March 4, 2003

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, March 4, 2003 at 6:00 p.m. at the County Office Building, 401 McIntire Road, Charlottesville, Virginia. Members attending were William Finley; Rodney Thomas; Pete Craddock Tracey Hopper; Bill Edgerton and William Rieley, Chairman. 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; Greg Kamptner, Assistant County Attorney; and Steven Biel, Planner.

Call to order and establish quorum.

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.

Ms. Katie Hobbs, representing the Board of Directors for the Citizens for Albemarle, read a Statement for RA Advisory/Focus Group for the Citizens of Albemarle dated February 26, 2003 into the record. (A copy of the presentation is attached.)

Consent Agenda:

SDP-02-083 Bethel Baptist Church Final Site Plan - Request for approval of a final site plan (prior to preliminary approval) to allow the construction of a 7,480 square foot church addition for a sanctuary, classroom and fellowship hall. (Stephen Waller)

Ms. Hopper moved for approval of the consent agenda.

Mr. Edgerton seconded the motion, which carried by a vote of 6:0. (Loewenstein absent)

Item Requesting Deferral:

SP-2002-079 Old Trail Golf Club Entrance (Sign #21 & 51) - Request for special use permit to allow a stream crossing for access to the proposed Old Trail Golf Club in accordance with Section 30.3.05.2 of the Zoning Ordinance which allows for 30.3.05.2. The property, described as Tax Map 55, Parcel 17B1 and 71 and Tax Map 56, Parcel 41, contains 2.07 acres, and is located in the White Hall Magisterial District on Rt. 250 (Rockfish Gap Turnpike) across from the entrance to Western Albemarle High School. The property is zoned R1 Residential and R6 Residential. The Comprehensive Plan designates this property as Neighborhood Density in the Crozet community. (Scott Clark) ***APPLICANT REQUESTS DEFERRAL TO APRIL 22, 2003.***

Mr. Rieley opened the public hearing and asked if anyone wished to address the Commission. There being none, he closed the public hearing to bring the matter back before the Commission for action.

Mr. Thomas moved to accept the applicant's request for deferral of SP-2002-079 to April 22, 2003.

Mr. Finley seconded the motion, which carried by a vote of 6:0. (Loewenstein absent)

Public Hearing Item:

SP-02-074 Arlin D. Martin (Sign #33,34) - Request for special use permit to allow a church in

accordance with Section 10.2.2.35 of the Zoning Ordinance which allows for churches in the Rural Areas. The property, described as Tax Map 55, Parcel 19C, contains 2.851acres, and is located in the White Hall Magisterial District at the end of Twinkling Springs Lane, approximately .25 miles from the intersection of Twinkling Springs Lane and Rt. 250 (Rockfish Gap Turnpike). The property is zoned RA, Rural Areas. The Comprehensive Plan designates this property as Rural Areas in Rural Area 3. (Steven Biel)

Mr. Biel presented the staff report. (See the attached copy of the staff report.) The applicant is requesting approval to allow a church in an existing building that is currently approved for a country store. This special use permit would amend the original special use permit that was approved for a country store in 1972. The proposed church would have approximately 30 members with anticipated growth reaching 60 members. There would be worship services on Sundays only from 9:30 to noon. There would be an occasional Sunday service and a monthly meeting of the elders on a specific weeknight. There is currently an apartment located on the second floor of the existing building. The applicant is requesting to maintain a one-bedroom apartment to use to house a general maintenance person who would oversee the property. The surrounding area consists of scattered residential lots intermixed within wooded areas and open fields. The surrounding property owners have submitted a letter of support for this proposal. The site is located within the I-64 Entrance Corridor. Since the proposal would not change the appearance of the site as viewed from this Entrance Corridor, review by the ARB is not necessary. Any further changes to the building or site that would impact the appearance of the development as viewed from I-64 would be subject to review by the ARB. The Zoning Department has requested that all special use permits related to the country store be abandoned if the special use permit for the church is approved. This is reflected in condition # 7 and that condition has been revised. They will discuss the change momentarily. The applicant has provided a trip generation report, which was Attachment B that demonstrates the traffic generation for a 6,100 square foot church and 5 residences using Twinkling Spring Lane. On a Sunday the total trips in would be 35 during peak hours compared with 121 for a country store at that same time. Although the building is not currently being used as a country store, the church traffic would be less than what a country store use would be. VDOT has required a minimum 100-foot right turn taper. VDOT cites out of their land development manual a section that states that tapers may be required in some cases due to deceleration requirements rather than solely on demand. The Engineering Department also supports the need for this 100-foot right turn taper. And although there would be minimal traffic generated by the proposed church, staff believes the 100-foot right turn taper is necessary due to the two westbound lanes of Route 250 merging into one lane approximately 300 feet east of the Twinkling Springs Lane entrance. Engineering is also requiring improvements to Twinkling Springs Lane and the entrance improvements as discussed in a letter in 1998, which you also have as an Attachment F. This letter dealt with what was formerly the Eagles Nest and Ridgewell Run. Twinkling Springs Lane should be improved to VDOT standards as well as entrance improvements consisting of varying the existing width down to 30 feet at Route 250. In addition, ditches should be established along the entrance and the initial stretch of road. The channeled drainage should run into the ditches along Route 250. The Engineering Department is also requiring the applicant to submit a site plan that would address these road improvements, the stormwater management, the parking and the circulation requirements. A waiver could be requested to the site plan by the applicant to relieve the applicant of additional site plan requirements of the zoning ordinance. Also, the health department has given verbal approval for no more than 50 church members plus the one-bedroom apartment. Staff does recommend approval of SP-2002-074 subject to the following conditions:

1. The area of assembly shall be limited to a maximum 50-seat sanctuary.
2. There shall be no daycare center or private school on the site without approval of a separate special use permit.
3. Commercial setback standards, as set forth in Section 21.7.2 of the Albemarle Zoning Ordinance, shall be maintained adjacent to residential uses or residentially zoned properties (including RA zoned property).
4. Right-turn taper or radius as per VDOT regulations.

5. Subject to site plan approval.
6. Health Department approval of well and/or septic systems.
7. While the church use authorized by this special use permit exists, no uses authorized by previously approved special use permits for a country store shall exist.

He pointed out that condition # 7 has been revised. Mr. Kamptner pointed out that by using the word abandonment, it could require a separate legislative act. Therefore, staff has made that change. The legislative act could only be accomplished if it was justified as a revocation under our regulations. Staff feels that this rewording is more appropriate. The applicant and Mr. Cliff Fox are here and can answer any questions.

Mr. Rieley asked if any Commissioner has questions for Mr. Biel.

Mr. Finley asked if the items in the letter of April 1, 1998 that were road improvements should be considered as a requirement.

Mr. Biel stated that was something that would be looked at the site plan review. The Engineering Department is requiring a site plan to address these issues.

Mr. Finley asked if they would be required to put the improvements in from Route 250 all the way back to the church.

Mr. Biel stated that was correct.

Mr. Finley stated that Glen's letter referred to the commercial requirements of a private road.

Mr. Biel stated that was true because he believed that churches were considered as a commercial use.

Mr. Finley questioned if a church would be considered similar to a commercial use.

Mr. Biel stated that was correct.

Mr. Benish stated that was in regards to the scale because it was not considered as a residential use.

Mr. Rieley asked if they had any comparative estimates on the vehicle trips per day that this church would generate as opposed to the existing special use permit.

Mr. Biel stated that he believed that the applicant did have some of that information.

Mr. Rieley asked if there were any other questions for Mr. Biel. Since there were none, he opened the public hearing and asked if the applicant wanted to address the Commission.

Arlin Martin, thirty-five year resident of Albemarle County, stated that he has entered into a contract to buy the property that is under consideration. He pointed out that he has requested a special use permit to allow him to rent this facility to a small church since it was is desire to exchange the present country store permit for a new special use permit to allow a church. With the communication with the Planning Department, there seems to be one hurdle that needs to be overcome in the requirements to upgrade the present private road to state standards for commercial use. It was not his intent to require the state to take over this drive for state maintenance, but he could understand the highway department's wishes to get someone else to pay for the roads since they don't have any money. This private paved road was not VDOT's. There is a maintenance agreement on the road for each property owner and he was willing to do more than his share to maintain this private road. Back in 1998 the request was made to use this property as a commercial retail nursery operation. As such, certain road requirements were

requested for this commercial operation. The business did not succeed and the road improvements were not done. In the staff report on page 15, there is a letter written by Glen Brooks to Mr. Ridgewell dated 4-1-98 concerning these improvements. It appears that Mr. Brooks is recommending these improvements be made by anyone who buys this property for any reason. He stated that he could see the reasoning for these improvements if it were for a commercial establishment with heavy truck traffic. It appears that Mr. Brooks did not review the application for my use other than simply applying the previous application to my request. He felt that it was unfair to apply the same standard to a small church of 30 people versus a commercial retail operation. If this is indeed the wish of the Commission, the cost of the improvements would be cost prohibited and would most likely kill this project. He stated that he had provided the Planning Department with information showing that the daily vehicular traffic would be reduced significantly well below the threshold for a commercial or state approved roadway. This is pointed out in the staff report. He hereby requests a site plan waiver on the basis that there will be less than the 350 average weekly trip threshold for this road. He talked with Mr. Brooks about the upgrade requirements and he agreed that if he were to use this property as a country store that he would not be required to make any upgrades. Since he was requesting a change from a country store to a church use, the upgrade is required. He noted that he finds this unreasonable and that it really does not make sense. On the surface it looks like it could be religious discrimination. Since the County would like to remove the existing country store permit, he would purpose that the current permit simply be exchanged for a special use for church use with no road improvement stipulations. He could foresee no problems in conforming to the other recommendations as outlined in the staff report. He asked for the Planning Commission's consideration.

Mr. Rieley asked Mr. Fox if he had some comparative numbers.

Mr. Cliff Fox stated that he had a little traffic generation report that was a spreadsheet that generates the ADT for a church composed of 6,100 square feet. They were really looking at a church that would have approximately 50 members. So if you look at the weekday average with the notion based on the square footage of 6,100, there would be 56 average daily trips into the church. That is a gross overstatement. This was actually done to originally challenge the requirement for a turn and taper that VDOT asked for in the pre-application meeting. They said that they were going to require that automatically. Basically they had the turn and taper requirements for a four-lane road. Basically the trip generation for the trips in to the property on a Sunday morning based on the square footage, not the number of people, would actually put down substantially what is in your bottom right-hand corner. That would be 31 total trips in before you take into consideration the eastbound or westbound distribution of the traffic that VDOT says would 50/50. So you are really looking at 15 to 16 trips for westbound traffic. In comparison to the country store, right now if a country store did locate there you could have potentially 250 plus trips at a peak hour on Sunday.

Mr. Rieley thanked Mr. Fox for his explanation. He asked if anyone else would like to address this application.

James Newman, owner of the building, stated from a pragmatic point of view all of the neighbors have agreed to this change of use not only verbally but they have all signed the application. Nobody has mentioned that the noise from I-64 makes the use of this building as a full single-family residence sort of inappropriate. It should be some kind of commercial use and a church was probably the highest use for the property.

Mr. Rieley asked if anyone else would like to address the Commission. There being none, he closed the public hearing to bring the request back to the Commission for discussion and possible action.

Mr. Thomas stated that the private road designation would stay that way until the site plan would come along. He asked if that was when it would be looked at. He asked if the road had to be

brought up to state specifications now.

Mr. Rieley stated that he thought it would be a part of the site plan process.

Mr. Craddock stated that in order for the road to be private that it would have to be taken up at the site plan review.

Mr. Benish stated that he would have to apply for a private road. There are standards for a site plan for a commercial use for road construction. Whether they need to actually submit for a private road or whether it falls under the standards for commercial development as part of the site plan review he was not sure of. He stated what he indicated was the level of improvement that they would expect for that road serving that site regardless of which process. As point of clarification, he was not sure if the applicant's letter is wrong. He noted that he was under the impression that this letter from April 1, 1998 was actually regarding a subdivision proposal to create four lots and not for a nursery business. That was the file that was handed to him that seems to be the dates contemporary to that. It was a request that was made at that time for a 5-lot subdivision, but one of those lots was the country store lot. One of the issues was the other properties having access to this road. There were other lots that used that road. Perhaps the Planner that gave you this information was mistaken, but he was not the one that dealt with this in 1998. He was not sure if that would change the traffic generation numbers for this particular use which would get the history clear.

Mr. Thomas stated that it seems a little bit unclear. The road is going to be private until the site plan comes along and then they apply for a private road at that time.

Mr. Biel stated that all of this was just brought up right before the meeting. He asked if it was a subdivision plat.

Mr. Benish stated that these comments were based on a subdivision proposal, which was attached to subdivision file # 98-02. The issue at that time was if that subdivision would require a public or private road. They were requesting a private road. He stated that he did not know what the status of the existing road is.

Mr. Finley asked if that included the public road.

Mr. Benish stated that they submitted the subdivision as a family division and that way they did not have to meet the road provisions. They withdrew the application and came back with a family division, which was what happened back in 1998. The merits would come from looking at the impact of the church. He stated that he was just trying to get the history straight. The recommendation that Engineering made was based on a five-lot subdivision request and not a conversion into another commercial use.

Mr. Thomas stated that it was not a five-lot subdivision anymore.

Mr. Finley stated that it was an existing private road.

Mr. Craddock asked if the road was built to commercial standards when the Very Thing was out there.

Mr. Benish stated that was back in the sixties when the store was built, which was based on different standards from today.

Mr. Rieley asked when that special use permit was granted.

Mr. Biel stated that the original special use permit was granted in 1972.

Mr. Benish asked to clarify that the conditions of approval call for a turn/taper lane and not a turn and taper lane. He asked if that was correct.

Mr. Rieley stated that it was a 100-foot taper.

Mr. Benish stated that the terminology was so close that it sounds like the same thing, but it was not the full turn and taper.

Mr. Edgerton asked if the other requirements attached to the letter were included as well, that included the guardrails and the widening of the road.

Mr. Benish stated that the way the conditions are worded at the next step, Engineering would evaluate what improvements were going to be necessary for the road. He presumed it was on record of what they would be looking at for requirements on the site plan.

Mr. Edgerton asked if their record was just the 100-foot taper.

Mr. Benish stated under these conditions right now is what is being required as a site plan that during the administrative process there would be an evaluation for what improvements are necessary. He would assume that Engineering would stick with these regulations that they made here. There are no conditions right now that really require those improvements. We would just require the site plan and let it go through the ministerial process. The applicant is requesting a waiver and they will have to come back.

Mr. Finley stated that there was a condition for the right turn taper.

Mr. Biel stated that was VDOT's requirement.

Mr. Rieley stated that was their request.

Mr. Finley asked if the right turn taper would be within the VDOT right-of-way.

Mr. Benish stated that there probably was enough right-of-way there.

Mr. Fox stated that the right-of-way was fairly wide there.

Mr. Craddock pointed out that it did not say that it was required, but that just a taper may be required in some cases.

Mr. Fox stated that when he submitted the information based on their turn and taper requirements, it was only then when they came back with the subsequent geometric requirement. So based on trip generations, a taper is not required. There would only be a radius required. He showed the papers to Mr. Rieley. He presented 40 trips in basically the east/west distribution, with 16 trips in on a Sunday morning.

Mr. Rieley asked if anybody has questions or concerns about issues aside from the turning radius and the site plan approval that also includes the issue about the road. He stated that he wanted to narrow the issues down a little bit. He asked if anybody had a problem with the use itself.

Ms. Hopper stated that she had no other questions or issues.

Mr. Rieley stated that there are a couple of things that they could do. He noted that VDOT's conditions were only a recommendation. He asked if VDOT was required to issue an entrance permit for this.

Mr. Biel stated that VDOT would not have to issue an entrance permit because the entrance

already existed.

Mr. Rieley stated that they have a fairly long standing tradition, at least as long as he has been on the Commission, of taking a fairly lenient view of VDOT's request for commercial entrances on church entrances because of the relatively low impact, particularly with small rural churches. He stated that he would like to hear from Engineering on the issue of the road improvements and also the turn. It is hard for him to justify requiring a 100-foot taper when all that VDOT's own standards require is a radius. He stated that he would like to know more. A 50-seat church has such a relatively low impact relative to the existing use, which was his view on that. He stated that he felt uncomfortable without some opportunity for Engineering to weigh in on this. The larger issue of upgrading the entire road to VDOT's standards as part of the site plan approval process and whether or not that it is dedicated for public use is another big issue. He felt that it was a substantial gray area because it technically falls in the category of commercial use. He noted that it really did not because they all acknowledge that it is not. He stated that they could do a couple of things. They could change the requirement or the condition of # 4 from 100-foot right turn taper to a radius as required by VDOT minimum standards. They could take a motion to waive the site plan. They could approve it as it is and leave the door open for the applicant to come back to us for an official waiver of the site plan. That seems to give some opportunity for the applicant and Engineering to come to a meeting of the minds on this and perhaps with some guidance from the Commission about the rigidity of which these standards are applied. He asked if there were any thoughts.

Mr. Edgerton stated that he usually agrees with what he says, but this time he was having a hard time because he thought it was apparent from the write up that Engineering has stated their position. He noted that he did not understand it frankly. If he was reading the staff report and the tables correctly, they have an existing condition in a road if used as approved would generate 120 trips. They were reducing that down to 31 trips with the suggested change of use. That is a quarter of the traffic on that road. He finds it just overwhelming that they were going to be requiring them to improve the road for a quarter of the traffic. He stated that he was having a lot of trouble with that. It sounds like what the applicant has described in his conversations with Engineering was that they have made their decisions, and he thought the Commission needed to make a decision. The applicant is prepared to give up the country store use which will take away their opportunity to increase the traffic to the 121 vehicle trips per day. He felt that the County benefits from that offer to substitute the 31 trips per day from 121. If VDOT makes the decision, they don't have anything to say about it. But if they get to make the decision, he would prefer to allow them to use the existing road which has been at least to an earlier design to support the activity four times over what they propose to use.

Mr. Finley asked about the radius.

Mr. Edgerton stated that they have to have a safe radius, but when he sees all of the improvements that are being proposed it makes a lot more sense when he hears it was for a five-lot subdivision. When he looks at the diagram on page 17 with a couple sections of guardrails and different sections of the road are widened, then he starts saying that these people are suggesting a lesser use of the property and we are requiring more improvements. He stated that he was feeling rather sympathetic to the applicants concerns here.

Mr. Rieley stated that these improvements were not made.

Mr. Edgerton stated that they were not, but they would be suggested for a five-lot subdivision. We are not talking about a five-lot subdivision. They were talking about nothing changing except the use and the use was going from a country store to a very small church that would generate 31 vehicles trips a day. He felt that the County was benefiting by the agreement of the applicant to drop back.

Mr. Finley stated that he would agree to drop the taper requirement and making item # 4 state for

a 25-foot radius. He also agreed with Mr. Edgerton on the road requirements.

Ms. Hopper stated that on page 3, the fourth paragraph down, it says that staff believes that the minimum 100-foot taper is necessary due to the west bound lanes of Route 250 merging into one lane at approximately 100 feet to the east of the Twinkling Springs lane entrance. Because of that sentence and her wanting to know where Engineering is coming from, she would like to have this come back before the Commission whether it was on a site plan waiver or just for a deferral.
She stated that this was not the general type of recommendation that Engineering makes in these situations. She pointed out that Route 250 was a fairly busy area. She stated that this brings out the issue of infrastructure that they were always talking about and trying to get ahead of infrastructure needs. She felt that plays into this analysis.

Mr. Craddock concurred with Mr. Edgerton, Mr. Rieley and Mr. Finley about the turning radius and the road into the property. After reading through this, it seems a bit heavy handed both on VDOT's part and the County's. He supported the road as it is and working on the turning radius.

Mr. Rieley stated that the mechanism to leave the road as it is or not have the road come under review is granting a site plan waiver which they don't have an official request for.

Mr. Kamptner stated that before they could grant a waiver they need to get a recommendation from the agent. They will need to look at that. He thought that one of the things that they always say when a waiver comes forward is that what the site plan waiver does is eliminates the need for the detailed drawing itself. It does not reduce any of the requirements. He stated that he was not sure if the site plan waiver would necessarily do away with the 1998 letter requirements. If the waiver came forward and engineering was looking at it; he felt that they might need to deal with that separately.

Mr. Finley stated that now the county store is gone, which the major traffic draw. He agreed that it was being a bit heavy handed now to say that you have to do it anyway. He agreed with the applicant that with 30 people in the church it was just not way possible that it was needed.

Mr. Thomas stated that there were two different sides to this, but he agreed that it was a bit heavy handed. That is why he was asking the questions at the beginning on which way this could go. He agreed with Ms. Hopper that they needed to consider the infrastructure since the road went from four lanes into two lanes. He asked that part of the right-hand turn lane be looked into.

Mr. Rieley stated that they have three people who would like to see more information and three people who were liening towards doing everything they could to move this ahead. He stated that they were all in agreement that they liked the change in use and he did not think any of them wanted to see improvements that are gratuitous and unnecessary. He stated that he felt a little bit uncomfortable changing both of those conditions or essentially trying to wipe them out without more information from the Engineering Department. He wondered if it would be in everybody's interest to see if we can get some more information. Not that they have to agree with either our staff or the VDOT's recommendations, but he would feel more comfortable if he knew more about the condition of the road itself. Having a 1998 series of recommendations for an entirely different project does not seem to answer the question for him. He wondered whether first it wouldn't be a good idea to get a deferral and see if they could sort through some of this and really figure out what was exactly at stake. He agreed that it seems that this upgrade is out of scale for the proposed use, and while on the other hand some upgrade might be reasonable. He asked to hear more about it.

Mr. Edgerton asked how they could go about getting this additional information.

Mr. Rieley suggested that they pass on to staff their concern with having only the 1998 information to go on and their misgivings about the 100-foot taper in light of the fact that it was not even required by VDOT's standards. He asked for a response to that and an update on the set of

recommendations for that road that were geared to the actual use and not ones that were asked for five years ago.

Mr. Benish stated that would require a deferral by the applicant or that they could ask that information to be provided to the Board on March 19th. He pointed out that staff would request that the Engineering Department provide that information at least verbally.

Mr. Rieley preferred that the Commission get this sorted out by asking that the Engineering Department take a fresh look at this. The Commission can give their consensus view that they want to see those improvements at the absolute minimum for safety. He pointed out that safety was the only issue.

Mr. Benish pointed out that a new Board date would have to be set if this was deferred. He noted that there was a very heavy workload at this time.

Mr. Rieley asked if the applicant would consider requesting a deferral so that the Commission could get this additional information.

Mr. Martin asked what the time frame would be because their original goal was to be occupying the church on Easter morning. He stated that if they delayed the next meeting that there was no way that they would be able to meet that deadline. As far as the clarification on the turning radius and so forth, he felt that they have more than enough turning radius now. The highway department wants to narrow the entrance down to 30 feet instead of having the existing 60 feet. He pointed out that they have a lot of turning area that they don't like because they like the taper 100 feet beyond what they have got. From that standpoint, he hesitated to delay unless something can be turned around and still meet the March 19th Board meeting.

Mr. Rieley stated that would not be possible. He felt that it was doubtful that the Board would be able to get the requested information by that date.

Mr. Benish stated that currently they were assigning Board dates in May, which was after Easter.

Mr. Cliff Fox asked if there was a way to circumvent or reduce the level of road improvements particularly from Greg's statement about the site plan waiver.

Mr. Kamptner stated that based on what staff usually says when they were asked to consider a site plan waiver, that it is not reducing any requirements, but merely eliminating the need for the detailed drawing itself. The underlying requirements of that still apply.

Mr. Benish stated what they did not know was what latitude that Engineering has to apply those standards within our ordinance that waives those things that they apply. They have to determine what that standard is going to be. He pointed out that those issues are usually addressed in the site plan review.

Mr. Fox stated that the other issue that he was surprised to see was that there was no fresh analysis from the Engineering Department. It seems like a cut and paste of something that was done five years ago. He stated that was not fair to the applicant.

Mr. Benish stated that they could not speak for Engineering. He stated that they were their advisors on the standards. He suspected that they would say that road is currently under the standard now for a commercial type of use even though this proposal is different. The road should have been under today's standards built to a certain level. He pointed out that they really needed them here to address that.

Mr. Kamptner stated that with the requirements of a site plan or a site plan waiver, he felt that the applicant's goal of getting into the building before Easter was impossible anyway.

Mr. Benish pointed out that there were some issues that needed to be addressed.

Mr. Fox stated that the applicant would like to continue in a forward motion and request a recommendation from the Engineering Department. He asked that the recommendation along with the Commission's concerns be attached and move forward to the Board to see if there was a possibility to resolve the issue at the Board level.

Ms. Hopper stated that it was not standard for Mr. Brook's to make a recommendation like that. She felt that he must have some reason behind it. She asked that they go along with the seven conditions and let the Board change it. She preferred to hear the case again, but that there was not enough time.

Mr. Finley stated that the Engineering Department would require these conditions on the site plan.

Mr. Benish stated that these issues would be dealt with on the site plan.

Mr. Biel stated that the mention of the waivers was for other provisions of the Zoning Ordinance and not specifically the road issues.

Mr. Craddock stated that condition # 4 was about VDOT approval being part of the minimum standard radius.

Mr. Edgerton stated that condition was suggested.

Mr. Finley and Mr. Craddock agreed with the suggested condition.

Mr. Edgerton suggested that the Board look hard at condition # 4.

Mr. Benish stated that he was not sure what the requirements would ultimately be as they relate to the requirements for road construction for a church as far as the site plan and whether there was a provision to waive those requirements. The Board has the ability to do anything to the conditions.

Mr. Kamptner stated that when the letter of 1998 was written that it was for subdivision and the improvements to this road were going to be on-site road improvements. Now they were dealing with a different situation where the improvements were off-site road improvements. He asked if that was correct.

Mr. Biel stated that the off-site conditions were VDOT's requirements for the turn lane.

Mr. Kamptner stated that the other improvements that are in the 1998 letter include improvements to the road itself and not just at the intersection.

Mr. Biel stated that they are on the property.

Mr. Finley stated that they would be off the specific parcel.

Mr. Kamptner stated that a different standard applies when you are requiring off-site road improvements. The Engineering Department needs to look at that when they consider the road improvement as part of the site plan. He stated that an off-site road improvement could be required if the need is substantially generated by the proposed use. When you are talking about on-site improvements, it is a completely different standard. He stated that when the 1998 letter was written, the improvements that were discussed were for Ridgewell's Run Road. There are different standards, not in the physical development, but as to what you can require. Now five

years later, they have one parcel that is being developed. The improvements to the road are off-site improvements and they have limited authority to require off-site road improvements. The standard that is in the site plan ordinance is that the need has to be substantially generated by the proposed use, and in this case is the church. Engineering really needs to look at these requirements again.

Mr. Rieley stated that it was simply what standards apply. He noted that it might have made about 45 minutes of discussion tonight unnecessary. He stated that if the degree of improvements that are required off-site are substantially less, they might not be required to do any of them. He suggested that the wording of condition # 4 be changed that the approval of a right turn taper or radius as per VDOT's regulations.

Mr. Edgerton asked that he restate the wording for condition # 4.

Mr. Rieley stated that the provision of the right turn taper or radius as per VDOT's regulations.

Ms. Hopper stated that it was not subject to VDOT approval if they already have an entrance.

Mr. Rieley stated that was correct.

Mr. Finley asked Mr. Kamptner if they were dealing with on-site improvements.

Mr. Kamptner stated that when they get to condition # 5 for the site plan approval that he feels that a different approach will be taken than what Engineering envisions right now. He noted that it was a completely different situation now than in 1998, but they would still look at the regulations.

Mr. Edgerton moved for approval, subject to the following amended conditions:
1. The area of assembly shall be limited to a maximum 50-seat sanctuary.
2. There shall be no daycare center or private school on the site without approval of a separate special use permit.
3. Commercial setback standards, as set forth in Section 21.7.2 of the Albemarle Zoning Ordinance, shall be maintained adjacent to residential uses or residentially zoned properties (including RA zoned property).
4. Right-turn taper or radius as per VDOT regulations.
5. Subject to site plan approval.
6. Health Department approval of well and/or septic systems.
7. While the church use authorized by this special use permit exists, no uses authorized by previously approved special use permits for a country store shall exist.

Ms. Hopper seconded the motion, which carried by a vote of 6:0. (Loewenstein absent)

Mr. Rieley stated that since the minutes were going to be sent to the Board, he felt that they should also reflect the fact that they were behind the 8-ball with not having a current recommendation from Engineering. In a situation like that, it certainly would be useful to have somebody from the Engineering Department here to answer the Commission's questions.

Mr. Benish apologized to the Commission because staff became aware of this at 5:30 p.m. In the future they will try to get these issues dealt with.

Mr. Rieley stated that SP-2002-074 would go to the Board with the recommendation for approval on March 19th.

Worksession:

Community Facilities Plan - Discussion of update of Community Facilities Plan. (David Benish)

Mr. Benish presented the Community Facilities Plan to the Commission. He noted that the information was provided last month to the Commission, but was deferred to this meeting due to the inclement weather. The main report was essentially an assessment that brought together some comments that they both have made regarding the overall Facilities Plan. Staff has put together a first draft of some changes to the existing Comprehensive Plan's Community document. He offered to go through the information in the assessment, but suggested that the focus be on Attachment A. Staff was attempting to update the Community Facilities Plan, which was last done in 1993, and focusing in on what is called for in the plan for the overall community objectives which apply to all facilities except expectations for the location and design of the facilities. In this phase of the development for each of the agencies' facilities within the plan, you would look at the individual set of objectives. They are fairly basis and set the expectations for service. Once those are decided, they will go back in and look at more of the details for each agency, the design standards and location standards. He noted that the acreage sizes for schools were an example. He pointed out that more specific standards would follow after they got through this first section.

Mr. Rieley asked if that was the point in which they would deal with issues like the Neighborhood Model's vision for neighborhood schools versus Albemarle County Schools.

Mr. Benish stated that was correct. He stated that one of the important aspects that staff felt was needed was to be in recognition of the Neighborhood Model and how that plays into this plan. The approach that staff attempted to take was to essentially look at what they would put into the Comprehensive Plan with a statement to say what the Neighborhood Model provides for. Then they would provide some statements as to how they think the Neighborhood Model affects the Community Facilities Plan. He referred the Commission to Attachment A, page 7. That basically takes those statements and states what the Neighborhood Model offers. He stated that they tried to make it very simple to introduce the Neighborhood Model. He stated that on page 2 the standards would be specifically set.

Mr. Rieley asked what mechanism would bring the hard provisions into play.

Mr. Benish stated that they would do this first and then get agreement with the Planning Commission and the Board on the overriding objectives. Then they would go back and work with the agencies and try to come up with a consensus. All of the agencies, with the exception of the schools, are clearly in the County's control. The schools would be subject to the School Board's evaluation. He stated that he would work with those agencies and develop a plan to bring back to the Commission that has established a standard that they hope is consistent with the Neighborhood Model and the expectations that they have established up front. The mechanism for this is for the proposal to continue to be reviewed by the Planning Commission and then forward it to the Board of Supervisors. With the libraries in the school, there will be some interaction with the School Board and Regional Board that will be necessary. He pointed out that this was the County's plan and in the end if there was a lack of consensus, it was the Board's decision as to the recommendation that they make of the plan. It guides their decisions for capital improvements, the funding of the budget and operational decisions to guide those agencies.

Mr. Rieley stated that the format was well done by stating what the principal was and then what that means.

Ms. Hopper asked what the process would be and when would it be coming to public hearing.

Mr. Benish stated that it was currently scheduled with the Commission for review. Staff would take comments on what they have been given right now. He pointed out that there was some additional information on the police, fire and rescue, solid waste and the schools. The Administrative Office Policy will not be reviewed right away because they were waiting for the facilities needs study to be completed. The same thing applies to the Parks because they are

working with some consultants on establishing the urban needs for facilities and establishing the needs. The Solid Waste plan needs updating, but they need to work with the Engineering Department. He asked that the Commissioners provide comments to staff concerning this. He pointed out that within the next three weeks, staff would provide the next three sections to the Commission. He stated that this would proceed as a Comprehensive Plan Amendment. Once the Commission reviews the document and makes any amendments or changes that it will be forwarded to the Board of Supervisors for adoption.

Mr. Rieley asked if they get into any questions about these, then they can look at the entire document.

Mr. Benish stated absolutely that staff recognizes the potential that they could move through this thing sequentially and find out that they might need to go back on something.

Adjournment:

With no further business, the meeting adjourned at 7:45 p.m. and will reconvene March 3, 2003 at 3:30 p.m., for a joint meeting with the Board of Supervisors.

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V. Wayne Cilimberg, Secretary

(Recorded and transcribed by Sharon Claytor Taylor)