway to the southeast (Attachment). To the north of Route 22 the property is zoned RA and the property to the west of Route 250 (Luck Stone) is located in the Natural Resources (NR) overlay district (Attachment C).

Planning and Zoning History: A site plan was approved in 2000 for a 14,000 square foot antique store and a 2,112 square foot restaurant.

Comprehensive Plan: The Comprehensive Plan identifies this site as being located in the C-1, Commercial and EC, Entrance Corridor zoning districts. Prior to 1980, the area surrounding the Route 250/22 intersection was zoned business. After the 1980 downzoning, the only parcels that remained business (renamed C-1, Commercial) were the Shadwell Market and Shadwell Antiquaires properties.

RECOMMENDATION: Staff has reviewed this proposal for conformity with the Comprehensive Plan and the Zoning Ordinance and recommends approval of the proposed special use permit.

STAFF COMMENT:

Staff will address each provision of Section 31.2.4.1 of the Zoning Ordinance.

The Board of Supervisors hereby reserves unto itself the right to issue all special use permits permitted hereunder. Special use permits for uses as provided in this ordinance may be issued upon a finding by the Board of Supervisors that such use will not be of substantial detriment to adjacent property.

Staff believes the proposed use would not be of substantial detriment to adjacent property owners. The site is bounded by Routes 250 and 22 and by the CSX Railway. The property to the west contains another commercial use, the Shadwell Market.

that the character of the district will not be changed thereby,

The character of the district would not be changed. The proposed use would replace the previously approved restaurant use. Staff believes the proposed use would benefit the surrounding area by providing a needed service to the community.

and that such use will be in harmony with the purpose and intent of this ordinance,

Staff has reviewed the purpose and intent as contained in Chapter 18, Sections 1.4, 1.5, and 1.6 of the Zoning Ordinance. In the opinion of staff, the proposed use would be in harmony with the purpose and intent of this ordinance.

with the uses permitted by-right in the district,

This use would not prevent by-right use of adjacent property.

with additional regulations provided in Section 5.0 of this ordinance,

Animal hospitals are governed by Section 5.1.11 of the Zoning Ordinance (Attachment D). The applicant has requested a waiver to Section 5.1.11(a) to reduce the required setback from 500 feet to 50 feet (Attachment E). Without reviewing the building plans, it can not be determined if the building is soundproofed. However, the site is bounded by Routes 250 and 22 and the CSX Railway. Staff believes that any noise generated by the animal hospital would be minimal compared to the noise generated by vehicular and railroad traffic. The closest residence is located approximately 650 feet to the southeast of the site. There would be no outside animal facilities and animals would be boarded overnight for medical purposes only.

and with the public health, safety and general welfare.

The proposed use is subject to the supplemental regulations under Section 5.1.11. If the application is approved, the site plan would have to be amended to reflect the change of use from a restaurant to an animal hospital. The site plan also indicates there are 27 parking spaces allocated to the existing restaurant. The Department of Building Code and Zoning Services has determined 22 parking spaces is required for the animal hospital use.

The Health Department has denied the applicants initial request for a septic permit. The denial was based not on the system being deficient, but on the applicants' plans to subdivide the portion of the parcel that

contains the existing restaurant, which had not been executed at the time the septic permit was applied for. The Health Department has given the applicants until February 13, 2003 to subdivide the parcel and show cross easements. The Health Department supports the plan to subdivide the parcel so that each parcel would have its own system rather than sharing systems.

The approved site plan shows a left-turn lane that has not been constructed at this time. The left-turn lane was based on a project that Luck Stone, in conjunction with the Virginia Department of Transportation (VDOT), was going to construct. Luck Stone was going to relocate their entrance to align with Route 22 at the Route 250/22 intersection. The Route 22 intersection with Route 250 was also going to be improved. The improvements would have included the left-turn lane as shown on the site plan. For various reasons, the project was never undertaken by Luck Stone. It should be noted that the left-turn lane shown on the site plan was not a condition of approval to approve the site plan. It was based on the assumption that the private/public project would be completed by Luck Stone and VDOT.

VDOT has an active project in the Six-Year Plan to signalize the Route 250/22 intersection. Funds proffered with the Glenmore development will be used in part to construct this project. Shadwell Market currently is proposing to expand their business and as part of the expansion would relocate their entrance to the east, to be a shared entrance with the existing restaurant/antique site. VDOT has recommended in lieu of constructing the left-turn lane, the applicants contribute funds to the public project. VDOT has estimated the cost for the left-turn lane would be approximately $150,000, but it has not been determined what the applicants' contribution would be (Attachment F).

The Department of Engineering has confirmed the need for the left-turn lane in the attached memo (Attachment G). The basis for their determination is essentially Route 22 is currently over capacity (7,600 daily trips) and any additional traffic warrants the need for the left-turn lane. Planning staff does not support the desire to condition the left-turn lane being installed, or funds being escrowed for the project, at the special use permit stage. Staff believes the time to address this issue is at the site plan stage when the Shadwell Market installs the new entrance that will be on both properties (Shadwell Market and Shadwell Antiquaires). The site plan for the proposed animal hospital, approved in 2000, would also have to be amended to reflect the shared entrance.

SUMMARY:

Staff has found the following factors that are favorable to this application:

1. The site is zoned commercial and would support this use.
2. The existing restaurant is vacant.
3. The proposed use would provide a needed service to the surrounding area.

Staff has found the following unfavorable factors to this application:

1. It is not clear what cost responsibility the applicants would have towards road improvements at the Route 250/22 intersection.

RECOMMENDED ACTION:

Based on the findings contained in this staff report, staff recommends approval of SP 2002-050, subject to the following conditions:

1. An amended site plan showing the change in use and parcel subdivision shall be submitted for approval within ninety (90) days upon Board of Supervisors approval of this application.

Waiver Request to Section 5.1.11: The applicant has requested a waiver to Section 5.1.11 to reduce the required setback from 500 feet to 50 feet. The property is adjacent to C-1 property to the east (the antique shop) and to the west (Shadwell Market). The north side of the property is bounded by Route 22, the southwest portion is bounded by Route 250, and the southeast portion is bounded by the CSX Railway. There would be no outdoor animal facilities. The closest residence is approximately 650 feet to the southeast of the site. The Department of Building Code and Zoning Services has measured sound levels at the site and recorded a range of 55 to 80 decibels. The maximum level permitted in a commercial zone is 65 decibels and 60 decibels in the Rural Areas. Staff believes the level of noise

produced by animals inside the building would be no greater than noised produced by vehicular and railroad traffic.

RECOMMENDED ACTION: Based on the findings reviewed above, staff recommends the waiver request be approved.

Mr. Thomas stated that there was a lot of confusion over who was going to pay for the left turn lane coming East on Route 22. He asked if that issue had been resolved.

Mr. Biel agreed that there was a lot of confusion, but pointed out that they have met with VDOT several times. He noted that so far there were no cost estimates for each participant. Shadwell Market had a meeting with VDOT last week and they were suppose to discuss some of these issues such as the break down of these costs. He stated that he had not heard anything back from that meeting.

Mr. Thomas asked if the applicant for the Market had an approved site plan.

Mr. Biel stated that they submitted something, but withdrew it to work out some of these issues.

Mr. Edgerton estimated the cost as $150,000 that would be shared by the three properties that would benefit from this. He asked if someone decided to operate the teahouse if they would be liable for the left-hand turn lane as well.

Mr. Biel stated that his understanding was that they would not be.

Mr. Edgerton asked if they approve the animal hospital with that condition if they were locking them in to whatever VDOT comes up with.

Mr. Loewenstein stated that in the staff report staff does not support the conditioning of that lane, but to come back later with a site plan amendment. He asked if that would be the best approach in this case.

Mr. Edgerton stated that he was uncomfortable not being able to tell people how much they would be liable for. He noted that they were changing the use, but not adding a new structure. He pointed out that the amount of traffic generated by the veterinary will be far less than for a restaurant.

Mr. Thomas stated that when Luck Stone backed out on the project that it was going to create more of a burden on the other two owners. He asked what the story was on Glenmore putting money into a traffic signal. He asked if they were involved in this also?

Mr. Biel stated that they have proffered funds for signalization and other improvements. He noted that Mr. Benish could speak to the other improvements such as the entrance, lining up and relocating Luck Stone's entrance. He noted that he was unsure if that would still be a part of this project.

Mr. Benish stated that they had proffered money to be used towards improvements to Route 250 East. He noted that it really was the County deciding how to reallocate that money.

Mr. Craddock stated that when the antique store came that tearoom was going to be one of their uses for just sandwiches and not a full-scale restaurant. He pointed out that they ran into some difficulty with a restaurant going there in the last few months. He stated that what was happening there was that a subdivision of that property would warrant them to contribute to that left-turn lane.

Mr. Edgerton asked Mr. Craddock if he was in favor of the applicant being included in the formula for a left-turn lane, and Mr. Craddock stated that he was.

Mr. Thomas questioned the septic system's capacity.

Mr. Biel stated that the total capacity was based on the two uses. He pointed out that the Health Department would like to see the property subdivided so that they would have more control. They have

had a lot of problems with the site in the past. He noted that if they had one system dedicated for the existing teahouse that would make things more manageable for them. If they have a change in use, then they can calculate the use for that one particular system.

Mr. Loewenstein asked for other comment. There being none, he opened the public hearing for SP-2002-050 and asked if the applicant wanted to make a statement.

Dr. Chip Godine, applicant for the Shadwell Animal Hospital, stated that everything was explained very well. He stated that he would be open to any questions.

Mr. Loewenstein asked if there was anyone else present to speak on this matter.

Dr. Martin Schulman, VMD, stated that he had operated a veterinary hospital in the western part of the County for the last twenty-two years. He stated that Dr. Godine and his wife are both respected colleagues in the field and he felt that they represent an excellent use of the property. He stated that there were two issues here that he had often seen overstated in reports to the Planning Commission and that has to do with environmental health impacts and traffic patterns. He pointed out that the vehicle trips per day in his hospital is much lower than is anticipated for such a use. When he sat down and looked at it, if you divide the number of vehicle trips equally coming from the north or south over an 8-hour period, they were probably talking about 4 vehicles turning left from the north over that 8-hour period per hour. If you emphasis the traffic pattern which is probably heaviest from 8 a.m. to 10 a.m. with commuting and from 4 p.m. to 6 p.m. in the evening, you could probably reduce the number of vehicles to 2 or 3 per hour. He noted that the impact at the site grossly in his observations seems to be a bit of an undue burden on what is probably a much lower impact use of the site from a veterinary hospital compared to a restaurant. He pointed out that the restaurant had been approved for 35 to 40 seats. As far as the environmental impact, he believed that the site is rated 2 ½ to 3 times the actual use for effluent generated from the site. He considered this as an excellent proposal and would highly recommend approval.

Mr. Loewenstein asked if there was any one else present to speak. There being none, he closed the public hearing to bring the matter back to the Commission for action. He noted that ultimately they needed two separate actions since there was also a waiver as well.

Mr. Thomas stated that he agreed with Dr. Schulman concerning the left-turn lane that there was not going to be many left-hand turns off of Route 22. He noted that most of the traffic would be coming into town.

Mr. Biel stated that there would be a larger amount of traffic going into the store in the morning than the veterinary office.

Mr. Craddock asked if the left-hand turn lane was suppose to serve the store, antique shop and the veterinary office.

Mr. Biel stated that a shared entrance was being looked at now.

Mr. Craddock stated that he travels that road and felt that a left-hand lane was needed.

Mr. Loewenstein noted that the public hearing was closed, but would allow Dr. Godine to come back up for a few minutes.

Dr. Godine stated that he did a pole of turns into veterinary hospitals. For a 2-doctor veterinary hospital with 6 to 8 employees, the average daily trips (both in and out including employees and clients) are between 100 and 130. For a 1-doctor practice it is about 30 to 40.

Mr. Edgerston asked if they approve this special use permit and the waiver, if they were committing to the sharing of costs for the turn lane.

Mr. Biel stated no, but pointed out that it would be addressed at the site plan stage.

Mr. Benish stated that at the time of the review of the site plan for the store they would review whether the left-hand turn lane was required. He noted that the question is who all pays towards it. He questioned whether it was the burden of the store. He noted that this was an effort to get all parties to participate. He questioned what the significance was for this change in use for one portion of this site and whether it merits participation in the costs of the left-hand turn lane.

Mr. Loewenstein stated that issue would be dealt with on the site plan. He felt that it was better to do it that way in this case.

Mr. Edgerton moved for approval of SP-2002-050, Shadwell Animal Hospital subject to the following condition as recommended by staff:

> An amended site plan showing the change in use and parcel subdivision shall be submitted for approval within ninety (90) days upon Board of Supervisors approval of this application.

Mr. Craddock seconded the motion.

The motion carried unanimously (4:0).

Mr. Edgerton moved for approval of the waiver request to Section 5.1.11 to reduce the required setback from 500 feet to 50 feet.

Mr. Craddock seconded the motion.

The motion carried unanimously (4:0).

Mr. Loewenstein stated that this matter would go to the Board on January 15th.

Public Hearing Items:

SP-2002-058 Crozet Baptist Parsonage (Sign #45 & 62) - Request to amend an existing special use permit to allow office use in two existing church parsonages, in accordance with Section 14.2.2.12 of the Zoning Ordinance which allows for churches in the R-2 Residential District. The property, described as Tax Map 56A1 Parcels 100 and 82, contains 4.506 acres, and is located in the Whitehall Magisterial District on St. George Avenue approximately 1/4 mile west of the intersection of St. George and Crozet Avenue (Route 810). The property is zoned R-2, Residential and designated for Neighborhood Density Residential use (3 - 6 dwelling units per acre) in the Comprehensive Plan, in the Community of Crozet. (Susan Thomas)

Ms. Thomas presented the staff report. (See the attached copy of the staff report.) She stated that this was a very straightforward special use permit amendment request. Nearly three years ago Crozet Baptist Church had a special use permit request approved to allow religious education use on the ground floor of two parsonages, which they own. They now seek to add some very specialized office functions to those current religious education locations. The change will involve the rearrangement of some desks and files to allow people to coordinate volunteer coordinators for the church to do things like weddings and dinners in the space that was under utilized at certain times during the week. Therefore, they would move a desk or a file from the main office, which is within the church building to the ground floors of these two parsonages, and just add that use to the Sunday school and religious education use. This involves no site improvements and no increase in traffic.

Mr. Loewenstein stated that there would be no expansion of use.

Ms. Thomas agreed that it was just a rearrangement. She pointed out that the conditions of the previously approved special use permit were included with the exception of number three where the office use was added behind the educational classes. She noted that the upstairs of both parsonages is currently in residential use.

Mr. Loewenstein asked if there were questions for Ms. Thomas. There being none, he opened the public hearing on SP-2002-58 and asked if the applicant was present and if he wished to make a statement.

Paul Gaertner, representative for Crozet Baptist Church, stated that he was present to answer any questions.

Mr. Loewenstein asked if there was anyone else who wished to speak to this matter. There being none, he closed the public hearing to bring the matter back to the Commission for action.

Mr. Thomas moved for approval of SP-2002-058, Crozet Baptist Church Parsonage Amendment, subject to the conditions approved with the church's existing special permit with the addition of the office use as follows:

1. There shall be no day care center or private school on site without a separate special use permit.
2. Any enlargement or expansion of the church use or structures will require an amendment to the Special Permit (SP-2002-058).
3. The use of the residences/parsonages for Sunday School/educational classes/office use shall be permitted only on the first floor of each residence/parsonage located on Tax Map 56A1, Section 1, Parcels 82 and 100.

Mr. Edgerton seconded the motion.

The motion carried unanimously (4:0) with the conditions as stated previously.

Mr. Loewenstein stated that SP-2002-058 was approved and will go to the Board of Supervisors on January 15th.

ZTA-01-08 Neighborhood Model District - Amend Section 3.1, Definitions, Section 4.15.11, Regulations applicable in the PUD zoning district, Section 7, Establishment of districts, Section 8, Planned development districts – generally, and its subparts, Section 33.4, Public notice, and Section 33.5, Report by planning commission to board of supervisors after hearing; delete Section 8.5.2, Planning commission procedures; add Section 8.6, Amendments to planned development districts, and Section 20A, Neighborhood Model District, and its subparts; of Chapter 18, Zoning, of the Albemarle County Code. This ordinance would amend the general procedures and requirements for establishing planned development zoning districts and would establish the regulations for a new planned development zoning district – the neighborhood model district. The neighborhood model district would allow traditional neighborhood development as described in the County's comprehensive plan. This ordinance also would add new defined terms (Section 3.1), subject signs in the neighborhood model district to the sign regulations currently applicable within the planned unit development district (Section 4.15.11), add the neighborhood model district to the list of zoning districts existing in Albemarle County (Section 7), and amend the public notice requirements for zoning actions within planned development districts (Sections 33.4 and 33.5). (Elaine Echols)

Mr. Loewenstein stated that the Commission has held three worksessions on this topic in the last several months. He stated that last month the Commission decided to set a public hearing for this matter tonight. He noted that they had an ordinance draft attached to the staff reports. He asked staff if she has anything further to add.

Ms. Echols stated that staff has nothing further to add.

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

Mr. Thomas stated that he liked the overall ZTA. He noted that he had a couple of questions. On Section 8 at the top of page 7 on number one, he stated that regarding the significant environmental features such as streams and along the lines of that, will this increase the cost to the applicant and how much time will that add to the process.

Ms. Echols stated that almost all of these items are already required. She pointed out that the only two things not currently required in number one were specimen trees, historic structures and sites. She stated that wooded areas, identification of existing wooded areas and wooded areas to remain is a current requirement. Staff was trying to identify anything that was really important about a site. She noted that right now it is not written in the requirements for where those historic structures and sites are located, but that was something that was routinely done. That is not something that is new and different.

Mr. Loewenstein stated that as a member of the Historic Preservation Committee of the County, he wanted to point out that the Comprehensive Plan had recognized the contributions of historic structures in fairly general language. He stated that the Historic Preservation Plan that was adopted by the Board of Supervisors gives that a little more emphasis. He felt that this was an attempt to tip the hat to that since it was part of the Comprehensive Plan.

Mr. Thomas stated that requiring this to be part of the application would help catalogue these historic sites.

Mr. Loewenstein pointed out that they have a pretty good database, which has been checked for a long while. He felt that this helps to get it down on paper and gives it a little more significance. He felt that it was not a bad thing to specify that in such a text as this.

Mr. Edgerton asked if there was an implied age for the specimen tree on page 3, in the definition. He asked if a mature specimen tree would be required. He noted that by that definition you might get a nursery tree.

Ms. Echols stated that the landscape planner provided this definition and had noted that she had text that would provide what that optimum form is. She pointed out that staff was really looking for the mature ones and not saplings.

Mr. Loewenstein asked if he would prefer it state a tree in a mature form.

Mr. Edgerton stated that it would give more justification to identify why they should spend a little bit more money.

Mr. Craddock asked if under temporary signs if the term temporary should be defined.

Ms. Echols stated that temporary signs are defined in the Zoning Ordinance.

Mr. Craddock questioned the language on page 2 under green space where it talks about slopes being graded and revegetated slopes of 25 percent to 50 percent.

Ms. Echols pointed out that language was to try to clarify when people are dealing with critical slopes and regrading slopes and they want to count all of that. There is nothing special about slopes that pull them out of green space. She pointed out that they were trying to say that there are lots of things that count as green space including these things you might not think about.

Mr. Craddock noted that other than that, he felt that it was very well done.

Mr. Loewenstein opened the public hearing for comment. He asked if there was anyone present who wished to speak to this matter tonight.

Bob Hauser, President of of Stonehenge Development, stated that he read through the Ordinance and was reminded of something that he wished to share with the Commission tonight. He applauded staff and the Commission for having worked their way through the Neighborhood Ordinance. He noted that the developed community was certainly encouraged by their attempts and look forward to bringing them more creative mixed-use type of developments. He pointed out that the specimen tree issue was not a major issue, although, he felt that it was ill defined. There is no size in particular. If you have a small piece of property, that is not a big issue. If you have 200 acres, then it could cost you a little money to identify

them. The point that he would like to make is that today as a developer if you believe in the path of least resistance, his path of least resistance starts in the Rural Area and goes to zoned property and at the upper end of the complexity is Planned Development. Each time that you raise the bar on what constitutes an application to a Planned Development, you offer one more reason not to do it. Two examples include: Regarding 22 acres at the corner of Rio Road and Pen Park, he wants to develop a mixed-use office/retail and 200 apartments zoned R-4. The benefit to the Neighborhood District would warrant going through the application process and investing the money to come before you hoping for a recommendation to go to the Board and risking that money. It is in effect a roll of the dice. Two-hundred acres on Rio Road, zoned R-4 where I have no desire to develop commercial/multi-family, but he would like to plan a project where he could reallocate 800 units in a way that would be more appropriate. He noted that he was not sure if he was motivated to go through that process. He noted that he was not sure that the expense, the proffers, and the time would be justified. Therefore, the message that he was sending was that they need to be considerate in this process and understand whether they intend to or not, that they lead the development community down a path for good planning. There is a point to all of this. The City is apparently adopting a new policy which will allow for the submittal of a concept plan much like we might have in a pre-development conference, but that concept plan goes through the Planning Commission and on to City Council. There is no approval, but there is a response. He concluded that a process like that which would involve a lot less investment and not the identification of specimen trees would encourage developers to pursue Planned Development whether it was the Neighborhood Development or not at a lower cost. He felt that would yield the results, which they would be in favor.

Don Wagner, resident of Albemarle County, stated that about 20 years ago he was one of the six members appointed by the Board of Supervisors to LURC (Land Use Regulation Committee). They were charged with finding a chairman and to find ways to better implement the regulations to make the whole process more user friendly. They visited 6 to 8 different Counties to see what they did. The Committee came up with about 12 recommendations. A couple years ago he served on another committee that worked on engineering standards which have recently been issued. That was the implementation of the last of those regulations. That whole effort was aimed at making things more user friendly to help people coming in to make applications to understand the process. Prior to that, applicants had to have all of the engineering done on a site plan before they ever came in. There was no preliminary site plan like there is now. Prior to that the Planning Commission looked at every site plan. There was no administrative approval. There were a lot of things that the Committee recommended that have been implemented. More recently he served on the DISC Committee. He felt that this was a wonderful form of development if it is not the only form of development that was allowed. If they make it easy for people to do, then somebody would try it. If the process is tried and works, then other people will do it. He stated that they have not made it easy for people to do that with this regulation. There are a lot of hoops that you have to jump through and a lot of money that you have to spend before you have any idea whether or not it will pass. He agreed with Mr. Hauser's suggestion. He understood that the ordinance grew out of an overlay district that was proposed by an applicant. He asked the Commission to pass the ordinance tonight, but would urge them over a period of time to see if there was some way that they could make this a little more user friendly so that people could come in and make applications for Neighborhood Models without having to do all of the work in advance that the present draft calls for.

Ivan Romensko, of the Appraisal Group, stated that he served on the DISC Committee along with Mr. Wagner and would second his comments. He stated that this would be an acceptable fashion to follow as long as it was not the only plan. He stated that this Neighborhood Model would drive up some costs. One of the concerns in Albemarle County was the cost, particularly for the starter homes. He felt that was an area that would continue to be a problem. On one hand the County was searching for ways to help people who need starter homes, but on the other hand they are driving up costs for lots and on housing. Time is going to be an issue. This includes time for approvals, time for development and also the studies and surveys that have to be done. He suggested that anything that could be done to move the process along to see that approvals are not stalled would help getting projects through. He stated that his concern was that the selection of this as the only plan would be a problem.

Mike Matthews, President of Matthews Development Company and resident of Albemarle County, stated that his business had two parts being a private developer and a consultant and program manager to large primarily health care and senior living entities across the Country. He stated that he currently represented

two of your largest and most successful Planned Development property owners and purchasers, Westminster Canterbury and Martha Jefferson Hospital. He noted that he also was President of the Charlottesville/Albemarle Authority and as such they have launched a massive undertaking to masterplan the rest of their air facilities over the next three years. They were interested to see how this would be applied to a very specific use. As a community, he felt that they have decided to adopt the Neighborhood Model as a general development concept. He most certainly agreed with that philosophy so long as they don't take the one model fits all approach to applying it to all projects, particularly the projects that he had mentioned. He stated that he was disappointed in the mechanism that they were trying to use, the specifics of the ZTA. He specifically believed that Article 20 and probably more selfishly Article 8 that applied to the Planned Development that he worked on more frequently, were really barriers to the implementation of the Neighborhood Model and good planning. This barrier is created because they require so much information and such a high degree of specificity that only the largest and wealthiest persons could undertake these projects because of the large amount of time and money that was required up front and at risk before you could get started. Planned Development projects are by their nature long term projects. The County by practice and by the open ended wording of the Ordinance especially in Article 8.5.1 essentially requires a site plan at the rezoning stage when they should be making land use decisions in his opinion, and not site plan decisions. This actually hinders the planning process and it is inhibiting expensive and the outcomes are increasingly uncertain. He suggested that they let land use decisions be land use decisions and let the ARB and site plan processes work as they are intended to work. He stated that his practice was framed from Florida to Connecticut and westward to Nashville, and he has never encountered a more rigorous or time consuming site plan process than they have now in Albemarle County. It is a very sound process and it works. That is why this is such a good place to live. He asked that they allow it to work as it was intended to work at its right time. If they want the Neighborhood Model and good Planned Developments, then they needed to craft an Ordinance that was an incentive to its implementation and not an impediment. To that end, he felt that they should work on this Ordinance collectively a little bit more.

Valerie Long, an Attorney, stated that she would like to echo all the points that had been made so far. She felt that their points were very similar to the ones that she was going to make. She stated that their law firms works with clients all across the state and the Country. She noted that she was often in the position of people asking her what they could do in Albemarle County on a particular piece of property. She stated that she spends hours explaining the development processes and estimates for the various fees. She noted that projects in the development areas as opposed to projects in the other areas is very much a disincentive. She encouraged the Commission and the Board to work very hard to create this as an incentive for the Development Community. She felt that the vast majority of the Development community wants to be able to develop Neighborhood Model District projects. Anything that can be done to provide more incentives and make this a more user-friendly project will only increase the chances that you will have more applications that you will want to support. Right now the process is extremely time consuming and expensive. It is very difficult to convince clients of the merits of moving forward when they have such significant expenses at stake. She asked that the Commission do what they can to provide this as an option and that it won't be the model of development in the development areas. She asked that there be some efforts made involving changes in the text of the ordinance so that these issues could be worked out a little bit further.

Chuck Rotgin, with Great Eastern Management Company, stated that a lot of people have put in a lot of work and effort into this process. However, as one who believed deeply in and supported the DISC process and the goal of encouraging mixed use, high density, and higher quality development, he stated that the ordinance changes that are being proposed, particularly to the general section, are not helpful. In fact, they are counter productive. While the Neighborhood Model District represents a desirable concept that they all agree with, he believed the Ordinance as it is proposed is seriously and basically flawed by an undesirable degree of micro-management by the County. This will result in unprecedented large upfront expenditures at the conceptual stage. Rather than encouraging risk taking businesses people to attempt something creative, there is going to be a renewed effort, in his opinion, to undertake development that is available by-right and to push further into the Rural Areas by building on the 18,000 lots already platted and by purchasing additional tracts of scattered land in the County and doing what can be done by-right creating more of the urban sprawl. In short, from my experience and talking with other builders, he did not

believe that the builders have bought into this concept yet because of the language in the Ordinance. They have bought into the concept of mixed-use, higher density and higher quality development which they all thought was the goal of the DISC process when the DISC Committee was initially created. He suggested that it was very important to have the buy in of the business people who are going to take the risk and of the builders. Otherwise, the County is not going to be able to achieve its DISC goals. The by-product of not being able to reach those DISC goals as he just indicated is going to turn out to be more development in the Rural Areas of the County. He stated that this was going to push young families into the neighboring Counties. He stated that exportation might be a better word. Ultimately, what they would end up doing was exporting their important retail tax base, which would be bad for the long term of the County.

Mr. Loewenstein closed the public hearing to bring the ZTA back for discussion.

Mr. Thomas stated that he liked the ZTA, but noted that to start again would involve lots of time and costs. He felt that it was a bit restrictive and was not crazy about all of the shalls that is all through the ZTA. He suggested that there be a little bit more flexibility in some of the things. He noted that he did not believe that it was the only way to do things. He stated that it was not meant to be the only way. In reading this, he felt that it was close to being the only way of doing things. He agreed with Mr. Rotgin about pushing the development area back out into the Rural Area. He questioned if that was what was going to happen. He asked if the applicants and developers were going to adapt to what they have here and make it work. He questioned if it was possible to make it work economically.

Mr. Loewenstein stated that they would probably have a couple of open questions here. He asked if Ms. Echols wanted to respond.

Ms. Echols stated that she would like to respond a little bit to the items in Section 8.5.1, the applications, by saying that there is very little in this group of items that is not being requested now for a rezoning. Every rezoning we receive is very highly scrutinized. If they don't get the information that they need to do an adequate assessment as you have asked us to do, then we have to ask for the additional information. But most of what you see on page 7 comes from page 8 and 9 and they have just tried to reorganize it. She asked if they wanted to identify the specific items that were more than what they were asking for now. She stated that staff would look into whether they had something that was in excess here that is not needed for your analysis.

Mr. Loewenstein stated that this was a very important point. He noted that when he read this, he felt that for the most part it was kind of a rewriting of language that was largely present. He wondered if another Commissioner had a comment on that issue.

Mr. Edgerton stated that he agreed with the point that Ms. Echols has made and a few minor areas that are not required currently. One concern he had was that all of the speakers had spoke in general terms about the oppressiveness of zoning, but they have also seen what happens when they don't have a more creative way to go about it. He felt that the County has made enough of a commitment to the Neighborhood Model that it is time to go ahead and put some definition to what that is. If this was more onerous than what has already been required, he thought the changes would be more sympathetic. Or if some of the comments from the development community had been more specific, it would be an interesting thing for them to focus on. The jest of this was that anything that was not by right is onerous and that we should have incentives. Personally, he had been discouraged by the past effort on the development community to come up with something sympathetic to our community. He felt that they should go ahead and try to move ahead with this. If there are things that need to be adjusted, then they will continue to be open to their suggestions.

Mr. Craddock stated that he basically agreed with Mr. Edgerton on that. It seems that anytime that they have had applications they have tried to work with the principles noting that not every piece of land will adhere to all of the principles. This is a pretty good blueprint to work from. As some of the speakers said, they have to keep it moving.

Mr. Rotgin stated that he could give some specifics.

Mr. Loewenstein stated that the public hearing had been closed. He noted that they had received a tremendous amount of input over quite a lengthy period of time from all kinds of people as they have been through the process. Certainly that goes all the way back to the incarnation of the DISC Committee for a large representation of the development community here. He stated that they were not in a position now since the time has come and there has been ample opportunity to deal with this sort of thing throughout the process. They were now at the end. He noted that there would be individual language and phrases that would perturb someone. They were not going to create a document that satisfies everyone equally. He felt that what had been achieved here was a tremendous step forward. He was concerned that they make this a reasonable form of development to implement. He thought that they have tried to take every effort to get that across in what they have created. He felt that it needed to be something that could be implemented on the ground so to speak so as to be a practical pragmatic development plan. He believed that it is. They have spent a great deal of time and work on this, and it was time for the Neighborhood Model District to move on. He noted that the application process was time consuming and expensive. He stated that he did not know if the methodology that the City is trying in a few cases is necessarily applicable to our situation, but it may be possible over time as they begin to move this forward to see if there are internal processes that can be revised in some way to make it easier and more desirable to implement this. He noted that he was appalled by the threats of applicants ignoring this new form of development with the idea of by-right development in the Rural Areas. He thought if that time comes and they see that trend is in fact going to take place, then they will have to look very carefully at ways to deal with it at the time. He hoped that would not be the case. He felt that a model for development such as this one that creates a better more viable community in the long run is in the best interest of everyone and certainly that includes the development community. He stated that he was somewhat concerned about things that he heard this evening along those lines. He felt that Albemarle County has at last codified a new development paradigm and one that everyone has been waiting for a long time including the development community. He felt that having this in this form would make it much easier for everyone to understand what they were hoping to see and what kinds of development they were hoping to get. He noted that he was confident that it would move forward successfully. He asked if anyone else has another comment. He noted that the Commission asked for this to come to public hearing and they had received some good comments.

Mr. Thomas made a motion to approve ZTA-01-008, Neighborhood Model District, with the following minor modification:

> Sec. 3.1 Definitions - Specimen tree: A tree in a mature form that approaches the optimum form and density characteristics for the particular species and variety.

Mr. Edgerton seconded the motion.

The motion carried unanimously (4:0).

Mr. Loewenstein stated that ZTA-01-008 was approved and would go forward to the Board of Supervisors.

New Business:

Mr. Benish handed out a workbook with questions that were distributed from the Charlottesville Albemarle Regional Transportation (CHART) Study Public Meeting to be filled out by each Commissioner and returned in order to obtain feedback. The MPO Policy Board asked that the City and County Planning Commissions, City Council and the Board of Supervisors all fill out these workbooks that were distributed at the UNJAM Second Round public hearing. He stated a memo from Mr. Rue was included with instructions. He asked that any feedback be returned by January 3rd to staff or Mr. Rue's office.

Mr. Thomas pointed out that he had received a brochure from the Eastern Planning Initiative Study that was very neat which really correlates with what the Commission has been working on.

Mr. Loewenstein asked that staff provide copies to all of the Commissioners.

Adjournment:

With no further items, the meeting adjourned at 7:15 p.m. to the next meeting to be held on December 16th at 4:30 p.m.

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V. Wayne Cilimberg, Secretary

(Recorded and transcribed by Sharon Claytor Taylor, Recording Secretary.)