Albemarle County Planning Commission
December 17, 2002

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, December 17, 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; Bill Edgerton; Tracey Hopper; William Finley and William Rieley, Vice-Chairman.

Other officials present were Wayne Cilimberg, Director of Planning & Community Development; David Benish, Chief of Planning & Community Development; Greg Kamptner, Assistant County Attorney; Margaret Doherty, Senior Planner; Elaine Echols, Principal Planner; and Frances MacCall, Planner.

Other Items Not On The Agenda:

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

Review of Board of Supervisors Meeting – December 4, and December 11, 2002

Mr. Cilimberg summarized the actions taken by the Board of Supervisors on December 4 and December 11, 2002 as follows:

- The Board received a presentation on a program that the County will be investigating in the Six-Year Secondary Program called the Rural Rustic Roads Program. A pilot of that program was conducted in Augusta County. There were some examples of results of that pilot program. Staff hopes that the program has some potential in Albemarle County for some of the unpaved roads in lieu of some of the more involved kinds of improvements that have normally been the case in paving unpaved roads. There are some possibilities available for other options on how we approach road improvements.

- The public hearing was held last week on Albemarle Place. The Board approved Albemarle Place with one modification to the Planning Commission's recommended conditions. The maximum square footage was changed from 65,000 to 70,000 square feet to reflect what was shown on the one main street department store that was on two floors.

- The Board received the same presentation regarding the transportation issues on the Route 29 North Corridor Area. This was to obtain any information or input that the Board might have to be considered as all of those particular alternatives are taken into account in further studies.

- The Board approved SP-02-12 for 4749 Plank Road Driveway.

- The Board denied the Times Disposal Services special use permit.

- The Board approved the conditions of approval for Crown Orchard tower. A condition was added that would allow that tower to be utilized in the Emergency Communications System should that become a possibility.

- The Board reviewed the proposed schedule for the public hearing and other information regarding the Mountain Overlay District. Currently, the Planning Commission is scheduled to have a joint public hearing with the Board in March. Before that time staff wants to make those of you who were not on the Commission at the time that this process from the Mountain Overlay District took place to become familiar with what this district was all about and the end result that the Board considered.

- The Board approved SP-02-051 for Violet Mawyer Mountain (Nextel) tower.

Consent Agenda:

Approval of Planning Commission Minutes: November 12, 2002

Ms. Hopper moved for approval of the consent agenda.

Mr. Craddock seconded the motion.

The motion carried unanimously (7:0) for approval of the minutes of November 12, 2002.

Items Requesting Deferral:

ZMA-02-08 South Pantops (Sign #83,84) - Request to rezone 24.07 acres from PD-MC (Planned District- Mixed Commercial) to PD-MC (Planned District- Mixed Commercial) and HC (Highway Commercial) to amend a proffered plan to allow for an office use instead of a hotel use and to allow for an expansion of Dennis Enterprises car dealership. The properties, described as Tax Map 78, Parcel 73A and Parcel 13, are located in the Rivanna Magisterial District on Hansen Road in the Rivanna Ridge Shopping Center adjacent to Route 250. The Comprehensive Plan designates these properties as Regional Service in Neighborhood 3. (Michael Barnes) ***DEFERRED FROM THE OCTOBER 22, 2002 PLANNING COMMISSION MEETING. APPLICANT REQUESTS DEFERRAL TO JANUARY 14, 2003.***

AND

SDP-02-084 South Pantops Office Preliminary Site Plan - Request for preliminary site plan approval to construct two office buildings totaling 43,200 sq. ft. on approximately 6.95 acres of a 24+ acre site. Property is zoned PD-MC (Planned Development - Mixed Commercial) and is described as Tax Map 78, Parcel 73A. (Yadira Amarante) ***APPLICANT REQUESTS DEFERRAL TO JANUARY 14, 2003.***

Mr. Loewenstein stated that the applicant requests deferral of the applications to January 14th. He opened the public hearing and asked if there was anyone present who wished to speak regarding the applications. He noted that the public hearing would be opened for comment again on January 14th. There being none, he closed the public hearing to bring the applications back before the Commission for action.

Mr. Rieley moved to accept the applicant's request for deferral of ZMA-02-08, South Pantops and SDP-02-08, South Pantops Office Preliminary Site Plan to January 14th.

Mr. Finley seconded the motion.

The motion carried unanimously (7:0) to allow deferral to January 14th.

SP-02-13 Dennis Enterprises Expansion - Outdoor Display (Sign #40) - 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 Rt. 250E (Richmond Road) approximately 1 mile from the intersection of Richmond Road and Rt. 20N (Stony Pointe Road). The property is zoned HC, Highway Commercial, EC Entrance Corridor. The Comprehensive Plan designates this property as Regional Service in Development Area 3. (Francis MacCall) ***APPLICANT REQUESTS DEFERRAL TO JANUARY 14, 2003.***

AND

SDP-02-34 Dennis Enterprises Minor Site Plan Amendment - Request for an approval of a minor site plan amendment to allow for the expansion of an existing parking lot. (Francis MacCall) ***APPLICANT REQUESTS DEFERRAL TO JANUARY 14, 2003.***

Mr. Loewenstein stated that the applicant requests deferral of the applications to January 14th. He opened the public hearing and asked if there was anyone present who wished to speak regarding the applications. He noted that the public hearing would be opened for comment again on January 14th. There being none, he closed the public hearing to bring the applications back before the Commission for action.

Mr. Thomas moved to accept the applicant's request for deferral of SP- 02-13, Dennis Enterprises Expansion – Outdoor Display and SDP-02-34, Dennis Enterprises Minor Site Plan Amendment to January 14th.

Mr. Finley seconded the motion.

The motion carried unanimously (7:0) to allow deferral to January 14th.

SP-2002-059 Townwood Mobile Home Park Amendment (Sign #64 & 65) - Request to amend an existing special use permit (SP 99-074), which allows the expansion of the mobile home park, by changing the conditions of approval requiring the relocation of several existing mobile home units and the creation of new lots. This request is in accordance with Section 17.2.2.17 of the Zoning Ordinance, which allows for mobile home Parks in the R-10, Residential zoning district. The property, described as Tax Map 61, Parcel 8, contains 12.65 acres, and is located in the Rio Magisterial District on Rt. 631 (Rio Road West) at the intersection with Townwood Drive [private]. The property is zoned R-10, Residential and EC, Entrance Corridor. The Comprehensive Plan designates this property as Urban Density in Neighborhood 1. (Stephen Waller) ***APPLICANT REQUESTS DEFERRAL TO JANUARY 14, 2003.***

Mr. Loewenstein stated that the applicant requests deferral of the applications to January 14th. He opened the public hearing and asked if there was anyone present who wished to speak regarding the applications. He noted that the public hearing would be opened for comment again on January 14th. There being none, he closed the public hearing to bring the applications back before the Commission for action.

Mr. Edgerton moved to accept the applicant's request for deferral of SP-2002-059,Townwood Mobile Home Park Amendment to January 14th.

Mr. Finley seconded the motion.

The motion carried unanimously (7:0) to allow deferral to January 14th.

Public Hearing Items:

ZMA-02-12 Charlottesville Piano (Sign #63 and 67) - Request to rezone .21 acres from LI, Light Industrial to C1, Commercial to allow a furniture store that will sell and restore pianos. The property, described as Tax Map 45, Parcel 163 is located in the Rio Magisterial District at the intersection of Rt. 631 (Rio Road West) and Rt. 1403 (Berkmar Drive) approximately .25 miles from the intersection of Rio Road and US Route 29N. The Comprehensive Plan designates this property as Office Service in Neighborhood 1. (Francis MacCall)

Mr. MacCall presented the staff report as follows:

ZMA 2002-012 Charlottesville Piano

Applicant's Proposal: The applicant is proposing to rezone a parcel of land at the old WWW Electronics building at the intersection of Rio Road West and Berkmar Drive from LI, Light Industry to C-1, Commercial. A concept plan has been submitted for this property. A reduced copy of the concept plan is provided as Attachment B.

Proffers are provided with the rezoning proposal that ensures the closure and improvement of the entrance along Rio Road and permit a limited number of uses from the C-1 zoning district.

Petition for Rezoning: Request to rezone approximately .21 acres from LI, Light Industry to C-1, Commercial to allow a piano sale and repair shop. The property, described as Tax Map 45 Parcel 163 is located in the Rio Magisterial District at the northwest intersection of Rio Road West [Route 631] and Berkmar Drive [Route 1403]. The Comprehensive Plan designates this property as Office Service in Neighborhood 1. The tax parcel map/vicinity map is provided as Attachment A.

Character of the Area: The property is currently developed with one 2,428 square foot building as well as appurtenant parking. It is within a development of office uses, is across from the Berkmar Crossing retail/office development, and the Daily Progress building is located at the south east corner of the intersection. Rio Road is developed with a variety of uses from Berkmar Drive up to US Route 29.

Zoning and Subdivision History: In June of 1982, ZMA-82-007 was approved to rezone the property from CO, Commercial Office to LI, Light Industrial with the proffer that the only use allowed at the site was the manufacturing of semi-conductors. In 1992, a plat was approved dedicating right of way for the extension of Berkmar Drive. The eventual improvement of Rio Road and extension of Berkmar Drive physically changed the site by removing parking spaces both from the front and back of the building, closing the entrance on Berkmar Drive, and made it so the building is no longer setback properly.

Applicant's Justification for the Request: The applicant has stated that the rezoning of the parcel would allow for the retail sale of used pianos and restoration of old pianos, which would require large volume of space, have few employees, and generate little traffic.

By-right Use of the Property: The property is currently zoned LI, Light Industry per ZMA-82-007, which only allows the use of semi-conductor manufacturing. The zoning of the property needs to be changed to allow any other use of the site.

RECOMMENDATION: Staff has reviewed the proposal for conformity with the Comprehensive Plan and the Zoning Ordinance and recommends approval with proffers.

Comprehensive Plan: The Comprehensive Plan shows this area as Office Service in Neighborhood 1. There are no aspects of the County's Open Space Plan that are affected with this proposal.

The Neighborhood Model
Twelve principles of development are set forth in the Neighborhood Model. A staff analysis of the manner in which this development proposal addresses the principles is included below.

Pedestrian Orientation – Currently there are sidewalks along Berkmar Drive and Rio Road, which provide for continual pedestrian access to all of the properties along that portion of Rio Road.

Interconnected Streets and Transportation Networks – There is currently a travelway to Greenfield Terrace that connects to Berkmar Drive.

Buildings and Spaces of Human Scale – The existing building is two stories, however, it projects the look of a one story along Rio Road since it is built into the slope. No changes are proposed nor recommended for the design of the site.

Relegated Parking – The majority of the parking for this building is located behind the building, thus relegated from Rio Road. The parking is not relegated from Berkmar Drive.

Mixture of Uses – Currently the area surrounding the parcel has a mixture of uses. Directly across from the subject parcel, on Berkmar Dive, a dance studio has residential apartments incorporated into the building. In addition, a Special Use Permit was recently approved to allow residential use within the CO zoning a couple of parcels west of the subject parcel along Rio Road. There may be an opportunity for this site to have a mixture of commercial and residential uses given the site constraints. The site is constrained by the size of the building and the amount of existing parking. If a portion of the building were to be used for residential then the amount of required parking would be reduced for the commercial use that would occupy the remaining space.

Parks and Open Space – Agnor Hurt Elementary School and the related recreational space is within walking distance that is connected by sidewalk.

The principles referenced below are not criterion for assessment because of the existing development on the site and the intention to maintain it with commercial development.

Neighborhood Centers – This one development cannot be considered a neighborhood center or be defined as being part of one.

Neighborhood Friendly Streets and Paths – There are no new roads proposed.

Mixture of Housing Types and Affordability – No housing is proposed.

Redevelopment – There has been no proposal to redevelop this site.

Site Planning that Respects Terrain – There is no regrading proposed.

Clear Boundaries with the Rural Areas – The parcel is located well within the Development Area boundary.

Specific Standards for Residential, Commercial and Industrial Land Uses *(Commercial Lad Use Standards, pp. 23) (Attachment E)*

The standards that are laid out in this section of the Comprehensive Plan for Commercial Land Use are already being met or are not applicable to this rezoning proposal.

STAFF COMMENT

Relationship between the application and the purpose and intent of the requested zoning district The proposed district is C-1, Commercial. The intent of the C-1 zoning district is to permit selected retail sales; service and public use establishments which are primarily oriented to central business concentrations. Staff believes that allowing this zoning for the proposed use and most of the uses that are the same for both the C-1 and CO zoning district will essentially allow for uses consistent with the CO district. The proffers will bring the C-1 district in conformity with the Office Service designation in the Comprehensive Plan.

Public need and justification for the change LI zoning is no longer viable at this location. Rezoning the property is necessary for anything other than the manufacturing of semi-conductors. Rezoning the property to C-1 zoning while proffering the particular uses for the site is an appropriate and necessary change.

Anticipated impact on public facilities and services

Transportation – Impacts on transportation networks will not be significant as a result of allowing the proposed use or any of the proffered uses. In addition, given the physical limitations of the site for parking and building expansion, it is unlikely that a high volume use could be located here.

Water and Sewer - Water and sewer are available to serve the site.

Stormwater Management – The change of use of the site will not affect the stormwater runoff of the site.

Anticipated impact on natural, cultural, and historic resources – No impacts are anticipated on any County's cultural or historic resources.

Site Plan – A site plan amendment will be necessary to correct some minor onsite changes and to address the closing of the Rio Road entrance (Attachment D). In addition, with the parking onsite being limited, it must be noted that uses other than furniture and home appliances (sales and service) that are permitted in the proposed district may require additional parking spaces.

SUMMARY: Staff finds that this rezoning is consistent with the Comprehensive Plan and good zoning practice. Specifically, it further allows economic development activities that provide desirable employment and enlarge the tax base, and would provide for similar properties to be zoned similarly.

Staff has identified the following factors, which are favorable to this request:

1. The applicant has proffered the by right uses of the CO, Commercial Office zoning district that are the same as the C-1, Commercial zoning district.
2. The rezoning allows a compatible use to be incorporated into an existing development.

RECOMMENDED ACTION

Staff recommends approval of the request to rezone .21 acres from LI, Light Industry to C-1, Commercial with proffers as written in Attachment C.

Mr. Loewenstein asked if the Commission had any questions for staff. There being none, he opened the public hearing and asked if the applicant wished to speak.

Mr. Tom Shaw, applicant, stated that he did not have anything to add.

Mr. Loewenstein stated that Don Burch was the only person listed on the sign-up sheet to speak. He asked that Mr. Burch come forward to speak at this time.

Mr. Don Burch stated that he worked for both Resorts and C.D. Hammer, who owns the two buildings occupied by Resorts. Mr. Hammer's land adjoins this property on the north side. They have no objection to Charlottesville Piano whatsoever and feel that they will make a good neighbor. He noted that their last neighbor WWW Electronics was not a good neighbor. He stated that he had several questions that he had talked with Mr. MacCall about. He noted that Mr. MacCall had provided him with a lot of the answers. He pointed out one concern with the staff report that shows the travel way to Greenfield Terrace as being a possible easement of ingress to

and from this property. There is no such ingress or egress from Greenfields Terrace that would accommodate that property. The proffer proposed by the applicant shows the closing of the Rio Road access as it borders the property. The access that he understood from Mr. MacCall that would be available from Rio Road goes over an existing roadway. He stated that roadway as he understood, according to Mr. Ivan Lettner who is the owner of Old Dominion Prosthetics and the land next door, stated that he owns that roadway and that there is no easement available. He pointed out that Mr. Lettner could not be present tonight and asked that he bring this matter to the Board's attention. He stated that he had a letter for the Commission. (The letter dated December 17, 2002 from Don Burch is attached to the minutes.)

Mr. Loewenstein asked that he present the letter to the Secretary. There being no further public comment, he closed the public hearing to bring the matter before the Commission for action. He asked Mr. MacCall to enlighten the Commission on this topic.

Mr. MacCall stated that in the review of the twelve principles of the Neighborhood Model that those were the interconnected streets and transportation networks out there at the moment. He noted that he had talked with Mr. Burch. He stated that there is a travelway there and he was just pointing out that the travelway interconnects to those roadways. He stated that he could not find actual deeds for the access easement. There is a plat in the Planning Office from the Rio Road improvements in 1992 that did show an access easement. He pointed out that some decision was made that it was unnecessary for the County to review the plat.

Mr. Loewenstein asked if there was an access easement or not.

Mr. MacCall stated that from the plat that he looked at that there is an access easement. He stated that he spoke with Mr. Lettner and he was under the impression that there was something, but he was not sure exactly what it was. He noted that this is the only access that this property has from Rio Road. It has been used that way since 1992. The access for this property was cut off from Berkmar Drive in 1992 in the original plan. Mr. MacCall stated that from what he could tell the users of the site had set that access up.

Mr. Benish stated that based on the road projects that were done, that there was an understanding that this property had access. Staff was under the impression that they had access until recently when the adjacent property owner questioned whether this access exists. Apparently, the access was there at the time that they did the road project. From the best that they could tell, staff felt that this project has access.

Mr. Thomas asked if it was a joint access. He asked what could be done with this property if they could not use the access.

Mr. MacCall stated that they would not be able to park on the site.

Mr. Loewenstein stated that unless they received a definite answer to this question, he did not think they could take an action.

Mr. MacCall stated that there were a number of things on this site that need to be updated with a site plan. The closure of the entrance and those types of things are usually handled at the site plan process. As Mr. Benish stated, staff was under the impression that the site had the access and nobody said otherwise. Staff was going with the way the site has been used for the last twenty years.

Mr. Kamptner stated that Mr. MacCall was right, that typically access issues could be handled at the site plan stage. He noted that one of the problems was that the owners had proffered to close one of the entrances.

Mr. Rieley stated that the amount of parking for this commercial entity is not nearly the sufficient amount at the front of the building.

Mr. MacCall stated that there was only one space technically to use off the joint easement that they have.

Mr. Rieley noted that there was no access from the front to the back of the building. If there is no legal access to the area, then they don't have a parking area and can't meet the parking requirements for Zoning. He asked Mr. Kamptner if there is no deeded easement and since this has been used exclusively to serve that parking lot since 1992, is there a right to the access that is generated by the use.

Mr. Kamptner stated not yet, and the right was something that the owners would have to establish in Court.

Mr. Loewenstein stated that this issue was pretty fundamental. He asked if there was other discussion or questions for staff. He stated that he was not sure if removing the second proffer would make it all right. He stated that they needed to establish the access legally.

Lane Bonner stated that he was present for the applicant. He stated that his main point was that the easement does exist and that he could prove that tomorrow. He asked for approval of the request contingent upon that.

Mr. Benish stated that staff has a deed receipt from the Commonwealth of Virginia that states that easement has been established. He stated that there was a plat showing this. He noted that the adjacent property owner was questioning the easement. He stated that it was left up to the Commission on whether they felt comfortable acting on this.

Mr. Edgerton asked that the plat be passed around.

Mr. Rieley felt that the Commission could act on the application tonight even though there is a disputed issue regarding the access. He noted that this was an advisory opinion. He suggested that they take action tonight contingent upon resolution of that. Other than this one issue, this application seems to be pretty straightforward. He moved for approval of ZMA–02-12, Charlottesville Piano, with the conditions as recommended, the proffer as written in Attachment C and with the request that the access issue be made concrete and be brought to the Board of Supervisors.

Ms. Hopper seconded the motion.

The motion for approval carried unanimously (7:0) with the conditions as previously stated.

Mr. Loewenstein stated that ZMA-02-12, Charlottesville Piano would be heard by the Board of Supervisors on January 8th.

ZMA-2000-009 North Pointe PUD (formerly Towers Project) (Sign # 97, 98, 99) - ZMA-2000-009 North Pointe PUD (formerly Towers Project) (Sign # 97, 98, 99) – Request to rezone 269.4 acres from RA Rural Areas to PD-MC with special use to allow a mixture of commercial and residential uses with a maximum of 893 residential units and approximately 709,000 square feet of commercial and office space. The property, described as Tax Map 32, Parcels 20, 20a, 20a1, 20a2, 20a3, 22h 22k, 23, 23a, 23b, 23c, 23d, 23e, 23 f, 23g, 23h, 23j and 29I , contains 269.4 acres and is located in the Rivanna Magisterial District north of Proffit Road, east of Route 29 North, west of Pritchett Lane and south of the Rivanna River. The Comprehensive Plan designates this property as Regional Service, Office Service, Urban Density (6 - 34 dwelling units

per acre) and Neighborhood Density (3 - 6 dwelling units per acre) in the Hollymead Community. (Elaine Echols)

AND

SP-2002-72 North Pointe - Request for special use permit to allow residential uses in accordance with Section 25A.2.2.1 of the Zoning Ordinance which allows for residential uses in a PD-MC Planned Development Mixed Commercial zoning district. (Elaine Echols)

Ms. Echols stated that the agenda as well as two of the displays were showing this as North Pointe PUD and that was the former zoning classification. The zoning classification requested is PD-MC with a special use permit. She noted that it was advertised properly. She acknowledged in reviewing the report for tonight, staff found several typos of which she would apologize. The first error had to do with Attachment N that put the attachments a little off the mark. The second error dealt with the mobile home park across Route 29 that was not Townwood but Cedar Hill. She summarized the staff report. (See the attached staff report.) The zoning PD-MC requires an application plan and proffers that are also provided in the packet. The existing conditions include several streams, floodplains, steep slopes, heavily wooded areas and topography that varies. The proposal provides for a variety of uses and is generally in keeping with the colors in the land use plan which are also attached. The proposed plan shows several distinctive areas. She noted the proposed location of the single-family dwellings, apartments, townhouses and the large commercial area. She pointed out that the floodplain was not shown on any of the plans that the Commission has seen, but she estimated the location. One portion of the property is proposed for a lake that would cover up this stream. A portion of this stream is proposed to be piped. Regarding transportation, a spine road is proposed generally in this location because it has to become a private road to get to this point. She noted the road that VDOT has some interest in. She pointed out that the attachment make the staff report about 100 pages, which was a lot to review. She noted that she would not take the Commission through a detailed review trusting that they had read at least the substance of the report. Staff believes that the proposal falls short from a recommendation for approval in many ways. The foremost significant one is that the design is not in keeping with the Neighborhood Model. Significant environmental resources on the site have not been respected. Traffic generated by the development will have impacts that have not been proposed for mitigation. The proffers are not clear in most ways and at this point they are not meaningful in terms of dealing with the impacts of the project. Staff has received two new sets of information that had been provided after the report was written. One set of the new information was sent in the Commission's packet. Another set of information was the fiscal impact analysis. This fiscal impact analysis was requested by the applicant to be performed today. Staff has not looked it over to know what it says or what it means. The applicant would like to refer to it in his presentation. For that reason, staff has distributed a copy of the fiscal impact analysis to the Commission for review. With that, staff will stop and allow the Commission to ask questions about this particular project.

Mr. Finley asked if in any case would they be allowed to access from Route 29.

Ms. Echols stated that it depends on what VDOT will allow. Staff was concerned with access being provided from both directions to serve the properties that don't have the benefit of the new crossover. Staff wanted to make sure that the other parcels direct access to Route 29 would not be removed as a result of this project claiming all of the crossovers. Staff would not want these parcels served by access directly off Route 29 but would want them to take access off of the spine road or where the public roads come in.

Mr. Finley asked if in any case they would not be allowed to access Route 29.

Ms. Echols stated that it would depend on what VDOT would allow them to have, but they would not have the ability to turn left or right. Staff has asked that they have the ability to be served by roads that cross these spine roads.

Mr. Edgerton stated that they have left off the white part, but show an apartment complex. He asked why that was not part of this application.

Ms. Echols stated that everything shown in white they do not own, but they were trying to demonstrate that they were providing access to this parcel for potential development through this parking lot. They can see that maybe in the future that is how this would be developed and how it could fit in. But that section is not proposed as part of the rezoning. It is being shown for informational purposes. They are not including this as part of their application plan right now.
This plan shows how access could be provided through here for the Korean Church. The final plans have not been done, but this is something that could be worked out in the future to keep them from being blocked off.

Mr. Thomas stated that under transportation improvements on page 5, it says that access to this area from Pritchett Road is prohibited from this development.

Ms. Echols stated that the Land Use Plan has a statement that says access to this property from Pritchett Road should be prohibited. She noted that the language there was very strong. She introduced Kim Cameron, a new Engineer in the County Engineering Department, who has assisted with the traffic issues and knows the answers to the stormwater questions.

Mr. Loewenstein asked if there were any further comments for staff. There being none, he opened the public hearing and asked for the applicant's comments.

Good evening – My name is Don Wagner – I am a resident of Albemarle County and have been with Great Eastern Management and appearing before this body since 1972. I hope to use a little less than my allocated time tonight so we can have a few extra minutes after the hearing from the public. You have read the staff report. On some items, we and staff respectfully agreed to disagree before their report was prepared. We were pleased to see that rather than recommend disapproval, the report simply states that staff cannot recommend approval at this time. We continue to contest a number of issues in the report, and for the record will respond point by point in writing. Given the time available tonight, I will limit my comments to what we believe are the most import aspects of our proposed plan. We do not claim to have a finished plan complete in all detail. We believe the clear language of the Zoning Ordinance requires applicants, at the rezoning stage for Planned Development Districts, to provide a plan which presents an overall vision of the development and which commits the applicant to providing additional detail, acceptable to the County, at the site plan and subdivision stages. The Comprehensive Plan calls for the North Pointe property to provide Regional Service along with Urban Density and Neighborhood Density residential uses with Office Service as a transitional use between the two. In the Regional Service area, we propose several well known regional and national retailers, most not currently available in Albemarle County, but which have other stores within driving distance that are currently attracting local customers, and their sales tax revenues. In the residential area we propose a combination of housing types, which allows us to achieve the overall density contemplated by the Comprehensive Plan. In accordance with the recent adoption of the Neighborhood Model principles as a part of the Comprehensive Plan, we propose a town center, with small retail, office, public service and "above the store" residential units in the area between the Regional Service and purely residential sections. Over one half of the residences in North Pointe will be within one half mile of this town center. We believe that our overall vision meets the objectives of the Comprehensive Plan to the greatest extent possible and the staff report states that QUOTE "the project is consistent generally with the land use plan designations for the Hollymead and Piney Mountain Communities." It is our understanding from their report that staff has two main concerns. One is transportation; the other is design. Regarding transportation, Wilbur Smith and Associates spent two years getting County and VDOT agreement on the parameters for a traffic study, making the study and securing VDOT approval. Briefly stated, all parties are in close agreement as to the improvements North Pointe should make on Proffit Road and on US 29 north of Proffit, and in response to the Staff Report we agree to dedicate public road easements to provide other properties fronting on 29 access to public

roads within North Pointe. However, a recent staff report, on 29 North in general, suggests that no additional development be allowed on 29N until there is additional traffic capacity between the South Fork of the Rivanna and Airport Road. If that logic is followed, additional housing would not be allowed in Crozet until US 250 West is widened and VA 240 is rebuilt, additional development east of Charlottesville would not be allowed until the 250 Bypass is widened, and US 250 East is further improved, and Albemarle Place would not be allowed until both the Hydraulic-29 Intersection and the interchange at 250 Bypass and Emmett Street are improved. I cannot believe this scenario is either desirable or acceptable. In regards to design…I was a member of the DISC committee. That committee acknowledged that the Neighborhood Model, while an excellent model, does not fit all circumstances and that other models of development, such as industrial and large-scale retail, are both valid and needed. I believe this position has been affirmed by most and possibly all members of the Board of Supervisors. To the greatest extent practicable, we have incorporated neighborhood principles in the North Pointe residential and town center areas. As is almost always the case in Albemarle County, existing topography was an important consideration and we have here tonight Ron Keeney of Keeney and Associates who can speak to that in detail. In planning North Pointe, we visited communities in the Washington, Maryland, Northern Virginia and Richmond areas and in several other southeastern states and talked to a number of successful homebuilders, here and elsewhere. We were accompanied on two of those trips by members of County staff. We were particularly concerned when we saw evidence of neo-traditional, new urbanist communities with commercial components which had either failed or showed clear evidence of being on the road to failure. Based on what we learned, and on over 30 years experience, we believe that North Pointe as presented can become a successful community. It will incorporate a mixed use, interconnected, pedestrian-oriented community which incorporates essential elements of the 12 Principles recommended by DISC and subsequently added to the Comprehensive Plan. Under the provisions of Zoning Ordinance Section 8.5.4 the Planning Commission is charged with considering applications for Planned Districts and reporting their findings on four items to the Board of Supervisors. I will not read the entire text of the ordinance, but briefly the four items are:

a. The suitability of the tract for the general type of Planned District proposed.
b. Relation to major roads, utilities, public facilities and services.
c. Adequacy of evidence on unified control of the property.
d. Specific modifications of regulations requested by the applicant.

We believe North Pointe tests positive on items a, b and c. We do need two modifications. First, we request setbacks from adjoining property to be as shown on the plans before you. The most significant setback modification would allow grading within 20' of the property line east of the Regional Service area. The second modification would allow some grading on steep slopes. Sheet C3 of our plans shows areas of steep slopes and areas where roads or commercial development impact those slopes. In both cases, we propose that the Planning Commission and Board of Supervisors provide guidance, after which we will work out details with staff, for final approval by the PC or Board as necessary. These issues are site specific and can be mediated. We respectfully request that tonight you provide your recommendations to the Board of Supervisors, as set forth in Section 8.5.4. We recognize that because our request includes a Special Use Permit as well as a rezoning that you have the opportunity to recommend approval subject to conditions and we have no problem with that. There are several of us here from Great Eastern as are representatives from Wilbur Smith and Associates, our traffic consultants and representatives from two architectural firms, all of whom have been working on North Pointe for two years. We would be pleased to answer any questions. Thank you.

Mr. Loewenstein stated that the sign-up sheet has three names on it. He stated that the first name was Cynthia Parry. He asked that anyone who was not signed up to see the secretary.

Cindy Parry, resident at Pritchett Lane, stated that she had brought along a few of her Pritchett Lane neighbors who she would ask to stand. She noted that Pritchett Lane is the east boundary of the North Pointe project. As you know, the County's Comprehensive Plan currently specifies that North Pointe will have no access to Pritchett Lane. This provision resulted from a number of conversations with Charles Martin. They greatly appreciate Mr. Martin's efforts. Over the last

several years, they have had several discussions with people behind the North Pointe project. The most important of their concerns was the issue of street access. They were very happy that the developers listened to their concerns and created a plan for North Pointe that specifically excluded access with Pritchett Lane. Given its history they were surprised and disappointed to learn that the Planning Department staff report has recommended a reevaluation of the current Comp Plan guideline that specifies no access to Pritchett Lane from the North Pointe project. Eventually, the Planning Department believes that access to Pritchett Lane will help alleviate some of the traffic congestion that will be created by the 893 dwellings in North Pointe as well as the traffic drawn by the stores and shops that will inhabit the parts of North Pointe that are slated commercial development. The proposal to link North Pointe to Pritchett Lane merits five comments. First, as it currently exists, Pritchett Lane cannot handle additional traffic. The road is hilly and curvy and has several blind spots. Any driver who uses Pritchett Lane to avoid Route 29 will likely be driving at a high rate of speed and that will put many of the pedestrians who use Pritchett Lane at risk. Second, what is the point of this access? Where are these cars going to go? The only logical answer is to Route 20. It is well known that Proffit Road with its many curves cannot safely handle high volumes of traffic. The proposal to link North Pointe with Pritchett Lane if implemented will unquestionably further increase the traffic on Proffit Road, which is already at dangerous levels. Third, even if the Planning Department concludes that an alternative route to Proffit Road is needed, the location of this route must be determined. Any decision to link North Pointe to Pritchett Lane takes congestion and costs created by North Pointe and imposes those costs on the Pritchett Lane community. This violates well known accepted principles of **hostile** locations which dictate that those generating the costs should pay for those costs. If the North Pointe community generates congestion, then the cost for relieving that congestion should be borne by the North Pointe community in the form of a through road through the North Pointe project itself. The Pritchett Lane community should not be asked to bear the cost of that congestion. Fourth, they ask the Planning Commission to carefully consider the message that it will send if it adopts the proposal that directly contradicts the Comprehensive Plan. Most people would interrupt this action in a very simple fashion that the Comprehensive Plan is not worth the paper that it is written on because the County officials are willing to ignore the plan when the plan is inconvenient. Finally, access through Pritchett Lane would fundamentally change the character of our perfectly attractive, family-oriented walkable vital neighborhood. This is a place where children on bikes can take their poles down to the end of Pritchett Lane and go fishing. They would lose all of this. They respectfully ask that the Planning Commission reject the proposal for street access between Pritchett Lane and North Pointe, that you honor the promise that you made to us by respecting the conversations that they have had with Mr. Martin between Pritchett Lane and the developer, and the importance of the Comp Plan in guiding the County's future roads.

Mr. Loewenstein stated that the next speaker was Fred Gerke.

Fred Gerke, President of the Proffit Community Association, stated that he was not speaking officially for the PCA tonight, but felt confident that he presents concerns of their community. North Pointe will have a large impact on their community. When combined with UREF and the Hollymead Towne Square it is quite intimidating. They will be transformed from a suburban rural area to an urban suburban rural mix. Some of the changes will be good and others not depending on where one places ones values and what one seeks in life. The main area of concern has been and continues to be transportation issues. Of all the infrastructure needs it is an area where they were most efficient. It is also the most detractable with little or no funding, competing jurisdictions and groups, and a growing backlog of projects. They cannot continue to study and draw up plans on transportation issues within the Route 29 corridor north of the Rivanna River. He stated that he had read the staff report and felt it was thoughtful and hopeful. But as Yogi Bear has said that he had the feeling that it was Déjà Vu all over again. It is a nice plan and has some good ideas, but maybe someday they would have some money and agreement among the parties involved. He pointed out that they couldn't continue to dump more traffic on the same overburdened road. Piecemeal improvements such as those contained in the North Pointe proffers will do little nor can they expect individual developers to solve the problems. They must do something soon or do something radical by making development for transportation improvements. Speaking personally,

he had watched the Towers, which was now the North Pointe project, for years with nervous anticipation. He stated that he attended the meeting several years ago at Southern Middle School, and the public meeting recently at Maple Grove Church held by the developer. He noted that he understands the complexity and detail involved. A lot of time and effort has been put forth to set a new and higher standard for development in Albemarle County. North Pointe as it is presently configured with the incremental changes has a lot of unresolved detail. They like to think of this area as a place that they choose to live and work as being some place special and unique. If they want to maintain this quality, they need to seek and hold themselves to a higher standard. North Pointe will be developed, but let's make sure that we do it right. North Pointe needs to set an example for development in Albemarle County.

Mr. Loewenstein stated that the next speaker was Charles Trachta.

Charles Trachta stated that he would like to ask a couple of questions. How many children will this massive project reduce? Where will they go to school and what children will be pushed aside for these children? How much water will these homes and commercial space take up? He asked why it was so wrong that they think about planning ahead. They have North Pointe, Hollymead and you already approved Albemarle Place, Belevedere Farms and many other projects going on that will affect Albemarle High School, which is now at capacity. People are talking about expanding Monticello High School since they only need 300 seats. He noted that they only need 300 seats if Monticello High School serves the area that it was built for. Even with the additional 200 seats that could have been put there, it would not take up what you are planning on building in this County. Which children will be moved out? He pointed out that there had been many promises made concerning the traffic. The people in Carrsbrook are still waiting for water and sewer. The other thing that they were promised were schools. Now our children are being told that they are getting redistricted out because children from the north are coming in. Developers do not have to worry about schools because they can just walk away. He asked that the Commission plan ahead for it and think about what we are gong to do. He suggested that the Board of Supervisors should tell the School Board that they have a Comp Plan and that they should read it. He voiced concerns over the water situation. He stated that he did not understand why they don't have to talk about water here regarding these 800 homes and commercial space.

Mr. Loewenstein stated that the next speaker was Jana Brredrs Reece.

Jana Briedis-Ruiz, ten-year resident of Pritchett Lane, stated that they should not have access to the road. Several years ago they participated in a community planning session with the developer that included Mr. Martin to come up with a plan that they all could live with. Two things that their community agreed to not happen was that they should not have access from North Pointe to their road. Another thing was that there should be a buffer zone between their area and this community. She questioned how much green space was between the two communities. She noted that those were the two things that they said that they needed to have and the developer said could happen, which she wanted to see honored. She noted that Mr. Wagner stated that development should go on even if Route 29 North was not improved. She agreed with the County in that it should not happen. She stated that she commuted ten miles to the University and that commute takes 45 minutes during rush hour. She felt that was quite enough. She felt that they should not continue to build north unless they do improve Route 29.

Mr. Loewenstein stated that the next speaker was Lucille Leake.

Lucille Leake, resident of Albemarle County on Pritchett Lane for fifty years, stated that she was not opposed to growth or things that would help the County to grow because she knew they needed that. The two major concerns were the outlets onto Pritchett Lane. She pointed out that at the outlet at the end of Pritchett lane it was hard for the residents to get onto Proffit Road due to the heavy traffic. The other outlet is a hidden access. At Northwoods Trailer Court there is a road that goes all the way back to the North Pointe property. If those two people connect that road, who says that they can't come onto Pritchett Lane without any authority from the County. That

really is a big concern because it would give two outlets. The two outlets are within a quarter of a mile of each other, which really does not make a whole lot of sense.

Robert Tyburski, an adjacent property owner along Route 29, stated that his main concern involved the parcels shown in white which were not a part of the development and how these parcels would be accessed in the future. He stated that he would love to see some type of state road or throughway for the parcels internally in there. He supported the development because there was a big need for stores in this area. He favored getting some stores on the north side of town to help lessen the traffic situation.

Mr. Finley asked if the developer has discussed this with the property owners?

Mr. Tyburski stated that he has gone to some of the meetings that they held for the adjacent property owners. He stated that he did not know about the other property owners, but he had tried to work his property in with them and they were not receptive with him being included with them in the whole masterplan. Therefore, he was present to ensure that he had some sort of access internally in there that the County wanted to see. He stated that he was willing to work with the developers.

Mr. Loewenstein asked if there were any other speakers who did not sign up. There being none, he closed the public hearing to place the matter before the Commission for discussion and action. He asked Mr. Wagner if he would like five minutes for rebuttal.

I am Chuck Rotgin, and I appreciate this last opportunity on behalf of Great Eastern to comment on the plan we have presented for North Pointe. North Pointe is the culmination of many years of collaborative planning. The Board of Supervisors recognized the future land use needs in this area of the County by adding the properties that make up North Pointe to the Hollymead Growth Area in 1993. At that time, the Board designated the properties as an important future residential growth area and as a center for regional services. North Pointe was intended to serve not only the immediate community, but all Hollymead Growth Area residents as well as those residents of the nearby counties of Greene, Madison, Orange and Culpeper. We have created a community that meets the County's Comprehensive Plan land use goals and the expressed needs of the marketplace. In the twenty plus years since we first began to assimilate this property, and, especially during the last three years of intensive planning, we have worked hard to address a number of critical challenges that we believe will continue to affect the quality of life in our community. At this critical juncture, we find ourselves at the vortex of what I would characterize as an evolving ideological divide and a challenge as to how to achieve a goal we all desire. On the one side is the laudatory concept and form of development that the Planning Commission believes the Neighborhood model should take. And we agree with many of the concepts and certainly with the objectives. On the other side and in our instance, thirty years of local experience, current negotiations with large retailers and discussions with local builders convince us that there needs to be more flexibility and, perhaps, some tweaking in the implementation of the concept in order to ensure a successful community and meet the objectives of DISC and the County such as a mix of uses, interconnectivity, pedestrian orientation, preservation of both open spaces and of our rural areas, among others. While those of us in the business community have been attempting to address the County's evolving land use policies and guidelines, the Planning Commission has recently supported the adoption of significantly more stringent land use regulations. This is occurring at a time when the area is experiencing significant loss of jobs and remaining single family residential lots within the desirable and convenient Hollymead Growth Area are near full build out. In addition, there is a lack of convenient, competitive shopping alternatives within the County that is resulting in continued retail sales tax revenue leakage. While many of us appreciate the sincere efforts on the part of the Commissioners and Planning Staff to manage growth, we remain concerned that you have parted ways with many in the community who have lived and worked and raised their children here. These people in the community have contributed substantially to our current quality of life, continue to invest in the community's future, and would like their children and grandchildren to have the same opportunities to live and work in

this community as they have had. Let me comment on three trends which are of concern. First, County land use policies and regulations for the last 25 years have caused the cost of housing to escalate to a point where there is virtually no *affordable* single family detached housing being constructed in the growth areas, and even moderate priced lots in Hollymead and Forest Lakes are nearing full build out. This is occurring just at the time that employees of the National Ground Intelligence Center, Crutchfield, the Charlottesville/ Albemarle Airport, and North Fork Research Park are looking for housing in this desirable and convenient area. North Pointe will offer housing, shopping and service alternatives for the employees of these and other large companies in the area and, by virtue of its interconnectivity to properties west of Route 29 and south of Proffit Road will offer accessibility without the necessity of their having to access Route 29. I ask: if not North Pointe, where does the County expect to accommodate this growth? Can the Commission identify an area in the County where as many residents will have such a wide range of housing alternatives and with the opportunity to walk or bike to work or to access shopping and services as in North Pointe? Where else will single-family lots be created to take the pressure off the rural areas? The rural areas of the County have some 18,000 platted lots available and additional lots that can be created by right. *De facto*, stringent development policies are creating the exact opposite effect of those intended by encouraging single family home construction on lots in our rural areas. This development impacts the natural character and beauty of these rural areas that are such an important County trust and is antithetical to the DISC vision. Second, nearly 5,000 jobs have been lost in the area over the last 2 plus years, and there actually was negative job growth in Charlottesville and Albemarle County between the year 2000 and 2001. The same is likely to be the case between 2001 and 2002, with prospects for 2003 clouded by the recent announcement that Technicolor will be moving. In addition, I recently learned that a longtime Albemarle County business owned and run by good friends with 60+ employees has given up trying to find a place to relocate and grow its business in Albemarle County and is going to move to Louisa County where the welcome mat was laid out for them. The good thing is that this business will be staying in the area. We can become a homogeneous, affluent community comprising retirees, transplants, and University employees who rely on services provided by lower wage scale workers who travel here from other counties where they can afford to live.

Mr. Loewenstein stated that he might want to think about getting close to his ending.

Mr. Rotgin stated that he was reading as fast as he could. Or, we can build a diverse community that sustains a quality of life with quality housing, employment, and shopping opportunities. The third issue relates to tax revenues and the effect increasing tax revenues can have on the County's continual struggle to keep up with infrastructure needs. The staff report indicates that an internal fiscal analysis prepared by the County shows that the net annual fiscal impact of North Pointe would be approximately $600,000, an amount we believe to be extremely conservative.

Mr. Loewenstein asked Mr. Rotgin to summarize his discussion. He stated that in the interest of fairness, they have asked everyone else to stick to their time limit and they need to do that with him also.

Mr. Rotgin stated that this was the largest single rezoning this County has ever seen. He stated that he had a page a one-half to read and he would respectfully request that he have the opportunity to put that into the record.

Mr. Loewenstein asked that he hand the information to the secretary and they will see that the entire remarks do get put into the minutes of the minutes.

Mr. Rotgin stated that he would conclude. An alternate run we requested with more realistic, but still conservative values produced an $850,000 net annual fiscal impact. However, even the lower amount of $600,000 would easily fund $8-9,000,000 in bonded infrastructure improvements, which could help enable the DISC vision to become a reality. In 1993, with no National Ground Intelligence Center, no North Fork Research Park and with Forest Lakes just getting into full development, the Board of Supervisors saw a need for Regional Service for the North Pointe

property. With all of this existing development either complete or well underway and with substantial growth accelerating 5 miles to the north in Greene County, staff is now suggesting that North Pointe only contain Community Service scale commercial development. This scale cannot support the inherent costs of developing the property or of the needed infrastructure improvements, particularly those that we have proffered both on- and off-site and cannot accommodate the retail and service needs of this growing area. Major national retailers have conducted extensive market studies on this area and have concluded that North Pointe is the place they want to be. We must respectfully disagree with staff's suggestions. In fact, over time, this area of the County from Hollymead to Lewis and Clark Drive will be as important a revenue-generating vehicle for the County as the area from Barracks Road to Seminole Square currently is for the City. I salute the commitment and diligence of both staff and the Planning Commission in the sometimes-difficult arena of land use regulation. However, in my judgment and increasingly in the judgment of others within the business community, more restrictive policies currently being advocated by the Commission do not serve County residents who need career ladder jobs, affordable housing, and convenient, competitive shopping alternatives, all of which are integral to North Pointe. In short, North Pointe is a job creator, a revenue producer, a rural area preserver, and a traffic congestion ameliorator. I ask that you consider these issues as you proceed in your deliberations, and, as Don Wagner asked earlier, we respectfully request that you affirm tonight your recommendations to the Board of Supervisors, as set forth in Section 8.5.4. In addition to representatives from Great Eastern, we have representatives in attendance from our architectural firms and our traffic consultants, and we would welcome the opportunity to have dialogue and answer questions.

Mr. Loewenstein opened the public hearing for discussion by the members of the Commission.

Ms. Hopper stated that Mr. Rotgin was correct that this was the largest rezoning that this County has seen. The rezoning was 200 acres and larger than the Hollymead Towne Center and Albemarle Place. Every other huge rezoning has had several worksessions and let the Planning Commission digest the plan before it went to the Board of Supervisors. There has been no worksession with this application. This is going straight to the public hearing, which made it very difficult for the Commission to make meaningful comment at this stage.

Mr. Edgerton asked why the applicant was ignoring the process or refusing to participate in the process?

Ms. Hopper stated that the statements that were read tonight were well written and eloquent. However, there were many mischaracterizations and many inaccuracies in the statements. The characterization of the nature of the rezoning was incorrect. Rezonings are anticipated to be much more refined than the broad strokes that were suggested in the statement. The comments from Ms. Echols that were lifted out of the report were lifted out in ways to construe something that she did not mean. Ms. Hopper asked that it be on the record how many inaccuracies there were in the applicant's statements.

Mr. Finley agreed with Ms. Hopper. Just reading the summary, it says that there are many complexities and outstanding issues which are yet to be resolved. The report then proposes a worksession for the Planning Commission for direction on how to resolve some of these issues. He hoped that this comes back to a worksession. Personally, he did not think that he could make an intelligent vote tonight. He stated that he hoped when this comes back that the developer and Planning staff will have reached many mutual agreements on many of these complexities because there is no way that they could sit here and resolve all of these issues. He felt that this should be done prior to coming back to the Commission for a worksession.

Mr. Craddock concurred with the other Commissioners because he felt that they needed to work out some of these issues.

Mr. Rieley concurred with all of the comments that had been made. He stated that this was one of the most disappointing proposals that he had seen come before them. He stated that it was wroth with problems. He felt that the staff did a great job in articulating those in the staff report so that there was no point in going through each one of them. It is really surprising that this got to us in this configuration. He disagreed with Mr. Rotgin's that this proposal was a way to preserve the Rural Areas. He stated that this has a long way to go and he agreed with his colleagues that this needs to back up and have a worksession. As it stands, he certainly could not vote in favor of this proposal.

Mr. Loewenstein stated that he was in his fourth term on the Commission and he had not seen an application less ready to come before them than this application tonight. He agreed with the issues that staff has raised. He noted that this was very disappointing because it was the largest thing of its kind that they have seen. He stated that he was unable to respond in detail to so many blank spaces or question marks. With that said, this brings up the question of what they do from here. He stated that there were a variety of possibilities. Based on the applicant's remarks, he did not hear that they would consider a voluntary deferral so that a lot of these issues could be worked on and brought back to us in the worksession format and the process taken through a natural series of meetings, discussions and decisions. He stated that he did not see any evidence that was the case. He asked the applicant to stop him at any time if he was wrong. That being true they basically needed to act in some way. The Board would be reviewing this at their second meeting in January.

Ms. Hopper stated that if the applicant did not request a deferral or a worksession, then she would move for denial of ZMA-02-009, North Pointe PUD (formerly Towers Project) and SP-2002-72, North Pointe.

Mr. Craddock seconded the motion.

Mr. Kamptner asked if the motion and second includes the recommendation that the Board not accept the proffers as currently stated.

Ms. Hopper stated that was correct.

Mr. Craddock agreed.

Mr. Finley stated that he was in hopes that there would be a deferral.

Mr. Loewenstein asked the applicant if he wanted to consider requesting a deferral before they took a vote.

Mr. Rotgin stated that they were willing to live with the motion for denial.

The motion carried unanimously (7:0) to recommend denial of the requests to the Board of Supervisors.

Mr. Loewenstein stated that the Board of Supervisors would hear the requests on January 19th.

Mr. Benish asked for specific comments on this. He stated that staff did outline the general areas of concern. He asked if there is a general consensus that staff has captured all of the issues of concern.

Ms. Hopper and Mr. Rieley stated yes that they were.

Mr. Benish asked if there was anything that staff could have missed. He asked if there were additional concerns that were not addressed by staff in her 17 points.

Ms. Hopper stated that the application was so vast that if they had worksessions and been able to discuss this that there would have been many more points and refinements. She noted that there are probably more issues, but they are hard to identify at this point.

Mr. Loewenstein stated that there were no other major issues that they could identify.

The Planning Commission recessed at 7:35 p.m.

The meeting convened at 7:50 p.m.

Regular Item:

SUB 2002-242 Stillhouse Ridge - Request for preliminary plat approval to create 11 lots as a Rural Preservation Development on 71.793 acres. The 10-development lots range in size from 2 acres to 4.5 acres; the preservation tract is 40.9 acres. The property is zoned Rural Area (RA). The property, described as Tax Map 85, Parcels 29A, 29B, 29C, 29D, 29E, 29F, 29G, 51H, 51J, 51K is located in the Samuel Miller Magisterial District on the east side of Rt. 635 (Miller School Road) between Miller School Road and Rt. 689) Pounding Creek Road, approximately 300 feet from the intersection of Rt. 635 and Route 692. The Comprehensive Plan designates this property as Rural Area 3. (Margaret Doherty)

Ms. Doherty presented the staff report. (See the attached copy of the staff report.) This is a Rural Preservation Development. The proposal combines ten parcels that have fifty division rights when combined and creates a forty acres preservation tract and ten development rights. What is proposed as a preservation tract is probably best suited for agricultural use. The proposed development lots could be used for forestry, but the trees in that area are serving as a screen buffer. Therefore, it makes more sense to Staff for it to be in the configuration as shown. The proposal only utilizes eleven of the fifty theoretical division rights that are available to the property owner. The applicant has provided a conventional development example, which creates twenty-nine lots with sixteen entrances. That is one possible conventional development scenario that is located up on the board. The applicant has worked with the staff of the Engineering Department and the Planning Department to meet the Design Standards of the Rural Preservation Development section. Those Design Standards are practical by the Commission. Staff has found in the staff report that they need all of those. Staff has also taken into considerations the comments of the residents of the neighborhood that was expressed in letters which are all in your report and the Neighborhood Meeting which she attended as well as the applicant. Staff tried to incorporate those in the conditions of approval. Staff has one change to the proposed conditions of approval. On page 7, condition #1 a) All structures and well and/or septic improvements shall be located in those portions of the development lot, which are out side of the critical slopes. She stated that if anyone had any questions that she would be happy to answer them. She stated that the staff makes the following recommendations:

Recommended Action:

Staff finds the proposal in compliance with the provisions of Section 10 of the Zoning Ordinance and the Subdivision Ordinance. Therefore, staff recommends approval of the Stillhouse Ridge Rural Preservation Development Preliminary Plat, SUB-02-242, with the following conditions:

1. The final plat shall not be submitted for signature nor shall it be signed until the following conditions are met:

    a. Revise the plat to include the following notes:
        i. "The house on Lot 1 shall be oriented towards Miller School Road (Route 635)";
        ii. "With VDOT approval of an entrance permit, the driveway to Lot 1 shall be from Miller School Road (Route 635). If VDOT does not grant an

entrance permit from Route 635, the driveway to Lot 1 shall be located west of the stream crossing and any disturbance to the stream buffer shall require a mitigation plan";

iii. "All structures and water and/or septic improvements shall be located within the building sites shown on the preliminary plat"; and

iv. "Any disturbance to that area designated on the plat as 'Preservation Buffer', and/or any alteration to that portion of the property which is within the Batesville Historic District shall be subject to review and approval of the Planning Department. Approval shall not be granted for a change that is determined to have a negative impact on the character and/or significance of the historic district or that will affect the status of the State and National Register Historic District".

b. Conduct a site-level groundwater assessment based on investigation by a professional geologist or hydrogeologist. The results of the assessment shall have no effect on the rights of the applicant to divide the property;

c. Health Department approval of soils evaluations for suitability for well and septic; and

d. All other agency approvals.

2. The following items must be reviewed and approved by the Engineering Department before the final plat can be recommended for approval:

a. An erosion control plan, narrative and computations;

b. A completed application and fee for erosion control and stormwater management;

c. A stormwater management/BMP plan and computations. Computations must include water quality, and detention routings for the 2yr and 10yr storms;

d. A mitigation plan for any impacts to the stream buffer;

e. A completed stormwater management facilities maintenance agreement and fee; and

f. Road plans, pavement design sheets, and drainage computations.

Mr. Rieley stated that the staff report indicated that the site distance at the intersection of Pounding Creek Road and the Miller School Road was problematic and gave that as a reason for pushing for an entrance off of Pounding Creek Road. He asked if that site distance was measured by anybody.

Ms. Doherty stated that they might have had Charles Baber go out there, but she was not certain of that. When looking at access from Pounding Creek Road, there are site improvements that would have to be done just for that private road to serve the two lots.

Mr. Rieley pointed out that he looked at the site himself, and it did not appear to be problematic.

Mr. Craddock asked if the preservation tract was preserved forever and can never be subdivided.

Ms. Doherty stated that was correct.

Mr. Kamptner stated that if a perpetual easement had been put on that tract, then typically only one dwelling would be allowed.

Mr. Finley questioned item 1b on page 7. The condition states to conduct a site level ground water assessment based on an investigation by a hydrogeologist. He asked if this was going to be a standard condition for cluster developments.

Ms. Doherty stated that there was no proposal that she knew of, but referred the question to David Hirschman since he was present to answer ground water questions. She noted that this was a condition that Mr. Hirschman created for this development.

Mr. Finley asked why the staff report did not mention anything about the results.

Ms. Doherty stated that they did not have an ordinance regulating ground water. The effect of this condition may be that the applicant will propose a different preliminary plat given the ground water situation. This does not prevent or somehow inhibit the division with the possibility of a drought. This is something that the applicant volunteered.

Mr. Loewenstein asked that Mr. Hirschman come forward to provide a little more information.

David Hirschman stated that the proposed program is in the early stages of actually becoming a regulatory program and would apply to all developments in the Rural Areas that use wells. A hydrological assessment would be done prior to development. He noted that the program would be coming back to the Commission for consideration, but that it would depend upon funding that was another issue. He stated that this particular condition is that a hydrogeologist assessment be done based on a professional investigation of the site. That can describe a wide range of investigations from something very simple from $1,000 on up to very sophisticated type of test. What would probably be relevant would be for staff to sit down with the applicant's consultant on this and come up with a scope of work that is appropriate for the site. Most likely it would involve a geological mapping exercise and possibly some limited geophysics to look under the ground to see where the fracture patterns are.

Mr. Finley stated that he had a hard time following what the point of that is after the subdivision has been done and after the lot lines have been drawn. He asked if that was something that would be more useful before the final plat was done.

Mr. Hirschman stated that it would be more helpful before the final plat was done in case changes needed to be made to the lot lines.

Mr. Finley asked if he envisioned this being a provision for family divisions.

Mr. Hirschman stated that the way that the proposal was written now was for all divisions. He noted that it was a lot more complicated because it depends on the number of lots. It is a simple process for up to three or four lots and then it gets more complicated as the number increases.

Mr. Loewenstein pointed out that staff points out in the staff report that the County does not have an ordinance that relates ground water supply to the approval of subdivisions. He noted that they need to keep that in mind, but that they did not have the legal capacity to address that issue at this time.

Mr. Rieley stated that there was no assurance of water availability when you buy a piece of property. He asked Mr. Kamptner if there was anything that would prevent the Commission from making a condition on a rural preservation tract that there be a note on all plats indicating that. In addition, he suggested adding a further note showing the repository for the water studies that is being suggested by the condition to be done here. He questioned what they were doing if they generate all of this information with no obligation on anybody's part to make it available.

Mr. Kamptner stated that notes how that goes on plats when the subdivision is not served by a public water supply. He pointed out that he needed to do some research on this. He stated that his recollection was that some real estate attorneys have said that notes like that create a cloud on title and they raised some other concerns. He pointed out that he would look into this issue.

Mr. Rieley asked that this issue be explored.

Mr. Hirschman stated that what he understood from area realtors was that because of the drought and failing wells that everybody was more aware of the water situation. It has become fairly

routine that the lending institutions and buyers are making that a condition of the contract. He noted that in some ways it is happening outside of the County's control, but staff could look at re-enforcing that.

Mr. Edgerton asked if the wells in this area are currently stressed by the drought, if putting in 11 or 12 new wells would come out of the same water table.

Mr. Hirschman stated that would have to be the product of a site-specific investigation. The interconnections between the two systems are hard to determine. He pointed out that any new well was more new water coming out of the ground and more demand and there certainly was the possibility of interference.

Mr. Loewenstein asked if there were any more questions for staff. There being none, he opened the public hearing and asked if anyone would like to speak concerning the application.

Jesse Easton, owner of the subject property, stated that he was a lifetime resident of Batesville. When he found out that this property was going to become available on the open market, he recognized what the potential development rights were and that it would be a hot item for some developer to pick up. His intention was to do something very similar to what they have proposed here. They wished to preserve a portion of the land and develop a smaller portion of the land to offset costs. He met with Kirk Hughes to explore several options. They decided to pursue this preservation process because it seems to satisfy their needs financially as well as the needs of his family and other residents of Batesville. He felt that the proposal was the least oppressive of any development that could have been done here. The input from the meetings with the Planning staff and the public has been very helpful. He pointed out that they intend to donate the land used for Batesville Day to either the Ruritans or the Parks and Recreation Department. By doing this type of development, it would enable them to do that type of a division.

Ms. Katie Hobbs, resident of Albemarle County, stated that she would like to read a portion of a letter she wrote to another organization about long time rural land owners using their land in combining agricultural uses and development. She noted that she had a thought on the idea of not being a native. When she moved here from southern California in 1987, she had the same feeling as she watched the unplanned, unthought about growth happen as she had felt about the growth in California. She felt sorry for the Virginia natives who were seeing their beautiful hills and valleys filled and destroyed. She felt very sorry for them since she had seen it happen before. As she saw it happen she was afraid that they really did not understand. They were so used to all of this beauty that they did not realize how fast that it could disappear, but she did. She felt that some of us have come from other areas where we have seen alarming development that has not been done particularly well and want to help to preserve this area along with the natives. Maybe sometimes we are not too sensitive to the native's feelings as if they have not been doing a good job or they don't care. Maybe it is that they have not had to pay so much attention to community activity before. Having done a lot of research lately into past history of this area over the last thirty years, she could tell them that the elected officials for the most part have not done too well in the stewardship department. It is just now that it is becoming more apparent. The original owners of these farms have bought the land with the welfare of their children and grandchildren in mind. So she must also acknowledge the fact that they want to leave their children some ability to get ahead using the land.

Joshua Goldschmidt stated that he owned parcel 28 with his partner. He noted that they have attached in your packet a proposal that if this was able to go through that it would give us access for one home to the road going to this division. They have been working with the County, particularly Bill Fritz, for over two years. It is their intention for that purchase to preserve the field that is now used for Batesville Day. They propose to either donate the field to the Ruritans or to the Parks and Recreation Department. After exploring the option, Bill Fritz advised them that it was not possible because their tract would have been less than two acres in the division because of the way that they would have had to access their property. By doing this, it would give them the

ability to have that division. He noted that he grew up in Batesville and preserving Batesville Day was something that was very important to them. He asked that the Planning Commission support their proposal.

Marjorie Siegel, member of the Friends of Batesville, asked the members of the group to stand to be recognized. These folks are all concerned about preserving a very unique community. She noted that Batesville is one of three historic districts on the Historic Register. Several of the members will provide suggestions that would enhance this development further. She presented petitions that were signed by more than 85 of their residents to be placed in the record.

Bill Guerrant, resident of Batesville for thirteen years, stated that the limited water resources are a critical concern of his family. He pointed out that the research and data indicate that the available underground water in our Batesville area is particularly scarce. Those of us that depend upon our wells have been acutely aware of this tenuous supply for the last several months. The published assessment provides conclusive evidence to confirm their concern. He stated that he was speaking to the Planning Commission tonight because his concerns about the finite water supply are additionally being raised by the proposed Stillhouse Ridge Development on Miller School Road in Batesville. He asked that their water supply not be jeopardized by events that can be controlled such as wreckless development. The evidence suggests that Stillhouse Ridge Development could destroy the existing supply of underground water for those of us in the area and create a disastrous situation for which the developer would have no solutions. He noted that there will be water shortages in the future, but they should not be victimized and then made to suffer additionally because of short-sited decisions by those in decision-making positions. He asked that the Planning Commission protect our water supply.

John Pollock, President of Batesville Historical Society, stated the society was formed about five years ago and currently had 50 members. The group was formed to have Batesville placed on the National Register of Historic Places because it is a unique historic area. Batesville is one of the best intact examples of a current 1920-century crossroads community, which is basically a small community that has been founded on commerce. The State recognized this and gave them the designation, as did the National Register. He noted that the group wants to express some concerns they have with the proposed development on their historic district. He noted that the group feels that they have to act as stewards of this district to protect it. The northwestern boundary of the subdivision is along our historic district. As proposed, they feel that the proposal would have a detrimental impact on the historic district. They recommended that a buffer be established along that area. Based on their research on places over the entire United States, they are recommending a 250-foot wooded buffer. He noted that this is in excess of staff's 30-foot buffer recommendation, which they feel is inadequate.

Emily Greer stated that as a member of the Batesville community, she was concerned with the impact that this subdivision would have on Route 635, Miller School Road. She stated that this beautiful section of rural road was lined with magnificent Oak trees that provides an appropriate and pleasing boundary for the historic district and masks any development that might take place on the referenced land. She noted that if the subdivision was allowed to build an access road off of Route 635 that VDOT (Virginia Department of Transportation) would require a 100-foot right turn lane to provide the 250-foot site distance. That would require that most of these beautiful Oak trees would be cut. If allowed, this would destroy the visual and rural character of the road. She felt that would be detrimental to their community. She asked that the Commission consider a different access.

Susan Guerrant, resident of Batesville for 13 years, concurred with the concerns about the water and preservation of the historic district voiced by the previous speakers. She asked that the Commission focus on the traffic concerns. The proposed main access off of Route 635 for this subdivision is very problematic. The entrance is situated on a section of road with steep incline surmounted by a curve at the top of Stillhouse Ridge Road. VDOT has recognized this problem and is recommending a 100-foot right turn lane for the entrance. Constructing the turn lane will

necessitate considerable filling of the critical slope along the southeast edge of the road. This turn lane will also necessitate the substantial clearing of trees and vegetation in order to satisfy VDOT's requirement for the 250-foot site distance. The proposed clearing and cutting is at variance with paragraph F in your memo to Robert Cummings dated November 6, 2002 that calls for maintaining the buffer to preserve the character of the Batesville Historical District. She noted that the proposed entrance would increase the risk of accidents especially in inclement weather. She encouraged the Planning Commission to take this task very seriously as they consider what is best for Batesville.

Sally Tucker, resident of Batesville since 1991, stated that she lives on Pounding Creek Road. She pointed out the unique character of Batesville and how important Batesville Day was.

Ross Weesner, resident of 6536 Plank Road in Batesville, stated that he opposed the development as it was designed. He pointed out that he moved to this area so that he could raise his family in the rural areas away from mass development.

John Woodworth, resident of Batesville, stated that he was present not as a proponent for development, but a proponent of thinking carefully about how we do it. The Albemarle County Planning Department sponsored a meeting at Red Hill School last month. It was held to gain input from the public on the future of Rural Areas in our County. Participants in the meeting were given a two page sheet entitled Guiding Principles for the Rural Areas endorsed by the Planning Commission. Three principles were listed in this sheet that are in particular relevant to your deliberations this evening. These principles include the following: Item 1e) To protect the quality and supply of service and groundwater resources, Item 1h) To protect the areas historic resources, and Item 8) Provide support for long standing rural crossroads communities and villages without creating defacto growth areas. He noted that the Stillhouse Ridge Development as proposed raises serious questions when viewed against these principles. He urged the Commission and the developer to consider alternative configurations that would better serve the Planning Department's principles that the Commission has agreed on.

Charles Gay, resident of 6568 Plank Road in Batesville, stated that the proposed development would be located in back of his property. He voiced concern with the development since the developer chose the most environmentally sensitive part of the 70 acres for his development.
One of the things that they were most disturbed about is the entrance itself and the impact that it would have on the historic district and the traffic issues. He noted that water was an issue in and of itself. He stated that possibly modifying the entrance would go a long way towards satisfying a lot of their concerns. He suggested that if the entrance were moved to Pounding Creek Road, then they could provide that buffer zone that the Historical Society is asking for. In addition, it would lessen the traffic problems on that incline and the impact on Route 635. He asked that the Planning Department consider modifications that would make this subdivision in the Rural Areas more compatible with the historic district and the Rural Areas.

Timothy Smith, long time resident of Batesville, hoped that Mr. Haden would take into consideration the water issues and traffic concerns that have been raised. He asked that the developer take the time to make sure that they were not creating future problems.

Bob Johnson stated that he lived on Burgess Creek Road that was less than a mile from the proposed development. He noted that any development of this kind would certainly be detrimental to the Batesville community. He encouraged the Board to do anything that they could to minimize the impact since they cannot stop the development. He noted that if the County decided to pave Pounding Creek Road that he felt that it would create a lot of problems. He discouraged any changes that would lead to further subdivisions in the rural area.

Jeff Werner, with Piedmont Environmental Council, stated that he had talked with many of these citizens on the telephone. He stated that he was often told that people in the Rural Areas don't come out to public meetings. Tonight shows that the County's Rural Area citizens are involved

and well informed participants in the public process. He pointed out that the issues raised tonight were a case study of the issues that they are looking at as they review the Rural Areas section of the Comprehensive Plan. He hoped as that review continues that the County will take what has been said tonight into that discussion. He would trust that these citizens would also remain involved to remind the County of what they have said. This is just one proposal and he would make a comment about the Rural Area that he thought they needed to talk about. People have talked about the water issue and have articulated that well. The transportation issues have also been discussed. Right now there are 1,600 homes in the Rural Area. VDOT would say that is 160,000 vehicle trips per day. The build out potential is for way over 60,000. That would be about 600,000 vehicle trips per day. He noted that it would be interesting to step back and see how many subdivisions across the street and down the road, etc. and what would be the cumulative impact of the development in this area. There is a real focus on these issues that the people in the Rural Area are talking about. Finally, he looked forward to Mr. Hirschman's report and recommendations from the Groundwater Committee. There are some very good well testing ordinances in the Commonwealth and they look forward to having one in Albemarle County very soon.

Kirk Hughes, representative for the applicant as the surveyor, stated that this project was brought to him in 1991. He talked with Mr. Haden about how the ordinance would deal with this property. He pointed out that there were currently ten parcels. At this time a building permit could be obtained for any one of those parcels and build and drill a well today. The properties could be divided. Through this planning process, the applicant decided that he did not want to be a part of that since he wanted to preserve as much of it as he could. He noted that this eleven-parcel development came out of it. The County has a part of the ordinance that deals with the rural preservation. There has been talk about the site distance on the entrance on Miller School Road. There is more than 250 foot of site distance and it was put in there to have the best place or the safest place for that entrance to be. He pointed out that he had met with the Highway Department several times with different scenarios. As a surveyor he was often asked where should I put the well. He pointed out that he had never given anybody advice on where to place their well. The study that he read and was prepared for the County, he felt dealt more with the potential of putting in a public system where you have a central well. In this case, they would all be individual wells.
It is not quite fair to look at the standards that they have in that study and place it site specific on the two acres. He was not sure if you would come up with same conclusion.

Mr. Rieley asked if he could clarify the taper lane.

Mr. Hughes stated that it was a 100-foot turn and taper lane. He pointed out that the Highway Department recommended that they start 100 feet back and taper it down to where you have a full 11-foot lane as you turn into it. He pointed out that would minimize the amount of clearing and grading on that shoulder which would save some of those trees.

Mr. Edgerton stated that the Commission had heard a lot of very sincere citizen input tonight, of which he really appreciated. If development has to occur in the Rural Area, he was in favor of the Rural Preservation Development as you have shown. Regarding Mr. Gay's comments about the subdivision being placed on the most environmentally sensitive area, he asked if the applicant had considered coming in from the other side. He pointed out that if the subdivision could be flipped, that it would allow for a lot of sensitivity to the Historic District that seemed to be driving a lot of the concern tonight.

Mr. Hughes asked if he was talking about coming off of Pounding Creek Road.

Mr. Edgerton stated that was correct.

Mr. Hughes stated that they met with the Highway Department and looked at an entrance, but the Highway Department did not want that entrance from that side for the subdivision. He noted that he met with Jim Kesterson twice on this and he would not approve the entrance off of Pounding

Creek Road. There is a site distance problem. By moving the entrance all the way down would solve the problem for the driveway entrance, but it would be a problem for the road. He pointed out that the thread of the Rural Preservation Tract is not to put the development on the prime piece. He felt that was what this plat does. The prime piece of this is on the top of this and is what that is being preserved.

Mr. Finley asked what was the minimum road frontage on each lot.

Mr. Hughes stated that it would be 250 feet.

Mr. Benish stated that an internal road requires 150 feet and a public road requires 250 feet.

Marla Muntner, resident of Batesville, stated that as she listened to each person talk that she felt that she had a solution to the issues. The issues she heard were traffic and safety, protecting water for existing residents who have had wells run dry within the past year, and preserving the historical nature of Batesville. She suggested that instead of Mr. Haden having ten houses, maybe he could be persuaded to consider a less dense development of five or six lots on the same area. That would address the water and traffic issues and create a buffer for preserving the nature of the historic area while it would allow him to still get the economics benefits that he needs to get out of his piece of land.

Mr. Loewenstein stated that since there was no further public comment, he would close the public hearing to bring the matter before the Commission.

Mr. Rieley stated that it would be useful to discuss the perimeters within which they are obliged to make their decision. The Commission is obliged by the Ordinance to evaluate a Rural Preservation Plan not relative to what we would like to ideally see, but relative to by right development. That is written in the Ordinance and is their requirement. That is their benchmark to measure these things by. He finds this one extremely difficult because there were a lot of very valid concerns that have been raised tonight. The Commission has absolutely no authority to address many of these concerns. For example, the three items listed by the Friends of Batesville were the water, traffic and historic preservation. On the water, the Commission does not have the legal authority to say we think that 10 is too many lots when in fact there are 28 demonstrated development rights on this property. The Commission does not have the authority to reduce the number of lots for that reason. On the issue of traffic, it is very hard to argue that the traffic will be less of a problem if there are 28 by-right lots rather than 10 rural preservation lots. Once again, that is the standard that they are obliged to use when they evaluate this. On the third one, historic preservation, he has a different view because he agreed with the speaker who said that the entrance poses a substantial diminution of the quality of the historic district. That road as it leaves Batesville and goes up to the top of the hill has a quality that is wonderful. The road itself is depressed and the reason that the trees are higher than the road is that the road has come down over many years. That roadside and the steep woods on the side of it seems to be a substantial piece of the character of that area and in fact he agreed with the speakers who say that the entrance to that point would be a serious change. For instance, the taper is 100 feet. These are trees are really big and arch over the road and will be there for a long time if not taken down. The taper itself and the road would probably take out 150 feet of them. In addition to that, the road itself is only 20 feet wide, but with the fill section in that valley it would take out more than 100 feet of that wooded valley that runs across and ties into the ravine. He felt that there was a better way to approach this. He agreed with Mr. Edgerton that Rural Preservation Development is far preferable than by-right development for this property. He noted that he was not convinced that an entrance off of Pounding Creek Road wouldn't be a lot better. That would allow a substantial buffer. He agreed with the speaker who said that the buffer should be more like 250 feet instead of 30 feet. The preservation buffer shown on plat is more than 250 feet. The only problem is that this entrance road interrupts it. He stated that he would love to see this work. The way that he saw it working was to bring the entrance off of Pounding Creek Road. He pointed out that there are site distance issues that can sometimes be resolved. There is nothing on Pounding Creek

Road that cannot be resolved from a site distance perspective, but it might require a contribution for improvements of Pounding Creek Road easement. The entrance along Miller School Road and the impact that it will have on the Historic District is so extreme that he did not think they should approve it in this configuration. He felt that they should work hard with the applicant to adjust the plan and to give them time without another application fee or that kind of thing to make this plan work so that it will work for everybody.

Mr. Thomas echoed everything that Mr. Rieley said about Miller School Road. He felt that the entrance did need to be moved to protect that area.

Mr. Edgerton definitely concurred since he would love to see a reconfiguration of the Rural Preservation development on this property getting away form the Historic District and trying to minimize the environmental impact. If there is enough frontage, he felt that Mr. Kesterson has to allow access onto Pounding Creek Road. He encouraged the Commission to work with the applicant on this. He stated that he would have to vote against this the way that it is configured.

Mr. Craddock stated that he visited the site and observed that this would be a good solution to bring the entrance off of Pounding Creek Road. He stated that the traffic seemed to be pretty substantial and rapid through that area.

Mr. Rieley asked if the old school house was a contributing structure.

Ms. Doherty stated that it was.

Mr. Rieley stated that being the case that he would like to see a larger buffer along the north side of the property where it is going to the old school house.

Mr. Finley stated that Ms. Doherty did a good job in that Section 10.3.3.2 was very clear. She went right down the list and the criterion was met. He asked how requiring the developer to do the buffering could do much and changing because of the historic district. He asked what was required for a buffer.

Mr. Rieley stated that there was a 250-foot buffer as shown, but the northern boundary of that buffer was the road. The fact is that except for the road crossing it, this area was not going to be built on anyway. There is only one lot up on the corner that actually is adjacent to several existing houses along there. He felt that would be fine with the continuation of the existing pattern.

Mr. Loewenstein stated that the entrance should be moved and the buffer maintained at all costs. He felt that the Historic District should be preserved. He supported working with the applicant to alleviate some of the concerns of the citizens. He felt that this plan was better than a by right development. He noted that there were still some issues that need to be addressed to make sure that the qualities of Batesville do not go away with the development of this piece of land. He asked that staff check the clock for the time limitations and that they ask Mr. Haden to come back up to discuss this.

Mr. Rieley stated that he wold love to have a pedestrian path down to Batesville.

Mr. Loewenstein asked staff to tell us what is happening with the clock, and if Mr. Haden will come back up.

Mr. Benish stated that Ms. Doherty was checking the dates. He pointed out that staff did pursue access from Pounding Creek Road, but there was some concern by the applicant that VDOT would not approve the entrance.

Ms. Doherty stated that it was October 14th.

Mr. Kamptner asked when did staff receive the State comment.

Ms. Doherty stated that it dated on November 4th.

Mr. Kamptner stated that they were probably right up against the deadline.

Mr. Rieley stated that it was best to have the applicant endorse the deferral.

Mr. Haden stated that there were several things about the entrance and it may be that Mr. Hughes would be better versed to explaining them to you. He stated that it was not quite as simple as put out by the members of the committee. If they did redesign the development they would like to see that become an administrative approval instead of having to come back before this Board. He would make that request. He stated that he has plenty of thoughts and feelings about this. He noted that he has invested a lot of time, money and effort in finding what he felt was the best proposal to meet not only his own needs but to serve the community as well. Clearly there is some impact on Miller School Road and the Historic District. He stated that he did not feel that the infrastructure on Pounding Creek Road is suitable to handle the full load of that development the way that Miller School Road is.

Mr. Rieley stated that the normal mechanism that they would go into to try to resolve these things is for you to request a deferral to continue to work on this to investigate these issues, and then it would come back to us. As you suggested, the Commission could be very specific on what they would like to see and make a suggestion that it be approved administratively if all of those things are met. He felt that there was enough things up in the air that would be in everybody's best interest to take another look at it and bring it back. He stated that they would not need to have another public hearing.

Mr. Haden requested a deferral for an unspecified time in order to work out the concerns and details on the possibility of moving the road. He pointed out that it was his understanding that the boundary of the district runs along the center of Miller School Road. He stated that they could cut down those trees if they so chose to by-right. He noted that the by-right development of the developer should be recognized.

Mr. Kamptner noted that the Planning Commission has the ability to approve a preliminary plat with conditions. The conditions would need to be very specific so that the Commission was comfortable that staff can apply those conditions and determine whether or not the final plat meets the conditions. Then, the agent could approve the plat.

Mr. Cilimberg stated that it was possible to bring this back on the consent agenda if the applicants responded to the basic issues.

Mr. Rieley stated that the Commission had been very clear about what they would like to see happen. He stated that the issues for the redesign were as follows:

- The entrance of the subdivision needs to come off of Pounding Creek Road. The applicant should work with the Highway Department to work out the technical issues for adequate site distance and to make it work.
- The house on Lot 1 shall be oriented towards Miller School Road (Route 635) and have its own separate entrance off of Miller School Road.
- The applicant should figure out a way to provide a sufficient "Preservation Buffer" along Miller School Road.

Mr. Rieley made a motion to accept the applicant's request for deferral to an unspecified date to address these issues and that the request be brought back on the consent agenda.

Mr. Edgerton seconded the motion.

Ms. Doherty asked for a clarification. The Commission stated that there could be a building site on lot 1 with the driveway off of Miller School Road, but you were also saying that there should be a 250 foot Preservation Buffer from Miller School Road.

Mr. Rieley stated that the limits of that would be for where that building site is shown. He stated that the building site would be within that 250 foot Preservation Buffer.

The motion carried unanimously (7:0).

Mr. Loewenstein stated that SUB-2002-242, Stillhouse Ridge was deferred to an unspecified date and will return on the consent agenda.

New Business:

Mr. Loewenstein asked if there was any old business. There being none, the meeting proceeded.

Old Business:

Mr. Loewenstein stated that the Crozet Masterplan Presentation that was given in a joint worksession between the Commission and the Board of Supervisors was very informative. The presentation with more detail will be going on in a series of storefront sessions that started yesterday and will run for the remainder of the week from 11:00 a.m. to 1:00 p.m. He suggested that anyone interested should attend.

NOTE: THE PLANNING COMMISSION HAS NO ITEMS SCHEDULED FOR TUESDAY, DECEMBER 24, 2002 OR TUESDAY, DECEMBER 31, 2002 AND JANUARY 7, 2003. THE NEXT REGULARLY SCHEDULED MEETING IS TUESDAY, JANUARY 14, 2003

Adjournment:

With no further items, the meeting adjourned at 10:00 p.m. to the next meeting to be held on January 14th.

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V. Wayne Cilimberg, Secretary

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