Albemarle County Planning Commission
May 6, 2003

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

Other officials present were Susan Thomas, Senior Planner; Tarpley Gillespie, Senior Planner; Margaret Doherty; Principal Planner; Greg Kamptner, Assistant County Attorney; and Elaine Echols, Principal Planner.

Call to Order and Establish Quorum

Mr. Rieley called the meeting to order at 6:00 p.m.

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.

Consent Agenda

Approval of Planning Commission Minutes – April 8, 2003.

Mr. Edgerton moved to approve the consent agenda as presented.

Mr. Thomas seconded the motion.

The motion carried unanimously (6:0). (Loewenstein – Absent)

Public Hearing Items

SP-03-04 Charlottesville Waldorf School Amendment (Sign #27) - Request to amend an existing special use permit for a private school to allow school activities on an adjacent parcel, in accordance with Section 15.2.2.5 of the Zoning Ordinance which allows for private schools in the R-4, Residential District. The property, described as Tax Map 61, Parcels 170, 173, 179A, and 174 contains a total of approximately 13.67 acres, and is located in the Rivanna Magisterial District on Rt. 631 (Rio Road East) at the intersection of Rio Road East and Rt. 768 (Pen Park Road). The property is zoned R-4, Residential and designated Urban Density Residential (6.01 – 34 dwelling units per acre) in the Land Use Plan, Comprehensive Plan. (Susan Thomas)

And

SP-2003-029 Waldorf School Stand Alone Parking (Sign #39) - Request for approval of stand alone parking in connection with a private school on an adjacent parcel, in accordance with Section 15.2.2.15 of the Zoning Ordinance which allows for stand alone parking in the R-4, Residential district. The property, described as Tax Map 61, Parcels 173 and 174,and contains a total of approximately 4.45 acres, and is located in the Rivanna Magisterial District on Rt. 631 (Rio Road East) at the intersection of Rio Road East and Rt. 768 (Pen Park Road). The property is zoned R-4, Residential and designated Urban Density Residential (6.01 - 34 dwelling units per acre) in the Land Use Plan, Comprehensive Plan. (Susan Thomas)

Mr. Rieley asked staff to combine the staff reports for the two special use permits for the public hearing. He stated that the Commission would take separate actions.

Ms. Thomas stated that the two special use permit applications have been combined in to one staff report, which refer to and amend the special use permit for the private school that was approved in March 2002. The amendment is to allow the early childhood education use in an adjacent house, and if approved would transfer that function from the main school building to a small cottage style house located on a parcel in front of the three main school parcels. There would be no enrollment increase. It would just be a transfer of use and allow the school to meet its scheduled opening for the early childhood center that is currently located in the ACAC at Four Seasons. The center needs to move out of ACAC according to the lease provisions. The school would operate the use in this house instead of in some temporary modular unit, which the school thought it would have to resort to until the funds could be raised to build the larger building. This front parcel was not part of the original school's special use permit, which only pertained to the three parcels in the back. The front parcel was purchased and offered for the school's use by a supporter, and the school does not own it. The special use permit has to be amended to include a front parcel that is a little over one-half an acre. The front parcel has a nice wooded yard. The school wants to leave the yard as undisturbed as possible. Therefore, they propose to locate the parking on one of the three main school parcels behind the house. Because the parking lot would be the first official use on the main parcels owned by the school, it is considered to be stand alone parking. If there were, other uses currently operating back there, it would not be considered stand alone parking under the ordinance. It just happens to be the first function that would occur there. If the fundraiser had been completed and the school building had been constructed, it would simply be a cooperative parking arrangement. The Zoning Ordinance requires that a legal agreement be prepared and reviewed by the County Attorney ensuring that the stand-alone parking use will be available in the future. At the present time, the school does know if it will continue to use the house for early childhood education or follow the original plan where all of the various age groups operate within the main building. Because the special use permit runs with the land, staff's evaluation considered their request from the standpoint of an ongoing use, or in other words, a perpetual use of the residence as a school for unlimited future use until it changes. Staff has found this use an appropriate use for the residential parcel. Even if the Waldorf School did not locate on the property behind the house, the proximity of numerous residential neighborhoods and families, and the fact that it can be accessed from the rear makes it, in staff's view an appropriate and positive use for the area. Staff's analysis focused on several issues that were spelled out in detail in the staff report. In summary, the parcel has the ability to accommodate the early childhood uses. The building was found to be suitable by the Building Official. The yard makes a nice play area and the school's plans call for leaving the yard pretty much undisturbed. They want to take up the current driveway, remove the pavement and restore that area to a green surface. The fact that their use will not require the clearing the property is positive to this neighborhood that has undergone a lot of change. Particularly with the Catholic School, there was a lot of clearing and much of the tree cover has been lost in this area. The impacts to the traffic in the area is really no different from that under the original special use permit because there is no increase in enrollment and the access pattern is the same. In fact, two access points on Rio Road will be eliminated if this residential parcel were used for early childhood education because it would be accessed from the back. There is compatibility with the concept plan for the main school parcels. One of the original conditions required the granting of future access to the Daniel's parcel through the school's entrance road. The project would physically accomplish that because the school use could not start until the entrance road was built and the parking lot constructed in the back. That essentially demonstrates that access has been granted to parcel 174. The relocation of the future connector road to the adjacent parcels to the west is positive because it gets a little more away from Rio Road and opens the possibility of a better block design since it is a little more central. The impact to adjacent properties is very minimal. She pointed out that screening was recommended for the parking lot due to the house located to the north. She asked to clarify that the original access easement to the parent school parcel was deeded to the school's three parcels, but it actually runs right along the north of the Daniel's house. That was discussed as a potential green way for pedestrian and bike access.

The green way for pedestrian and bike access is no longer really necessary because they have a public road with a sidewalk that provides the same access. The school's plan calls for deeding that easement to the Daniels' parcel or residential parcel so that there will not be all of these competing entrance roads, and also to provide a cleaner pattern of land ownership in that area. She stated that if there are any questions, that she would be happy to answer them.

Mr. Thomas stated that staff mentioned that there were two existing access points eliminated that included Ms. Daniel's. He asked what the other one was.

Ms. Thomas stated that it was the deeded easement to the school that runs across the north side of Mrs. Daniel's property.

Mr. Thomas asked if the plans were to cut part of that front yard off to make the line of sight better.

Ms. Thomas stated yes, that there has been some relief to the line of sight requirements granted by VDOT, but there will be substantial improvements to Rio Road to get all of the signalization and the turning lanes installed.

Mr. Thomas asked if the only access in and out of the school would be at the traffic light, and Ms. Thomas stated that was correct.

Ms. Thomas pointed out the location of the major features of the site on the concept plan. She stated that the reason that she did not go further with calling for sidewalk construction or other things was that they were so unclear about the plans for Rio Road until the Meadow Creek Parkway is a little more immediate. She pointed out that staff was only asking for the dedication.

Ms. Hopper arrived at 6:15 p.m.

Mr. Rieley asked if there were any other questions for Ms. Thomas. There being none, he opened the public hearing and asked if the applicant would like to address the Commission.

Nancy Regan, Administrator of the Charlottesville Waldorf School, stated that they have had no substantial disagreements with staff during this process. They agree with the legal agreement on the parking lot, the dedication of the sidewalk, and the buffer at the end of the parking lot to protect the property to the northwest. She pointed out that she only represented the school for the stand-alone parking request. Sarah Tremaine is representing the Meadow Creek, LLC, which owns what was formerly the Daniel's property.

Mr. Rieley asked if there was any one else present that wished to speak regarding either of the special use permits. There being none, he closed the public hearing to bring the matter back before the Commission for discussion and possible action.

Mr. Thomas stated that all of the improvements to Rio Road are adequate for this development in that area. Personally, he would rather see something to help the traffic overall on Rio Road, such as the Meadow Creek Parkway being constructed. He felt that the improvements along Rio Road were making the area become more urban than it was five years ago.

Mr. Rieley stated that he was looking at this relative to the pending discussion about relegated parking. It is interesting that this is relegated parking if you look at it relative to the adjacent parcel that it will be used with, but it is not relegated if you look at it in relationship to the parcel that it is actually on. He stated that he was struck by the fact that neither the geometry nor the width of the reservation with a connection to this urban area is adequate for a public roadway. He asked if that was intentional.

Ms. Thomas started that the unusual dimensions of parcel 173, which was actually sort of a Christmas tree trunk, was relatively narrow and created some constraints relative to drainage on both sides of the parcel. She thought that the feeling for the first time around was that this would not be the major access to that urban area, but actually a secondary access. She pointed out that staff would continue to work on that in the future. The study did show two access points in this area. Therefore, staff was not totally departing from it.

Mr. Rieley stated that it would probably be heavily used if this urban configuration does come about simply because that is where the stoplight is located.

Mr. Thomas asked if it was a possibility that it would be enlarged in the future.

Mr. Rieley stated that he would guess that it would because the reservation was for 40 feet.

Ms. Thomas stated that at the time that the work with VDOT progresses, they should be able to do a little more with a little less. She noted that this location is not the only place that they are running into a situation where they want a public road, but they don't want the huge right-of-way, can't fit it in, or it does not work well with the other needs or desires on the site. She asked if Ms. Echols had anything to add.

Ms. Echols stated that it sort of all depends on what its ultimate cross section needs to be for the traffic that it carries. If they have a good grid network in there, the road could be sized as small as possible. Forty feet of right-of-way area can accommodate up to a 36-foot road section. You do not get your pedestrian access in the public road, but it could accommodate a 36-foot paved section in there.

Mr. Thomas moved to approve SP-2003-04 (an amendment to SP-2001-040), Charlottesville Waldorf School Amendment, subject to the conditions as recommended by staff:

1. Maximum enrollment of the Charlottesville Waldorf School shall be 350 students, with a maximum of 40 staff. Any increase to enrollment or staffing shall require amendment of this special permit;
2. Normal hours of operation for the school shall be from 8:00 a.m. to 6:00 p.m. weekdays, with occasional uses in the evenings and weekend;
3. The approved final site plan shall be in substantial accord with the Conceptual Master Plan addressing Parcels 170, 173, and 179A (submitted November 12, 2001 and revised December 14, 2001), and shall reflect all required pedestrian and road connections to adjacent properties and a sidewalk along at least one side of the entrance road. The approved final site plan shall also be in substantial accord with the Exhibit for Amended SUP 2001-040 addressing Parcels 174 and 173 (submitted January 27, 2003 and revised March 27, 2003);
4. A building setback and tree buffer shall be maintained adjacent to the Village Square residential development to the south, as shown on the conceptual master plan;
5. The school shall be operated in accord with the Special Use Permit Application and Justification (SP 2001-040) submitted August 27, 2001 and the Site Development Strategy Narrative submitted via facsimile December 18, 2001; it shall also be operated in accord with the Special Use Permit Application and Justification submitted January 26, 2003 for SP 2003-004 and the Special Use Permit Application and Justification submitted March 20, 2003 for SP 2003-029;
6. A reservation for a public vehicular connection shall be made to the parcel or parcels located to the north of the school property, exact location of this connection to be determined at the time of final site plan approval. If it is determined to be necessary by the County to provide for interparcel access, the owner shall make the reserved vehicular connection available for such use;

7. Access from this parcel shall be made available to the two adjacent parcels fronting Rio Road (173A and 174) in an appropriate location and manner to be determined, so as not to conflict with access to the private school; if it is determined to be necessary by the County to provide for interparcel access, the owner shall make the a vehicular connection available for such use;
8. A pedestrian connection shall be made to the parcel or parcels located to the south of the school property, exact location of this connection to be determined at the time of final site plan approval;
9. A greenway dedication along Meadow Creek at the western boundary of the parcel shall be made to Albemarle County at the time of final site plan approval;
10. No disturbance of the critical slopes located at the western portion of the site or other undisturbed areas identified on the conceptual master plan for SP 2001-040 shall occur as a result of site development other than development of a pedestrian access to the greenway. Prior to final site plan approval, a tree preservation plan shall be submitted and approved by the Zoning Administrator, addressing in detail the limits of all disturbed areas, diameter and location of trees to be preserved, clearing and limbing policy for trees to be preserved, and supplemental trees and shrubs (if any), and related issues. Disturbance to the 20-foot buffer shown along the northern property boundary on Parcel 173 shall be allowed for construction of the parking lot associated with the early childhood education center. Screening consisting of an opaque fence and landscaping shall be installed along the shared boundary between Parcels 173 and 172A;
11. At the time of final site plan approval, the area necessary for a future sidewalk shall be identified and right-of-way dedicated;
12. Construction of the entrance road to the Charlottesville Waldorf School shall be completed prior to commencement of the early childhood education use on Parcel 174.

Please note that the applicant is required to receive zoning clearance before the use as a school commences.

Ms. Hopper seconded the motion.

The motion carried unanimously (6:0). (Loewenstein – Absent)

Mr. Rieley stated that SP-03-04 would go to the Board with a recommendation for approval on June 4th. He stated that the next motion would be on SP-2003-029, Waldorf School Stand Alone Parking.

Mr. Edgerton moved to approve SP-2003-029, Waldorf School Stand Alone Parking, subject to the condition recommended by staff:

1. The approved final site plan shall be in substantial accord with the Exhibit for Amended SUP 2001-040 addressing Parcels 173 and 174 (submitted January 27, 2003 and revised March 27, 2003).

Mr. Finley seconded the motion.

The motion carried unanimously (6:0). (Loewenstein – Absent)

Mr. Rieley stated that both special use permits would go to the Board of Supervisors on June 4th.

SP-03-06 Cedar Hill Mobile Estates (Sign #32) - Request for special use permit to allow an expansion of an existing Mobile Home Park from 77 lots to 109 lots in accordance with Section 15.2.2.14 of the Zoning Ordinance which allows for mobile home subdivisions. The property, described as Tax Map 32, Parcel 22I, contains 25.95 acres, and is located in the Rivanna

Magisterial District at 2073 Cypress Drive, approximately one quarter mile south of the intersection of Route 29 and Rt. 1571 (Lewis and Clark Drive). 21.13 acres of the property is zoned R-4 residential and the remaining 4.82 acres are zoned LI Light Industrial. The property is also zoned EC Entrance Corridor. The Comprehensive Plan designates this property as Neighborhood Density Residential in the Hollymead Community. (Tarpley Gillespie)

Ms. Gillespie summarized the staff report. She stated that a revised set of recommended conditions of approval had been passed out with several changes shown in italics that would basically make it easier to enforce the conditions at the time of implementation. Cedar Hill Mobile Home Park has existed on this property for many years. The park is nonconforming and does not have a special use permit associated with it. The applicant is seeking approval of a special use permit for the existing mobile home park as well as an area of expansion. The applicant wishes to increase the existing number of units from 79 to 109 units. Several waivers and modifications are being requested in order to achieve better desired results for existing lots in some cases as well as for the new lots. The developers of North Pointe are proposing a new access road connecting Cedar Hill to Northside Drive south of the site. That road would then be constructed in conjunction with a new crossover on Route 29 and a new stoplight leading to North Pointe development. The applicants are proposing phasing their connection to this new access road until the access road is actually built. Staff reviewed this proposal for compliance with the Comprehensive Plan and the Zoning Ordinance and focused their analysis on four major areas:

- The Land Use Plan designation for the property.
- Its relationship to the Neighborhood Model.
- Its relation to Section 31.2.4.1 of the Zoning Ordinance, which provides you with review criteria for special use permits.
- Section 5.3 of the Zoning Ordinance, which provides specific criteria for mobile home parks.

The Land Use Plan of the Comprehensive Plan designates this property for Neighborhood Density Residential, which calls for between 3 and 6 dwelling units per acre. There are currently 2.96 units per acres, and the proposal would bring it up to 4.2 units per acre. Therefore, it is generally compatible with the Land Use Plan Designation for the property. As an existing non-conforming mobile home park, each of the Neighborhood Model principles does not apply. The applicant proposes the following: several new interconnections within the development, completion of the sidewalk network within the development, and two new recreation areas. All of these items seem to move the proposal in the direction of the Neighborhood Model. Principal nine of the Neighborhood Model encourages affordable housing, and the increase in the units will help to achieve that goal. Section 5.3 of the Zoning Ordinance provides very specific criteria for mobile home parks. Staff reviewed the criteria, and while the existing park and some of the new lots will not meet every one of those criteria, staff is generally supportive of the proposal. Staff has outlined a series of recommended conditions for approval that will help address any impacts created by the shortfall of meeting the Code. Staff has identified several factors that are favorable to the request:

- The proposal will make an existing mobile home park conforming.
- The expansion will include cleaning up and improving an existing parking and storage area on the north portion of the property.
- The proposed new streets will improve the activity within the development.
- The new tot lot and new recreation area will provide an amenity for the existing and new lots.
- A new common parking area is being provided to serve both the existing and the future lots.
- Additional storage of the mini-storage complex will be provided along Route 29 North.
- The sidewalk network will be completed along both existing and new travel ways.

- The development will provide safe sanitary and affordable housing within our development areas.

There are some negatives to this proposal as follows:

- There is no specific timeframe that has been identified for the relocation of Cyprus Drive at this time. Therefore, this development may be left with a single access point. Until the time that the Cyprus Drive relocation is constructed, that condition will remain that way.
- The existing and proposed lots do not conform to all of the standards for mobile homes in the Code Sections.

Staff believes that the benefits of the overall benefits outweigh the negatives. Our support is based on two factors:

- Staff believes that the improvements that are associated with this expansion will improve the quality of life for the residents on the existing lots.
- The increase in density will help the County achieve the goal regarding affordable housing in our development areas.

Pending satisfaction of all of the recommended conditions of the special use permit, and modifications and waivers; staff recommends approval of the special use permit. Rather than go through all of the conditions, she highlighted those conditions that have been changed since they received the staff report. In waiver # 2, staff realized that this waiver should only apply to the existing lots and not to the newly proposed lots. In waiver # 4, staff added that screening be provided in accordance with the landscape standards in the Code. In waiver # 5, staff added some language clarifying that this would need to be shown as part of the final site plan. In waiver # 6, staff suggested a row of plantings along the rear of the proposed new lots to help screen from what could become future development on the adjacent property. Waiver # 9 relates to having more than 50 units with a single access point. Staff added some language clarifying that they should show a second emergency access leading to their neighbor at Ennstone. That emergency access needs to be constructed prior to any building permits being approved for new mobile home units. Other than that, staff is generally supportive and would be happy to answer any specific questions.

Mr. Rieley asked if there were any questions for Ms. Gilliespie.

Mr. Finley asked if the standard procedure in which modifications are done makes the mobile home park conforming.

Ms. Gilliespie stated that it would make it conforming to any conditions that you place upon it. She stated that there was precedence for this at the Townwood Mobile Home Park where there were some similar issues.

Mr. Rieley asked if the applicant has had an opportunity to review the changes in the conditions.

Ms. Gilliespie stated no, because the applicant received the proposed changes at the same time as the Commission at the beginning of this meeting.

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

Marcia Joseph, representative for the project, stated that Mr. Beard, the owner of the property, was here and wanted to give the Commission a brief background after she finishes. She pointed out that one of the interesting things about the modifications in this instance for mobile home parks is that part of the ordinance for that was first approved in 1986, which was over twenty years ago. A lot of things have changed since then in the way that they look at things. This is a non-conforming mobile home park that has some existing sidewalks, lights and trees. She stated

that they have taken a look at the recommended conditions of approval. She stated that it was a very confusing site. One of the reasons they were changing the entrance to the site is because of what was currently happening in this area. The North Pointe development is currently under review. Apparently, staff has also been working with the adjacent owners in trying to get some sort of service road in this area. She pointed out that the emergency access that staff has requested would require them to get an agreement with Mr. Hall to be able to use that road. She stated that they were not that crazy about that because it was something that the concrete trucks would be using all the time and they did not know how that would work with the residential traffic. It is something that if push comes to shove that they would see what they could do in that aspect. They were all relying on the planning of the other projects that are happening out there, such as the North Pointe development. She noted that was how this proposal fits into that scenario.

Mr. Rieley stated that his understanding was that the access request was only for emergency access.

Ms. Gillespie suggested that it be for emergency access only and not for general traffic.

Ms. Joseph passed out some suggestions for changes to two of the conditions of approval. One of the things that they hope will not happen is that the special use permit becomes null and void if they move around some of the units that are existing. Condition # 2 says that no mobile home units shall be relocated or installed nor any new construction activity take place, and she asked that they add in the expanded area as illustrated on the application plan. She noted that they have to do all kinds of sewer and water plans for the site plan. Sometimes these units might have to be moved in and out of the existing area. She asked if they could clarify that, they could still move things in and out within the existing mobile home park without voiding the special use permit. She asked if Mr. Kamptner could speak to that. The other thing with adding condition # 4 would be just to clarify that the improvements illustrated on the application plan may be adjusted and approved by the Director of Planning if the applicant proposes a more advantageous site sensitive, environmentally sensitive, visually sensitive and less obtrusive method to achieve the same results. She pointed out that what she was specifically interested in was the storm water since there was a lot of new stuff going on. She noted that Engineering has asked them to show where these things could be located. She pointed out that she would rather not put in ponds, but for right now, they show that they can get the water to stay on the site with the storm water management with these ponds. If something else would come up, she would hope that staff would have the ability to allow them to do something else instead of conforming rigidly to this application plan. The other aspect of this Ms. Gillespie has already changed. She had hoped that they could do plantings or a fence behind some of those units, particularly because the fence would take up a little less land than the plantings that would allow yard space for the people who live in those units. The fire hydrants have been placed on here. She pointed out that they have not looked at the soils or some of the other aspects. She hoped that when the application plan was viewed by staff that there were some things that they could have some wiggle room with so that they could move these things at least a little bit without having to come back and modify or amend the special use permit. She stated that they were not asking for a blanket approval, but hoped that they could word the condition so that it would give them an opportunity to change these things. She asked Mr. Beard to come up and give the Commission a little bit of history on the site

Mr. Ray Beard, owner since May of 1979, stated that the mobile home park has been there since the middle sixties. He stated that out of the 77 lots that there were 7 or 8 people and several homes that have been there longer than he has. He stated that currently they were operating on County water and septic systems. Each lot has its own separate septic system that is working well. The new Code says that they cannot put in septic systems. Therefore, they have to go another route. He pointed out that he has been in the mobile home business all of his life. Previously, he worked in northern Virginia with mobile homes. He pointed out that everyday they have requests from someone looking for a space, and they have to turn them down. Now is the

time to expand the mobile home park because there is just no place for these people to go. He pointed out that their rent was the most reasonable in town and would provide affordable housing. He stated that he would be happy to answer any questions that anyone might have.

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

Ms. Joseph stated that they were looking for a bonus density for affordable housing on this.

Mr. Rieley asked if anyone else would like to address this public hearing item. There being none, he closed the public hearing to bring the matter back to the Commission for discussion and possible action. He asked staff if they have had a chance to review the proposed changes to the conditions.

Ms. Gillespie stated that staff has only looked at this briefly because the proposed changes were received today just before the meeting. Therefore, their attorney has not had a chance to look at them.

Mr. Rieley asked if Engineering has had an opportunity to look at them.

Ms. Gillespie stated that Engineering has not looked at this. In staff's initial review of this proposal, there was some concern from Engineering about the original storm water proposal. The proposal that is on the plan before you is something that was mutually agreed upon between Engineering and the applicant. Staff would have a concern about changing that too much without involving Engineering in a formal review.

Mr. Rieley asked if she had a position on the request to have the condition apply to the expanded area only.

Ms. Echols stated that they have not had an opportunity to review this one with Zoning. They have concerns about the level and extent of changes that might take place without a site plan in the older area. Staff would probably be okay with the minor things. However, as open as this statement is, it could include almost anything. She stated that before they would endorse a condition such as this one, they want to make sure that they are real clear on what it applies to.

Mr. Rieley stated that Ms. Joseph seemed to indicate a change to condition # 6 in which the screening should be provided in accordance with standards of Section 32.7.8.9.a of the Zoning Ordinance. He asked if that would address her concern that opaque fencing be one of the alternatives.

Ms. Echols stated that it would.

Ms. Hopper asked if this was the first time that the bonus density is being used.

Ms. Echols stated that there was one used 15 years ago.

Mr. Kamptner stated that there was a by right subdivision approved in the last year, but that the agreement had not been entered into yet.

Ms. Echols pointed out that was the one outside of the development area.

Mr. Rieley stated that his concern about the Commission simply incorporating this language as it is suggested into the condition as they are currently written is that neither Engineering or Zoning has had an opportunity to look at it and give us the benefit of their view on this. He stated that he would be very hesitant to incorporate that language without input from staff.

Ms. Hopper agreed that even though the condition # 4 revision that Ms. Joseph presented could probably happen at the Board meeting, that she would like staff to support it before incorporating the changes.

Mr. Rieley stated that condition relates to the storm water management.

Mr. Finley stated that the conditions could be edited.

Mr. Rieley stated that they have several alternatives. They could suggest a deferral to give staff time to look at this and get us language. Another thing they could do is pass it with the existing conditions as they are without any other comment or action. Another thing that they might do is pass it with staff's recommendations and/or request the applicant to use the time between now and that board meeting to see if they can resolve these issues and get qualifying language with a staff recommendation to the Board. That would allow this to move along.

Mr. Kamptner asked staff if condition # 9, number 3, addresses the applicant's proposal to construct the new road connection to the new access road and relocate their existing entrance onto Route 29. He asked if they were going to do it as shown on the application plan.

Ms. Gillespie stated that the closing of the existing access and the construction of the new access is really part of a second phase, which would only come with the North Pointe Road construction. She stated that it would be constructed according to the application plan.

Mr. Kamptner suggested that the Commission take separate actions on the special use permit and all of the waivers. He pointed out that he was hesitant to incorporate language into the conditions as currently written without input from staff. He asked that staff and the applicant use the time between now and the Board meeting to see if they can resolve these issues and then get the clarified language with a staff recommendation to the Board. He asked that on condition # 9, item 3, it be connected to the application plan so that three years from now people will have a point of reference. He suggested adding that "as shown on the application plan dated January 27, 2003.

Ms. Hopper moved for approval for SP-2003-006, Cedar Hill Mobile Estates, with the revised conditions as presented by staff tonight and as slightly modified by Mr. Kamptner.

1. Pending the satisfaction of all conditions of approval for the special use permit and modifications and waivers, a maximum of 32 new mobile home lots shall be allowed in the mobile home park. Those new lots shall be arranged generally in the areas and configuration shown on the application plan, dated January 27, 2003.

2. No mobile home units shall be relocated or installed, nor shall any new construction activity take place until after a site plan has been approved.

3. A landscape plan shall be submitted for review with the required site plan.

Mr. Rieley reiterated that between the intervening time between now and the Board meeting that the Commission encourages it to be used to see if the issues can be reconciled for the recommended conditions for that approval.

Mr. Craddock seconded the motion.

The motion carried unanimously (6:0). (Loewenstein – Absent)

Mr. Rieley stated that SP-2003-006 would go to the Board on June 4th with a recommendation for approval.

Mr. Thomas moved for approval of the entire group of waivers with the conditions as recommended by staff in the May 6th memorandum, with the one change recommended by Mr. Kamptner.

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 unit locations. No conditions recommended.

2. **Section 5.3.4.1/ 5.3.7.1:** Modification of the requirement, which states 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. This waiver shall only apply to existing lots.

3. **Section 5.3.4.2:** Modification to allow the existing lot 109 to remain, without frontage on an internal road. Adequate access shall be provided to this lot from a private driveway.

4. **Section 5.3.4.3:** Modification to allow for a reduction from the required 50 feet of minimum distance between a mobile home and any service or recreational structure to be used by more than one unit. The recreation area shall be screened in accordance with the standards of section 32.7.9.8.a of the Zoning Ordinance.

5. **Section 5.3.4.4:** Modification to allow for the reduction of the 30-foot minimum distance between mobile home units. Fire hydrants shall be provided with the final site plan and installed in conjunction with the improvements shown on the final site plan.

6. **Section 5.3.5.2:** Modification to allow both existing and proposed mobile homes to be located within the 50 foot required setback when the mobile home park is adjacent to a residential or rural area district. Screening along the rear of lots 32-38 shall be provided in accordance with the standards of Section 32.7.8.9a of the Zoning Ordinance.

7. **Section 5.3.5.3:** Modification to allow for a reduction of the 15 foot minimum setback from the right of way of internal private streets, common walkways, and common recreation or service areas. This distance may be increased to twenty-five feet for mobile homes or structures at roadway intersections and along internal public streets. This modification shall be conditioned to apply only to the existing lots.

8. **Section 5.3.5.4:** A modification to the required 6 foot set back from any mobile home space lot line. This modification shall be conditioned to apply only to the existing lots.

9. **Section 32.7.2.4:** A waiver of the requirement for a development of 50 of more dwelling units that reasonably direct vehicular access shall be provided from all residential units to two (2) public street connections. Staff recommends that approval of this waiver be conditioned upon the following: 1) An emergency access shall be constructed connecting Cedar Hill Mobile Home Park with the access drive to Ennstone prior to any building permits being issued for any new mobile home units; 2) The applicant shall submit to the county a legally binding contract permitting use of the Ennstone access drive for emergency access; 3) When the access road to Northside Drive is constructed, the applicant shall construct the connection from the Cedar Hill Mobile Home Park to the new access road as shown on the application plan dated January 27, 2003. Items 1 and 2 are to be submitted with the site plan for review prior to final site plan approval. _

10. **Section 15.4.3:** This code section provides a density bonus for low to moderate cost housing, including for mobile homes in an approved mobile home park, provided the development meets certain criteria for low to moderate cost housing. The applicant shall

enter into an agreement with the County ensuring that the lots shall be available as low or moderate cost housing for a minimum of 5 years.

Mr. Finley seconded the motion.

The motion carried unanimously (6:0). (Loewenstein – Absent)

Mr. Rieley stated that this item would go to the Board on June 4th with the recommendation for approval.

Regular Item:

SDP-2003-019 Keswick Vineyards Site Plan Waiver - Request for a waiver of the requirements of Section 32, Site Plan to allow for the construction of 1250 square feet of retail space within the existing footprint of the Keswick Vineyards winery building. The parcel is located RA, Rural Areas. The property, described as Tax Map 66, Parcel 3A is located in the Rivanna Magisterial District on Rt. 231 (Gordonsville Road). The Comprehensive Plan designates this property as Rural Areas in Rural Area 2. (Margaret Doherty)

Ms. Doherty stated that a letter of support had been received this afternoon from an interested neighbor, Kat Imhoff. Also, a packet had been received from the adjacent property owner and had been forwarded to the Commission. She summarized the staff report. She stated that this was a request for a waiver of Section 32, Site Plan, to allow for the construction of 1,250 feet of retail space within the existing footprint of the Keswick Vineyards winery building. The Keswick Winery is proposing to convert a portion of their existing wine production building to sell their wine on site. The improvements include a new parking area, expanded service area, a couple of bio-filters and a right-turn and taper on Route 231. As required by Section 5, Supplemental Regulations for Farm Wineries, a site plan must be approved to allow this expansion in the winery use. Given the size of the entire property, the applicant has requested to waive the drawing of a site plan and asks for approval of this waiver plan in its place. The site plan issues have been resolved through the Site Review Committee Process. Staff finds that the impacts of converting the existing space to retail, providing for public parking and expanding the service area have been reduced by requiring the entrance improvements on the public road, the paving of the parking and the travel ways and the screening of the objectionable uses as proposed and expanded in the recommended conditions of approval. She pointed out that there was one change proposed to the conditions of approval in condition # 2d. She noted that there was a health department condition, which was redundant to the existing Zoning regulations, and the Zoning Department asked that the condition be taken out. She pointed out that she took out that condition and replaced it with the ARB approval. Condition # 2d will be that the applicant obtains Architectural Review Board Certificate of Appropriateness. She stated that if there were any questions that she would be happy to answer them.

Mr. Rieley asked if there were other questions for Ms. Doherty. There being none, he opened the public hearing and asked if the applicant would like to address the Commission.

Bob Paxton, a partner in a local architectural firm, Dalgiesh, Eichman, Gilpin, & Paxton PC, stated that he was present with his associate, Joe Chambers, who has been working with Ms. Doherty and Christy Shaft, who is going to be operating the retail space in the fall. The owners of Edgewood Farm, Al and Cindy Schornberg and Keswick Vineyard have asked us to design a retail space, both interior and exterior, and the adjacent landscaping with the approach road from Route 231 to the winery for the site plan review process. The reason that the Sornberg's came to our firm is because of the track record or experience that they have had on Route 231 or the Keswick Corridor. He pointed out that they did the work at Keswick Hotel and Golf Clubhouse for the Ashley family, Tally-Ho, Tall Oaks, Kenlock, Castle Hill and Edgewood for the previous owners. He noted their track record for the Keswick area, which was one the most scenic

Entrance Corridors into the City. He stated that every attempt would be made to do something consistent and compatible with that road to enhance it. He stated that the Thornburgs were going to take a 393-acre property and try to maintain an agricultural use for it rather than developing the area. He pointed out that Mr. Chambers would go over a couple of the details.

Joe Chambers stated that beginning at the approach from Route 231, they would provide a 100-foot turn and taper lane to meet the requirements of VDOT. Improvements would also be made to the internal road according to the comments from the County Engineering Department on the widening and paving sections. Then as you approach the building, you would transition to a prime and double seal with a brown stone topcoat parking area. They have tried to delineate between the public and the private space by suggesting that the service area be treated with a prime and double seal surface treatment with gray gravel in hopes that it would maintain the character of an internal farm road. In front of the building at the public entrance, they have created lawn space with the building façade to one side's view and the garden pavilion flanking the other side. This is a pre-engineered building that they are using for their production and they are intending to give it a new façade with a profile that is derived from an existing outbuilding on the farm of the original stable building. They intend to use stucco surfacing that will match as closely as possible the existing finish on the main house. In addition to the creation of the lawn space and the garden pavilion, they were adding a porch to the building constructed of heavy timbers with exposed rafters, which would fit well in the rural character of the area. With regards to the staff's conditions of approval, the only one that they want to revisit is that the staff has recommended that the entire surface road be paved with asphalt. Primarily for the reason to be able to delineate between the public and private road and maintain as much of the rural character of the site as possible, they would like to transition from asphalt to a prime and double seal. He stated that their preference would be to maintain the gravel road that is existing on the site. Staff has raised concerns about the dirt and dust that could be picked up from a standard gravel road so that they propose the prime and double seal in the service areas with a gray stone surface so that they can still delineate between the public and private areas and address the issues of dirt and dust. With regards to the other conditions, the colored site plan that they brought hopefully would address the issues concerning the screening trees that Ms. Doherty has noted. He pointed out that they would revise their grading to make sure that their slopes do not exceed 4:1. They have been to the Architectural Review Board and have received the Certificate of Appropriateness. He stated that they would submit all of their plans for storm water and erosion control to the Engineering Department.

Mr. Rieley asked if there was anyone who has questions for Mr. Paxton or Mr. Chambers. There being no further questions, he stated that there were two people signed up to speak concerning this. He asked that the first speaker, Richard Carter, come forward to address the Commission.

Richard Carter stated that he represented Mr. and Mrs. Art Beltrone that are the neighbors adjoining this property who have expressed their concerns. He stated that while this is under the ordinance as "farm use", in reality what they have here is tourism use, manufacturing use and then farm use. Therefore, there is a lot that is going on next door to Mr. and Mrs. Beltrone. The staff and the applicant have been somewhat responsive to some of our concerns. He pointed out that the conditions in the staff report are positive, and he would ask that they keep these conditions. The paving of the existing gravel road is important because it will reduce the noise and the dust. He stated that they have no problem with the applicant wanting to go from asphalt to prime and double seal. He pointed out that their concern was the dust that the existing gravel road would cause. The noise on the gravel would not be heard on the hard surface road. They also think it is positive that the bus parking area was moved to the other side of the winery from where the Beltrone's property is located and that the turn around location for the buses is on that side. He stated that they think it is positive that VDOT approve the entrance is a condition and a requirement. In addition, they think it is positive that there has been an increase in screening trees between the Beltrone's property and the applicant's property. He suggested a few other conditions. One condition is the extension of the trees in each direction for the complete

screening of the winery from the Beltrone's property. As you move in the upper direction on those trees, there is some wooded area that is probably why those trees stop there. They would like to see a condition that if the wooded area is removed, then screening takes place because there is nothing that they can do to prevent them from cutting down the woods. He asked that they do this because it would only enhance the view and reduce the noise. Yesterday the Commission was given some pictures by Mr. Beltrone of the back of the winery. He pointed out that they would like to see that the chillers are screened because that will cut down on the noise. The green utility box is suppose to be screened, and since the chillers were next to that they would like the screening to continue from the utility box to the chillers. Also, there is an opening for the refrigerator truck. That refrigerator truck stays on all night, which is right beside the Beltrone's. They would request a condition that at night the refrigerator truck be moved over to where the bus parking is located on the other side of the winery. He asked that they take a tractor and move the refrigerator truck each night and then bring it back the next morning to reduce the amount of noise. The Planning Commission is charged with considering adverse impacts to an adjoining property. He stated that that imposing reasonable standards and conditions are necessary and that what they have suggested is reasonable. He stated that Mr. Beltrone would like to speak, and he would be happy to answer any questions after that.

Mr. Beltrone stated that he would like to give a little background on how a situation like this happens. Number one, when a person wants to put in a vineyard by right, he can do that because it is an agricultural use. If he wants to build a winery building, he must first go to the ABC to get approval. The ABC Commission can turn this down if the building is so located with respect to any residence or residential area that the operation of such place under such license will adversely affect the real property values or substantially interfere with the usual quietude and tranquility of such residence or residential area. This is what the ABC Commission says. They do not require any plan. They do not require a site plan. They do not require a look at a building. You just go in for your application and they grant it. All you have to do is show that your grapes are in production. Then they will allow you to build a building with no concept with where that building will be. Then the person with the license goes to the County and gets a building plan and since he is building an agricultural building and it is not being opened to the public yet, there is no site plan required at that point. He pointed out that this building at one point would be used as a manufacturing facility. It will have chillers and refrigerated trucks operating for two months at a time twenty-four hours a day with no restrictions because it is an agriculture use. Now that the public will be welcomed in to taste the wine, they have to submit the site plan, but now they are requesting a waiver. He stated that he has no objection to that. The objection that he has is the fact that they were able to place it as close as they did to their property line, and now they were faced with the noises that they have had over the past year. Now with the increased traffic and public with the wine consumption and more refrigerated trucks with the grapes, which they can bring in from other facilities, is going to allow them to operate even longer. All that they are asking for is some consideration to address keeping the noise level down in those two areas where the refrigerator trucks and the chiller units are located and the screening. He pointed out that he has lived in this residence for twenty years. For the people in this County, since there are 18 existing wineries with more on the way, he suggested that there be some type of change in the procedure to prevent this from happening in the future.

Mr. Rieley asked if anyone else would like to address this application. There being none, he closed the public hearing to bring the matter back before the Commission for discussion and possible action. He asked what the noise limitation was from the property line. He stated that there have been repeated instances where the noise level was above 60 to 64 decibels.

Ms. Doherty stated that she spoke with Amelia McCulley, Zoning Administrator, this afternoon and was sent an email that said that they have determined to date that the noise is exempt from the Zoning regulations because the sound is generated during lawfully permitted bonafide civil, cultural or agricultural activities.

Mr. Rieley asked what it would be if it were not exempt.

Mr. Kamptner stated that it would be 60 decibels during the day and 55 decibels at night. The definition of agriculture in the Zoning Ordinance includes agriculturally related businesses and processing activities. Therefore, it is not just the growing of the crops and the sounds from livestock.

Mr. Edgerton asked if there was no sound limitation as long as it is deemed agricultural.

Mr. Kamptner stated that was correct under the Zoning Ordinance with a site plan waiver request, the Commission is authorized to address potential impacts on neighboring properties during this process.

Mr. Craddock asked if that goes as far as setbacks too when the building is built agriculturally and then it turns into something beyond that.

Mr. Kamptner stated that here they have an existing structure which is not being moved any closer. He stated that the noise attenuation measures that have been suggested are things that can be imposed to address potential impacts to the Beltrone property.

Mr. Thomas stated that he would like to see the screening done around the chillers. He supported the request to move the refrigerator truck. He pointed out that a diesel or gasoline fueled refrigeration unit was very loud. He felt that moving the truck would quiet that noise down. In addition, Mr. Beltrone was looking right across at the dock since it was so close to his property. He asked if the 64-decibel reading was continuous for a long period of time.

Mr. Kamptner stated that under the County's standards the noise level is measured under a certain procedure and is taken over a certain period of time. He stated that he did not know how these noise levels were taken. He stated that Mr. Beltrone had identified several readings that he taken over a four-week period. He pointed out that the County would not enforce this since the use was exempt from the noise ordinance.

Mr. Edgerton asked why the refrigerator truck has to run all night.

Christy Shaft stated that the refrigerated trucks hold the grapes to keep them cold during the harvest so that the grapes would not rot before they were processed.

Mr. Edgerton asked if moving the refrigerated truck would be problematic or does it have to be connected to the dock.

Ms. Shaft stated that it was probably connected for loading and unloading.

Mr. Rieley stated that there was an interesting conflict between what most people think of our Rural Areas working and functioning in what they offer us in the way they are offering us a quiet country experience and the ways that the State and our local ordinances are written to give favorable treatment to agriculture as one of the two blessed uses in the Rural Area. He pointed out that they would be grappling with this in the Rural Areas section of the Comprehensive Plan soon. One thing occurred to him in listening to concerns expressed by Mr. Carter. He agreed with Mr. Thomas that the attenuation of the noise to whatever extent that they can do it to protect the neighbors and screening to protect the visual intrusion. He pointed out that the visual intrusion would improve under the proposed plans by Mr. Chambers and Mr. Paxton, but it certainly was an industrial looking facility right now. In looking at all of these issues, he felt that a site plan was probably a good idea and was probably the right place to scrutinize each of these issues. He stated that they should be looking for ways that would be really effective in dealing with the issue of the noise as it affects the adjacent property owner. Similarly, he suggested that

they look very carefully at the screening. If they have the capacity to do so, he suggested that they suggest that there is an area in which trees do not come down. He felt that some underplanting of some evergreen species would provide a measure of protection. He asked why the refrigerator truck could not be somewhere else. Even though this use does not fall within the ordinance provisions, he stated that as a practical matter this was operating at nighttime above the level of noise that we would permit of any other activity during the daytime. He stated that it is making more noise at night than we would permit for any other use during the daytime. He suggested that they look at these in detail and that the site plan is the place to do that.

Mr. Thomas asked what is the proximity of the house to the chillers.

Mr. Beltone pointed out the location of his house to the chillers on the plan.

Ms. Doherty pointed out that on page 11 of the staff report that you can see the Beltrone's house.

Mr. Beltone stated that Bart Svoboda and John Jones of the Zoning Department took several noise readings. He stated that the house was about 600 feet from the chillers. He noted that he could not use one of his buildings for show horses because of the noise.

Mr. Paxton stated that they had gotten a clarification on the refrigerator truck.

Ms. Hopper asked Mr. Paxton if he has some additional information regarding the refrigeration truck.

Mr. Paxton stated that Christy made a cell phone call out in the hall. She found that the tractor-trailer delivers the trailer to the site and then the tractor leaves. Therefore, the trailer is just there by itself and is not something that can be easily moved on a daily basis. In addition, the site plan setback is 25 feet and they were 125 feet off the line with this building.

Ms. Hopper stated that when the tractor-trailer drops off the trailer, could they leave it at another location such as where the buses turn around.

Mr. Paxton stated that it could not. The reason is the grapes are picked during the day and they are in pallets that can be moved by a forklift. The forklift can drive right onto the truck if it is at the loading dock where the levels are set up for that. If it was somewhere else, there is no way to move the grapes from the front of the truck to the back of the truck to get the grapes that they picked that day. He stated that the grapes are picked as quickly as they can, and they cannot process all of the grapes that are picked during the day that night. Therefore, they are keeping those grapes in the refrigeration truck until they get processed. The building contains the tanks and the press. The chillers control the temperatures of the tanks.

Mr. Craddock asked what would prevent some type of screening being built around the refrigeration truck for noise abatement.

Mr. Payton stated that it needed fresh air for the refrigeration unit to work.

Mr. Craddock stated that was probably on top of the unit.

Mr. Rieley stated that was a type of question that should be gotten into at the site plan level.

Ms. Hopper stated that if they do not grant the site plan waiver that it seems that they lose all the opportunity to impose conditions regarding the noise.

Mr. Rieley asked Mr. Kamptner's opinion on that question.

Mr. Kamptner stated that the one thing about the site plan waiver is that it gives the Commission express authority to impose conditions to address potential impacts. On a full site plan, it is ministerial if the applicant satisfies all of the requirements of the ordinance. Within that there may be some discretion where the agent can decide to look at the buffer requirements, but here they have agriculture to agriculture zoned property.

Ms. Doherty stated that the waiver in this case allows you more latitude in terms of safe and convenient access, parking, outdoor lighting, signs and potential adverse impacts to adjoining property in Section 32.

Mr. Thomas asked if they would be allowed to require that the decibel level be maintained in the daytime at 50 and the nighttime at 60.

Mr. Kamptner stated that he would prefer noise attenuation measures rather than the site plan review for a couple of reasons. One of the reasons the County adopted the Zoning noise regulations was to have a standard level throughout the County. The Board has already decided that agricultural activities should be exempt from the noise levels that are in the ordinance. He stated that Section 32.7.9.8.c.3 allows screening of objectionable features including, but not limited to, certain activities, one of which is a loading area. The agent, as part of the site review process, can determine whether or not the loading area needs to be screened.

Ms. Doherty stated that what they are showing on the site plan waiver meets the screening requirements for loading areas.

Mr. Rieley stated that it sounds as if they have a little more latitude if they take these up tonight and get as specific as they can. He mentioned that regarding the issue of gravel versus prime and double seal versus pavement that the benefits of asphalt deal with the dust, noise and issue of durability. The only justification articulated by the applicants from going from an asphalt pavement to a prime and double seal pavement was an aesthetic one. A surface treatment of prime and double seal can be put on top of an asphalt pavement and is done all of the time. Therefore, there is no reason left not to require the asphalt. He proposed that be left and the applicant decorating it with prime and double seal if they like.

Mr. Rieley proposed that they incorporate language that would allow for the extension of the screening to the northwest. One question is can we attach a condition that puts a 50-foot zone along that property line for a distance until it clears the stables at least in which there will be a protected area where the trees will not be cut.

Mr. Kamptner stated yes, that as a means to reduce the noise and the visibility, they could preserve the existing trees. He suggested that the Commission use the language used for the wireless facilities that allows them to remove the dead and diseased trees

Mr. Anderson stated that as a non-voting member he thought it should be southwest of the barn.

Mr. Rieley stated that was correct because they were discussing extending the screening in the northwesterly direction. The second condition is underplanting with a shade tolerant evergreen species. He suggested that they keep what is there and then supplement it with evergreen trees.

Mr. Craddock stated that it would go past the big barn, which would include the gazebo.

Mr. Rieley stated that the screening should go at least past the big barn. He stated that he would prefer noise baffling of the chiller. He stated that they could entrust staff to figure out the most

effective way to do that. He stated that the real tough issue was the refrigeration truck that sits there all night.

Ms. Hopper suggested some type of noise baffling be placed around the truck. Perhaps some type of wall could be slide in front of it during the night.

Ms. Doherty stated that there is an open bay. In the report, it talks about using electric refrigeration trucks versus diesel. She pointed out that she did not know if they could require that on a winery.

Ms. Hopper suggested that the door be set up so it was more like a screen.

Mr. Kamptner suggested that a baffled fence, solid from the ground to above the refrigeration unit that would keep the noise from moving towards the Beltone property be used. It would still be open to the air since it would only be on one side.

Ms. Hopper asked if the applicant would be open to a deferral so that they could get better information about this.

Mr. Paxton stated that a deferral would be a tremendous hardship because they were trying to get the retail space open for the fall picking. He pointed out that they were behind the gun already on it.

Mr. Rieley stated that he would run though the items to include in the agreement. The paving will be all asphalt and there shall be no prime and double seal. The prime and double seal can be in addition to the asphalt. Extension of the trees as an underplanting where there are existing trees in conjunction with a tree protection zone of 50 feet from the property line and at least up to the northwestern most extent of the long stable building on the site plan. A baffling system for the chillers to attenuate the noise and a wall/baffling system with the approval of the agent to attenuate the noise of the refrigerator trucks. He stated that the screening or the baffling mechanism for the chiller unit is with the approval of the agent. He added as an alternative that they could add or relocate the loading dock to achieve the same effect.

Ms. Hopper asked that the agent include a condition that best addresses the issue.

Mr. Rieley stated that he was hesitant to put that in there because one could cost $20,000 as opposed to $250, which would delay them for the season. He noted that he would be happy to leave it at the agent's discretion.

Mr. Doherty stated that the applicant asked if they could do the electric truck if that could be one of their options.

Mr. Rieley added a third option as the limitation to electric powered refrigeration trucks.

Mr. Finley opposed the motion because it looked like they should have addressed these issues under a site plan. The site plan process would have given the neighbors an opportunity to discuss this instead of trying to patch and remedy the situation this after the fact.

Ms. Hopper moved for approval of the site plan waiver for SDP-2003-019, Keswick Vineyards Site Plan Waiver, subject to the following conditions as modified:

1. The site shall be developed in general accord with the attached plans, entitled *Keswick Vineyards Winery Site Plan Waiver,* dated April 15, 2003;

2. The Planning Department shall not accept submittal of the mylar of the site plan waiver for signature until a tentative final approval for the following conditions have been obtained. The plan shall not be signed until the following conditions have been met:

   a. The existing gravel road shall be surfaced with asphalt within the bus turn around, employee parking, and service areas. Additionally, the bus turn around area shall be improved to include a paved bus parking area. The applicant may cover the asphalt with prime and double seal, if desired;

   b. Screening trees shall be provided in the area behind the fence, between the bio-filter and the adjacent property to the west. Except for the tree removal expressly authorized by the agent, the applicant shall not remove existing trees and shall plant an under-planting of shade-tolerant screening trees for a depth of 50 (fifty) feet along the northwesterly property line to a point measured at the end of the stable building located on the adjacent property;

   c. The noise of the chiller units shall be attenuated with a baffling mechanism, subject to the agent's approval;

   d. The noise of the refrigerated trailers shall be attenuated with one of the following baffling mechanisms, subject to the agent's approval:
   i. The use of electric refrigeration units, rather than diesel;
   ii. The loading dock being moved to the opposite side of the building; and/or
   iii. A screening wall being constructed on the western side of the loading stall.

   e. Resulting slopes shall be no greater than 4:1;

   f. Architectural Review Board Certificate of Appropriateness; and

   g. Engineering Department review and approval to include:
   i. An erosion control plan, narrative, computations, completed application and fee for erosion control and stormwater;
   ii. A stormwater management/BMP plan and computations. A detention waiver is approved for this site. Computations shall include water quality requirements; and
   iii. A completed stormwater management facilities maintenance agreement and fee.

Mr. Edgerton seconded the motion.

The motion carried unanimously (5:0). (Finley – No) (Loewenstein - Absent)

Mr. Rieley stated that this item would go to the Board of Supervisors on June 4th. .

Old Business

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

New Business

Pete Anderson, Planning Commission Liaison for the University of Virginia, stated that this would be the last meeting that he would ever attend with this group since he would be retiring in eight days and moving to another state. He thanked the Commission for the special privilege of allowing him to be a part of this group.

Ms. Hopper thanked Mr. Anderson for his contribution to the DISC Committee.

Mr. Rieley congratulated Mr. Anderson on his retirement and expressed the Commission's appreciation for his services.

Adjournment

With no further business, the meeting adjourned at 8:05 p.m. to the next meeting on May 13, 2003.

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V. Wayne Cilimberg, Secretary

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