Albemarle County Planning Commission

The Albemarle County Planning Commission held a worksession on Tuesday, January 14, 2003 at 4:00 p.m., at the County Office Building, Room 241, 401 McIntire Road, Charlottesville, Virginia. Members attending were William Rieley, Vice-Chairman; Rodney Thomas; Bill Edgerton; Pete Craddock; William Finley; and Tracey Hopper. Absent from the meeting was Jared Loewenstein, Chairman. Ms. Hopper arrived at 4:35 p.m.

Other officials present were Wayne Cilimberg, Director of Planning & Community Development; David Benish, Chief of Planning & Community Development; Michael Barnes, Senior Planner and Greg Kamptner, Assistant County Attorney.

Mr. Cilimberg called the meeting to order and established a quorum. He asked that the Commission elect a Chairman to take care of the worksession. He asked for a nomination.

Mr. Thomas nominated Mr. Rieley to serve temporarily as Chairman of the Planning Commission for tonight's meeting.

Mr. Edgerton seconded the nomination.

Mr. Craddock moved to close the nomination with Mr. Edgerton seconding.

The motion was approved (5:0). (Loewenstein- Absent, Hopper – Absent)

Mr. Rieley, Acting Chairman, asked that the Commission begin with the worksession on ZMA-01-19, Hollymead Town Center.

4:00 P.M. MEETING ROOM # 241:

Worksession: ZMA-01-19 Hollymead Town Center, Area B (Applicant: Dierman Reality/Regency Centers)– Review latest proposals for Dierman Reality/Regency Centers rezoning application (ZMA-01-19) (a.k.a. Area B) and provide direction to the applicant on how best to situate the "big box" stores and how to best develop a pedestrian-friendly, mixed use area. (Michael Barnes).

Mr. Barnes, Senior Planner, presented the staff report. (See the attached staff report.) He noted that the worksession would primarily focus on Area B of the Hollymead Town Center with the applicant being the Dierman Realty Group. The applicant previously had a plan that had some problematic issues that included the location of the big box adjacent to Route 29, large parking fields, the pedestrian accessibility and orientation, the possibility of having real streets that are lined with uses, etc. The applicant made a presentation on November 26th and then the Commission held a discussion on December 3rd. On December 3rd a subcommittee of the Commission was created and that subcommittee was directed to work with the applicants. They have just finished a meeting today for Areas C and D today. However, on December 13th and 20th, staff met with the Taylor Chase, the representative for Regency Centers and discussed possible redesigns for Area B. At the first meeting, Mr. Thomas was there with staff and discussed two potential options. One of the options, that is included in your packet, bought Target off of Route 29, as a smaller use and thus a smaller wall adjacent to Route 29. Landscaping was added on the slope coming up from Route 29. Two smaller restaurant uses were added and retained the bank and the fast food use. By moving the Target north in the first option, it shifted the road farther to the north. By the road shifting in this direction, it creates an advantage in that this street is in alignment with some of the buildings. Area C proposes to put in decks in several locations, which would end up with the street that would align with this building.

The extension of the linear parking down into the site and the creation of pedestrian connections to try to tie the development together were proposed. Some of the concerns that were expressed in these meetings were the ability to infill this area and what happens to the surface parking that is already dedicated to certain uses and how does that dedication allow for potential infill in the future. As they move through this design, the question of grade still needs to be addressed between this area and getting up to Ridge Road. He questioned what the grade would be on these streets. If some of the basis concepts as far as the layout of the buildings were agreed upon, then they can get to the next layer of detail. Staff provided a list of pros and cons in the staff report. Just briefly, the second option, which was discussed and not actually drawn up by the applicant, was to take the Target and shift it internal to the site and run the road from this side of Target. The problem with that is that Target would not want to be separated from their main parking field by a major road. Staff has tried to investigate some other opportunities of separating the parking into smaller quadrants. The problem with that would be that it would bring back the retaining walls, which may or may not be a bad idea if it was hidden behind the big box. The second plan was rejected in some respects because it did not address how best to use the area along Route 29. He stated that he would be happy to answer any questions.

Taylor Chess stated that the front elevations would remain the same and the side elevation would be articulated greatly by having an additional store there. The rest of the wall would be redesigned with the moving of the Target Store 150 feet back from Route 29. He noted when Target was right up on Route 29, you would have really only seen the upper two-thirds of that wall anyway because of the grade change. By moving it back, you are getting the retaining wall up closer.

Mr. Barnes stated that another point brought up in the area that you would have to be careful with how this was designed because of the potential visibility in here. There was some concern that a retaining wall would be needed to screen the back of the building.

Mr. Rieley asked if the public access would go into the right of the big box.

Mr. Barnes stated that the public access would be right in and right out. He went over the proposed changes. He stated that this whole area was part of a rezoning from years back when Mr. Wood rezoned the mobile home park that is on Dickerson Road. There are multiple parcels along here. That rezoning envisioned that there would be a road from the trailer park through this site to Route 29. As part of the proffer of that rezoning he would not get more than three entrances for the parcels that are along here. That is sort of a hang over from that rezoning. He pointed out that does not necessarily mean that he has to have three entrances on this one. However, the applicant has felt strongly through this whole process that they should have the three entrances. Staff questions whether that is a good idea. He stated that this was what came out of the committee.

Mr. Rieley asked if Mr. Edgerton or Mr. Thomas want to add anything about that.

Mr. Thomas stated that the other plan was not something that the Commission wanted to reject, but was something that the Planning Department decided not to present for lots of good reasons.

Mr. Barnes stated that it was a concept that they had talked about at that point. He noted that the applicant did not come back with that type of plan, and he had been told not to design the plan for the applicants.

Mr. Thomas stated that this plan seems to be the most workable one anyway.

Mr. Edgerton stated that this plan goes a long way towards what the Commission talked about as some ideas on how to soften this 143,000 square foot box and the parking lot in front of it. They discussed the idea of possibly extending this pedestrian experience. It will be a little tricky to make it work as a pedestrian experience because of the grade.

Mr. Rieley asked what was the actual grade.

Mr. Edgerton stated that the Commission does not have that information. He noted that he had heard it was anywhere from 6 to 10 percent. He felt that Mr. Barnes covered the idea of this becoming a real street as opposed to just access to parking lots. They talked about what reason they had to have the street end here. In one of the earlier plans they had a traffic circle. There has been some suggestion in the drawing that they are going to try to put up some type of visual barrier so that you won't be looking at the loading dock in the back of the Giant. He felt with all the emphasis that they were putting on this that it would make sense to have some statement made at that point that would hopefully turn people up main street. They did sketch in a little paved area there, but it was not quite as strong as he would have liked it. This does pick up some of what they talked about pulling the pedestrians into the linear park experience into the parking area that would minimize the sea of parking experience. He was hopefully to see some of the same going in the other direction as well. They were hoping to line it up with the front door of the store, but obviously the 18-foot parking isles did not quite line up with the store. There is a need for further definition of the Linear Park as it enters the shopping center. The pedestrian mall was not defined as much as they had talked about in the meeting.

Ms. Hopper arrived at 4:35 p.m.

Mr. Thomas stated that they discussed steps on the grade between the two buildings in the mall area to help the pedestrians.

Mr. Rieley stated that it was going to be very important to resolve some of the issues of grade. He agreed with the others that this has taken a substantial step in the right direction. There are a couple of big picture items that he was interested in seeing resolved. One is if they are in agreement about the fundamental framework of the streets and the way, in which the landform works, not necessarily internal to this project but because it affects the projects around it. Ridge Road needs to tie into the roads that serve the projects beyond and off to the right and north. That is something that they need to be reassured that all of that is going to work.

Mr. Thomas stated that they discussed Ridge Road quite extensively. Mr. Edgerton had a really good idea about Ridge Road not being minimized, but a boulevard type in the center of the Hollymead with 4 lanes so that it could go north as a connector and back to the south when that part does become available. Then it would go back across the river into Berkmar if possible.

Mr. Rieley asked when he said boulevard was he referring to the context of the Neighborhood Model.

Mr. Edgerton stated that it would be like Monument Avenue where it could move a lot of traffic, but it also could have a median to treat as a park. He noted that was off this particular piece of property that they were discussing.

Mr. Rieley stated that was part of the overall infrastructure that the adjacent parcels are going to have to have some assurance about what that is going to be so that they can break them free so they can move ahead.

Mr. Thomas stated that they had discussed putting in a green way in two different locations.

Mr. Rieley opposed placing the parks in the left over spaces that are too awkward to do anything else with.

Mr. Edgerton stated that he would rather see a median park down the middle of that boulevard.

Mr. Rieley stated that he thought that was an excellent idea. One of the things that he would like to see at the next level of resolution is enough certainly about the grades and the street alignments so that they could have some assurance that all of the these pieces are going to fit together. He pointed out that his understanding of the emphasis behind this CPA when the Board passed it was to allow something on the scale of a big box in exchange for a town center in the adjacent part of the property. He stated that he was concerned that this move along in phases and that it all comes along together and that we not get a big box and then maybe get a town center at some time in the near future. He pointed out that he did not want to end up with a big box and a drawing of a town center.

Mr. Edgerton stated that they discussed this at length and that it needs to be addressed. When you are dealing with one landowner you can proffer certain phasing of a project, but when you are dealing with individual landowners it is hard to do that. Basically, one of the issues is that the critical part of the town center is the part that is not even up for rezoning. They can work around it and hope that what they do envision or encourage the individual developers to do will in fact result in an infrastructure layout that will ultimately be developed into a town center, but he was not sure that they could be assured of that. It is a very tricky thing and deals with the market demands. It is a tough issue to deal with and address. Previously Mr. Runkle asked at what point could he be sure that you are happy with what is happening next door so that he could go ahead and further develop his plan. He felt that this was a fair question.

Mr. Rieley stated that was the first piece of his concern that the framework move along fast enough with the streets and the grades and that they have enough assurance about that so that the parts of this that they are comfortable with can move ahead. He stated that at the last worksession Mr. Wood stated that he would be happy to proffer and to make it clear for the rest of this project. He felt that they should institutionalize this and that all of this should move along together. He felt that if you get the big box, then you get the town center. He felt that they should follow through with that and that they should get the assurances that that is going to happen. It would not be consistent with the spirit of the Comprehensive Plan if they end up with a big box and a picture of the town center.

Mr. Thomas stated that Mr. Runkle compared the Crozet Masterplan to this one. He noted that they were not going to hold the people inside that Crozet Masterplan to everybody developing at one time. The point that Mr. Runkle was making was why can't he go ahead and get his approval. The one thing that is holding up that part of the development is the regional stormwater.

Mr. Rieley asked that staff and Engineering have the issue of the stormwater resolved in the short term. They should move this project far enough along with the grades and the road alignments set enough so that the project on both sides of it could move forward.

Ms. Hopper stated that the County needs to figure out a way to get the skeleton or framework in place so that they are not concerned with letting some of the applicants go forward. She asked if they had received the traffic study.

Mr. Rieley asked staff what the status was of the traffic study.

Mr. Barnes stated that staff is working diligently at that. Unfortunately, they told the applicant that they would try to get it back within five weeks of the date they gave us the information. He stated that staff received it on December 11th. Several delays have occurred due to the holidays and VDOT's staff person who handles this had a baby that day. Staff is hoping to get back to the Commission in the middle of February with a worksession on the traffic.

Mr. Rieley asked if it would be possible at that time to have resolution on some of these issues that they raised today. Particularly regarding the grades, the alignment and the ways in which the

big picture locks together with an idea that as many of these of possible can be broken. They want to be satisfied with the general framework.

Mr. Barnes stated that maybe Taylor Chess would like to answer those questions. They need to come back and tell us what they can provide. This was 180 acres and was unlike the Crozet Masterplan. It is a very intense development and the grading is important to get right. It was even more important to get right because they were potentially building and grading all around the area that was suppose to be the heart of this proposal or the most key element. At a minimum the development that they approve potentially in this area should not preclude what would happen in that one area. That is why, from the staff's perspective, that they have been pushing so hard to have the right roads sizes, locations of the roads, and that the grades across the town center at least are in a rough way plausible. He felt that the applicants were now willing to provide that. Staff does not have this information for the entire 180 acres. Staff would feel most comfortable in making recommendations to you if that was provided to us. He asked that a grading plan of the entire site be submitted for staff's review. He pointed out that they needed a couple of weeks to review and a couple of weeks to write a report to get the information back to the Commission. That is why there is time in between these meetings. He pointed out that they could discuss the grading issue the same day as the traffic issues or the following week.

Mr. Rieley stated that all of the Commissioners were supportive of receiving this information, particularly about the landform and how these things will fit together.

Mr. Blaine stated that they see themselves after this worksession taking the input they receive and being in a position to provide that information and do further engineering to this plan. They had hoped to get feedback on the concept plan that would now allow them to do the engineering. They did not want to fully engineer this plan as they had done the previous plan without getting this positive feedback that they have received. Now with the engineering, they would be able to better address those grading concerns that you have expressed.

Mr. Rieley asked to clarify that the Commission was not looking for engineering plans. They were looking for preliminary grading plans. From his perspective, they could be done at a 2- or 5-foot contour interval, and it could be a magic marker. It does not need to be an engineering drawing. He stated that he did not want them to be in the posture that you come in with something and they say that these pieces are not fitting together and you say well you told us that this was o.k. and now we have spent $500,000 during engineering. They were not asking for the engineering. It should not take someone who knows what they are doing more than a few days to do that.

Mr. Blaine stated that was helpful since they need to address the Commission's concern about the interlinking of the parcels. He pointed out that they have to engineer the site as part of the application plan. But your point about the infrastructure was that they were not designing all of the buildings and uses off of their application, but they wanted to make certain if their project as it moves forward does not preclude development and the building of the town center which you view as the primary benefit of the overall CPA. He stated that was what he thought that he said.

Mr. Rieley stated that was not what he said.

Mr. Blaine stated that they could not control the ultimate designs of projects off site. They can design a site that would accommodate the type of development that you envision. But they cannot design or develop property that they don't own or control.

Mr. Rieley stated that what they were looking for is the entire site, including the town center. The applicant needs to resolve to a level that they can be assured that all of these pieces will work.

He noted that the Commission is looking for a mechanism that will assure that this project emerges on a time schedule that will not leave us with a big box and nothing else.

Mr. Blaine asked what would be an example of that. In other words, you want to see 100,000 square feet of second floor retail development in ten years. He pointed out that he was having trouble visualizing this.

Mr. Rieley suggested that the designer of the project get together with staff and to clarify this point.

Mr. Blaine stated that he was certain that staff understands what your meaning is on that.

Mr. Finley stated that the Commission needs some type of consensus on what they are looking at tonight on Area B.

Mr. Rieley stated that the Commission feels that Area B had moved substantially in the right direction.

Mr. Edgerton stated that he was concerned about putting a lot of emphasis on the loading dock on the Giant Store. He asked if the store could be moved one way or the other. He asked where the property line was.

Mr. Blaine stated that there would be some transactions to add to land if necessary to do this plan.

Wendell Wood stated that he contacted Jan Sprinkle after the last meeting to request what type of application would be needed or amended to give the Commission what they wanted in order that they knew that the skeleton structure/road network was there as proposed. He stated that he was willing to submit that in whatever form, but noted that he was waiting for feedback.

Katurah Roel pointed out that they had submitted a grading plan with every grade line on it.

Mr. Rieley stated that the Commission would look forward to seeing the traffic study next month since that was an important aspect of this.

Mr. Thomas asked one applicant could move ahead with just the one traffic study on that or does that traffic study stop the back piece from being developed until they meet the traffic concerns out here.

Mr. Rieley stated that was a good question, but that the answer would depend upon what the overall traffic study says. He noted that if there is no problem and that this could be accommodated within the existing road network or it is something that can be easily proffered, then it might not become an issue. If that is not the case, he felt that an independent project that fits in with the overall Comprehensive Plan should be able to move ahead based on its own impact.

Mr. Rieley stated that his only concern was how the grading works relevant to the new plan. He presumed that the general concept that they saw before was to have the Target end elevated is still in play. He asked to see how this new proposal responds to things like the grading beam shown in the previous plan.

Mr. Edgerton asked for as much relief from the sea of parking as possible, noting that this was only at the rezoning stage.

To summarize, Mr. Barnes noted that the Planning Commission stated the following as items of continuing concern/ in need of further clarity and requested that the applicant provide either improvements or additional information on these items with their next submittal:

1. The grades and landscaping along Rt. 29 would shield the Entrance Corridor from the surface parking lots.
2. The design and form for the pedestrian plaza adjacent to the 6,000 sq. ft. buildings that are adjacent to Rt. 29.
3. The design and form for pedestrian connections through the parking lots.
4. The visibility of the rear of the Giant Store.
5. The need to create a "point of celebration" at the intersection of Main Street and streets intersecting Main Street.
6. The need for further definition of the Linear Park as it enters the shopping center.
7. The nature of the grade changes with in the Town Center and more specifically between the shopping center and the remainder of the Town Center.
8. The height of retaining walls.
9. The ability of the design to mask the scale of the Target store, especially from the rear and the side facing Rt. 29.
10. The potential for an unsightly area behind the store which is adjacent to the Target and Route 29.

Mr. Barnes pointed out that staff would try to work with the applicant on the list of concerns.

Mr. Finley asked if the Commission would need another worksession on Area B since there were so many concerns.

Mr. Rieley stated an additional worksession would be needed particularly to review the road configuration and the preliminary grading plan.

The meeting adjourned at 5:26 p.m. for a dinner break.

The meeting reconvened at 6:00 p.m. for the regular meeting.

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, January 14, 2003 at 6:00 p.m., at the County Office Building, Room 241, 401 McIntire Road, Charlottesville, Virginia. Members attending were William Rieley, Acting Chairman; Rodney Thomas; Tracey Hopper; Bill Edgerton; William Finley and Pete Craddock. Absent from the meeting was Jared Loewenstein.

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

Call to Order and Establish Quorum:

Mr. Cilimberg called the regular meeting to order at 6:00 p.m. and asked for nominations for the Chairman for 2003.

Election of Officers: Chairman, Vice-Chairman, and Secretary

Mr. Thomas nominated Mr. Rieley to serve as Chairman of the Planning Commission for 2003.

Ms. Hopper seconded the nomination.

Mr. Thomas moved to close the nominations with Mr. Edgerton seconding.

The Planning Commission elected Mr. Rieley as Chairman by unanimous vote (6:0).

Mr. Rieley opened the nominations for Vice-Chairman.

Mr. Craddock nominated Ms. Hopper.

Mr. Edgerton seconded the nomination.

Mr. Edgerton moved to close the nominations with Mr. Craddock seconding.

The Planning Commission elected Ms. Hopper as Vice-Chairman by unanimous vote (6:0).

Set meeting Time, Day, and Location for 2003

Mr. Rieley asked if any Commissioner would want to change the meeting to another time.

Mr. Thomas moved to keep the meeting time the same on the first Tuesday of the month at 6:00 p.m., in meeting room #241, County Office Building.

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

Adoption of Rules of Procedure

Mr. Finley moved for acceptance of the Rules of Procedure.

Mr. Edgerton seconded the motion, which was unanimously approved (6:0).

Other Matters Not Listed on the Agenda from the Public:

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

Deferred Items:

ZMA-02-08 South Pantops/Dennis Enterprises (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 Hanson Road in the Giant Shopping Center at Pantops and on Route 250. The Comprehensive Plan designates these properties as Regional Service. They are located in Pantops. (Michael Barnes) *DEFERRED FROM THE DECEMBER 17, 2002 PLANNING COMMISSION MEETING.*

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. (Yadira Amarante) *DEFERRED FROM THE DECEMBER 17, 2002 PLANNING COMMISSION MEETING. (Not under consideration on January 14, 2002.)*

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. 250 (Richmond Road) approximately 1 mile from the intersection of Richmond Road and Stony

Point Road. The property is zoned HC, Highway Commercial, EC Entrance Corridor. The Comprehensive Plan designates this property as Regional Service in Development Area 3.

(Francis MacCall) ***DEFERRED FROM THE DECEMBER 17, 2002 PLANNING COMMISSION MEETING.***

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) ***DEFERRED FROM THE DECEMBER 17, 2002 PLANNING COMMISSION MEETING.***

Critical Slopes Waiver for Dennis Enterprises (SDP 02-84)

Mr. Barnes presented the staff reports for ZMA-02-08, SP-02-13 and SDP-02-34. He pointed out that SDP-02-084 would not be under consideration tonight. The plan under consideration was a conceptual plan and not a site plan. If the conceptual plan is approved for the rezoning, then the site plan will go through the admonitory review for the site plan itself. He pointed out that staff has recommended that portion #3 that included the corner property that was sold off to Dennis Enterprises be pulled out of the Planned District since it was zoned Highway Commercial and could go with the remainder Dennis Enterprises portion of the site. While portions #1 and #2, which are in consideration tonight, will remain in the Planned District and governed by the actions that are before the Commission tonight. The Commission previously reviewed what is located on page 10. That plan had problems since staff felt that the plan should be more consistent with the Neighborhood Model. Other concerns included the grading impact, terracing the parking and protection of the Entrance Corridor. The Commission made a series of comments that helped to provide direction to staff and the applicant. What is before the Commission tonight is listed on page 12 of the staff report and the colored plan was located on the wall. The advantage of this plan is that the building fronts on Hansen Mountain Road with relegated parking behind the building. This minimized the amount of fill slope because previously the fill was going almost to the rear of the property line. Staff feels that the new plan addresses the previous concerns. One outstanding concern includes traffic. He asked that the applicant address that concern. He noted that would cover his presentation for the rezoning. As far as the special use permit, the ARB reviewed the special use permit for outdoor display. They received the concept plan that was located on page 22 of the staff report. The plan that was provided for the special use permit application, minor site plan amendment and critical slope waiver has been reviewed by the ARB and they recommended a number of conditions. These conditions have either been met on this plan or will be met through the site plan and recommended as conditions for the special use permit. It meets the needs and the concerns raised by the ARB. Finally, there is the critical slope waiver of which staff is recommending approval. Details concerning this are included in the staff report.

Mr. Rieley opened the public hearing and asked if the applicant would like to address the Commission.

Mr. Katurah Roel stated that they had worked diligently on the plan to incorporate as many aspects of the Neighborhood Model. He pointed out as far as the tree preservation, they had gone out and field located 6 to 8 inch trees with other smaller Dogwoods and a mixture of trees within the wetlands. He noted that the last plan had been modified so that at the edge of the parking lot it had a 10-foot fill. He pointed out that the existing area that is clear is the existing area of the graded lot now with the exception. The existing tree line, safety fences and everything as is stays short of the very left-hand corner where it has to be tied in at Rolkin Road. There is a little cluster of trees there that has to be filled and the access has to be in. Staff wants them to reserve an area for future road right-of-way. He noted that they as well as Dennis Minetos of Dennis Enterprises would proffer not to put any buildings in those locations in the event that the road is ever designed and built.

Mr. Rieley asked if that proffer was in place.

Mr. Roell stated that the proffer had already been reviewed and submitted. He pointed out that he reduced the size of the building and slightly changed the façade of the building in order to take

the double pier of parking lot design out. He pointed out that there was 1½ times the amount of tree canopy provided as requested by the ARB. He stated that he would be happy to answer any questions.

Mr. Rieley asked if there was anyone else present to speak concerning this series of applications. There being no further comment, he closed the public hearing to bring the matter back to the Commission for discussion and possible action.

Mr. Edgerton stated that he was very pleased with the revision of the conceptual site plan and he concurred with the staff's review.

Mr. Rieley asked that they take each application up separately

Mr. Finley moved for approval of ZMA-02-08, South Pantops/Dennis Enterprises, subject to the proffers as submitted.

Ms. Hopper seconded the motion.

The motion carried unanimously (6:0). (Loewenstein absent)

Mr. Benish asked for clarification on the approval so that the minutes are clear for the Board of Supervisors. He noted that the staff recommendation was pending information regarding the transportation study which staff has not had a chance to review, but staff feels that is not a significant issue. Staff has not received the numbers for verification and wants to make sure that the Commission was comfortable with that. Staff was recommending approval; otherwise they had hoped to have some documentation so that they would feel confident that it is not a significant issue. He pointed out that he wanted it recorded that the Planning Commission understood that in their action.

Mr. Rieley stated that the Commission did not have any problem with those caveats that include the proffer and staff's caveat about the traffic.

Mr. Rieley asked for a motion on SP-02-13, Dennis Enterprises Expansion-Outdoor Display.

Ms. Hopper made a motion for approval of SP-02-13, Dennis Enterprises Expansion – Outdoor Display, with the staff's recommended conditions as follow:

The Planning Commission recommends approval of Special Use Permit (SP 02-13) with the following conditions:

1. Vehicles shall not be elevated.
2. Vehicles shall be displayed only in the areas indicated for display shown on the plan.
3. The use shall not commence until a Certificate of Appropriateness is issued by the ARB, including landscape and lighting plans.
4. Provide screening trees to the east, south and west of the proposed parking area to reduce the impact of the loss of trees and to soften the appearance of the expanse of proposed pavement. Provide a mixture of screening trees, ornamental trees, and shrubs throughout the slope of the grading easement to the east of the site. A landscape easement will be required for off-site planting.
5. Provide the planting bed with the seven (7) Eastern Red Cedars in the central portion of the parking area as shown on the Minor Site Plan Amendment (SDP 02-34) dated March 8, 2002, revised November 4, 2002.
6. Rather than alternate the screening trees along the eastern property line, cluster the same species in groups and alternate groups of screening trees to create a more informal and naturalistic landscape.
7. Submit a landscape easement for off-site planting.

8. Provide screening trees that will grow to a height that will sufficiently screen the proposed parking area. This will require a wider planting area, which will necessitate the removal of most, if not all, of the 11 display parking spaces in the first row.

Mr. Craddock seconded the motion.

The motion was unanimously (6:0) approved. (Loewenstein absent)

Mr. Rieley asked for a motion on SDP-02-34, Dennis Enterprises Minor Site Plan Amendment.

Ms. Hopper moved for approval of SDP-02-34, Dennis Enterprises Minor Site Plan Amendment.

Mr. Finley seconded the motion.

The motion carried unanimously (6:0). (Loewenstein absent)

Mr. Rieley asked for a motion on the Critical Slope Waiver for Dennis Enterprises (SDP-02-84).

Ms. Hopper moved for approval of the Critical SDP-02-84, Slopes Waiver for Dennis Enterprises, with the staff's recommended conditions as follows:

The Planning Commission recommends approval of the request to disturb the critical slopes with the following condition:

1. The proposed 3:1 slopes must be stabilized with low maintenance vegetative ground cover. The vegetative cover must be a variety selected from Table 3.37-C on page III-391 of the Virginia Erosion and Sediment Control Handbook or an equal approved by the Engineering Department.

Mr. Edgerton seconded the motion.

The motion carried unanimously (6:0). (Loewenstein absent)

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) ***DEFERRED FROM THE DECEMBER 17, 2002 PLANNING COMMISSION MEETING.***

Mr. Waller presented the staff report. (See the attached copy of the staff report.) He noted that the proposed amendment would change the conditions of the 1999 approval that requires the relocation of most of the existing mobile home units within the park and it also would change some of the timing for the creation of the new lots. In addition to those changes it would also reduce the number of new lots from 32 to 24 and take into account some of the improvements that have already been made throughout the site. At this point, only 6 of the recently approved mobile home units have been installed on the new lots within the park and only two of the units have been relocated. At the time when they were receiving building permits to create some of the new lots and relocate some of the older mobile homes, the applicant found that some damage to the foundations had occurred over the time that the units had been there. The applicant also indicated that it was quite disruptive to a lot of the people who were expected to move their stuff

out one day and then have their home relocated and then move their items back in on the next day. Since the original approval was granted, it has been discovered that there were two nonconforming mobile home units that were in the park that had not been accounted for. These lots were found as a result of our E911 addressing system which was actually one of the requirements of the most recent special use permit for approval for each of those lots to be posted with the new E911 addresses. The staff report was written in three parts. The first part deals with some of the reasons why the applicant has requested this amendment. The second part was written in relationship to the modification of the supplemental regulations in Section 5.3 for Mobile Home Parks. Because of the changes that are being requested now all those modification that were approved before would have to be amended and approved again because if this special use permit is approved they will no longer be relevant to the old special use permit. The third part of the staff report goes over some of the changes that are being requested and some of the improvements that have already taken place in relationship to the original special use permit conditions. Due to the length of the staff report, he would open it up to their discussion.

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

Mr. Craddock stated that the staff report mentioned something about some of the mobile homes being close together which was to be reviewed by the Fire Official. He asked if they have looked at it.

Mr. Waller stated that Jay Schlothauser, Building Official, is acting as the Fire Official for site review purposes.

Mr. Craddock asked since the staff report was done if staff has any idea of when Townwood will be accepted into the State system.

Mr. Waller stated that he has still not heard about that either. He noted that some of the residents have had some of the same questions. It was his understanding that the dedication is already in process, but it just has not been accepted into the system. There were a lot of improvements that the mobile home park had to make in order to help bring the road up to standard for acceptance in the system. It is just something that has not happened yet. Staff noted that they heard from VDOT on their site review comments, but that their comments were in the form as if the road is already a public road.

Mr. Rieley asked staff is there was anything outstanding on the issue of dedication.

Mr. Waller stated that he knew nothing that was related to this project. He pointed out that the applicant has dedicated the stormwater easement to carry some of the water from Townwood Road to their stormwater management system. They have even done grading to connect to the road with the street light near the intersection of the road. At this point, the road is just not in the State system and they have no right to connect with it.

Mr. Benish stated that there were some additional issues related to Townwood that were not adjacent to this site, but at the end of the road that required other drainage easements as part of the Townwood Townhouses. He pointed out that he did not know if that issue had been rectified.

Mr. Thomas asked if the water pressure problem had been corrected.

Mr. Waller stated that the full site has connected to the Service Authority for domestic water and for the location of three fire hydrants throughout the site for fire flow.

Mr. Benish stated that there were some additional recommendations for recreational facilities. He stated that he believed that the facilities are still in place and were consistent with what the intent was previously.

Mr. Rieley asked if condition #5 was in addition to the screening required previously.

Mr. Waller stated that the original approval stated that a 50-foot buffer shall be maintained at the rear of the property. Staff visited the site this winter and found that the area near the stormwater management system was not screened effectively. Staff feels that the suggested condition would address the screening of the stormwater management pond. He passed out a memo with suggestions for changes to the conditions. He pointed out that the applicant has submitted a waiver of the condition of the application plan of Section 5.3.6. It was intended to have a condition added to that waiver that requires administrative approval of the major site plan amendments reflecting the changes that are being proposed now in accordance with the special use permit. Staff would like to have that condition added.

Mr. Rieley stated that the Commission would take these up one at a time during their discussion. He opened the public hearing and asked if the applicant would like to address the Commission.

Mr. George McCallum, Attorney in Charlottesville, stated that he represents the applicant. He pointed out that the applicant is Townwood Mobile Park, LLC which is a limited liability company whose owner is Doug Caton. Mr. Caton is also present. The application is relatively simple in concept with many details. The applicant is requesting the modification of the existing requirements to allow 66 of the 73 existing mobile homes to stay in place where they are and to better accommodate the location of mobile homes on the 32 lots that were authorized in the previous special use permit. This application would reduce the number of authorized new lots from 32 down to 24. Jan Sprinkle, of Zoning, and Stephen Waller, of Planning, have done a wonderful job of digesting the applicant's request and expressing in the staff report the modifications and conditions that are needed. The staff recommends approval of the request with the conditions. The applicant agrees with most of the conditions. There are several that they would ask them to consider further modifying of which he would get to. The staff report on pages 10 and 11 sets forth the things in which the applicant has done in Townwood Mobile Home Park subsequent to acquiring the project from Dr. Hurt in July of 1999. At that time there were some outstanding zoning violations which have been corrected. The water lines have been installed for domestic consumption and have been accepted by the Albemarle County Service Authority. Waterlines and three new fire hydrants have been added to fire safety and the pressure brought up. The stormwater management system has been installed which includes an outside detention pond and some extra curbing and guttering to channel and direct on site drainage. The internal loop road has been widened, upgraded and paved. Various landscaping has been installed or bonded. The necessary grading for the second entrance onto Townwood Drive has been completed and ready to be paved and brought across the grass to Townwood Drive. There are some VDOT implications that he will get to. New screening fencing has been installed along Townwood Drive along the actual boundary. The old fencing was within the old road right-of-way. The screening fencing along the Four Season PUD has been completed. The street light for the new second entrance onto Townwood has been installed. There was a mobile home that use to project at bit into the Townwood Drive right-of-way which has been moved back. The only things that remain to be done are to install some amenities that include a picnic area and an outdoor seating area within a 10,000 square foot recreation area and the completion of this second entrance into Townwood. He passed out two pages that includes pages 12 through 15 of the staff report which is the conditions of approval and modifications with conditions with his handwritten revisions on it. He felt this would help the Commission with their areas of concern. Condition #4 on page 13 relates to the timing of the issuance of the certificates of occupancy for the 14th through the 24th mobile homes on new lots. There are 73 existing mobile homes and 13 new mobile homes are permitted on new lots before a connection is needed to the second entrance to Townwood. The staff is recommending that limitation to continue. The applicant is requesting that the second entrance onto Townwood be completed within 120 days after the issuance of a highway entrance permit by VDOT. In addition, the owner will apply for a highway entrance permit within 60 days after the owner is notified that Townwood Drive has been accepted into the State Highway system by VDOT. He pointed out that he received information today through the County Engineering Department of the status. It has been back and forth

between the applicant, the County and VDOT. The County Engineering Department has submitted to VDOT the paperwork with respect to final approval for VDOT. They have done that once before and VDOT kicked it back. Staff feels that the paperwork is good and that VDOT will respond within a week or so in a favorable way. Then the next step would be for the Board of Supervisors to enact an ordinance and then it goes to VDOT in Richmond. This applicant has done everything that was required including the granting of the drainage easement from Townwood Drive into the detention pond. The applicant feels that to continue to tie the issuance of 11 final certificates of occupancy to the actual connection is not appropriate at this time. The applicant has done all that he can do and is willing for it to be a condition and to move timely. But they don't know when VDOT is indeed to act. It was thought last spring that it was going to happen by June, then by August and now they are into January. Condition of approval #2, assuming that this request is approved by the Planning Commission and Board, states that no more construction or mobile homes can be added until a major site plan is prepared, submitted and approved. There will be some hiatus where things stop right now since nothing has been changed and they would be able to get a certificate of occupancy. These 7 lots that he has listed are ones that are not occupied and are exactly the same on the current approved site plan and on the revised ones. He asked that these 7 lots be exempted from this condition. Modification #1 is language which County staff agrees with. Finally modification #5, there are 13 existing mobile homes located along Townwood Drive. The pavement of Townwood Drive starts 15 feet back from the property line. Therefore, there is a 15-foot space of what is currently grass. There is the new 6-foot privacy fence and on the other side of it are these 13 mobile homes. The applicant requests a 3-foot setback. Zoning was recommending 6 feet. The area is tight in here with the new mobile homes being longer. The applicant feels that this 3 foot difference could be critical in locating a new mobile home in there in the future and do not see the difference since it is located on the other side of the fence.

Mr. Rieley asked if anyone else wanted to address this application. There being none, he asked if the applicant had additional comments.

Doug Caton, property owner, stated that this has been a long struggle, but he felt that the improvements were good for the community and would improve the quality of life for the tenants. He pointed out that he has spent a lot of money on the property to improve the health, welfare and safety of the area. He asked for favorable consideration by the Commission on the request.

There being no further comment, Mr. Rieley closed the public hearing to bring the matter before the Commission for discussion and action. He asked that they go through each condition individually to decide on the changes.

Mr. Rieley stated that condition # 1 was fine. He asked about condition # 2.

Mr. Waller stated that staff would be agreeable to Mr. McCallum's changes provided that there is some mechanism for the Zoning Department to verify for each building permit that these lots are not going to be no different from what is being proposed.

Mr. Rieley stated that they would comply with the July 12, 2002 plan.

Mr. Waller agreed and added "with the approved site plan."

Mr. Kamptner stated that he was making a note of the change and would have the final draft by the end of the meeting.

Mr. Rieley asked that as they go through the conditions, if staff's language is different from Mr. McCallum's, then they can discuss them one by one so that Mr. Kamptner will have a coherent document by the time that they get to the end. He stated that condition # 3 stayed the same on everybody's list. He stated that regarding condition # 4, you heard Mr. McCallum's plea that they

not be held to the inefficiencies of the dedication process within VDOT. He noted that Mr. McCallum requested that they be allowed to make their application within 60 days of being notified that it has been accepted by VDOT and that the entrance permit is completed with 120 days after that. He asked what staff suggested.

Mr. Waller stated that the purpose of the condition in the original special use permit was because the Zoning Ordinance requires a second entrance for a residential development with more than fifty units. He noted that there are well over fifty units out there right now, which did not include the addition of the one-third of the number of units. Due to safety reasons related to the traffic paths and congestion created by everyone trying to get out to the one light on Rio Road, staff still supports the original condition as it was written.

Mr. Rieley stated that sounded reasonable. He asked for thoughts from the Commissioners.

Ms. Hopper asked if it would be with Mr. Kamptner's revision.

Mr. Kamptner noted that his suggestion was to break the second and third sentence.

Ms. Hopper supported staff's recommendation.

Mr. Rieley stated that he thought that they have to. He noted that conditions # 5, # 6 and # 7 were unchanged. He stated that next they would discuss the conditions of the modifications. The first modification deals with the setbacks. He noted that staff was in agreement with Mr. McCallum's suggested language.

Mr. Waller agreed with the change in the condition. He pointed out that after speaking with Zoning that the condition is in line with what is required for true subdivision lots where the setbacks are counted from the earliest point from the minimum lot width. He felt that was what Zoning intended with that condition.

Mr. Rieley asked about modification # 2. He asked staff if part of the final sentence should be struck.

Mr. Waller stated that part of the second sentence should be struck and read as, "The modification shall pertain only to 73 existing and realigned mobile homes."

Mr. Rieley asked if anybody disagreed with that. Since no one disagreed with condition # 3, the language would remain the same. He stated that condition # 4 would remain the same. He stated that modification # 5 dealt with the 6 foot and 3 foot minimum setback from the Townwood Drive right-of-way.

Mr. Waller stated that staff was in agreement with changing the term lots to mobile homes because each of the mobile homes that they are discussing that are existing are not on what is officially termed lots anyway. The recommendation for 6 feet actually came from the Zoning Department because in the residential and rural areas the closest setback allowed for accessory structures is 6 feet. He suggested that the Planning Commission allow these units at 3 feet because of the existing conditions and taking into consideration the applicant's explanation that it would be hard to get some of the newer units in. If there were ever any replacements, staff would be agreeable to the 3 feet. He pointed out that in some places it would be better than it is currently because some of them are actually as little as 1 foot away.

Mr. Rieley noted that the right-of-way was an invisible line that has setbacks some substantial distance from the edge of the pavement. Particularly since there is an existing pattern that has been established and the fact that it is an anticipated hardship, he was sympathetic to this request. He asked if anybody felt otherwise. There being no other comment, he stated that they would accept the applicant's suggestion for # 5. He stated that # 7 and # 8 were unchanged. He

stated that the only changes on the following page are simply realignment or replacement of existing homes.

Mr. Waller asked that they go to #8b.

Mr. Kamptner noted that under condition #11, staff is proposing a condition to follow Section 5.3.6.6 Waiver.

Mr. Waller stated that was for approval of the major site plan amendment. He noted that also the first sentence 8b had been rearranged to read, "In order to insure that as many trees as possible are left along the Four Seasons property line, new mobile homes and shed siting on lots N16 through N21, and realignment or replacement of existing homes along the Four Seasons property line shall not remove any trees…" He noted that it goes on to describe the circumstances under which trees may be removed and that is with the Zoning Administrator's approval.

Mr. Rieley asked if anyone had a problem with the proposed language change in 8B. There being none, he stated that it would be changed as previously stated. He asked staff about #11. He stated that it said administrative approval of the major site plan amendment reflecting the proposed changes in accordance with the amended special use permit. He noted that this was a substitution.

Mr. Waller stated that this was actually a case where staff meant to add that condition, but it was just left out of the staff report

Mr. Rieley suggested that the Commission review Mr. Kamptner's recommended conditions starting with condition # 5, since they have already covered # 4. The condition should state that additional shade tolerant screening trees shall be provided along the south and west sides of the stormwater detention pond.

Mr. Kamptner questioned if the condition needs to specify how many additional trees were needed to satisfy the condition, and at the time of planting what size they need to be. He asked if those questions would be addressed on the landscape plan or the applicant's revised plan.

Mr. Waller stated that as far as the counting of the trees or the width of the trees, staff would look for screening that is required by the landscape ordinance which is two-double staggered rows of screening trees 15 feet on center.

Mr. Rieley stated that was covered in the existing ordinance.

Mr. Waller stated that additional language could be added that required the Landscape Planner's approval of the shade tolerant trees. He pointed out that was something that he would refer to her expertise anyway.

Mr. Rieley asked if there were some words missing after the word "along" in modification #8 regarding Section 5.3.5.2.

Mr. Waller stated that was what they just went through for #8b concerning the Four Seasons property line.

Mr. Rieley stated that he had that correction. He pointed out that they had gone over all of the conditions. He asked if there was any discussion about the application in general or any of the revisions that they just made. There being none, he asked for a motion.

Ms. Hopper moved for approval of SP-02-059, Townwood Mobile Home Park Amendment, with the conditions as modified:

1. Pending the satisfaction of all conditions of approval for the special use permit and Planning Commission modifications of Section 5.3, a maximum of 24 of the new mobile home lots (N1 - N24) shall be allowed in the mobile home park. Those new lots shall be arranged generally in the areas and configuration shown on the applicant's revised plan, dated July 12, 2002.

2. No mobile home units shall be relocated or installed, nor shall any new construction activity l take place until after a major site plan amendment has been approved for the requested changes. Lots N3, N4, N6, N7, N8, N22, N23 and N24 on the applicant's revised plan dated July 12, 2002, are exempt from this condition.

3. A landscape plan shall be submitted for review with the required major site plan amendment and shall show the locations of any previously approved landscape material that will be relocated to coordinate with the revised mobile home locations.

4. Completion of the second entrance onto Townwood Drive, in the location shown on the site plan, pending acceptance of the road into the Virginia Department of Transportation's road network or the granting of an easement to use the road by its current property owners. To this date, 6 new units have been installed in the mobile home park. A Certificate of Occupancy shall not be granted for the 14th unit until this second entrance is completed and has been issued a VDOT permit or access easement.

5. Additional shade tolerant screening trees shall be provided along the south and west sides of the stormwater detention pond from adjacent residential properties located within the Townwood Townhomes development. Screening trees shall be subject to Landscape Planner's approval.

6. Entrance radii at Route 631 shall be shown on the amended site plan. Vehicle tracking paths for a mobile home trailer shall be shown on the plan for trailers turning off of Route 631 into the mobile home park.

7. A prepared walkway shall be constructed from the nearest parking spaces to any lots that do not front on the internal private street.

Mr. Thomas seconded the motion.

The motion was unanimously approved (6:0). (Lowewnstein absent)

Mr. Kamptner asked that the modifications have a separate vote.

Mr. Rieley stated that they would now take up the modifications.

Mr. Craddock made a motion to approve the modifications as revised:

The Planning Commission recommends approval of the following requested modifications of the Supplemental Regulations from Section 5.3 of the Zoning Ordinance with conditions as listed below. Should the Planning Commission find that these modifications are appropriate, the conditions of approval for the conditions should also be applied and incorporated with the action for the special use permit:

1. Section 5.3.3.1, Modification to allow for the reduction in the 4,500 square foot area and required 45-foot width for the 73 existing and realigned unit locations, with the following condition:

All new lots shall meet the minimum dimension requirements. The setbacks within Lots N13, N14, and N15 shall be revised to show home locations only where these lots meet the 45-foot minimum width requirement.

2. Section 5.3.4.1, Modification of the requirement that each mobile home shall be located on a mobile home lot, and that the lot shall provide space for outdoor living and storage and may provide space for a parking space, with the following condition:
   This modification shall pertain only to 73 existing and realigned mobile homes.

3. Section 5.3.4.3, Modification to allow for a reduction from the required 50 feet of minimum distance between mobile homes and any service or recreational structure to be used by more than one unit, with the following conditions:
   a. Existing mobile homes E70, E71, and E13 shall not be located any closer to the dumpsters, than they are shown on the attached plan, last revised July 12, 2002.
   b. Existing mobile home E47 shall not be located any closer to the tot lot than it is shown on the attached plan, last revised July 12, 2002.
   c. New lots N12 and N13 shall have six (6) foot minimum setbacks from the edge of the path to the cemetery and open space.

4. Section 5.3.4.4, Modification to allow for the reduction 30-foot minimum distance between the 73 existing and realigned units, with the following condition:
   The spacing between all existing mobile homes shall be subject to Building Official or Fire Official review of the major site plan amendment for compliance with the County's fire codes.

5. Section 5.3.5.1, Modification to allow for a reduction of the 50-foot setback for 13 of the existing and realigned units adjacent to Townwood Drive, with the following conditions:
   a. Existing mobile homes E1, E2, E4 through E12, and E72 are allowed to remain in their current locations, provided that if any of these mobile homes ever be relocated or replaced voluntarily, it shall have a 3-foot minimum setback from the Townwood Drive right-of-way.
   b. Existing mobile home E3 shall have a three- (3) foot minimum setback from the Townwood Drive right-of-way at the time when it is relocated to its proposed P3 position.
   c. New lot N1 shall have a three- (3) foot minimum setback from the Townwood Drive right-of-way.

6. Section 5.3.5.1, Modification to allow for a reduction of the 50 foot setbacks to a 3-foot setback for new lot N1 and to 35 feet for new lots N2 and N9, adjacent to the Townwood Drive property line, with the following condition:
   The screening fence shall be extended 35 feet into the mobile home park from Townwood Drive along each side of the new entrance road.

7. Section 5.3.5.2, Modification to allow a reduction of the 50-foot setbacks for 26 of the existing units adjacent to the Four Seasons PUD property line, with the following condition:
   None of the existing mobile homes or other structures within 15 feet of the Four Seasons PUD property line shall ever be allowed to be relocated or replaced any closer than their current locations.

8. Section 5.3.5.2, Modification to allow for a reduction of the 50-foot setbacks to a 15-foot setbacks adjacent to the Four Seasons PUD property line for new lots N16 through N21, with the following condition:
   a. A sketch showing all existing trees of 6 inches in caliper or greater shall be presented with each building permit application for mobile homes along the Four Seasons property line.
   b. In order to insure that as many trees as possible are left along Four Seasons property line, new mobile homes and shed siting on lots N16 through N21, and realignment or replacement of existing homes along the Four Seasons property line may not remove any trees, unless specifically authorized by the Zoning Administrator, during the building permit process.

9. Section 5.3.5.3, Modification to allow for a reduction of the 15-foot setback for 17 existing units from the internal private street, with the following condition:
   No existing mobile home that is already located within 15 feet of the internal private road shall be relocated or replaced so that it is closer to the road.

10. Section, 5.3.5.4, Waiver of the requirement for structures to be setback at least 6 feet from lot lines, with the following condition:
    a. No existing mobile homes or other structures shall be located any closer than they are currently shown on the attached plan, last revised July 12, 2002.
    b. Sheds and other storage structures may be constructed so that they share a common wall.

11. Section 5.3.6, Waiver of the requirement to submit an application plan with the special use permit for a mobile home park, with the following condition: Administrative approval of the major site plan amendment reflecting the proposed changes in accordance with the amended special use permit.

12. Section 5.3.7.2, Waiver of the requirement that all new, existing and realigned mobile homes be clearly defined with permanent markers corresponding to number of each lot as shown on the site plan, with the following condition.
    Each mobile home shall be numbered and posted according to the County's Road Naming and Property Numbering Ordinance and Manual.

13. Section 5.3.7.3, Waiver of the requirement to provide 6 recreational vehicle parking spaces within the mobile home park's common area.
    No conditions are recommended.

14. Section 5.3.8.1, Modification of the requirement for 100 square feet of hard-surfaced outdoor living area, with the following condition:
    Opportunities for outdoor seating and a picnic area shall be provided within the 10,000 square foot central recreational area.

Mr. Edgerton seconded the motion.

The motion was unanimously approved (6:0). (Lowewnstein absent)

Regular Item:

SUB 02-155 Ivy View (RPD) Preliminary Subdivision Plat - Request for Preliminary Plat approval to create a Rural Preservation Development consisting of 8 lots, averaging 5.66 acres, and a 52.96 acre preservation tract to be served by an internal public road. The existing parcel is 100.96 acres. The property is zoned RA, Rural Area and is described as Tax Map 73, Parcel 32A.

It is located in the Samuel Miller Magisterial District at the end of Frontage Road 177 (Langford Drive) and just north of the I-64 rest area at mile post 113. The Comprehensive Plan designates this property for Rural Area uses in Rural Area 3. (Yadira Amarante)

David Benish presented the staff report. (See the attached copy of the staff report.) He stated that the preservation tract consists of nine lots, eight development lots and one preservation tract. The property consists of a mixture of pasture and woodlands and mountainous areas. There are no dwellings on the property right now. It consists of moderate to severe slopes as it goes uphill to Gilliams Mountain. The RPD is focused in on protecting predominantly the area that is above the 800 foot contour which is the designation for Gilliam's Mountain and the critical slopes and stream buffer areas that are located on the site. A new public road is proposed. Those are the highlights of the request. There is one division of the property, which is actually an exchange of 4 acres to the northwest of the property that is being exchanged with an adjacent property. Staff recommends approval with the conditions recommended by staff.

Mr. Edgerton asked if parcel X is being added to tax map 57, parcel 49C.

Mr. Benish stated that his understanding was that parcel X was being attached to the adjacent property and no division rights are being conveyed.

Ms. Hopper asked regarding condition # 2, if bonding was typically associated with this type of condition.

Mr. Benish noted that bonding could be related to the conditions.

Mr. Kamptner pointed out that typically there was an E&S Bond and a Storm Water Management Bond that were covered by the Water Protection Ordinance.

Mr. Rieley opened the public hearing and asked if the applicant would like to address the Commission.

Brian Ray, of Roger Ray and Associates, stated that they prepared the plan to protect the critical slopes and take into consideration the existing streams and stream buffers so that those areas would be protected from the development lots. They provided a screen from I-64 with the preservation tract. The lay out allows those areas of the critical slope and stream buffers to be a part of the rural preservation tract. He noted that they believe this proposal allows better lot layout for the tract than the conventional layout that is sketched on the last page. He stated that he would be happy to answer any questions.

Mr. Rieley asked if there was anyone else present to speak regarding the application. There being none, he closed the public hearing to bring the matter back to the Planning Commission for discussion and action.

Mr. Thomas moved for approval of SUB 02-155, Ivy View (RPD) Preliminary Plat, subject to the conditions as recommended with a modification to the first line of condition # 2 by inserting the word "be":

Staff also finds the Preliminary Plat to be in compliance with the regulations set forth in the Subdivision and Zoning Ordinances and recommends approval of the Ivy View Rural Preservation Development Preliminary Subdivision Plat, SUB 02-155, with the following conditions:

The Planning Department shall not accept submittal of the final subdivision plat for signature until tentative final approval for the following conditions have been obtained. The final subdivision plat shall not be signed until the following conditions have been met:

1. Improvements are required for F-177 from SR 1630 to the end of current maintenance with pave-in-place standards. The final design for these improvements will be handled with the road plans.

2. The following items must be reviewed and approved by the Engineering Department before the final plat can be recommended for approval. A completed submittal form and application, available at the Engineering Department, must accompany all submittals. The required number of copies and the required fees are indicated on the form and application:
    a. An erosion control plan, narrative and computations. [14-311, 17-203]
    b. A completed application and fee for erosion control and stormwater management. [17-203, 17-303]
    c. A stormwater management/BMP plan and computations. Computations must include water quality and detention routings for the 2yr and 10yr storms. [17-304]
    d. A mitigation plan for any impacts to the stream buffer. [17-321, 17-322]
    e. A completed stormwater management facilities maintenance agreement and fee. [17-323]
    f. Road plans, pavement design sheets, and drainage computations. [14-512, 14-304, Policy]

3. The following items must be reviewed and approved by the Department of Planning and Community Development before the final plat can be signed:

    a. Submittal of a final plat which conforms to Section 14-303 of the Subdivision Ordinance.
    b. Submittal of soils report to be forwarded to the Health Department for their approval of drainfield locations. [14-309, 14-310]
    c. Recreational Facilities Authority approval of an easement for the Rural Preservation Development.

Ms. Hopper seconded the motion, which was unanimously (6:0) approved. (Loewenstein absent)

Old Business:

Mr. Benish passed out copies of the Crozet Framework Plan to the Planning Commission.

New Business:

Planning Commission Committee Membership – 2003 (David Benish)

Mr. Rieley asked that each Planning Commission email him with a list of their current assignments or Committees that they serve on.

Adjournment:

With no further items, the meeting adjourned at 7:25 p.m.

_____

V. Wayne Cilimberg, Secretary

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